# ACTS

OF THE

# ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

OF THE

## STATE OF NEW JERSEY

AND

## Fifty-Sixth Under the New Constitution.

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

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

GEORGE WURTS,

*Secretary of State.*

# MEMBERS

OF THE

# One Hundred and Twenty-fourth Legislature

# OF NEW JERSEY.

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| *Burlington*, | HOWARD E. PACKER. |
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| WARREN | JACOB B. SMITH, |
| | HIRAM D. WHITE. |

# LAWS

# ACTS

PASSED BY THE

# One Hundred and Twenty-fourth Legislature.

## CHAPTER 1.

An Act granting the consent of the state of New Jersey to the acquisition by the United States by condemnation, purchase, grant or otherwise of a tract of land adjoining the present United States reservation at Finns Point, in the township of Lower Penns Neck, in the county of Salem, to be used as a site for necessary buildings for the garrison of the fortifications at that point or other public purposes.

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

Consent for acquisition of land in Salem county by United States.

1. The consent of the state of New Jersey is hereby given to the acquisition by the United States by condemnation, purchase, grant or otherwise of a tract of land containing about fifty acres, adjoining the present United States reservation at Finns Point, in the township of Lower Penns Neck, in the county of Salem, to be used as a site for necessary buildings for the garrison of the fortifications at that point or other public purposes; said United States shall and may have, hold, use, occupy and own said land when acquired by condemnation, purchase, grant or otherwise, and exercise jurisdiction and control over the same and every part thereof, subject to the restrictions hereinafter mentioned.

Jurisdiction.

2. The jurisdiction of the state of New Jersey in and over the land mentioned in the foregoing section, when acquired by condemnation, purchase, grant or otherwise, as aforesaid, and when a plat and description of the land so acquired shall have been filed in the office of the secretary of state of New Jersey, shall be and the same is hereby ceded to the United States, but the jurisdiction hereby ceded shall continue no longer than the United States shall own the said land.

Concurrent jurisdiction in certain cases.

3. The said consent is given and the said jurisdiction ceded upon the express condition that the state of New Jersey shall retain concurrent jurisdiction with the United States in and over the said land, so far as that all civil process in all cases, and such criminal or other process as may issue under the laws or authority of the state of New Jersey against any person or persons charged with crimes or misdemeanors committed within the state, may be executed therein in the same way and manner as if said consent had not been given or jurisdiction ceded, except so far as such process may affect the real or personal property of the United States.

Exemption from taxation.

4. So long as said land shall remain the property of the United States, and no longer, the same shall be and continue to be exonerated from all taxes, assessments and other charges which may be levied or imposed under the authority of the state.

5. This act shall take effect immediately.

Approved February 13, 1900.

FOSTER M. VOORHEES,
*Governor.*

WILLIAM M. JOHNSON,
*President of the Senate.*

BENJAMIN F. JONES,
*Speaker of the House of Assembly.*

## CHAPTER 2.

An Act to amend section one of chapter one hundred and twenty-five of the laws of one thousand eight hundred and ninety-seven, entitled "An act authorizing towns to renew matured and maturing bonds," approved April sixteenth, one thousand eight hundred and ninety-seven.

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

1. Section one of chapter one hundred and twenty-five of the laws of one thousand eight hundred and ninety-seven, entitled "An act authorizing towns to renew matured and maturing bonds," approved April sixteenth, one thousand eight hundred and ninety-seven, which reads as follows:

"1. Whenever any bonds heretofore legally issued by any town in this state under authority of law are now due and unpaid or shall hereafter become due, the town council or other governing body of such town may renew ninety per centum of said indebtedness or any less part thereof by the issuing and sale of the bonds of such town for that purpose; which bonds shall be made payable at periods of time not exceeding twenty years from the date of issuing the same, and shall bear interest at a rate not exceeding five per centum per annum and be issued in such sums as the town council or other governing body of any such town shall by ordinance or resolution determine, and shall be executed under the corporate seal of such town and the signature of the mayor, chairman of the town council or other governing body thereof, and shall have coupons attached for every half year's interest or may be registered at the option of the purchaser or holder," be and the same here is amended so as to read as follows: Section to be amended.

1. Whenever any bonds heretofore legally issued by any town in this state under the authority of law are now due and unpaid or shall hereafter become due, the town council or other governing body of such town may renew ninety-six Bonds due may be renewed.

and two-thirds per centum of said indebtedness or any less part thereof by the issuing and sale of the bonds of such town for that purpose; which bonds shall be made payable at periods of time not exceeding thirty years from the date of issuing the same, and shall bear interest at a rate not exceeding five per centum per annum, and be issued in such sums as the town council or other governing body of any such town shall by ordinance or resolution determine, and shall be executed under the corporate seal of such town and the signature of the mayor, chairman of the town council or other governing body thereof, and shall have coupons attached for every half year's interest or may be registered at the option of the purchaser or holder.

Time and rate of interest.

2. This act shall take effect immediately.

Approved February 21, 1900.

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## CHAPTER 3.

An Act to incorporate the town of Bloomfield, in the county of Essex.

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

1. The inhabitants of that portion of the county of Essex contained within the territorial limits hereinafter described are constituted and declared to be a body politic and corporate in law by the name of "The Town of Bloomfield," and shall be governed by the general laws of this state relating to towns.

Corporate name.

2. The territorial limits of the said town shall be as follows: Beginning at the intersection of the easterly boundary line of the town of Montclair and the southerly boundary line of the county of Passaic, thence southerly along the said easterly boundary line of the town of Montclair to the northerly boundary line of the borough of Glen Ridge; thence easterly along said northerly boundary line of the borough of Glen Ridge to the northeast corner of said borough of Glen Ridge; thence southerly along the easterly boundary line of said borough of Glen Ridge to the north-

Boundaries.

erly boundary line of the city of East Orange; thence southeasterly along the northerly boundary line of said city of East Orange to its intersection with the westerly boundary line of the city of Newark; thence northerly along the said westerly boundary line of the city of Newark to its intersection with the westerly boundary line of the township of Belleville; thence northerly along the westerly boundary line of the said township of Belleville to its intersection with the southerly boundary line of the township of Franklin; thence westerly along said southerly boundary line of the township of Franklin to the southwest corner of said township of Franklin; thence northerly along the westerly boundary line of the said township of Franklin to its intersection with the southerly boundary line of the county of Passaic; thence westerly along said southerly boundary line of the county of Passaic to the easterly boundary line of the town of Montclair.

3. This act shall take effect immediately.

Approved February 26, 1900.

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## CHAPTER 4.

A Further Act to amend the act entitled "An act to secure in this state the certification of marriages, births and deaths, and of the vital facts relating thereto, and to provide for the record thereof," approved February fifteenth, one thousand eight hundred and eighty-eight.

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

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

15. Any penalty incurred under any of the provisions of this act which shall relate to any particular marriage, birth, death or burial, may be recovered with costs in a summary proceeding by and in the name of the board of health of the state of New Jersey; any penalty incurred under any of the provisions of this act which shall relate to any par- Penalties; how and by whom recovered.

ticular marriage, birth or death, may also be recovered with costs in a summary proceeding by and in the name of the local board of health of the township, city, borough, town, or other local municipal government within whose limits such particular marriage, birth or death shall have occurred; and any penalty incurred which shall relate to any particular burial, if the death occur in this state, may also be recovered with costs in a summary proceeding by and in the name of the local board of health of the township, city, borough, town, or other local municipal government within whose limits the death shall have occurred; but if the death occur out of this state, and the burial be made in this state, then such penalty may also be recovered with costs in a summary proceeding by and in the name of the local board of health of the township, city, borough, town, or other local municipal government within whose limits such burial may have been made; in every such summary proceeding a complaint shall be made in writing against the person incurring the penalty, setting forth facts sufficient to present a prima facie case against the defendant, which complaint may be on information and belief and in the name of the state or local board instituting the suit, and may be filed by any member, officer, health inspector or agent of such state or local board, in the office of the clerk of any district court, or with any justice of the peace, police justice or recorder in the township, city, borough, town or municipality whose local board of health is authorized to recover such penalty; and it shall thereupon be the duty of the judge of the district court with which, or of the justice of the peace, police justice or recorder with whom such complaint shall be filed, on being satisfied that a prima facie case is therein set forth, to make an order for the issue of process in the nature of a summons when the complaint is on information and belief, and in other cases either in the nature of a summons or warrant, and to issue such summons or warrant against the defendant; when process is in the nature of a warrant it shall be returnable forthwith, and when in the nature of a summons it shall be returnable in not less than five nor more than fifteen days; on the return of the process, or, in case of adjournment, at the time to which the trial shall have been adjourned, the court or magistrate shall proceed to hear the testimony of witnesses and the proofs in the case, and to determine and give judgment in the matter

Process issued.

Return of process.

without the filing of any pleadings, and such judgment shall be in the following or similar form: "State of New Jersey, county of ———— ss.: Be it remembered that on this ———— day of ————, in the year of our Lord nineteen hundred ————, at ———— in said county, C. D., defendant, was, by the district court of the city of T. (or, by me, E. F., justice of the peace, police justice or recorder of the city of ————, or as the case may be) convicted of violating the ———— section of an act of the legislature of the state of New Jersey entitled 'An act to secure in this state the certification of marriages, births and deaths, and of the vital facts relating thereto, and to provide for the record thereof,' approved February fifteenth, eighteen hundred and eighty-eight, in a summary proceeding at the suit of the board of health of the state of New Jersey (or, of the local board of health of the township of A., or as the case may be); and further that the witnesses in said proceeding who testified for the plaintiff were (name them), and the witnesses who testified for the defendant were (name them); wherefore, the said court (or, justice of the peace, police justice or recorder, as the case may be) doth hereby give judgment that the plaintiff recover of the defendant ———— dollars, penalty, and ———— dollars, costs of this proceeding, and that execution do issue against the goods and chattels of said defendant for the amount of said penalty and costs, and for want of sufficient goods and chattels whereon to levy and make the same, to take the body of the defendant and convey him to the common jail of the county and deliver him to the keeper thereof to be there confined until the said penalty and costs be fully paid, or until he be thence delivered by due course of law"; said judgment shall be signed by the judge of the district court, justice of the peace, police justice or recorder giving the same; execution shall thereupon be granted by the court, justice of the peace, police justice or recorder giving the judgment, commanding the officer to whom the execution is delivered to levy and make the amount of the penalty and costs imposed by the judgment out of the goods and chattels of the defendant, and for want of sufficient goods and chattels whereon to levy and make the same, to take the body of the defendant and convey him to the common jail of the county and deliver him to the keeper thereof to be there confined until the said penalty

Form of judgment.

Recovery of penalty and costs.

and costs be fully paid, or until he be thence delivered by due course of law; *provided, however*, that no execution shall issue against the body of any female; the officers to serve and execute any process or execution issued as aforesaid shall be the constables of the county, which service and execution shall in all cases be made in the same manner and under the same liabilities that other processes and executions issued out of the district courts of this state are served and executed under and by virtue of the provisions of the act entitled "An act concerning district courts," approved June fourteenth, in the year eighteen hundred and ninety-eight; the cost taxable and recoverable in any case prosecuted as aforesaid shall be the costs allowed by the act last above mentioned in cases prosecuted in district courts; the penalty recovered in any such action shall be paid to the plaintiff therein, and applied by such plaintiff to any purpose for which it may be legally authorized to expend money; the judge of the district court, justice of the peace, police justice or recorder before whom any case is prosecuted under the provisions of this section may adjourn the hearing thereof from time to time, not exceeding thirty days from the return day of the summons or warrant, and in any case where a warrant shall have been issued may require the defendant to enter into a bond with sufficient surety to the plaintiff in the penal sum of one hundred dollars, conditioned to appear at the time and place of hearing or trial, and in default of such bond may commit the defendant to the common jail of the county to be there detained until the hearing or trial of the complaint; and if any defendant shall fail to appear at the time and place to which the hearing or trial shall be so adjourned the bond shall be delivered to the plaintiff, who may sue thereon and apply the moneys recovered in such suit to any purpose for which it may be legally authorized to expend money.

Proviso.

Constables to execute processes.

Costs.

Hearing adjourned.

2. This act shall take effect immediately.

Approved February 28, 1900.

## CHAPTER 5.

An Act for the relief of Walter B. English.

Preamble.

WHEREAS, Walter B. English, seaman in the first division, battalion of the west, naval reserve of New Jersey, on duty with the battalion at the sword presentation to Admiral Sampson, at the state house, Trenton, N. J., lost both arms by the premature discharge of a cannon, while firing a salute, October twenty fifth, one thousand eight hundred and ninety-nine; therefore,

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

Same pension as if injured in actual service.

1. There be paid to the said Walter B. English, in quarterly payments, from the treasury of this state, the same pension that he would have been entitled to receive under the law of this state if he had been wounded while in actual service; that the adjutant general shall certify the service, the disability and the pension to the comptroller of the treasury, and the comptroller shall audit such pension and the treasurer shall pay the same; and the pension shall commence from the date on which said injury was received.

2. This act shall take effect immediately.

Approved February 28, 1900.

## CHAPTER 6.

An Act to repeal an act entitled, "An act respecting the method of preparing and supervising legislature bills and resolutions," approved March twenty-fourth, one thousand eight hundred and ninety-nine.

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

Repealer.

1. An act entitled "An act respecting the method of preparing and supervising legislature bills and resolutions," approved March twenty-fourth, one thousand eight hundred and ninety-nine, is hereby repealed.

2. This act shall take effect immediately.

Approved February 28, 1900.

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## CHAPTER 7.

An Act amending "A supplement to 'An act to authorize the purchase and condemnation of land and the erection of buildings for market purposes in the cities of this state and other places in which market facilities are or may be required for public use, and to provide therefor,' passed April twenty-second, one thousand eight hundred and eighty-six," which supplement was approved April eighteenth, one thousand eight hundred and eighty-nine.

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

Section amended.

1. Section one of the above-mentioned act, passed April twenty-second, one thousand eight hundred and eighty-six, as amended by the supplement to said act, approved April

eighteenth, one thousand eight hundred and eighty-nine, be and the same is hereby amended so as to read as follows:

To provide market facilities.

1. Whenever in the judgment of the common council or other governing body of any city, market facilities or additional market facilities are or may be required for public uses, it shall and may be lawful for such council or other governing body to appoint five commissioners to purchase such lands and erect suitable buildings thereon, to be used as a public market; and such commissioners shall receive as compensation for their services in relation thereto, such sum or sums of money as such council or other governing body shall deem just and proper.

Compensation of commissioners.

2. This act shall take effect immediately.

Approved February 28, 1900.

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## CHAPTER 8.

An Act to amend an act entitled "An act to authorize the boards of chosen freeholders in the respective counties of this state to acquire by purchase or condemnation lands for public use in such counties, and to provide for the issue of bonds to pay for the same," approved April twenty first, eighteen hundred and eighty-seven.

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

Section amended.

1. The first section of the act entitled "An act to authorize the boards of chosen freeholders in the respective counties in this state to acquire by purchase or condemnation lands for public use in such counties, and to provide for the issue of bonds to pay for the same," approved April twenty-first, eighteen hundred and eighty-seven, be and the same is hereby amended to read as follows:

Land may be acquired for public purposes.

1. That it shall be lawful for the board of chosen freeholders in any county of this state to acquire by purchase or condemnation as hereinafter provided, any tracts or parcels of lands, not exceeding in all thirty acres of land, to be used for the purposes of court houses, county offices, alms-

houses, jails, workhouses, penitentiaries, lunatic asylums, county hospitals and such other public buildings as may be required for the convenient transaction of public business, or to furnish use for the prison and pauper labor of any such county.

Section amended.

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

Payment of principal and interest.

8. That said board of chosen freeholders shall each year place in the tax levy for such county for such year, so long as said bonds shall run, a sum sufficient to pay all interest on such bonds during such year, and also a sum sufficient to pay the principal of said bonds falling due within the year, or to create a sinking fund which, with the accumulations thereon, will be sufficient to pay said bonds at their maturity; the same to be levied and raised in the same manner as other county taxes are levied and raised.

3. This act shall take effect immediately.

Approved February 28, 1900.

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## CHAPTER 9.

An act to incorporate the town of West Orange, in the county of Essex.

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

Corporate name; government.

1. The inhabitants of that portion of the county of Essex contained within the territorial limits heretofore embracing the township of West Orange, are constituted and declared to be a body politic and corporate in law, by the name of "The Town of West Orange," and shall be governed by the general laws of this state relating to towns.

Boundaries.

2. The territorial limits of said town shall be coterminous with the territorial limits of the present township of West Orange, and which are more particularly defined in two certain acts of the legislature of the state of New Jersey, to wit: "An act to create from parts of the town of Orange and the townships of Caldwell and Livingston, in the county of Essex, a new township to be called the township of Fair-

mount," approved March eleventh, one thousand eight hundred and sixty-two (P. L. 1862, page 178); and "A supplement to an act entitled 'An act to create from parts of the town of Orange and the townships of Caldwell and Livingston, in the county of Essex, a new township, to be called the township of Fairmount,'" which supplement was approved March fourteenth, one thousand eight hundred and sixty-three (P. L. 1863, page 279).

3. This act shall take effect immediately.

Approved February 28, 1900.

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## CHAPTER 10.

A Further Supplement to an act entitled "An act to provide for the organization of the New Jersey home for disabled soldiers," approved April fourth, one thousand eight hundred and sixty-six, and the supplements thereto.

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

Admission of soldiers of Spanish war.

1. Honorably discharged soldiers and sailors of New Jersey who served in the volunteer or regular army or navy of the United States in the war with Spain in the year one thousand eight hundred and ninety-eight, or honorably discharged soldiers or sailors of the United States, being accredited to this state, who served in the war in the Philippine Islands, shall be admitted to the said home as inmates, subject to the same conditions and requirements provided for the admission of inmates to the said home in section seven of the act entitled "An act to provide for the organization of the New Jersey home for disabled soldiers," approved April fourth, eighteen hundred and sixty-six, and the amendment thereto approved March twenty-fourth, eighteen hundred and eighty-five, and all other amendments and supplements of the act, to which this act is a further supplement.

2. This act shall take effect immediately.

Approved February 28, 1900.

## CHAPTER 11.

An Act to amend an act entitled "An act concerning cities," approved February twenty-eighth, one thousand eight hundred and ninety-nine.

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

Section amended.

1. That section one of the act referred to in the title of this act be and the same is hereby amended so as to read as follows:

Re-districting cities into wards.

"1. Whenever in any city of this state according to the last preceding state census the population of any one ward now or hereafter existing exceeds or shall exceed the aggregate population of three other wards in such city, it shall be the duty of the mayor or chief executive officer of such city to appoint by writing under his hand three persons residents of such city, commissioners, whose duty it shall be within thirty days after their appointment to divide the city in and for which they are appointed into wards (without increasing the number of wards) as herein provided: Not more than two of said commissioners so appointed shall be of the same political party and they shall within ten days after their appointment having first taken and subscribed before some officer duly authorized to administer oaths and affirmations an oath or affirmation faithfully and impartially to execute and perform the duties imposed upon them, proceed to divide such city into wards; all such wards shall be formed of contiguous territory and in dividing the same the said commissioners shall have regard to equality of population; the boundary and dividing lines of all such wards shall be properly described and a map defining the lines and showing the extent and boundaries of such ward shall be made and filed by the said commissioners in the office of the city clerk or with the mayor of such city with a description or statement of such lines, all of which shall be attested and certified by said commissioners under their hands, and shall there remain of record; the acts of a majority of said com-

Appointment of commissioners.

missioners shall be deemed and taken to be the acts of all of said commissioners and shall be valid and binding when done in pursuance of this act; each of said commissioners shall receive for his services under this act the sum of fifty dollars and the expenses of said commissioners and of such assistants or agents as they may find or deem it necessary to employ in the discharge of their duties, and the compensation of the said commissioners and their said assistants or agents shall be paid for by the city in and for which they are appointed upon the certificate of said commissioners or a majority of them in the same manner that other officers in such city are paid for services and expenses and nothwithstanding that no appropriation shall have been made for such payments, or that the said payments may exceed the appropriation or limit of expenditure for that purpose otherwise fixed in and for such city; *provided, however*, that the expenses so to be incurred under this act including the compensation of said commissioners shall not exceed in any such city the sum of five hundred dollars."

Compensation.

Proviso.

2. Section two of the act referred to in the title of this act be and the same is hereby amended so as to read as follows:

Section amended.

"2. That when any city shall have been redistricted or divided into wards as herein provided and the said map and description shall have been filed as herein directed, all previously existing ward lines therein shall be and they are hereby abolished, and the wards so designated and described shall be and continue the wards of said city; and thereafter all officers elected or appointed in the said city for or representing the wards thereof, shall be appointed for or elected from the wards as so established."

Ward lines, and officers.

3. Section four of the act referred to in the title of this act be and the same is hereby amended so as to read as follows:

Section amended.

"4. That when new wards are created or boundaries of existing wards are changed as herein provided, it shall be the further duty of the commissioners making a division of the said wards as herein directed, to divide said wards as established by them into election districts or precincts and cause boundary lines of the same to be marked upon the map to be made and filed as herein provided; such election precinct shall be so far as practicable constituted so as not to contain over six hundred voters; and upon the filing of said map and certificate of said commissioners describing

Election districts.

New Jersey State Library

said wards and designating said election precincts, the election precincts or districts theretofore existing shall be and they are hereby abolished, and the new election districts or precincts so constituted and established by said commissioners shall thenceforth be and continue the election districts or precincts of such city and of the several wards thereof."

Repealer. 4. 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 immediately.

Approved March 5, 1900.

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## CHAPTER 12.

An Act to authorize boards of chosen freeholders of the respective counties of this state to borrow money in anticipation of taxes to be raised to meet any deficit arising by reason of an erroneous or illegal apportionment of state and county taxes.

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

Deficit met 1. If there shall now or hereafter exist any deficit in the appropriations of any county of this state, by reason of any erroneous or illegal apportionment or assessment of taxes for state and county purposes, heretofore made, the board of chosen freeholders of such county are hereby authorized, from time to time, to borrow, by means of temporary loans,

Proviso. sufficient money to meet such deficit; *provided, however*, that the whole sum of money so to be raised under this act shall not exceed the amount of such deficit, and the amount thus raised shall be provided for, and put in the next tax levy made thereafter.

2. This act shall take effect immediately.

Approved March 5, 1900.

## CHAPTER 13.

An Act for the protection of purchasers of coal.

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

Ton defined.

1. In all transactions relating to the sale or delivery of coal, two thousand pounds avoirdupois weight shall constitute a net ton and two thousand two hundred and forty pounds avoirdupois weight shall constitute a gross ton.

Penalty for shortage; allowance.

2. Any person, firm or corporation that shall sell or deliver or attempt to sell or deliver less than two thousand pounds by weight to a net ton or two thousand two hundred and forty pounds by weight to a gross ton, or a proper proportion thereof for fractions of a ton, shall be liable to a penalty of fifty dollars for each offence, provided that in all cases one per centum of weight shall be allowed for variation of scales and wastage.

Duplicate tickets of weight.

3. No person, firm or corporation shall deliver or cause to be delivered any coal which shall have been sold by weight, without each load being accompanied with a delivery ticket and a duplicate thereof, on both of which shall be distinctly and indelibly expressed in ink or otherwise, the quantity or quantities in pounds of coal contained in the cart, wagon or other vehicle used in such delivery, the name of the purchaser thereof and the name of the dealer from whom purchased; one of such tickets shall be delivered to the person receiving such coal, and the other ticket shall be retained by the seller of the coal; *provided, however*, that the provisions of this section shall not apply to coal sold to be delivered by the entire cargo direct from the vessels, boats or cars containing the same, to one destination and accepted by the purchaser on the original bill of lading as proof of weight; any person, firm or corporation that shall violate any of the provisions of this section shall be liable to a penalty of fifty dollars for each offence.

Proviso.

Public scales.

4. The mayors of cities and boroughs and the governing bodies of other municipalities are hereby authorized to

designate stationary or movable scales, suitable for the purpose of weighing coal, the owners of which may tender the same for public use, in such convenient parts of the municipality and in such numbers as shall be deemed necessary, on which the coal and vehicle in which the same is carried, may be weighed at the request of the purchaser of the coal; the designation of such scales shall be in writing, and a notice thereof shall be annually inserted in a newspaper circulating in the municipality; the owners of the scales so designated shall provide, at their own expense, test weights, and the said scales shall be subject at all times to the inspection and supervision of the official sealer or inspector of weights and measures, if there be such in the municipality; the owner of such scales shall employ, at his expense, a competent weigh-master, and shall be entitled to charge for weighing coal and the vehicle containing the same, a fee not exceeding twenty-five cents for each load, provided that empty vehicles returning to such scales after delivery of the coal weighed therein, shall be reweighed without additional charge; the owner of scales so designated shall enter into a bond to the municipality in which such scales are situated, in the sum of one hundred dollars, conditioned that the said scales shall be kept in such condition as at all times to properly register the weight of coal, and that the person weighing coal thereon shall perform his duties faithfully and furnish correct certificates to all persons having coal or vehicles weighed at such scales; any owner of such scales, or any agent or representative of such owner, or any weigh-master employed by him, who shall be in any manner concerned in any fraudulent weighing of coal or vehicles, at such scales, shall be liable to a penalty of fifty dollars for each offence; every owner of such scales shall keep a book in which shall be entered in ink a memorandum of every load of coal weighed at such scales, showing the name of the person, firm or corporation delivering said coal, the net weight thereof as shown by the delivery ticket thereof, the name of the purchaser thereof, the gross weight of coal and vehicle, and net weight of the coal as weighed, and the date of the weighing thereof; such books shall be open to the inspection of the purchaser and seller of the coal.

Fee for weighing.

Bond to maintain scales in proper condition.

Penalty for fraudulent weighing.

Purchaser may require coal weighed.

5. Every purchaser of coal before accepting delivery of the same, may require any load of said coal to be weighed

at his expense either at scales designated under the provisions of section four, nearest to the point of delivery, or if the seller so prefer, at the public scales of the municipality, if such there be; upon request of the said purchaser or his servant or agent, the driver or other person in charge of any vehicle containing coal to be delivered to said purchaser shall take the vehicle containing coal immediately and directly to such scales, and shall there have said vehicle and the coal contained therein weighed, and shall at the time exhibit to the person weighing the same the delivery ticket accompanying such load and permit a copy of said ticket to be made, and after the delivery of the coal shall take the empty vehicle from which the same was delivered immediately and directly to the same scales to be weighed; and a certificate of the weight of such coal, so weighed as aforesaid, shall thereupon be furnished to the purchaser of such coal by the person in charge of the scales at which said coal is weighed; if any seller of coal shall refuse to permit coal purchased from him to be weighed, at the request of the purchaser or his servant or agent as herein provided, or if any driver or other person in charge of a vehicle containing coal or from which coal has been delivered, shall refuse to take the same, at the request of the purchaser or his servant or agent as aforesaid, immediately and directly to the scales for the purpose of having the same weighed, or the empty vehicle reweighed, or if any such driver or other person in charge of a vehicle containing coal shall fail, upon the request of the purchaser or his servant or agent as aforesaid, to go immediately and directly to the scales for the purpose of weighing the said coal and vehicle, and reweighing the empty vehicle, or shall refuse to exhibit to the person weighing the same the delivery ticket or refuse to permit a copy of said ticket to be made, the person, firm or corporation selling the said coal shall be liable to a penalty of fifty dollars for each offence.

Penalty for refusal to comply.

6. The penalties provided by this act shall be recoverable in an action upon contract, at the suit and for the benefit of the municipality in which the said seller of coal shall have made the sale; which action may be brought in any court having jurisdiction of civil suits, for the amount demanded.

Recovery of penalties.

Repealer.

7. All acts and parts of acts inconsistent herewith are hereby repealed.

8. This act shall take effect immediately.

Approved March 5, 1900.

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## CHAPTER 14.

An Act to reorganize boards of chosen freeholders.

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

Freeholders; number, term, election.

1. On and after the first Monday in December, nineteen hundred, boards of chosen freeholders shall consist of nine members, who shall be elected by the voters of each county; they shall hold office for two years and until their successors are elected and qualified; members of such boards shall be elected at the next general election and every second year thereafter.

Approval of resolutions by director.

If disapproved.

2. Every resolution providing for the expenditure of money, the appointment of officers or employes, or otherwise affecting the interests of the county, shall be presented to the director of the board in writing; if he approve, he shall sign it, but if not, he shall return it to the board with his objections, and it shall not become effective unless it shall be again passed, notwithstanding such objections, by the votes of at least six members of the board; if the director shall not file with the clerk of the board within five days after any resolution shall have been presented to him his objections to the same, it shall become as effective as if he had signed it.

When and how to take effect.

Submission to voters.

3. This act shall take effect immediately, but its provisions shall remain inoperative in any county unless and until it has been submitted to the voters thereof by the board of chosen freeholders of such county, and shall have been accepted by such voters; the manner of such submission shall be as follows: The board of chosen freeholders in any county may, on or before the twenty-eighth day of March, nineteen hundred, adopt a resolution to submit the question of the adoption of this act to the voters of each municipal

division of such county at the next regular election to be held in such municipality; such resolution may be adopted at any regular or special meeting of such board, and a copy thereof shall be certified to the clerk of each municipality in such county, whose duty it shall be to submit the question of the acceptance of this act to the voters of such municipality at the next regular election held therein, in the manner provided by the general election law of this state; the board having charge of the election in each election district of such county shall certify to the clerk of such county a statement of the vote upon the acceptance of this act, as the same shall be cast in such district, and such returns shall be canvassed by the county board of elections of such county in the manner now provided for the canvassing of the returns of votes cast for officers elected by the voters of such county; the clerk of such county shall certify the result of such election to the board of chosen freeholders.

If submitted at general election.

4. If the election at which the acceptance of this act shall be submitted shall, in any county, be the general election to be held for the election of members of the legislature next November, it shall be lawful for the voters of such county, at such election, to elect the nine chosen freeholders provided for by this act, but all votes cast for such chosen freeholders shall be null and void if the provisions of this act shall not be accepted by the voters of such county.

Salary.

5. Each member of such board shall receive an annual salary of fifteen hundred dollars.

Approved March 6, 1900.

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## CHAPTER 15.

An Act relative to the compensation of prosecutors of the pleas in certain counties of this state.

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

Salary according to population.

1. Whenever the population of any county in this state, as ascertained by any state or federal census, is more than sixty-five thousand and not more than seventy thousand,

the prosecutor of the pleas of such county shall receive an annual salary of two thousand five hundred dollars; and whenever such population is more than seventy thousand and not more than eighty-five thousand, he shall receive an annual salary of three thousand dollars; such salary shall be payable in monthly installments in lieu of all fees and allowances, which fees shall be paid into the county treasury; *provided*, that this act shall not take effect in any county until the said prosecutor shall have filed in the office of the clerk of said county his acceptance of the salary hereinbefore established and a waiver of all fees now fixed by law.

Proviso.

Repealer.

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

Approved March 6, 1900.

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## CHAPTER 16.

An Act to amend an act entitled "An act respecting conveyances" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight.

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

Section amended.

1. Section fifty-four of the act entitled "An act respecting conveyances" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight, be amended so as to read as follows:

Instrument void until recorded.

54. Every deed or instrument of the nature or description set forth in the twenty-first section of this act, shall, until duly recorded or lodged for record in the said clerk's office, be void and of no effect against subsequent judgment creditors without notice, and against all subsequent bona fide purchasers and mortgagees for valuable consideration, not having notice thereof, whose deed or mortgage shall have been first duly recorded; *provided*, that such deeds or instruments shall be valid and operative, although not recorded,

Proviso.

except as against such subsequent judgment creditors, purchasers and mortgagees; *and provided further*, that nothing in this act contained shall be construed to affect or impair the effect of any mortgage or the registry thereof which has been or shall hereafter be registered as provided in section seventeen of the act entitled "An act concerning mortgages" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four. Proviso.

2. This act shall take effect immediately.

Approved March 6, 1900.

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## CHAPTER 17.

A Supplement to an act entitled "An act to provide for the incorporation and regulation of life insurance companies on the assessment plan," approved April twenty-second, one thousand eight hundred ninety-seven.

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

1. Whenever any corporation, association, company or organization heretofore incorporated under the laws of this state shall have re-incorporated under the provisions of the act to which this is a supplement, the Commissioner of Banking and Insurance may return to such company so re-incorporating, all of the securities deposited with him as required by any act under which such company re-incorporating was organized and doing business, upon there being filed with the Commissioner of Banking and Insurance the affidavits of the president and secretary of such company, and the Commissioner of Banking and Insurance being satisfied by said affidavits and other evidence to be submitted to him that all obligations or engagements for insurance of whatever kind made and entered into by such company before its re-incorporation have been cancelled and discharged and that such company has no other outstanding liabilities to answer which such deposit was made. Return of securities to re-incorporated life insurance companies.

2. This act shall take effect immediately.

Approved March 6, 1900.

## CHAPTER 18.

An Act to authorize the erection of engine houses and buildings for the protection of fire apparatus and for other municipal purposes in towns of this state, and the purchase of lands whereon to erect said buildings.

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

Towns may erect engine houses.

1. The common council or other governing body of any incorporated town in this state are hereby authorized and empowered to erect one or more buildings suitable for the use of the fire department of said town and other municipal purposes, and to purchase land whereon to erect said building or buildings; *provided*, that the aggregate cost of said land and of the erection of said building or buildings in such town shall not exceed fifty thousand dollars.

Proviso.

Provision for payment and redemption of bonds.

2. To provide moneys necessary to carry this act into effect the common council or other governing body of any such incorporated town shall have power to issue bonds of such town to an amount not exceeding fifty thousand dollars, having not more than twenty years to run and bearing interest at a rate not exceeding five per centum per annum, and to pledge the faith, credit and property of said town for the payment of the principal and interest thereof, and to provide for the redemption of said bonds by taxation.

3. This act shall take effect immediately.

Approved March 6, 1900.

## CHAPTER 19.

A Supplement to an act entitled "An act to reduce the number of judges of the inferior courts of common pleas, courts of oyer and terminer and general jail delivery, orphans' courts, courts of general quarter sessions of the peace and special sessions in the several counties of this state, and to fix the salaries and to provide for the appointment of the judges of said courts," approved March twenty-sixth, one thousand eight hundred and ninety-six.

Preamble.

WHEREAS, The population of certain counties bordering on the Atlantic ocean is very largely increased during certain seasons of the year, thereby imposing upon the courts of such counties much additional labor; therefore,

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

Additional salary to certain judges.

1. In the several counties of this state bordering on the Atlantic ocean the respective judges of the said several courts mentioned in the act to which this is a supplement, shall be paid and receive in addition to the salary otherwise fixed by law, such sum not exceeding twenty-five per centum of said salary as the justice of the supreme court presiding in the judicial district of which said county forms a part, shall, from time to time, in writing, signed by him and filed with the clerk of such county, certify to be fair and reasonable.

Future determination of salary.

2. Hereafter the salary of the judges of said courts in the several counties of this state shall be determined and paid upon the basis of population shown by the latest state or national census promulgated, without regard to the date of appointment of such judges; *provided*, such judge shall consent thereto in writing, filed in the office of the county clerk.

Proviso.

3. This act shall take effect immediately.

Approved March 7, 1900.

## CHAPTER 20.

An Act to amend an act entitled "An act to provide for the officers of the senate and general assembly and fix their compensation," approved June eleventh, one thousand eight hundred and ninety-five.

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

Section amended.

1. Section 2 of the aforesaid act is hereby amended so as to read as follows:

Compensation of officers of senate.

2. The following shall be 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 supervisor of bills, twelve hundred dollars;

The assistant supervisor of bills, 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 printed bills, five hundred dollars;

The sergeant-at-arms, seven hundred dollars;

The assistant sergeant-at-arms, five hundred dollars;

Five doorkeepers, three hundred and fifty dollars each;

Four pages, two hundred dollars each.

Section amended.

2. Section 3 of the aforesaid act is hereby amended so as to read as follows:

Compensation of officers of assembly.

3. The following shall be 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 supervisor of bills, thirteen hundred dollars;
Two assistant supervisors of bills, 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 committee on printed 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.

3. This act shall take effect immediately.

Approved March 7, 1900.

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## CHAPTER 21.

An Act relating to property held in trust for municipal corporations.

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

Appointment of new trustee for property held for municipal corporations.

1. In all cases in which any person, persons or corporation shall heretofore have been invested with the legal title to any property, real or personal, to hold as trustee for any municipal corporation, and the said trustee or trustees are now dead, or the powers of such corporation are extinguished by the death of all its members, the common council or other governing body of such municipal corporation may appoint a new trustee for such trust property, and such newly appointed trustee shall, upon the demand of such municipal corporation, forthwith convey and transfer to such municipal corporation the legal title to such trust property, real or personal.

2. This act shall take effect immediately.

Approved March 7, 1900.

## CHAPTER 22.

An Act to facilitate the erection of public buildings to be used for both city and county purposes, and the acquisition of grounds for the same.

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

Provides for acquiring land.

1. Whenever in any county in this state it shall be convenient to locate the county buildings to be used for the courts and public offices upon or adjacent to the grounds which have been, or hereafter shall be, selected for the city hall, or other public building or buildings to be used for the accommodation of the public business of the city, which is or which may be the county seat, it shall be lawful for such county and for such city, acting through their respective agents and representatives, to acquire, by purchase or by condemnation, from private owners or either of said parties from the other, a tract of land or tracts of land upon which to erect suitable buildings for both city and county purposes, which said buildings may consist of independent structures or of an united structure.

County commissioners.

2. It shall be lawful for the board of chosen freeholders in any such county, by the vote of a majority of all the members thereof, to adopt a resolution deciding to proceed under the provisions of this act, and thereupon a county building commission shall be appointed, to consist of the person who shall be director of the board of chosen freeholders at the time of such appointment, and two other residents of the said county, who shall be selected and appointed by such director, and said commissioners, when so appointed, shall continue in office until said public building shall have been erected and furnished, ready for occupancy; if any vacancy shall occur by the death, resignation, or removal from the county, such vacancy shall be filled by the appointment of a new commissioner, which appointment shall be made by the director of the board of chosen freeholders, at the time such vacancy occurs; each of said commissioners

shall receive compensation for his services at the rate of one hundred dollars per month, during his term of service. Compensation.

3. The said commission shall have power to acquire, by purchase or condemnation, lands which in the judgment of the commission are suitable, and to erect thereon buildings for the use of the courts and the county officers, and for the transaction of the public business of the county, and to furnish the same ready for occupancy and use by such courts and public officers; the title to said premises shall be taken in the name of the board of chosen freeholders of said county, and proceedings in condemnation, when necessary, shall also be taken in the name of the board of chosen freeholders of said county. Power of commission.

4. All money required for the payment of the cost of said lands, and of bills for labor and materials for the construction and furnishing of said buildings, shall be paid on the order of the said commission by the county collector of the said county, out of any funds which shall be raised, in the manner hereinafter authorized. Funds provided.

5. Whenever in any such county, a commission shall have been or shall be duly appointed according to law for the city at which is the county seat, for the purpose of acquiring lands and erecting buildings to furnish suitable accommodations for transacting the public business of said city, it shall be lawful for the county commission, authorized under this act, and for such city commission to contract together in any suitable manner, for the purpose of securing a tract of land upon which may be erected a building or buildings for the accommodation of both the city and the county business, and to agree as to the proper division of the expense thereof, and of the buildings to be erected thereon, and it shall be lawful for such city commission, and for such county commission, jointly to contract for the plans of the building or buildings to be erected upon such lands; and to proceed together to erect such buildings, or to proceed separately to erect such buildings, or parts thereof, as may be adapted to the public requirements in each case. City commissioners. Joint action.

6. It shall be lawful for the board of chosen freeholders of such county to issue and sell the bonds of such county corporation for the purpose of raising money to pay the cost of lands and buildings, and furnishing the same according to the provisions of this act, to an aggregate amount, not to exceed five-tenths of one per centum of the total assessed Provision for payment and redemption of bonds.

value of the real and personal property in such county; such bonds shall bear interest at a rate not exceeding four per centum per annum, payable semi-annually, with such provisions as to registration and payment of interest or coupons as may be found expedient; shall be payable at a time not exceeding forty years from their date, and shall not be sold at either public or private sale for less than par; it shall be the duty of such board of chosen freeholders to establish a sinking fund to be raised by taxation from year to year, sufficient to pay off and discharge said bonds at their maturity, and also to include in the annual county tax levy a sum sufficient to pay the interest on such bonds from year to year.

7. This act to take effect immediately.

Approved March 7, 1900.

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## CHAPTER 23.

An Act to amend an act entitled "A supplement to an act entitled 'An act concerning divorces'" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four, which supplement was approved April first, one thousand eight hundred and eighty-seven.

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

Section amended.

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

Desertion construed.

1. Willful and obstinate desertion shall be regarded, held and construed by the courts of this state having cognizance of causes of divorce, to be "continued" within the meaning of the third section of the act to which this act is a supplement, notwithstanding that after such desertion has or shall have begun, the deserting party has or shall have been imprisoned in this or any other state or country upon conviction by due process of law for a crime, misdemeanor or offense, not political, committed in this or any other state or country, or for any other reason being under restraint, either by due process of law or his or her voluntary act; *provided,*

Proviso.

that such desertion has continued or shall have continued without interruption a sufficient length of time after such deserting party's discharge from such imprisonment, or release from such restraint, to make up, when added to the period of uninterrupted desertion prior to such imprisonment or restraint, the full period of two years.

2. This act shall take effect immediately.

Approved March 7, 1900.

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## CHAPTER 24.

An Act to incorporate the borough of Secaucus in the county of Hudson.

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

1. All that portion of the township of North Bergen in the county of Hudson and state of New Jersey, hereinafter mentioned and described, and the inhabitants thereof, are hereby constituted and declared to be a body corporate in fact and in law, by the name of the "borough of Secaucus," and shall be governed by the general laws of this state relating to boroughs. Corporate name.

2. The boundaries of said borough shall be as follows: commencing at a point in the center of the Hackensack river where the same is intersected by the center line of Penhorne creek produced southwesterly in a straight line; thence, northeasterly, in a straight line to the mouth of Penhorne creek; thence, northeasterly, along the center of Penhorne creek, the several courses thereof, to a sluice or culvert under the Paterson plank road, connecting said creek with the Cromkill creek; thence, northerly, along the center of said Cromkill creek, the several courses thereof, to the mouth of the same at the Hackensack river; thence, northwesterly, in a straight line in the prolongation of the center line of said Cromkill creek to its intersection with the center of the Hackensack river; thence down the center of said river, its several courses, to the place of beginning. Boundaries.

3. This act shall take effect immediately.

Approved March 12, 1900.

## CHAPTER 25.

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

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

Section amended.

1. That section fifty-eight of the said act to which this is an amendment be amended so as to read as follows:

Ratified report transmitted to collector.

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

Assessment a lien; to draw interest.

2. This act shall take effect immediately.

Approved March 13, 1900.

## CHAPTER 26.

An Act to amend an act entitled "An act regulating fences," passed January twenty-third, seventeen hundred and ninety-nine.

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

Care and maintenance of fences.

1. The place where any partition fence is or shall be made, shall be equally divided, regard being had to the quantity of fence necessary and other fences and each party shall take an equal share of such fence to make or mend and maintain, so that it may be known which part thereof is his own, and if parties cannot agree in making such division, then any two of the township committee or any two of the street committee of the council in any city, incorporated town or borough where the lands lie and being disinterested and indifferent between the parties, shall on application of either party in the presence of the parties (if they will be present) make such division and determine the part of such fence which each party is to make or mend and maintain; which determination being delivered to each of the parties in writing shall be binding upon such parties and the succeeding owners or tenants of the same lands.

Approved March 13, 1900.

## CHAPTER 27.

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

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

Section amended.

1. The seventh section of the act to which this is an amendment, and which is the first section of the supplement aforesaid, be amended so as to read as follows:

Providing for borrowing of money to secure water plant.

1. Any of the said cities be and they are hereby authorized to borrow any sum not exceeding fifteen hundred thousand dollars for the purpose of defraying all the expenses and the costs of the purchase of real estate, works, property, rights, franchises, privileges and appurtenances of the said existing water company or companies, and of maintaining and extending the same, and for the purpose of defraying all the expenses and the costs of such other lands, buildings or water privileges as shall be purchased or taken for the purposes of this act, and for the purchase of materials, the laying of pipes and mains in and about the said city, or leading from or connecting it with its source of supply, and constructing all works necessary for the full accomplishment thereof, and of all expenses incidental thereto, and to secure the payment thereof by issuing bonds not exceeding the amount aforesaid, under the seal of said city, and the signature of the mayor and other proper officers of said city, bearing interest at the rate not exceeding five per centum per annum, payable semi-annually, and to pledge the property and credit of said city for the payment of the same; that the principal of said debt shall be payable at periods not less than ten nor more than fifty years from date, and the treasurer of said city may dispose of the said bonds at either pub-

Payment; how secured.

lic or private sale, for the best price that can be obtained, but at not less than their par value; that record of all said bonds so issued or disposed of shall be kept by the said treasurer, and all moneys received therefrom shall be deposited by said treasurer in any bank or banks, to be designated from time to time by a majority of said board of aldermen or common council, and shall be drawn upon by said treasurer for the purpose of this act solely, and for none other, and only when said treasurer shall be so ordered by proper warrant or warrants issued by said board of aldermen, council or other legislative body of said city.

Receipts from sale of bonds.

Approved March 13, 1900.

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## CHAPTER 28.

An Act to amend an act entitled "An act for the punishment of crimes" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight.

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

1. Section one hundred and thirteen of the act entitled "An act for the punishment of crimes" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight, is hereby amended so that the same shall read as follows:

Section amended.

113. Any person who shall commit an assault with an intent to kill, or with intent to commit any burglary, rape, robbery or sodomy, or who shall commit an atrocious assault and battery by maiming or wounding another, shall be guilty of a high misdemeanor.

Assault with intent to murder, etc.

2. This act shall take effect immediately.

Approved March 15, 1900.

## CHAPTER 29.

An Act concerning the regulation of the sale of concentrated commercial feeding stuffs.

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

Statement affixed.

1. Every lot or parcel of concentrated commercial feeding stuff, as defined in section two of this act, used for feeding domestic animals, sold, offered or exposed for sale within this state, shall have affixed thereto, in a conspicuous place on the outside thereof, a legible and plainly printed statement, clearly and truly certifying the number of net pounds of feeding stuff contained therein, the name, brand or trademark under which the article is sold, the name and address of the manufacturer or importer, and a statement of the percentage it contains of crude fat and of crude protein, allowing one per centum of nitrogen to equal six and one-fourth per centum of protein, both constituents to be determined by the methods of the association of official agricultural chemists of the United States; but if the feeding stuff is sold in bulk or in packages belonging to the purchaser, the agent or dealer, upon request of the purchaser, shall furnish to him the certified statement named in this section.

Statement furnished to purchaser.

What included.

2. The term concentrated commercial feeding stuff used in this act shall include linseed meals, cotton seed meals, pea meals, peanut meals, cocoanut meals, gluten meals, gluten feeds, maize feeds, starch feeds, sugar feeds, dried brewers' grains, malt sprouts, hominy feeds, cerealine feeds, rice meals, oat feeds, corn and oat chop, ground beef or fish scraps, mixed feeds, and all other materials of similar nature.

What excluded.

3. The term concentrated commercial feeding stuff shall not include hays and straws, the whole seeds nor the unmixed meals made directly from the entire grains of wheat, rye, barley, oats, Indian corn, buckwheat and broom corn; neither shall it include wheat, rye and buckwheat brans or middlings, not mixed with other substances, but sold sepa-

rately, as distinct articles of commerce, nor pure grains ground together.

Statement furnished experiment station.

4. Each and every manufacturer, importer, agent or seller of any concentrated commercial feeding stuff shall, during the month of November, file with the New Jersey agricultural experiment station, a certified copy of the statement named in section one of this act, and, upon request, shall furnish a sealed glass jar or bottle containing a representative sample of at least one pound of the feeding stuff to be sold or offered for sale.

Penalties.

5. Each and every manufacturer, importer, agent or person selling, offering or exposing for sale in this state any concentrated commercial feeding stuff, as defined in section two of this act, without the statement required by section one of this act, or stating that said feeding stuff contains substantially a larger percentage of either of the constituents mentioned in section one than is contained therein, or in relation to which the provisions of all of the foregoing sections have not been fully complied with, shall be fined not exceeding one hundred dollars for the first offense, and not exceeding two hundred dollars for each subsequent offense.

Adulteration.

6. Any person who shall adulterate any kind of meal or ground grain with milling or manufacturing offals, or any other substance whatever, for the purpose of sale, unless the true composition, mixture or adulteration thereof is plainly marked or indicated upon the package containing the same, or in which it is offered for sale; or any person who knowingly sells or offers for sale any meal or ground grain which has been so adulterated, unless the true composition, mixture, or adulteration is plainly marked or indicated upon the package containing the same, or in which it is offered for sale, shall be fined not less than twenty five dollars nor more than one hundred dollars for each offense.

Penalties paid into state treasury.

7. All penalties imposed under this act shall be paid into the treasury of this state, for the purpose of defraying the expenses of the prosecution.

Collection and analysis of samples by experiment station.

8. The New Jersey agricultural experiment station is hereby authorized to have collected a sample, not exceeding two pounds in weight, for analysis, from any lot, parcel or package of any concentrated commercial feeding stuff as defined by section two of this act, or any kind of material which is used in the feeding of domestic animals, and which may be in the possession of any manufacturer, importer,

agent or dealer, but said sample shall be taken in the presence of said party or parties in interest, or their representatives, and taken from a number of parcels or packages which shall not be less than five per centum of the whole lot inspected, and shall be thoroughly mixed, divided into two samples, placed in glass vessels, carefully sealed, and a label placed on each stating the name or brand of the feeding stuff or material sampled, the name of the party from whose stock the sample was taken, and the time and place of taking the same, and said label shall be signed by the collector or his deputy, and by the party or parties in interest or their representatives present at the taking and sealing of said samples; one of said samples shall be retained by the collector or his deputy, and the other by the party whose stock is sampled; said New Jersey agricultural experiment station shall cause at least one sample of each brand of feeding stuff collected as herein provided to be analyzed annually; said analysis shall include determinations of crude fat and crude protein, and such other determinations as may at any time be deemed advisable; said New Jersey agricultural experiment station shall cause the analysis so made to be published in station bulletins, together with such other additional information in relation to the character, composition and use thereof as may seem to be of importance, and issue the same annually, or more frequently, if deemed advisable.

Publication of analysis.

Information as to violation of this act.

9. Whenever the New Jersey agricultural experiment station becomes cognizant of the violation of any of the provisions of this act, such violation shall be reported to the secretary of the state board of agriculture, and said secretary of the state board of agriculture shall make complaint to the proper prosecuting officer to the end that the violator may be prosecuted.

"Importer" defined.

10. The term importer for all the purposes of this act is intended to apply to such person or persons as shall bring into or offer for sale within this state, concentrated commercial feeding stuffs manufactured without this state.

Expenses met.

11. The expenses incurred by the New Jersey agricultural experiment station in carrying out the provisions of this act, when presented to the comptroller of the state, accompanied by the proper vouchers, duly certified by the president and secretary of the board of managers, shall upon warrant of said comptroller be paid out of the state treasury; *provided,*

Proviso.

such expenses do not exceed the sum of three thousand dollars in any year.

12. This act shall take effect when the sum provided for expenses in section eleven has been duly appropriated. Enacting clause.

Passed March 15, 1900.

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## CHAPTER 30.

An Act to amend an act entitled "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," approved March twenty-second, one thousand eight hundred and ninety nine.

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

1. Section twenty-five of the act to which this is an amendment shall be and the same is hereby amended to read as follows: Section amended.

25. The salaries and compensation to be paid to the town clerk, the town collector, the town treasurer, the town attorney, the recorder, the assessor, the chief of police and the members of the police force, the chief of the fire department, the overseer of the poor, the town surveyors, 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, the town clerk, two thousand dollars; members of the town council, five hundred dollars each; town collector, two Compensation fixed by ordinance. Proviso.

thousand dollars; town treasurer, two thousand dollars; recorder, six hundred dollars; assessor, one thousand dollars.

Repealer.

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

Passed March 15, 1900.

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## CHAPTER 31.

An Act to provide for the enforcement of ordinances in municipalities governed by a board of commissioners or by an improvement commission.

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

Procedure in prosecutions for violation of ordinances.

1. All prosecutions for the violation of ordinances in municipalities governed by a board of commissioners or by an improvement commission shall be made before any justice of the peace residing within the limits of such municipality, or before any resident police judge, recorder or other magistrate; the process to institute such prosecutions shall be either in the nature of a summons or warrant, in the discretion of such magistrate, at the suit of said municipality against the person or persons so charged, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons, in not less than three nor more than ten days; such process shall state what ordinance is alleged to have been violated, and on the return of such process, or at any time to which the trial may be adjourned, the said magistrate shall proceed to hear the testimony and to determine and give judgment in the matter, without the filing of any pleadings; a copy of the ordinance alleged to have been violated, certified under the hand of the clerk or other officer of said municipality having the legal custody of the records, shall be taken as full and legal proof of the existence of such ordinance, and that all the requirements of law in relation to the ordering, publishing and making of the same have been complied

with, unless the contrary be shown; if the said magistrate shall find the defendant guilty, he shall give judgment in his discretion for an amount not exceeding the penalty mentioned in the ordinance violated and such costs as are allowed in the justice's court for like proceedings; and he shall also, at the same time, and as a part of said judgment, sentence the defendant, in default of the payment of the judgment and costs, to the municipal lock-up or county jail for such period as may be authorized by such ordinance, and if no time be fixed in said ordinance, then for a period not exceeding ten days, in his discretion; *provided*, that if the defendant be a corporation, execution may issue for said judgment and costs against the goods and chattels of said defendant; when the penalty imposed shall exceed twenty dollars, either party shall have the right to appeal to the court of common pleas at any time within ten days from the date of judgment in the same manner and upon the same terms as an appeal may be taken from the court for the trial of small causes; *provided*, that if the defendant appeal, he shall give a bond in double the amount of the judgment and costs with one responsible freeholder, resident of the county, as surety; a commitment, however, may be issued at any time before the taking of an appeal, for the imprisonment of the defendant, which said commitment shall be vacated either by appeal or by the payment of the judgment and costs.

Proviso.

Proviso.

2. All acts or parts of acts inconsistent herewith are hereby repealed.

Repealer.

3. This act shall take effect immediately.

Approved March 15, 1900.

## CHAPTER 32.

A Supplement to an act entitled "An act to authorize the formation of gas light corporations and regulate the same" (Revision), approved April twenty-first, one thousand eight hundred and seventy-six.

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

When capital stock, etc., may be reduced.

1. Any corporation organized under the act to which this is a supplement, may by resolution of its board of directors and the consent in writing of at least two-thirds in interest of its stockholders, reduce the amount of its capital stock or change the number or the par value of its shares or any or all of these purposes, whenever it shall ascertain after the building of its works, that the full amount of capital stock named in said certificate of incorporation is not needed to build, equip and put in operation its gas works; provided a certificate of such change verified under the corporate seal of said company and the affidavit of its president and secretary be filed in the office of the secretary of state and published for three weeks once in each week, in a newspaper printed or circulated in the county where said company shall have its principal office.

Proviso.

2. This act shall take effect immediately.

Approved March 15, 1900.

## CHAPTER 33.

An Act to amend an act entitled "An act to establish a law department in cities of the first class in this state, to provide for the appointment and duties of the law officers therein, and for their compensation and terms of office," passed May sixteenth, one thousand eight hundred and ninety-four.

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

1. Section six of the act entitled "An act to establish a law department in cities of the first class in this state, to provide for the appointment and duties of the law officers therein, and for their compensation and terms of office," passed May sixteenth, one thousand eight hundred and ninety-four, be amended so as to read as follows: Section amended.

6. The city or corporation counsel so appointed shall receive an annual salary of not more than six thousand dollars, payable monthly, to be fixed by the mayor; that the city or corporation attorney shall receive an annual salary of not more than four thousand dollars, payable monthly, to be fixed by the mayor, and that the assistant city or corporation attorney shall receive an annual salary of not more than two thousand five hundred dollars, payable monthly, to be fixed by the mayor; all of such salaries shall be paid by the board of finance or by that board of the city government having the control and management of the finances of said city, in the manner now or hereafter provided for the payment of the salaries of other city officers therein. Salaries of city counsel.

2. This act shall take effect on the fourth Tuesday of May, one thousand nine hundred. Enacting clause.

Approved March 15, 1900.

## CHAPTER 34.

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.

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

Estimate furnished.

1. 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, on or before the first day of May in each year, 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 provisions 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 two mills 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 in said city or not; *provided further*, that the said board shall not make any expenditures 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.

Proviso.

Proviso.

Proviso.

Repealer.

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

3. This act shall take effect immediately.

Approved March 15, 1900.

## CHAPTER 35.

A Supplement to an act entitled "An act providing for the cancelling of record of mortgages by order of a circuit judge or law judge of a county," approved March tenth, one thousand eight hundred and ninety-one.

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

Method of cancellation of mortgages given to defunct corporation.

1. If in any proceeding hereafter instituted, under the provisions of the act to which this is a supplement, for the cancellation of a mortgage or mortgages given to a corporation, or body politic, which said mortgage or mortgages shall have been of record for more than ten years preceding the said proceeding, it shall appear to the satisfaction of the said circuit judge or law judge that the said corporation has ceased to exist, or has ceased to do business, for at least five years prior to said application or proceeding, and that no officer of said corporation to which the said mortgage shall have been made, can be found on whom notice of the application to cancel said mortgage can be served, the said circuit judge or law judge may order that the said corporation be proceeded against by name, and it shall be sufficient for said circuit judge or law judge to authorize a notice of the purport and effect of such application or proceeding to be published weekly, in some newspaper published in the city, borough, village, town or township in which the said mortgaged lands to be affected thereby, are situate, and also in such other newspaper or manner as said judge may deem proper, or if no newspaper be published therein, then in one or more newspapers, published at the county seat of the county in which the said lands affected by said mortgage, are situate, and in such other newspaper or manner as said judge may deem proper, to be directed to the corporation by name, and all persons interested therein, stating that application will be made to the said judge, at a time and place therein mentioned, not less than one month, or more than four months from the date of said order, for an order to can-

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cel of record the mortgage or mortgages, giving the date thereof and the date, book and page of the record thereof, and in case the said corporation in the said order named, or any person interested therein, shall not appear at the time and place in the said order specified and advertised, or at such other time and place as the said judge may, upon the return of the said order, designate and appoint, and upon proof satisfactory to the said judge of the truth of the fact that said mortgage was recorded at least ten years before the institution of said proceedings, or the making of the said application, and that the said corporation has ceased to do business for at least five years next preceding the said application or proceeding, and after due proof of the advertisement of the notice in this act prescribed, and upon the said judge being satisfied that there is nothing due upon the mortgage, he may, by his order, direct the county clerk of the said county, or the register, when there is such an officer in said county, to cancel of record any such mortgage on real estate or chattels, or both.

Cancellation of mortgages of thirty years' record.

2. If in any proceeding hereafter instituted under the provisions of the act to which this is a supplement, for the cancellation of a mortgage or mortgages given to any person or persons, which said mortgage or mortgages shall have been of record for more than thirty years preceding the said proceeding, it shall appear to the satisfaction of the said circuit judge or law judge that the mortgagee or mortgagees is or are dead, or, whenever it shall appear by allegation, under the application presented to said circuit judge or law judge, duly verified by affidavit, that the applicant, after diligent and careful inquiry therefor, has been unable to ascertain whether such person or persons is or are still alive, or, if such mortgagee or mortgagees shall be known or believed to be dead, has been unable to ascertain the names and residences of the heirs, devisees or personal representatives of said mortgagee or mortgagees, the said circuit judge or law judge may order the said mortgagee or mortgagees to be proceeded against by name, or be proceeded against by name and his, her or their heirs, devisees and personal representatives, as the case may be, and it shall be sufficient for said circuit judge or law judge to authorize a notice of the purport and effect of such application or proceeding to be published weekly, in some newspaper published in the city, borough, village, town or township, in which the said mortgaged

lands to be affected thereby are situate, or, if no newspaper be published therein, then in one or more newspapers, in the discretion of the said judge, published at the county seat of said county in which the said lands affected by the said mortgage are situate, and also in such other newspaper or manner as the said judge may deem proper, to be directed to the said mortgagee or mortgagees by name, or to the said mortgagee or mortgagees by name and his, her or their heirs, devisees and personal representatives, as the case may be, stating that application will be made to the said judge at the time and place therein mentioned, not less than one month or more than four months from the date of said order, for an order to cancel of record the mortgage or mortgages, and the date thereof, and the date, book and page of the record thereof, and in case the said mortgagee or mortgagees in the said order named, or any person or persons representing him, her or them, or his, her or their heirs, devisees or personal representatives, or any person representing them, shall not appear at the time and place in the said order specified and advertised, or at such other time and place as the said judge may, upon the return of the said order, designate and appoint, and upon proof satisfactory to the said judge of the truth of the fact that the said mortgage was recorded at least thirty years before the institution of the said proceedings, or making of the said application, and of the advertisement of the notice in this act prescribed, and upon the said judge being satisfied that there is nothing due upon the mortgage or mortgages, he may, by his order, direct the county clerk of the said county, or the register, when there is such an officer in said county, to cancel of record any such mortgage on real estate or chattels, or both.

Order of court entered in book of mortgages.

3. When such order is made by the said judge and filed with the clerk of the county in which the lands are situate, or the register, if there be such officer in said county, then the said clerk or register shall discharge and cancel of record such mortgage and enter on the margin of the registry or record of said mortgage, and opposite thereto, "cancelled by order," entering the date of such order and filing said order.

4. This act shall take effect immediately.

Approved March 15, 1900.

## CHAPTER 36.

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

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

Bonds authorized to meet obligations.

1. It shall and may be lawful for the legal voters of any school district at the annual meeting, or at a special meeting called for that purpose, by the consent of a majority of those present, to authorize the board of education of such district for the purpose of borrowing money to pay the indebtedness, obligations, or judgments and interests thereon, that may have been heretofore made, by law, the indebtedness or obligation of any such board of education, or which the said board of education shall have been directed by law to assume, and the same shall be unpaid or outstanding, to issue bonds of the district in the corporate name of the district, in such sums and in such amounts and payable at such times as the legal voters so met may direct, with interest not exceeding five per centum per annum, payable half-yearly, which bonds shall be signed by the president of the board of education and attested by the district clerk and shall bear the seal of the district, and such bonds shall have coupons attached for the current payment of interest, which coupons shall be signed by the district clerk and shall be numbered to correspond to the bond to which they are attached, and any bond so issued shall be numbered and a proper registry thereof kept by the district clerk; and said bonds may be sold at public or private sale for the best obtainable price, but not less than par; said bonds shall be a lien upon the real and personal estate of the inhabitants of the district as well as on the property of the district, and the property of the inhabitants, as well as the property of the district, shall be liable for the payment of the same; and in all cases copies of all papers and proceedings author-

Bonds a lien.

izing the issuing of said bonds shall be submitted to the attorney-general for his approval of the legality of the same, and duplicate copies of said papers and proceedings shall be sent to the state superintendent of public instruction. Papers, etc., sent to attorney-general and state superintendent.

2. This act shall take effect immediately.

Approved March 15, 1900.

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## CHAPTER 37.

An Act authorizing cities to renew and refund their bonds, which bonds by their terms can be called and are or may be made payable before maturity by the terms of the same, and to regulate the manner in which moneys devoted to the sinking fund, or under the control of the commissioners of the sinking fund, in such cities, shall be used.

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

1. Whenever any city of this state has issued or shall hereafter issue bonds, under the authority of any law or laws of this state, which bonds by their terms can be called and are or may be made payable before maturity by the terms of the same, the board of aldermen, city council, or other governing body of any such city may renew and refund such entire bonded debt, by issuing the bonds of such city for that purpose, which bonds shall be made payable at periods of time not to exceed forty years from the date of issuing the same; *provided, however,* that said bonds may be cancelled within said period, with the consent of the holders thereof, and said bonds shall draw a rate of interest not exceeding the rate theretofore paid on the bonds which are to be renewed or refunded, by the bonds herein and hereby authorized to be issued, but in no case to exceed four per centum per annum, and shall be issued in such sums, and of such denomination, and may be either coupon or registered, as the said board of aldermen, city council, or other governing body may by ordinance direct and deter- Refunding bonds. Proviso.

mine, and shall be issued under the corporate seal of said city and signature of the mayor, the comptroller, and the city clerk, and said bonds shall be numbered, and the coupons attached thereto shall be numbered to correspond with the bond to which they are respectively attached, and it shall be the duty of the comptroller, or other financial officer of such city, to provide a book in which shall be entered the date when said bonds shall be issued and the same become due, together with the number, and such other particulars as he may deem proper; and the board of aldermen, city council, or other governing body of such city may dispose of such bonds at either public or private sale, for the best price that can be obtained for the same, but not at a less price than the par value; and all moneys derived from the sale thereof, in excess of the principal due on the outstanding bonds, and which the bonds herein provided for are intended to retire, may be used by said city for the purpose of making improvements, in such city, of such character as the board of aldermen, city council or other governing body may direct; *provided*, that no bonds shall be issued in excess of the amount now due and outstanding on the bonds to be renewed or refunded as aforesaid.

Proviso.

Use of moneys in sinking fund.

2. All moneys now directed or authorized by law to be paid into the sinking fund, or to the commissioners of the sinking fund, in any such city, shall be used as follows: one per centum on the issue of the bonds herein authorized shall be retained annually by said sinking fund, or the commissioners of the sinking fund, to be applied to the redemption of said bonds, and the balance shall be paid to the city treasurer of such city, and said moneys so paid to the city treasurer, or so much thereof as may be necessary, shall be used for and toward the payment of the interest, which shall fall due from time to time, upon the bonds herein authorized to be issued; and in case the moneys so arising shall not be sufficient to pay and discharge said interest, then the deficiency shall be raised by general taxation, at the same time and in the same manner as other taxes are raised in such city.

Repealer.

3. All acts, whether special, general or private, heretofore passed, inconsistent with the provisions of this act, be and the same are hereby repealed.

4. This act shall take effect immediately.

Approved March 15, 1900.

## CHAPTER 38.

Supplement to an act entitled "An act concerning townships (Revision of one thousand eight hundred and ninety-nine)," approved March twenty-fourth, eighteen hundred and ninety-nine.

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

Borrow money and issue improvement certificates in anticipation of collection of charges.

1. In any township of this state wherein, under the terms and provisions of an act entitled "An act to provide for drainage and sewerage in townships," approved March twenty-sixth, one thousand eight hundred and ninety, an election has heretofore been held, and, at such election, the voters of such township, by majority vote, have accepted the provisions of said act, and, in pursuance of the authority granted at such election, the township committee have by ordinance directed the building and construction of any sewer or sewers in said township, it shall hereafter be lawful for such township committee to proceed, in behalf of such township, to build and construct all or any such sewers as they heretofore by ordinance have directed, and to complete the same, as prescribed in said ordinance or as the said township committee may hereafter direct; and, in anticipation of the collection of the rates and charges to be imposed by the township committee for the use, by the property owners and others, of the said sewer, and for making connections therewith, as provided for in the act to which this is a supplement, the township committee may borrow money from time to time for the purpose of building, maintaining and operating said sewers, and may issue, in the name of the township, improvement certificates, in the same manner, and to the same extent and effect, as in cases where an issue of bonds for the building and construction of sewers may have been authorized under the provisions of the aforesaid act to which this is a supplement.

May contract with adjoining municipalities for use of sewers.

2. It shall be lawful for the township committee, in case they deem it expedient, to contract and agree with the municipal authorities of any adjoining city, borough, town, or township, or with the governing body of any municipality or municipalities under whose authority or direction a sewer by any existing law of this state has been or may hereafter be constructed, or is in course of construction through said township, for the privilege and right to connect the sewers and drains of said township with those of any such adjoining municipality, or with any sewer passing through the said township, so that the drainage and sewage of the said township may enter into and pass through the same; and any contract for this object, duly made and ratified by such township committee and by the governing body or board of the municipalities or municipality having control of the sewer or sewers with which such township sewer may be connected, shall be the valid contract of such township and of such other municipality during the period and according to the stipulations therein expressed.

3. This act shall take effect immediately.

Approved March 15, 1900.

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## CHAPTER 39.

An Act to repeal an act entitled "An act to provide for the examination in certain cases of applicants for admission as attorneys to the supreme court of this state," approved February twenty-second, one thousand eight hundred and eighty-two.

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

Repealer.

1. The act entitled "An act to provide for the examination in certain cases of applicants for admission as attorneys to the supreme court of this state," approved February twenty-second, anno domini one thousand eight hundred and eighty-two, be and the same is hereby repealed and this act shall take effect immediately; *provided, however*, that any

Proviso.

person now entered as a student at law with any licensed attorney of this state, upon filing a certificate of such attorney, signed also by said student in the office of the clerk of the supreme court within thirty days after the passage of this act, declaring the intention of said student to apply for examination for admission as an attorney under the provisions of the act entitled "An act to provide for the examination in certain cases of applicants for admission as attorneys to the supreme court of this state," approved February twenty-second, one thousand eight hundred and eighty-two, shall be entitled to all the privileges of the same as if the same had not been repealed.

Approved March 16, 1900.

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## CHAPTER 40.

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

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

1. Section one of an act entitled "An act to authorize the apportionment of taxes, assessments and water rents," approved April twenty-first, one thousand eight hundred and seventy-six, be and the said section one is hereby amended to read as follows:

Section amended.

1. Upon application in writing by any person interested to apportion any taxes, assessments or water rents, which have been or shall be laid upon any plot or parcel of land in any city, borough, town or township, amongst any subdivisions of such plot or parcel, accompanied by a map showing the subdivisions desired, the officer or body to which such application shall be made as herein provided shall have power to make a just apportionment of such taxes, assessments and water rents upon and among such subdivisions, or such other subdivisions as it may deem just

Proceedings for apportionment of assessments, &c.

and proper, and also to apportion, in manner aforesaid, any taxes, assessments and water rents, for non-payment of which any plot or parcel of land has been, or shall be, sold under the laws relating to such sale, with expenses of sale, in cases where such land has been, or shall be, bought by the treasurer or other officers of such city, borough, town or township for the use and benefit thereof, or by such city, borough, town or township.

Section amended.

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

Map and report filed.

2. Upon the approval of such apportionment by the mayor, or passage over his veto, if application was made to the body hereinafter mentioned, where such lands lie in a city or borough, the city or borough clerk shall file the map and report of the officer, board or council, showing such apportionment, and upon the adoption of such apportionment by the council or other governing municipal authority of any town, or by the township committee of any township, the clerk of such town or township shall file the map and report showing such apportionment, and upon such filing the said taxes, assessments or water rents, as so apportioned, shall be and remain a lien upon such subdivisions, in the same manner as if such taxes, assessments or water rents had been originally laid or assessed upon such subdivisions in the separate amounts so apportioned, and upon payment to the proper officer of the amount so apportioned to any subdivision, with interest and penalties added at the same rates as were chargeable on the original taxes, assessments or water rents, respectively, and in case of sale, with the proportion of expenses of sale added, such subdivision shall be discharged from all lien or liability under such taxes, assessments and water rents, and from the effect of such sale therefor.

Section amended.

3. Section three of the act to which this is amendatory, as amended by the act approved March ninth, one thousand eight hundred and ninety-one, be and the said section is hereby amended to read as follows:

Powers to apportion, in whom vested.

3. Such powers to apportion shall be vested in, and such application made to, the mayor and common council, or board of aldermen, or other chief municipal authority of the several cities, boroughs and towns, and the township committee of the several townships; *provided, however*, that whenever there is, or shall be, in any city,

Proviso.

borough or town a board of finance or body possessing the general power now exercised by such boards, the power of apportionment as aforesaid shall be vested in, and such application made to, that board; *and provided further*, that whenever there is, or shall be, in any city an officer called a comptroller, the power aforesaid shall be vested in, and such application made to, that officer; *and provided further*, that whenever there is, or shall be, in any city, borough or town, tax commissioners, the power aforesaid shall only be vested in, and such application made to, said tax commissioners.

Proviso.

Proviso.

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

Section amended.

4. When any of the owners of the lands to be affected by such apportionment shall not join in such application, then such comptroller, board, council or township committee shall direct notice to be given to such owner, if resident in such city, borough, town or township, either personally or by leaving the same at his place of abode, and if not resident in such city, borough, town or township, by advertisement for ten days in a newspaper published and circulating in such city, borough, town or township, and if none is so published, then in the nearest newspaper published in the county, of the time and place where and when a hearing will be had upon such application before such comptroller, board, council or township committee, or a committee thereof, which notice, upon proof of service or publication thereof, shall be deemed sufficient, and said comptroller, board, council or township committee may thereupon make such apportionment.

Proceedings when owners of lands affected do not join in application.

5. This act shall take effect immediately.

Approved March 16, 1900.

## CHAPTER 41.

A Further Supplement to an act entitled "A supplement to an act in relation to county expenditures," approved April second, one thousand eight hundred and seventy-eight; which supplement was approved April second, one thousand eight hundred and eighty-eight.

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

Section amended.

1. Section two of the act above entitled be amended so as to read as follows:

Cost of bridge provided for.

2. If in the judgment of any such board the cost of erecting or rebuilding any particular bridge, or the share of the cost of erecting or rebuilding any particular bridge to be borne by any county where such bridge lies in or between two or more counties, together with the ordinary bridge and other expenditures for that fiscal year, is likely to exceed said limitation, or to be too burdensome to the taxpayers of the county, it shall be lawful for such board to contract for the payment of the cost, or its share of erecting or rebuilding of such bridge, over a term of years in annual installments; or such board may issue bonds wherewith to meet and defray such cost; such bonds to be for such term of years not exceeding twenty, and to bear such rate of interest, not exceeding five per centum per annum, as such board shall determine; which bonds shall be sold only at public sale, but for not less than par; and the expenditures thus contracted for may be in addition to and in excess of the annual limitation of county expenditures aforesaid.

2. This act shall take effect immediately.

Approved March 16, 1900.

## CHAPTER 42.

An Act authorizing the board of chosen freeholders of the several counties of this state to appoint a county auditor when a vacancy occurs in said office by death, resignation or inability to perform the duties of the office by sickness or otherwise.

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

Vacancy in office of county auditor, how filled.

1. In case any auditor in any of the counties of this state shall become incapable to perform the duties of his office by sickness or otherwise, and said incapacity shall be certified to by two regularly licensed physicians of this state, and shall not resign from said office, the board of chosen freeholders of said county may declare the office vacant by a resolution passed by a majority vote of all the members of said board, and shall at once proceed to appoint a person to fill the office who shall, upon giving bond and taking the oath of office as now provided by law, enter upon the duties of the office and continue to hold the same until such time as the board shall have determined the incapacity of such auditor removed or his successor shall have been duly elected and qualified.

Repealer.

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

Approved March 16, 1900.

## CHAPTER 43.

An Act to authorize cities to issue bonds to obtain money to rebuild sewers.

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

Bonds issued for rebuilding defective sewers.

1. For the purpose of rebuilding defective sewer or sewers in any city of this state, the board of aldermen or common council or other board or body having charge of the finances of the city may issue bonds to an amount not exceeding fifty thousand dollars; said bonds shall be payable within twenty years from the date of their issue and bear interest at a rate not exceeding four per centum, and be in such form and of such denomination as the said board or body shall determine, and shall be sold for not less than par, and the proceeds thereof shall be expended by the board or body having charge of the construction of sewers in any such city for said purpose.

2. This act shall take effect immediately.

Approved March 19, 1900.

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## CHAPTER 44.

A Supplement to an act entitled an "Act to incorporate trustees of religious societies" [Revision], approved April ninth, one thousand eight hundred and seventy-five.

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

Rights of consistory.

1. The rights and customs of the Reformed Church in America, formerly the Reformed Dutch Church in America, to conduct their affairs and to convey or mortgage their property by a majority vote of their consistory as heretofore

are hereby confirmed, and any act heretofore passed requiring the reference of such matters to a vote of the congregation shall not apply to the said Reformed Church of America.

2 This act shall take effect immediately.

Approved March 19, 1900.

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## CHAPTER 45.

An Act to provide for the purchase by the state treasurer of a book entitled "Bradley's New Jersey Citations."

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

1. The state treasurer is hereby authorized and directed to purchase two hundred copies of a book entitled "Bradley's New Jersey Citations," issued in the year eighteen hundred and ninety-nine. Authorizing purchase.

2. Upon the delivery to the state comptroller of said two hundred copies, well bound in good law sheep, the comptroller shall draw his warrant upon the state treasurer in favor of the publishers thereof, for the sum of seven dollars and a half for each copy delivered. Payment.

3. Said copies shall be distributed in the following manner: To the governor, the secretary of state, the state comptroller, the state treasurer, the attorney general, the clerks of the supreme court and the court of chancery, the chancellor, the vice-chancellors, the justices of the supreme court, the judges of the court of errors and appeals, the circuit court judges, the judge of the United States district court for New Jersey, the judges of the court of common pleas of each county in the state, the circuit court rooms in each county, the chancery chambers and district court rooms in the several cities, the members of the present legislature, each one copy of said book, and five copies to the state library. Disposition.

4. This act shall be a public act and shall take effect immediately.

Approved March 19, 1900.

## CHAPTER 46.

An Act in relation to the acquisition by one railroad corporation of this state of the franchises, property, rights and credits of another railroad corporation of this state.

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

Rights acquired.

1. Whenever any railroad corporation of this state shall own all the bonds and shares of capital stock of any other railroad corporation of this state, whose railroad has heretofore been constructed and connects with the railroad of said first-mentioned corporation, it shall be lawful for said first-mentioned corporation to acquire, have, hold, use, exercise and enjoy all the corporate rights, privileges and franchises, and all the property real, personal and mixed, rights and credits which shall be owned, possessed, held, used or otherwise exercised by said corporation whose rights, property and franchises are so to be acquired.

Acquisition, how effected.

2. Said acquisition shall be effected by an agreement in writing, having attached thereto a map of the railroad, whose rights, property and franchises are so to be acquired, executed under the respective corporate seals of each of said corporations, pursuant to a resolution adopted by the respective boards of directors, and filed in the office of the secretary of state, within thirty days after the execution thereof, and thereafter, said first-mentioned corporation, in addition to the rights, privileges, franchises and property theretofore possessed and exercised by it, shall have, hold, use, exercise and enjoy all of said corporate rights, privileges and franchises, and all of said property, real, personal and mixed, rights and credits theretofore possessed, owned, held or exercised by said corporation, whose rights, property and franchises are so acquired; *provided, however,* that said first-mentioned corporation shall become liable for all the debts, liabilities and duties of the corporation whose rights, property and franchises are so acquired.

Proviso.

3. This act shall take effect immediately.

Approved March 19, 1900.

## CHAPTER 47.

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.

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

How additional appropriation may be made.

1. Any city of this state that has accepted or shall hereafter accept the provisions of the act to which this act is a supplement and has purchased lands and erected buildings thereon, or both, for the purposes of a free public library, and has made appropriations therefor under amendments and supplements to the act of which this is a supplement, are hereby authorized to make additional appropriation for the equipment, furnishing and decorating of such library building in manner following: The board of trustees of such public library shall certify to the common council or other board or body having charge and control of the finances of such city the amount necessary for the equipment, furnishing and decorating of such library building, and thereupon such common council or other body or board may, by resolution, at its discretion and with the approval of the mayor of such city, make appropriation of such money and authorize and empower the board of trustees of such free public library to expend such sum of money, and upon the passage of such resolution the board of trustees of such public library shall be empowered and authorized to enter into contracts for such equipment, furnishing and decorating, and to expend money therefor to the amount of such appropriation.

Funds secured by issuing bonds.

2. To provide for such appropriation or any part thereof, such common council or other body or board is hereby authorized to issue the bonds of such city not to exceed, in the aggregate, the sum of fifty thousand dollars in cities of the first class, fifteen thousand dollars in cities of the second class, and five thousand dollars in cities of the third and fourth class, which bonds shall be of such denomination as

such common council or other body or board shall direct; they shall be made payable within a period 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 such common council or other body or board 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 city are signed.

Redemption of bonds.

3. For the redemption of the bonds issued pursuant to the provisions of this act and to provide for the payment of the interest thereon it shall be lawful for the common council to cause such sums to be raised by taxation and included in the annual tax levy, and such interest and sinking fund charges shall be paid to the commissioners of the sinking fund of such city; the sinking fund charge upon said bonds shall not be less than two per centum per annum upon the bonds issued.

Repealer.

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

5. This act shall take effect immediately.

Approved March 19, 1900.

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## CHAPTER 48.

An Act respecting the entitling of causes in the courts of this state.

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

Title of cause retained.

1. Upon the removal of any cause or proceeding from any court to a court of appellate jurisdiction, in this state, whether by writ of error, writ of certiorari, appeal, or otherwise, the title of the cause or proceeding as originally instituted shall be retained, the character in which the parties appear in the writ of error, writ of certiorari, appeal, or other proceeding, being described after their names respectively.

2. The name of the state shall not be made a part of the title of any cause or proceeding merely because of the nature of the writ or other proceeding by which it is taken into court. When name of state not part of title.

3. It shall be the duty of the clerks of the various courts of appellate jurisdiction in this state to enter, docket and index causes or proceedings and keep a record thereof in conformity to the provisions of this act; and upon failure of the parties to such causes or proceedings, or their attorneys, to comply with such provisions, it shall be the duty of said clerks, upon due notice to such parties, or their attorneys, to re-entitle such causes or proceedings in the manner hereinbefore provided. Duty of clerks.

2. This act shall take effect immediately.

Approved March 19, 1900.

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## CHAPTER 49.

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

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

1. Every corporation organized under the authority of the act to which this is a supplement, for the purpose of establishing, maintaining and operating a school for the training, education, instruction or preparation of persons to act as nurses of sick, injured, infirm, aged, idiotic or insane persons, and operated in connection with or under the auspices of a public hospital of this state, is hereby authorized to confer the degree of medical and surgical nurse upon any of its graduates under such rules and regulations as such corporation may prescribe; *provided,* that instruction be given in anatomy, physiology, hygiene, dietetics, and medical, surgical, obstetrical and gynecological nursing. Degrees conferred upon nurses. Proviso.

2. This act shall take effect immediately.

Approved March 19, 1900.

## CHAPTER 50.

An Act to amend an act entitled "An act to incorporate and regulate telegraph companies," approved April ninth, one thousand eight hundred and seventy-five.

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

Section amended.

1. The first section of the act of which this act is amendatory is hereby amended so that the same shall read as follows:

Telegraph companies, how incorporated.

1. It shall be lawful for three or more persons to associate themselves into a company for the purpose of constructing, owning, using and maintaining a line or lines of electric, telegraph or telephone, or both, wholly within or partly beyond the limits of this state, or for the purpose of owning any interest in any such line or lines, upon executing, recording and filing a certificate, signed in person by all the subscribers to the capital stock named therein, and setting forth the name of the corporation; the location (town or city, street and number, if number there be) of its principal office in the state; the object or objects for which the corporation is formed; the amount of the total authorized capital stock of the corporation, which shall not be less than two thousand dollars; the number of shares into which the same is divided and the par value of each share; the amount of capital stock with which it will commence business, which shall not be less than one thousand dollars; and, if there be more than one class of stock created by the certificate of incorporation, a description of the different classes, with the terms on which the respective classes of stock are created, the names and post office addresses of the incorporators, and the number of shares subscribed for by each; the aggregate of such subscriptions shall be the amount of capital stock with which the company will commence business, and shall be at least one thousand dollars; and the period, if any, limited for the duration of the company; the certificate of incorporation may also contain any pro-

vision which the incorporators may choose to insert for the regulation of the business and for the conduct of the affairs of the corporation, and any provision creating, defining, limiting and regulating the powers of the corporation, the directors and the stockholders, or any class or classes of stockholders; *provided*, such provision be not inconsistent with this act; the certificate of incorporation shall be proved or acknowledged as required for deeds of real estate, and recorded in a book to be kept for that purpose in the office of the clerk of the county where the principal office of such corporation in this state shall be established, and, after being so recorded, shall be filed in the office of the secretary of state; said certificate, or a copy thereof, duly certified by the secretary of state, shall be evidence in all courts and places; upon making said certificate and causing the same to be recorded and filed as aforesaid, the persons so associating, their successors and assigns, shall from the date of such filing be and constitute a body corporate by the name set forth in said certificate, to sue and be sued, to purchase and convey such real and personal estate as the purposes of the corporation shall require, with all the powers and privileges contained in the act concerning corporations, so far as the same are necessary or convenient to the attainment of the objects set forth in said certificate, and subject to the provisions, restrictions and liabilities contained in said act, so far as the same are appropriate to and not inconsistent with this act. Proviso.

2. The second section of the act of which this act is amendatory is hereby repealed. Repealer.

3. The third section of the act of which this act is amendatory is hereby amended, so that the same shall read as follows: Section amended.

3. Whenever a majority of the incorporators shall call a meeting of the stockholders generally, by a notice, signed by them, designating the time, place and purpose of the meeting, which notice shall be published at least two weeks before the meeting in some newspaper published in the county where the corporation is established, the stockholders, when convened in accordance with said notice shall proceed to elect officers of their said company, consisting of a president, treasurer, secretary, and at least three directors, one-third of whom shall be citizens of this state, whose term of office shall continue one year, or until their successors are Election of officers.

chosen and qualified, the respective duties and powers of each of the said officers to be indicated, and determined by the by-laws and regulations of the company; *provided*, that such by-laws and regulations do not conflict with this act, and are not repugnant to the constitution or laws of this state or of the United States; and that at every election of officers, and at every special, periodical or general meeting of the stockholders, each and every share of stock represented will entitle its representative to one vote; if two days' notice be personally served on all the parties named in the certificate, said first meeting may be called without publication; or if all the parties named in the certificate waive such notice and fix a time of meeting, then no notice or publication shall be required.

Proviso.

Section amended.

4. The sixth section of the act of which this act is amendatory is hereby amended so that the same shall read as follows:

Offices.

6. Any company, organized and working by virtue of this act, shall establish, maintain and keep open at least one office every twenty miles traversed by their line.

Section amended.

5. The eighth section of the act of which this act is amendatory is hereby amended so that the same shall read as follows:

Erection of poles, &c.

8. Any company organized by virtue of this act shall have full power to erect, construct, lay and maintain the necessary poles, wires, conduits and other fixtures for its lines upon, over or under any of the public roads, streets and highways, upon first obtaining consent in writing of the owner of the soil to the placing of poles; and through, across or under any of the waters within the limits of this state; and upon, through or over any other land, subject to the right of the owners thereof to full compensation for the same; *provided, however*, no pole shall be erected in any street of any incorporated city, borough, town, village or township, the common council, township committee, or other legislative body of which is authorized by law to take and appropriate lands or real estate for the opening, laying out or constructing streets therein, and to make awards for lands or real estate, taken therefor, and to levy assessments for benefits or expenses of such improvements by a board of assessment or otherwise, without first obtaining from such incorporated city, borough, town, village or township, a designation of the streets in which the same shall be placed

Proviso.

and the manner of placing the same, and that the same shall be located as in no way to interfere with the safety or convenience of persons traveling on or over the said streets; and that the use of the public streets in any such incorporated city, borough, town or township of this state shall be subject to such regulations and restrictions as may be imposed by the corporate authorities thereof.

Approved March 19, 1900.

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## CHAPTER 51.

An Act to authorize the purchase of lands and the erection and furnishing of city halls in cities.

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

1. It shall be lawful for the board of aldermen, common council or other governing body of any city in this state to purchase land and erect thereon a building suitable for use as a city hall, and to furnish the same, and to raise money by an issue of bonds for said purposes, to an amount not exceeding one hundred thousand dollars par value, as hereinafter set forth. Purchase land and erect city hall.

2. For the purpose of defraying the costs and expenses of purchasing said land and erecting and furnishing said city hall under and by virtue of this act, said board of aldermen, common council or other governing body 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, and thereupon, or sooner, after the total expense thereof is definitely ascertained and fixed by the common council, bonds shall be issued, as hereinafter specified, for the purpose of discharging the notes or temporary obligations aforesaid, and of satisfying and discharging whatever may remain due and to grow due for said costs and expenses. Expenses defrayed. Bonds issued for total expenses.

Character of bonds.

3. The said bonds may be registered or coupon bonds, and shall be so issued that they shall become payable in successive years, and not more than forty years from their date; and they shall mature in such manner that of the whole number of bonds outstanding, an equal amount of them (in value), as nearly as practicable, shall become payable in each year after the year of the earliest issue; said bonds shall bear interest not to exceed five per centum per annum, payable semi-annually, and may be sold at public or private sale, but not for less than par; if said bonds are issued subject to redemption before maturity at the option of the city, it shall be so stated on their face.

Payment of interest.

4. The board of aldermen, common council or other governing body of said city, shall raise by tax in each year, as other moneys are raised in said city, such sum of money as may be necessary to pay the interest on the notes and other obligations of the city, issued as aforesaid, and also the principal of such bonds, except temporary obligations issued as aforesaid as may mature during the ensuing fiscal year.

Existing legislation not repealed.

5. This act shall take effect immediately, but shall not repeal any existing legislation on this subject.

Approved March 19, 1900.

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## CHAPTER 52.

An Act to repeal sundry acts relating to condemnation proceedings.

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

Repealer.

1. The act entitled "An act respecting the awards of commissioners in cases of land and real estate taken or condemned by law and appeals therefrom," approved March ninth, one thousand eight hundred and seventy-seven, is hereby repealed.

Repealer.

2. The act entitled "An act relative to commissioners for taking lands for public use," approved March eleventh, one thousand eight hundred and ninety-one is hereby repealed.

3. The act entitled "An act concerning the taking of property for public use," approved March ninth, one thousand eight hundred and ninety-three, is hereby repealed. Repealer.

4. The act entitled "An act concerning the condemnation of lands, approved May sixteenth, one thousand eight hundred and ninety-four, and the supplement thereto, approved March sixteenth, one thousand eight hundred and ninety-six, are hereby repealed. Repealer.

5. The act entitled "An act concerning the acquiring of lands by condemnation proceedings for public use under and by virtue of any law of this state and the award and appraisement of the value of such lands or real estate and the assessment of damages for the taking thereof," approved May twelfth, one thousand eight hundred and ninety-six, is hereby repealed. Repealer.

6. Nothing herein shall impair or annul any vested rights heretofore obtained under authority of said acts or any of them; and proceedings taken by virtue of any of said acts and pending when this act takes effect, may be carried on to a conclusion under such act notwithstanding this repealer thereof. Vested rights not impaired.

Approved March 20, 1900.

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## CHAPTER 53.

An Act to regulate the ascertainment and payment of compensation for property condemned or taken for public use (Revision of one thousand nine hundred).

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

1. Whenever the proper officers of the state, or of any county, or of any municipal corporation, or of any other corporation, public or private, having power to take land or other property for public use, shall have determined to acquire land or other property pursuant to authority conferred by law and cannot acquire such land or other property by agreement with the owner, whether by reason of disagree- Determination to acquire property.

ment as to the price, or the legal incapacity or absence of the owner, or his inability to convey valid title, or the lack of authority of the party determining to acquire the property to do so by agreement, or by reason of any other cause, the compensation shall be ascertained and paid in the manner directed by this act.

Presentation of petition.

2. The party exercising the right of taking shall present a petition to one of the justices of the supreme court for the appointment of three commissioners to fix the compensation to be paid, which petition shall contain a particular description of the land and property required, and shall set forth the names of the owner and occupant, if any there be, and of the persons appearing of record to have any interest in said property, and the residences of said owners, occupants and persons, if the same can be ascertained, which petition shall be verified by the oath of the engineer or agent of the petitioner.

Notice of hearing.

3. The justice to whom such application is made shall assign, by order, a time and place for the hearing of the petition before himself, or any other justice of the supreme court, not less than ten days after the date of the order, and direct notice thereof, not less than six days, to be given said owners, occupants and persons interested, which notice shall be served upon parties residing in this state, either personally or by leaving at their residence, if known, and where the residence is unknown, or out of the state, notice shall be given and published as the justice shall direct, by publication for not less than one week, and by mailing to parties whose address can be ascertained, and notice given in the manner prescribed by said justice shall be valid and effectual to bind all parties interested in the land or property; the petition and order shall be filed in the office of the clerk of the county where the land or other property lies, and a notice of the pendency of the proceedings, which notice shall name the parties interested and describe the land taken, shall be recorded in the same manner and place and for the same fees as notices of suits pending in chancery, in default whereof persons acquiring an interest in the property pending the proceedings without notice thereof, shall not be bound thereby.

Petition filed with county clerk

When there is uncertainty of title or ownership.

4. Where the title to property is in dispute, all claimants may be made parties, and where it shall appear to the justice that the ownership is in doubt, or that the names of the owners cannot be ascertained, he may direct notice to be pub-

lished, addressed to the unknown owners of the property, which shall be described in the notice, and the notice shall also set forth such statement of the former or last-known owner as the justice may direct, and the publication of such notice in the manner directed shall have the same force and effect as if personally served on such unknown owners.

Appointment of commissioner.

5. Upon the day fixed for the hearing upon said petition, on the filing in the office of the county clerk of evidence satisfactory to the justice before whom the hearing is held that notice has been served or published as required by this act, the said justice shall appoint under his hand three disinterested freeholders, residents of the county where the land or property to be taken lies, commissioners to examine and appraise the said land or property and to assess the damages on at least six days' notice, to be given to the persons interested in the property in such manner as shall be directed by said justice, who shall in the order of appointment fix the date on or before which the commissioners must file their report; the justice may by order for good cause extend the time, and the report shall be made on or before the day limited by said justice; the order of appointment shall be filed in the county clerk's office.

Duty of commissioners.

6. The commissioners, having first taken and subscribed an oath or affirmation faithfully and impartially to examine the matter in question and to make a true report according to the best of their skill and understanding, shall meet at the time and place appointed and proceed to view and examine the land or other property, and make a just and equitable appraisement of the value of the same, and an assessment of the amount to be paid by the petitioner for such land or other property and damage aforesaid, as of the date of the filing of the petition and order thereon, which report shall be made in writing under the hands of said commissioners or any two of them, and filed by them within the time limited by the justice in the office of the clerk of the county in which the land or other property is situated, to remain of record therein; if the report is not made within the time limited, the powers of the commissioners shall cease, and an application may be made to a justice of the supreme court for the appointment of new commissioners on such notice as the justice may direct; in case any commissioner shall die pending the proceedings, or is disqualified, or is unable to act, or shall fail or refuse to act and per-

form the duties of the appointment, the other two commissioners shall proceed to perform the duties of their appointment with the same powers as if all three were acting.

Right to enter upon filing report.

7. Upon the filing of the report of the commissioners, and upon payment or tender of payment of the amount awarded, as hereinafter provided, the petitioner is hereby empowered to enter upon and take possession of said land or other property for the purposes for which the same was authorized to be taken, and the said report, together with the petition and orders, or a copy of said report, petition and orders, certified by the clerk of the county, and proof of payment or tender of the amount awarded shall at all times be considered as plenary evidence of the right of the petitioner to have, hold, use, occupy, possess and enjoy the said land and other property; and the said report, together with the petition and orders, or a copy thereof certified by the clerk of the county, shall be plenary evidence of the right

Right to recover amount of award.

of the owner to recover the amount awarded, with interest and costs, in an action upon contract in any court of competent jurisdiction, in a suit to be instituted against the petitioner after neglect to pay the same for twenty days after the filing of the report, and shall from the time of filing the report be enforceable as a lien upon the property taken and any improvements thereon; and the said justice shall, upon application of either party on reasonable notice, tax and allow such costs, fees and expenses of the commissioners, clerks and other persons performing any of the duties prescribed in this section as he shall think equitable and right, which shall be paid by the petitioner.

Failure to effect settlement.

8. In case the party entitled to receive the amount assessed by the commissioners shall refuse upon tender thereof to receive the same, or shall be out of the state or under any legal disability, or in case several parties being interested in the fund shall not agree as to the distribution thereof, or in case the lands or other property taken are incumbered by any mortgage, judgment or other lien, or in case for any other reason the petitioner cannot safely pay the amount awarded to any person, in all such cases, on petition to the chancellor, to which shall be annexed a copy of the petition in condemnation and of the report of commissioners, the amount awarded may be paid into the court of chancery by order of the chancellor, and shall there be distributed according to law, on the application of any person interested therein;

and written notice given to the owner or owners and to persons interested that such money has been so paid into court shall have the same effect as if the money so awarded had been actually tendered to the owner or persons entitled thereto, and where notice cannot be personally served, notice by advertisement, in such manner as the chancellor shall direct, shall have the same effect.

Right of appeal.

9. In those cases where an appeal has been or may be given by the statute conferring the power to take land or property for public use, the petitioner or the owner of any of the land or other property may appeal from the report of the commissioners to the circuit court of the county wherein the land or other property may be; the appeal shall be taken within ten days after the day limited by the order of the justice as the day on or before which said report shall be filed; the appeal shall be made by notice, filed with the clerk of said circuit court, which appeal and notice served as hereinafter provided 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 to be framed between the parties and to order a jury struck and a view of the premises to be had.

Proceedings, upon whom binding.

10. The proceedings necessary in carrying out said appeal and for the trial and final disposition thereof, and in error or review, shall be sufficient and binding on all the owners and parties interested, known or unknown, named or designated in the petition for the appointment of commissioners if carried on only by or against the persons in possession of the property and against such others, if any of the persons designated in the petition as shall have appeared personally or by attorney before the commissioners, and all notices on the appeal or subsequent proceedings aforesaid shall be sufficient if served upon said persons in possession, and others, if any, who shall have appeared before the commissioners or their attorneys, but parties who have not so appeared may be admitted to participate therein on application to the court in which proceedings may be pending.

Notice of appeal, upon whom served.

11. The notice of appeal shall be served by the party appealing within ten days after the filing thereof, or within such further time as the judge of the circuit court may for good cause grant, by giving a copy thereof to each person entitled to notice, or by leaving such copy at his residence if he resides in the state, or by service upon his attorney, if

any, who shall have appeared for him before the commissioners, or any other attorney authorized to appear for him, and in case of a corporation, service may be made on such attorney or on any officer or agent upon whom a summons in an action at law against the corporation may be served; where it shall appear by affidavit that any person or corporation, being a party to the proceedings and entitled to notice, is a non-resident of the state, or cannnot be found therein to be served, or that his residence is unknown, in such case notice shall be given by publication in such manner as a judge of the court to which the appeal is taken may direct; the notice of appeal shall set forth that an appeal has been taken from the award of the commissioners, and shall specify the time and place when and where the appellant will apply to the circuit court, or a judge thereof, to frame the issue and to fix a day for striking a jury and a day for the trial of the appeal, which time named for said application shall be not less than five days from the date of service of the notice, and the court or judge may by order change the time or place on the application of either party and direct what notice of the change shall be given to the other party.

Appeal tried by struck jury.

12. The said circuit court, or any judge thereof, at the hearing under said notice, and on application of either party, shall fix a day for the trial of the appeal, either in term or vacation, which day shall not be less than twenty nor more than forty days from the date of the order, and shall also, at the same time, by order, frame the issue between the parties and direct a jury to be struck and a view of the premises and property to be had, and shall fix a day and place for striking a jury for the trial, which day shall be at least ten days before the day fixed for the trial of the appeal, and the filing of the order shall be notice to all parties of the day and place fixed thereby for the striking of the jury and of the trial, and the jury having been struck and the jurors summoned, as required by law, the cause shall be tried upon the day and at the place fixed, unless, for good cause shown, the court shall adjourn the trial to another day which the court shall fix, in which case the court shall, in its discretion, either direct the same jurors to attend or order another jury to be struck and summoned in like manner, and all parties shall take notice of the day and place fixed for the adjourned trial.

13. The issue shall be tried in the same manner as other issues in said court are tried, and the jury shall assess the value of the said land or other property and the damages sustained; and if they shall find a greater sum than the commissioners awarded, then judgment, with costs, shall be entered against the petitioner and execution awarded therefor; but if said jury shall be applied for by the owner and shall find a less sum than the commissioners awarded, then costs shall be paid by said appellant and either deducted out of said sum found by the jury or execution awarded therefor, as the court shall direct. Issue, how tried.

14. The taking of an appeal by either party shall not prevent the petitioner from taking the land or other property upon filing the report of the commissioners and making tender and payment or payment into court, as above provided, of the award at any time before the verdict of the jury on appeal, and the party entitled to receive the award may receive the same without being barred thereby from his appeal; upon the finding by the jury, the amount so found or so much thereof as shall not have been paid, shall be tendered and paid or paid into court in like manner as above provided for the payment of the award, and if possession shall not have been taken before the finding by the jury, then the petitioner, upon payment as aforesaid or payment into the court of chancery of the amount due as found by the jury, may enter upon and take possession of the said lands or other property; the persons entitled to receive payment of the amount found by the jury may have execution therefor, and shall also be entitled to the same lien and remedies as are above provided for the collection of awards of commissioners. Appeal not to prevent taking property.

15. Nothing in this act contained shall limit or restrict any right to enter upon and take property in advance of making compensation therefor, which has been or may hereafter be granted to any municipal corporation, or to the state, or to the authorities of the county, or to any other of the public agencies of the state; any proceeding to condemn taken under this act may be abandoned at any time within twenty days after the filing of the report of the commissioners, upon payment to the owners and other parties who have appeared before the commissioners of their reasonable costs and expenses to be determined by a justice of the Right to enter not restricted.

Proceedings may be abandoned.

New Jersey State Library

supreme court, and upon filing a discharge of the lien of the notice of lis pendens.

Order reviewable on writ of certiorari.

16. The order of the justice of the supreme court appointing commissioners may, on a proper case made therefor, be reviewed on writ of certiorari; the writ shall not of itself operate as a stay of proceedings, but the justice allowing the writ, or the court, may, by order on notice and hearing, stay the taking of possession of the land or other property after the award and payment, and, if possession is permitted, may limit and prescribe the uses to which the property may be applied, pending the suit on certiorari.

Certain amendments allowable.

17. The justice of the supreme court, upon any hearing before an appeal is filed, and the circuit court thereafter, shall make such further orders and direct such further proceedings and permit such amendments of the description, proceedings and plans as may appear reasonable or as may promote the public purposes for which the power to condemn was conferred, or the fair trial of the issue on the merits; and the practice prescribed by this act shall supersede the existing practice in all condemnation cases for the ascertainment of compensation, except in cases of the taking of land for a public improvement where payment of the award for land taken and damages is authorized by statute to be set off against or made wholly or partially in benefits to be assessed for the same improvement, in which cases the procedure prescribed by this act shall not be exclusive of the procedure authorized by such statutes, and the municipal corporation or other public body taking land for a public improvement may elect to proceed under such statute, and on such election the procedure prescribed by this act shall not apply to such taking.

When this act not to apply.

Repealer.

18. All acts or parts of acts, general, special, public and private, inconsistent with the provisions of this act shall be and are hereby repealed, but proceedings pending when this act takes effect shall not be affected by this repealer.

Pending actions not affected.

19. This act shall take effect immediately.

Approved March 20, 1900.

## CHAPTER 54.

A Supplement to an act entitled "An act concerning the sinking fund of this state," approved March eleventh, one thousand eight hundred and ninety-one (General Statutes, page 3186).

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

Governor authorized to sell certain property.

1. The governor of this state, for the time being, be and he is hereby empowered and directed to sell to any purchaser or purchasers, any real estate, land and premises heretofore conveyed or that may hereafter be conveyed to the state of New Jersey, in satisfaction of any mortgage held thereon by the state treasurer as successor to "the commissioners of the sinking fund of New Jersey"; and to execute in the name of the state of New Jersey, and acknowledge and deliver to such purchaser or purchasers, a good and sufficient deed therefor, in fee; *provided*, that the price and terms of payment therefor shall be approved in writing by said state treasurer, and that the whole purchase-money, or securities therefor, shall be paid to or executed and delivered to the said state treasurer, and shall be assets and securities of the sinking fund.

Proviso.

2. This act shall take effect immediately.

Approved March 20, 1900.

## CHAPTER 55.

An Act to amend an act entitled "A further supplement to an act entitled 'An act to enable cities in this state to furnish suitable accommodations for the transaction of business,' title as amended, approved April fifteenth, one thousand eight hundred and eighty-seven."

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

Section amended.

1. Section one of the said act be amended so as to read as follows:

Amount of bonds issued.

1. No bonds shall be issued under the provisions of said act and the supplements thereto, and acts amendatory thereof, beyond the amount of four hundred thousand dollars except in cities of the first class where bonds may be issued for the purposes of said acts to an amount not exceeding one million five hundred thousand dollars; said bonds shall be issued at a rate of interest not exceeding four per centum per annum and shall be sold at public sale for not less than par and accrued interest, and shall be payable at a period not more than thirty years from their dates respectively; and

Payment of bonds.

it shall be the duty of the common council or other governing body of such city to provide annually in the tax ordinance of such city for raising by taxation therein a sufficient sum to pay the interest falling due on such bonds, as it accrues, and in addition thereto a sum equal to at least two per centum of the par value of said bonds as a sinking fund for the payment and redemption thereof when due, and that the amount annually raised for such sinking fund be paid over to the commissioners of the sinking fund of such city, where such commissioners exist, for this purpose, and that any premium which may be obtained upon the sale of such bonds shall be paid over to the said sinking fund commissioners for the same purpose.

Section amended.

2. Section two of the said act be amended so as to read as follows:

2. In cities of the first class the total expenditure for the purchase of lands, erection of buildings, furnishing and equipment thereof ready for occupancy by the various departments of the city, and all expenditures connected therewith, may equal but shall not exceed the sum of one million five hundred thousand dollars in addition to any amount derived from the sale of building and grounds as provided in the acts to which this is a further supplement, and in addition to any interest on the said funds that may be received by the said commissioners. Total expenditures.

3. All moneys appropriated and raised in any manner for the purpose of erecting a new city hall shall be deposited in the city treasury to the credit of the new city hall fund, and shall be drawn therefrom as other public moneys are drawn therefrom upon warrant signed by the chairman of said commission and the clerk thereof, and approved by the mayor of such city and countersigned by the auditor of accounts. Deposit of money.

4. The said commissioners shall have power to loan temporarily, at such rate of interest and upon such security and securities as they may approve, any and all moneys to the credit of the new city hall fund in the office of the city treasurer, and all interest moneys so received shall be added to and become part of the funds for erecting and furnishing such city hall. Temporary loans.

5. This act shall take effect immediately.

Approved March 20, 1900.

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## CHAPTER 56.

Supplement to an act entitled "An act to authorize the establishment of free public libraries in cities of this state," approved April first, eighteen hundred and eighty-four.

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

1. If the board of trustees of the free public library in any city in this state shall have failed to certify to the board Lawful to file certificate after time has elapsed.

having control of the finances in such city the total amount necessary for the purchase of land and the erection of buildings thereon, within the time provided by law, it shall be lawful for such trustees to hereafter file such certificate with such board, or to amend any certificate heretofore filed so that the same shall show the amount of money necessary for the purchase of lands and the erection of buildings, which certificate or amended certificate shall have the same force and effect as if made within the time prescribed by the act to which this is a supplement.

2. This act shall take effect immediately.

Approved March 20, 1900.

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## CHAPTER 57.

An Act to incorporate the borough of Metuchen, in the county of Middlesex.

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

Corporate name.

1. The inhabitants of that portion of the township of Raritan, in the county of Middlesex and state of New Jersey, hereinafter set forth and described, are hereby constituted and declared to be a body politic and corporate by the name of the borough of Metuchen, and shall be governed by the general laws of this state relating to boroughs.

Boundaries.

2. The boundaries of said borough shall be as follows: Beginning at a point in the center line of the county road called Middlesex avenue, distant northeasterly sixteen hundred feet from the intersection of said center line with the center line of the right of way of the Port Reading Railroad Company; thence (1) westerly parallel with said center line of the Port Reading Railroad Company to the center line of the right of way of the Easton and Amboy Railroad Company; thence (2) southerly to a point in the center line of said Middlesex avenue, distant southwesterly eight hundred feet from the intersection of said center line with the center line of Bridge street, as shown on the map of Metuchen, dated anno domini

one thousand eight hundred and seventy-six, made by Peter Sours; thence (3) southeasterly to the point where the center line of the Bonhamtown branch of the Pennsylvania railroad intersects the center line of Whitman avenue as laid out in the year one thousand eight hundred and ninety-eight; thence (4) easterly to a point in the center line of Main street, distant southerly three hundred feet from the intersection of the said center line with the southerly line of Cedar street as shown on said map; thence (5) easterly and parallel with the southerly line of Cedar street and three hundred feet distant therefrom, for a distance of eight hundred feet; thence (6) northeasterly to a point in the center line of Woodbridge avenue, distant easterly fifteen hundred feet from the point of intersection of said center line with the center line of Grove avenue as shown on said map; thence (7) northerly parallel with said Grove avenue to the southerly line of land of the Pennsylvania Railroad Company; thence (8) easterly along said line to the intersection thereof with the center line of the route of the Port Reading Railroad Company; thence (9) northerly to the place of beginning.

3. This act shall take effect immediately.

Approved March 20, 1900.

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## CHAPTER 58.

An Act concerning county roads.

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

Agreement with railway company relative to improvements.

1. Wherever in any county of this state any county road is not built and improved to the authorized or full width thereof, and the same now is or hereafter may be used by any street railway company, and in the judgment of the board of chosen freeholders of such county it is desirable that such road should be built and improved to the full width thereof, for the accommodation of public traffic, such board of chosen freeholders may build and improve such road to the full width thereof; and may also enter into an

rageement with such railway company, whereby said company, in consideration of said work being undertaken, will agree to pay a portion of the cost thereof.

Contract let.

2. Where the cost of such improvement shall exceed the sum of one thousand dollars, bids shall be invited for the performance thereof by publication in one or more newspapers in such county, for two weeks prior to the time appointed for receiving the same; and the contract shall be awarded to the lowest responsible bidder, who shall furnish good and sufficient security for the performance thereof, to the satisfaction of such board.

Contract, with whom made.

3. The contract for such work may be made between such board of chosen freeholders and the successful bidder, in which event such railway company shall execute an agreement to pay its proportion from time to time to such board, as the payments mature; or the contract may run in the names of the board, the railway company and the successful bidder, whereby the said board and such railway company shall each agree to pay directly to the contractor its share or portion of the cost.

Rights of railway not increased.

4 By executing such agreement with such railway company, such railway company shall not acquire any superior rights in such road, nor any further or other rights than it possesses at the time of the execution of such agreement, or such board may by law have power to grant.

Costs of improvement, how met.

5. In order to raise the funds necessary to pay the cost of such improvement, or its share thereof, such board of chosen freeholders, if it has not in hand funds available for such purpose, may issue bonds therefor; said bonds to run for a period not exceeding ten years, to bear interest at not exceeding five per centum, and shall be sold at public sale, but for not less than par and accrued interest, and to be executed in the manner that bonds of such county are usually executed.

Principal and interest met.

6. Such board shall place in the tax levy for each year during the period of such bonds sums sufficient to pay the interest thereon as well as the principal thereof at maturity.

7. This act shall take effect immediately.

Approved March 20, 1900.

## CHAPTER 59.

An Act to amend an act entitled "An act to protect the owners of bottles, boxes, siphons, tins, kegs or other articles used in the sale of soda waters, mineral or aerated waters, porter, ale, beer, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, white beer or other beverages, or medicines, medical preparations, perfumery, oils, compounds or mixtures," approved April eighth, one thousand eight hundred and ninety-eight.

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

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

4. Any person offending against the provisions of this act shall be punished by a fine of not less than five nor more than twenty-five dollars, together with the costs of such conviction, where costs are taxable, or by imprisonment for a term not less than ten days or more than six months, or by both fine and imprisonment, at the discretion of the court or magistrate before whom the offense shall be tried. Penalty.

2. This act shall take effect immediately.

Approved March 20, 1900.

## CHAPTER 60.

An Act empowering the common council or other board having charge of the finances of any municipality in this state to fix the rate of discount to be allowed for the prompt payment of taxes in such municipality.

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

Discount for prompt payment.

1. It shall be lawful for the common council, board of aldermen or other board having charge of the finances of any municipality in this state by resolution or ordinance to fix the rate of discount to be allowed for the prompt payment of taxes in such municipality.

Repealer.

2. All acts or 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, 1900.

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## CHAPTER 61.

An Act regarding the tenure of office or position in the service of the counties of this state of honorably-discharged union soldiers, sailors and marines who served in the war of the rebellion.

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

Tenure of office of soldiers, &c.

1. Every honorably-discharged union soldier, sailor or marine, who served in the war of the rebellion, now holding any office or position in the service of any county in this state shall continue to hold the same during good behavior, as long as such office or position shall legally exist, notwith-

standing his election or appointment may have been for a fixed term; and every election or appointment to an office or position in the service of any county of this state of an honorably-discharged union soldier, sailor or marine who served in the war of the rebellion shall hereafter be during his good behavior for as long as such office or position shall legally exist; *provided*, that this section shall not apply to constitutional or statutory offices or positions with fixed terms. Proviso.

2. No honorably-discharged union soldier, sailor or marine who served in the war of the rebellion shall be removed from any office or position in the service of any county of this state for political reasons nor except for good cause shown after a fair and impartial hearing or reasonable notice on charges preferred, a copy of which shall be served upon him; and at the hearing the accused shall have the right to produce witnesses and testimony in his own behalf, and, if he so elect, to be represented by counsel. Removal from office.

3. It shall not be lawful for the purpose of terminating the service of an honorably-discharged union soldier, sailor or marine who served in the war of the rebellion, to abolish, change the name or title of or reduce the emoluments of any office or position under the government of any county of this state held by such honorably-discharged union soldier or marine. Unlawful to abolish, &c., office.

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

Approved March 20, 1900.

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## CHAPTER 62.

An Act to promote the establishment and efficiency of free public libraries.

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

1. The governor, within thirty days after the passage of this act, shall appoint five persons, residents of this state, who shall constitute a public library commission; such ap- Public library commission; appointment, terms, &c.

pointment, if made during the session of the legislature, shall be with the advice and consent of the senate; one member of said commission shall be appointed for a term of five years, one for four years, one for three years, one for two years and one for one year, who shall hold office until their successors are appointed; annually hereafter, within thirty days after the assembling of the legislature, the governor, with the advice and consent of the senate, shall appoint one member of said commission for a term of five years; all vacancies on said commission, other than by expiration of term, shall be filled by the governor for the remainder of the unexpired term, within thirty days after notice thereof shall be given to him in writing; and all such appointments to fill vacancies, if made during the session of the legislature, shall be with the advice and consent of the senate; said commission shall make a report of its doings to the legislature in January of each year.

Compensation; expenditures.

2. No member of said commission shall receive any compensation; but said commission, for its necessary traveling and other incidental expenses, and for clerical assistance in the discharge of its duties, may expend a sum not exceeding five hundred dollars annually, in addition to the expenditures hereinafter provided; all sums expended, under the provisions of this act, shall be paid from the state treasury, after the bills therefor have been approved by the commission, and sent to the state comptroller, who shall audit and certify the same to the state treasurer.

Advice sought and given.

3. The librarian or trustees of any free public library in this state, or any person or persons desirous of organizing a free public library, may ask said commission for advice in regard to the selection of books, the cataloguing thereof, and any other matters pertaining to the establishment, maintenance or administration of such library, and the commission shall give such advice in regard to such matters as it shall find practicable.

Donations.

4. Said commission is hereby authorized to donate to any free public library under municipal control in this state, upon the application of its board of trustees, a sum or sums not exceeding in the aggregate one hundred dollars, for books for such library; *provided*, that the board of trustees of such free public library shall first satisfy said commission that they have set apart from the funds of such free public library an equal sum of money to be expended for the pur-

Proviso.

chase of books for such library; *and provided further*, that the provisions of this section shall not apply to any free public library having upwards of five thousand books. Proviso.

5. Said commission shall not incur any debt or make any donation or expenditure exceeding in the aggregate the appropriation made for its use from time to time by the legislature of this state. Must not exceed appropriation.

6. This act shall be deemed a public act and shall take effect immediately, and that all acts and parts of acts inconsistent herewith be and the same are hereby repealed. Repealer.

Approved March 20, 1900.

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## CHAPTER 63.

A Supplement to an act entitled "An act to provide for the acquirement of turnpike roads for free public use," approved May eleventh, one thousand eight hundred and ninety-seven.

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

1. The pay of the commissioners heretofore or hereafter appointed under said act shall be a sum not exceeding five dollars per day, and necessary expenses not exceeding two dollars per day, for actual number of days employed in such service. Compensation.

2. If the freeholders of the county or counties fail to accept the turnpike roads appraised under the act to which this is a supplement within twelve months after the commission have submitted their award to the state road commissioner, the bill of said commissioners, upon the approval of the state road commissioner and the signature of the governor, shall be presented to the comptroller of the state, who thereupon shall draw his warrant therefor upon the state treasurer, who shall pay the same out of the annual state appropriation for roads. Settlement when road not accepted.

3. This act shall take effect immediately.

Approved March 20, 1900.

## CHAPTER 64.

An Act relating to boards of education in cities of the first class of this state, and defining their powers.

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

Superintendent of erection and repairs.

1. Hereafter boards of education in cities of the first class shall have power and authority, by the vote of a majority of its members, to appoint its superintendents of erection and repairs for said board, prescribe their duties, determine their compensation and fix their term of office, not to exceed five years, and by a like vote may remove them during their term for cause.

2. This act shall take effect immediately.

Approved March 20, 1900.

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## CHAPTER 65.

A Supplement to an act entitled "An act for the better regulation and control of the taking, planting and cultivating of oysters on lands lying under the tidal waters of the Delaware bay and Maurice river cove, in the state of New Jersey," approved March twenty-fourth, eighteen hundred and ninety-nine.

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

Section amended.

1. Section eighteen of the act entitled "An act for the better regulation and control of the taking, planting and cultivating of oysters on lands lying under the tidal waters of the Delaware bay and Maurice river cove, in the state of New Jersey," approved March twenty-fourth, eighteen hun-

dred and ninety-nine, be and the same is hereby amended so as to read as follows:

Oysters, &c., where and when culled.

18. All oysters, oyster shells and other material dredged, tonged, or in any manner raised or taken from any of the beds and grounds north of said "southwest line," or from any natural oyster bed or ground where oysters naturally spawn and grow under the waters of Delaware bay and Maurice river cove, in this state, shall be culled as soon as the same are emptied out of the dredges on the deck of the boat or vessel employed for the purpose, and before the same are shoveled back from that portion of the deck used for emptying the dredges; and all shells and other material, except oysters, shall be immediately thrown back upon the beds or ground from which the same shall have been taken; and any person or persons who shall neglect or refuse to cull as aforesaid all such oysters, oyster shells and other material so closely that a three bushel measure filled from any portion of his or their deck load of oysters, after the same shall have been shoveled back from that part of the deck used for emptying the dredges aforesaid, shall contain more than fifteen percentum of shells and other material, shall be deemed guilty of a misdemeanor; when the master, commander, captain or person in charge of any boat, vessel or other craft, licensed under the provisions of which this is a supplement, is hailed or signalled by any officer of the state oyster commission and refuses to round to and permit any officer or officers of said state oyster commission to board said boat, vessel or other craft and examine the oysters, oyster shells, and other material on such boat, vessel or other craft as aforesaid, the said oyster commission shall have power to revoke the license of the boat, vessel or other craft so refusing as aforesaid.

Disposition of shells, &c.

When license may be revoked.

Repealer.

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

3. This act shall take effect immediately.

Approved March 20, 1900.

## CHAPTER 66.

An Act to enable the governing body of any city in this state to sell lands which have been dedicated or granted to such city, for the use of such city, or of the inhabitants thereof, and vest title in the purchaser thereof in fee.

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

Chancellor may order certain lands belonging to a city sold.

1. Where lands have been dedicated or granted to any city of this state, for the use of such city, or for the use of the inhabitants thereof, whether in trust or otherwise, and the governing body of such city deem it impracticable or inadvisable to use the same for any public or municipal purpose and to the advantage of such city, and to its citizens, to sell the said lands, and shall make representation thereof to the chancellor of this state and apply for an order to sell the same, the chancellor may in a summary manner, by reference to a master or otherwise, inquire into the merits of such application; and if it shall appear to the chancellor that it would be to the advantage of such city to sell said lands, the chancellor may order and direct that said lands be sold to such person or corporation as will purchase the same.

Sale and price.

2. Such sale shall be either public or private, and at a price to be fixed by said governing body; the same shall be authorized and fixed by resolution, which shall require a two-thirds vote of such governing body for its adoption, and shall be approved by the mayor of such city; such sale shall be reported on oath or affirmation to the chancellor to be approved by him before a conveyance shall be executed.

Lands transferred by deed.

3. Upon the passage of such resolution, adopted and approved as aforesaid, and the approval of such sale by the chancellor, a deed shall be given for such lands, which shall be signed by the mayor of such city, and attested by the city clerk and the common seal of such city shall be thereunto affixed, which deed shall convey to such purchaser all the right, title and interest of said city to such lands in fee, and

shall be delivered to such purchaser by the treasurer of such city, upon payment to him of the purchase money so fixed upon by said governing body.

What lands may not be sold.

4. Nothing herein contained shall authorize the sale of any lands which have been dedicated or granted to such city for streets, parks or for the erection of municipal buildings thereon, or lands that lie adjacent to any municipal buildings.

5. This act shall be a public act and shall take effect immediately.

Approved March 20, 1900.

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## CHAPTER 67.

### An Act concerning corporations.

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

Certain purported consent legalized.

1. Whenever as a condition precedent to the incorporation of a company under the laws of this state the consent in writing of the corporate authorities of any municipality in this state was required, and what purports to be such consent has been heretofore attached to the certificate of incorporation of such company over the corporate seal of such municipality and the signature of the mayor or other chief officer thereof, and thereunder said company was organized prior to January first, one thousand eight hundred and ninety-seven, and proceeded with the objects and purposes named in the act under which it is incorporated, that such purported consent shall be deemed and taken to be the consent of such municipality notwithstanding any informality, defect or failure in taking the municipal action authorizing such consent.

2. This act shall take effect immediately.

Approved March 21, 1900.

## CHAPTER 68.

An Act to exempt from taxation the property of armory associations.

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

Property of armory associations exempt from taxation.

1. The real and personal property of any incorporated armory association composed entirely of members of the national guard of this state, shall be exempt from all state, county and municipal taxation as long as such property is owned by such armory association and is used for armory purposes; *provided, and only on condition,* that any and all income derived from said property or any part thereof, after paying the actual and legitimate expenses of maintaining and keeping the same in repair, be appropriated to and used exclusively for such armory and national guard purposes as the state supports in whole or in part by its appropriations.

Proviso.

2. This act shall take effect immediately.

Passed March 21, 1900.

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## CHAPTER 69.

An Act to prevent the introduction into the state of New Jersey of communicable diseases by maritime vessels or maritime traffic.

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

To prevent communicable diseases being introduced.

1. No vessel infected with any communicable disease, and no vessel on board of which there may be any person, baggage, merchandise or materials infected with any communicable disease, shall be brought to any wharf in the state of

New Jersey, and no person, baggage, merchandise or materials being so infected, or being on any vessel so infected, shall land or be landed at any place in this state, until a permit therefor shall have been granted in the manner required by the local board of health of the sanitary district within which it may be intended to bring such vessel to wharf, or within which it may be intended to land therefrom any such person, baggage, merchandise or materials; such permit shall not be granted until after such vessel, and the persons, baggage, merchandise and other materials thereon, shall have been examined, cleansed, ventilated and purified, and such quarantine period shall have been observed, as the regulations or special order or orders of the board of health of the state of New Jersey may require, which regulations and special orders said state board is bereby authorized to make and prescribe; any master or commander of any vessel who shall violate any of the provisions of this section, and every person who shall violate any of said provisions or aid in the violation thereof, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding three thousand dollars, or by imprisonment not exceeding the term of one year, or both, in the discretion of the court before whom the conviction may be had; *provided, however,* that this section shall not apply to any vessel, or any person, baggage, merchandise or materials on board of any vessel, whose master or commander shall obtain a permit to land persons, baggage, merchandise and other materials, from any local board of health in this state under the provisions of the second section of this act, nor to any vessel, or any person, baggage, merchandise or materials on board of any vessel, coming into any port or place in the state of New Jersey where a health officer appointed by the board of health of the state of New Jersey under the provisions of the third section of this act may then be holding office.

When permit issued.

Penalty for violation.

Proviso.

2. No vessel coming from any foreign or domestic port, which shall pass any quarantine station, located at City Island or elsewhere in Long Island sound, or at Fort Wadsworth or elsewhere in New York bay, whose master or commander shall have obtained a written permit from the proper officer at any of said quarantine stations to proceed with his vessel to any place in the state of New Jersey, shall be brought to any wharf in this state, and no passenger, bag-

Quarantine permit must be deposited with local board of health.

gage, merchandise or other materials on board of any such vessel shall land or be landed at any place in this state, until such master or commander shall have deposited such permit at the office of the local board of health of the place of destination named in the permit, which deposit shall be made within twenty-four hours after receiving such permit, nor until said master or commander shall have received a permit to land said passengers, crew, baggage, merchandise and other materials, which permit shall be granted in the manner required by said local board of health; if said local board, or the officer acting for it, shall have no reason to believe that said vessel, or any of the persons, baggage, merchandise or materials thereon, is or are infected with any communicable disease, a permit to land said persons, baggage, merchandise and materials shall be granted forthwith upon the deposit of the permit issued by any quarantine officer as aforesaid, but if said local board, or the officer acting for it, shall have reason to believe that said vessel, or any person, baggage, merchandise or materials thereon, is or are infected with any communicable disease, then no permit to land shall be granted except subject to such regulations and special orders as may be prescribed or given by the board of health of the state of New Jersey; any master or commander of any vessel who shall violate any of the provisions of this section, and every person who shall violate any of said provisions or aid in the violation thereof, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding three thousand dollars, or by imprisonment not exceeding the term of one year, or both, in the discretion of the court before whom the conviction may be had; *provided, however*, that this section shall not apply to any vessel, or any person, baggage, merchandise or materials on board of any vessel, coming into any port or place in the state of New Jersey where a health officer appointed by the board of health of the state of New Jersey under the provisions of the third section of this act may then be holding office.

When permit to land immediately may be issued.

Detention.

Penalty for violation.

Proviso.

3. The governor of this state shall from time to time appoint a physician in good and regular standing as "health officer of the port of Perth Amboy," who shall hold office for the term of five years from the date of his appointment and have the powers, perform the duties and be entitled to demand and receive the fees in this act prescribed; and

Health office of port of Perth Amboy.

whenever, in any time of threatened epidemic or injury to the public health of this state, the board of health of this state shall consider that a health officer should be temporarily appointed for any other port or maritime place in this state, said state board may appoint a competent person as such health officer, who shall hold office during the pleasure of said state board, shall exercise all the powers conferred upon, and perform all the duties required of, local boards of health by the first and second sections of this act, shall wholly supersede the local board of health having jurisdiction of the place for which he may be appointed in the exercise of such powers and the performance of such duties, and shall be entitled to demand and receive the fees prescribed by this act; said state board shall also have the power from time to time to adopt, alter and amend regulations prescribing the manner and form in which local boards and health officers appointed as aforesaid shall exercise the powers conferred upon and perform the duties required of them by this act, to require from said local boards and health officers such reports from time to time as it may deem expedient, and to revoke, modify, supplement or supersede any order given or act done under the provisions of this act by any local board of health or health officer by such other order or orders as the said state board may deem the necessities of any particular case to require.

Temporary health officers.

Power to alter, &c., regulations.

4. Every vessel which, between the first day of March and the first day of December in any year, or within any other time in any year designated by resolution of the board of health of the state of New Jersey, shall come from any port in the United States south of Cape Henlopen, or from any West India, Bahama or Bermuda island port, or from any port or place where any communicable disease exists, into that portion of the waters of this state known as Raritan bay or Sandy Hook bay south of a straight line extending from Ward's point to the northerly extremity of Sandy Hook, and every vessel at any time coming into said waters on board of which any person shall have died while at any port in the United States south of Cape Henlopen or at any foreign port, or while between any such port and said Raritan bay or Sandy Hook bay, or on board of which there are contained any baggage, merchandise or materials by which any communicable disease may be introduced into

Concerning vessels coming from southern ports, &c.

this state, or on board of which the health officer of the port of Perth Amboy shall have reason to believe that any person or persons may be sick with any communicable disease, or on board of which such health officer shall have reason to believe there may be any baggage, merchandise or materials by which any communicable disease may be introduced into this state, shall come to anchor at some place designated by said health officer of the port of Perth Amboy, which anchorage place shall be southward of a straight line extending from the south ferry wharf in Perth Amboy to the house on Staten island formerly of Caleb Ward, as well as southward and eastward of a straight line extending from the said south ferry wharf to the most easterly wharf of South Amboy; and any master or commander who shall refuse, neglect or fail to bring to anchor at the place designated as aforesaid any such vessel as aforesaid, of which he may be master or commander, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding three thousand dollars, or by imprisonment for a term not exceeding one year, or both, in the discretion of the court before whom the conviction may be had.

Penalty for violation.

Duty and power of health officers.

5. Whenever any vessel subject to the provisions of the next preceding section of this act shall arrive at any anchorage place designated as aforesaid, it shall be the duty of the health officer of the port of Perth Amboy and he shall have the power, subject to such regulations and special orders as the board of health of the state of New Jersey may from time to time make or prescribe, to visit said vessel and examine into the sanitary conditions thereof, and of all persons, baggage, merchandise and materials on board thereof; to order such vessel, and all baggage, merchandise and materials on board thereof, to be cleansed, ventilated and purified under his supervision and direction, and to that end to require such vessel to be unloaded; to order such vessel to be detained at quarantine for such period after the vessel, and the baggage, merchandise and materials on board thereof, shall have been so cleansed, ventilated and purified, as the regulations or any special instruction of the board of health of the state of New Jersey may require; to prescribe quarantine stations for vessels; to prohibit and prevent communication with infected vessels; to detain and isolate all infected persons; to grant

permits to land passengers, crews, baggage, merchandise and other materials; to grant permits to discharge cargoes into lighters or otherwise; to release vessels from quarantine; and to give such other orders as he may deem necessary for the prevention of the introduction into this state of any communicable disease; it shall be the duty of the master or commander, or any other person in charge, of any vessel concerning which, or concerning the persons, baggage, merchandise or other materials on board of which, any such order may be given by said health officer, or by the board of health of the state of New Jersey, to cause the order to be forthwith obeyed; and any master or commander, or other person in charge of any such vessel, who shall refuse, neglect or fail to perform such duty, and any master, commander or other person who shall violate any order or permit given as aforesaid, and every person who shall aid in any such violation, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding three thousand dollars, or by imprisonment for a term not exceeding one year, or both, in the discretion of the court before whom the conviction may be had.

Penalty for not complying with order.

6. Every health officer appointed as aforesaid is hereby authorized to ask, demand and receive, from the master or commander of any vessel in respect of which any of the duties prescribed by this act shall be performed, the following fees: For examination of every vessel from a foreign port, five dollars; for examination of every vessel from any port in the United States south of Cape Henlopen, if a steamer, three dollars, and if other than a steamer, one dollar; for medical examination of every one hundred, or fraction of one hundred, steerage passengers upon transatlantic vessels, two dollars; for each permit granted for the landing of persons, baggage, merchandise and other materials, or discharging cargoes, and every release of a vessel from quarantine, twenty-five cents; for sanitary inspection of every vessel after the discharge of cargo or ballast, ten dollars; for disinfection of every vessel from an infected port, and of every vessel that shall require disinfection by reason of exposure to infection or contagion, fifty dollars; and for vaccination of persons on board of any vessel on which smallpox has developed during the voyage, each twenty-five cents; each health officer appointed as aforesaid shall keep a record of all fees received by him under the provisions of this act,

Fees allowed health officers.

Record kept.

and if in any calendar year the total amount of fees so received by the health officer of the port of Perth Amboy shall be less than one thousand two hundred and fifty dollars, he shall, on presenting to the board of health of the state of New Jersey an itemized statement of the fees received by him for such year, duly verified by his affidavit, be entitled to receive out of the moneys appropriated to said board for payment to said health officer (if any such appropriation for such payment be made) a sum sufficient to raise his compensation for services during such year to the sum of one thousand dollars, and to pay to one deputy health officer of said port the sum of two hundred and fifty dollars.

Compensation.

Deputies.

7. The said health officer of the port of Perth Amboy is hereby authorized to appoint one or more deputies who, in the absence of such health officer, shall exercise the powers and perform the duties of the health officer; but before the appointment of any such deputy shall become effective, such appointment shall be approved by the secretary of the state board of health; every such deputy shall hold office during the pleasure of the health officer, subject, however, to the revocation of his appointment at any time by the state board of health or by its secretary; said health officer shall compensate every such deputy for his services out of the fees allowed by this act.

Power of local board of health in certain instances.

8. The local board of health of any place in this state, excepting the local board of health of any place for which a health officer may be holding office under the provisions of the third section of this act, shall have power, whenever in its judgment the protection of the public health requires such action, to order the master or commander of any vessel within its jurisdiction to remove such vessel to some quarantine station or other place of safety to be designated by said board, and to order all persons, baggage, merchandise and materials which have been landed from such vessel to be seized and returned to said vessel or taken to some other place of safety to be designated by said board; if such master or commander cannot be found, or if he shall refuse or neglect forthwith to obey any such order, said local board may employ such assistance as may be necessary to effect such removal; and said master or commander shall not thereafter bring such vessel to any landing place within the limits of the jurisdiction of said local board, or land any person, baggage, merchandise or materials from such vessel

at any place within said jurisdiction, until a permit therefor shall have been granted by said local board; any master or commander who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding three thousand dollars, or by imprisonment not exceeding the term of one year, or both, in the discretion of the court before whom the conviction may be had.

Penalty for non-compliance.

9. All expenses incurred by, and all fees becoming due to, any health officer or any local board of health, or any of their employees, for services rendered or duties performed under the provisions of this act, or under any regulations prescribed by the state board of health, shall be paid by the master, commander or owner of the vessel in relation to which such duties shall be performed or services rendered; and every health officer, local board of health and employee to whom any moneys shall be due on account of any such expenses or fees shall have a lien for the amount thereof, and for all costs of suit and such counsel fee for the plaintiff as the court in its discretion may allow, upon such vessel, its tackle, apparel and furniture, and if payment be not forthwith made on demand therefor, such lien may be enforced by a suit in admiralty, or other proper suit, in any court of competent jurisdiction.

Expenses and fees, by whom paid; lien on vessel, &c.

10. The following acts are hereby repealed: "An act to provide for the security of the citizens of this state against the introduction of contagious diseases," passed November nineteenth, seventeen hundred and ninety-nine; "An act to prevent the introduction of malignant and other infectious diseases into this state," approved April fourth, eighteen hundred and seventy-one, and all acts supplementary thereto; and "An act to prevent the introduction of dangerous, infectious, epidemic and pestilential diseases into the state of New Jersey, and to improve the present system of maritime quarantine," approved April ninth, eighteen hundred and ninety-seven.

Acts repealed.

11. This act shall take effect immediately.

Approved March 21, 1900.

## CHAPTER 70.

An Act to amend an act entitled "An act for the protection of certain kinds of birds, game and fish, and to provide a procedure to recover penalties for the violation thereof," approved March twenty-second, one thousand eight hundred and ninety-five.

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

Section amended.

1. Section eighteen of an act entitled "An act for the protection of certain kinds of birds, game and fish, and to provide a procedure to recover penalties for the violation thereof," approved March twenty-second, one thousand eight hundred and ninety-five, be amended so as to read as follows:

Time for catching bass, etc.

18. It shall be unlawful to catch, kill, take or have in possession, any black bass, pike perch, yellow-perch or white bass, except only from the fifteenth day of June to the last day of November, both dates inclusive, of each year, or any pickerel or pike, except only from the first of May to the last day of November, both dates inclusive, of each year, under a penalty of ten dollars for each fish caught, killed, taken or had unlawfully in possession; and it shall be unlawful at any time to kill or have in possession any pike-perch less than twelve inches in length, or any white bass less than nine inches in length, except for the use of stocking waters of this state therewith under the direction of the fish and game commissioners of this state, under a penalty of ten dollars for each pike-perch or white bass so killed or had in possession.

Regarding pike-perch and white bass.

Section amended.

2. Section twenty-four of said act shall be amended to read as follows:

Method of taking certain fish.

24. It shall be unlawful to put, place, use or maintain in any of the waters of this state inhabited by pickerel, pike-perch, 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 such line or lines, or to use upon a line for the taking of fish in such waters any contrivance having more than three hooks or one burr of three hooks attached thereto, under a penalty of twenty dollars for each offense.

Approved March 21, 1900.

## CHAPTER 71.

An Act authorizing the sale of lands granted or devised to officers or trustees of religious societies in certain cases.

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

Authorizing sale of property devised to religious societies, under certain conditions.

1. Whenever lands and tenements may have been granted, conveyed or devised to officers of religious societies, or to trustees of such societies, by deed, will or otherwise, appropriating the rents, issues and profits thereof to specific use, but without power to sell and convey the same, and the said officers or trustees shall represent to the chancellor of this state that the specific use to which the rents, issues and profits of said lands and tenements can be enhanced by a sale or disposal of the same, the chancellor may, in a summary manner, by reference to a master, proceed to inquire into the merits of such application; and if it shall satisfactorily appear to the court that the specific use for which the said lands and tenements are devoted by the instrument granting or devising the same, requires or will be substantially promoted by the sale of such lands and tenements, the chancellor may direct that said officers or trustees make sale of such lands, either as a whole or in parcels, as may be deemed expedient by such officers or trustees.

Approval of chancellor requisite.

2. All sales and dispositions made in pursuance of this act shall be reported on the oath or affirmation of the officers or trustees aforesaid to the chancellor, to be approved by him before a conveyance shall be executed, and if such sale or disposition be confirmed by the chancellor, a conveyance or conveyances shall be executed and delivered to the purchaser or purchasers, for the lands and tenements so sold.

Proceeds of sale, investments.

3. The proceeds of such sale or sales shall be loaned and invested by such officers or trustees in good and sufficient bonds of individuals, secured by mortgage on unencumbered real estate in this state, worth double the amount loaned, with interest payable semi-annually, or invested in the public funded debt of the United States, or in bonds issued by this state, or in the bonds of any county, city, town or township of this state, pursuant to any law of this state, when the total indebtedness of said county, city, town or township does not exceed in the aggregate fifteen per centum of the assessable valuation of all the taxable property within such county, city, town or township, and upon the payment of the principal sum loaned or invested, or any part thereof, the amount shall be again invested as aforesaid, and the interest arising on such loans or investments, as soon as received, shall be applied and paid to the person or persons and for the uses specified in the grant, deed or devise by which the lands were granted or devised, and for no other use or purpose whatsoever; *provided, always*, that no loan of money received by virtue of the sale of the land aforesaid shall be made to any person for a greater sum than one thousand dollars, unless it may be for the consideration of lands sold to such person by virtue of this act.

Proviso.

Repealer.

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

5. This act shall take effect immediately.

Approved March 21, 1900.

## CHAPTER 72.

An Act to amend an act entitled "An act to prevent the pollution of the waters of this state by the establishment of a state sewerage commission, and authorizing the creation of sewerage districts and district sewerage boards, and prescribing, defining and regulating the powers and duties of such commission and such boards," approved March twenty-fourth, one thousand eight hundred and ninety-nine.

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

Act amended.

1. The act entitled "An act to prevent the pollution of the waters of this state by the establishment of a state sewerage commission, and authorizing the creation of sewerage districts and district sewerage boards, and prescribing, defining and regulating the powers and duties of such commission and such boards," approved March twenty-fourth, one thousand eight hundred and ninety-nine, be amended so as to read as follows:

State sewerage commission; how composed; term.

1. It shall be the duty of the governor, within thirty days next succeeding the approval or passage of this act, to appoint, by and with the advice and consent of the senate, five citizens of this state, to compose and be known as "the state sewerage commission"; in the original nomination of the members of said commission to the senate, the governor shall designate one of them to serve for one year, and two for two years and two for three years; and, thereafter, the members of said commission shall be appointed by the governor, by and with the advice and consent of the senate, for the term of three years and until their successors are duly appointed, confirmed and qualified; any vacancy occurring in said commission when the legislature is not in session shall be filled by appointment of the governor, until the next regular session of the legislature, when such vacancy shall be filled in the manner hereinbefore pro-

Vacancies.

vided; but any such last mentioned appointment and confirmation by the senate shall be for the unexpired term only;

Oath.

members of said commission, before entering upon the duties of their office, shall make and subscribe an oath or affirmation (before some person authorized by the laws of this state to administer the same) to truly, faithfully and impartially perform and discharge the duties of their office according to law and file the same with the secretary of state; the terms of office of the members of said commission (except those appointed by the governor to fill vacancies as aforesaid) shall commence on the first Monday of May next succeeding their appointment by the governor and confirmation by the sen-

Organization

ate; on the first Monday of May next succeeding the original appointment of said commission, the members thereof shall meet at the state-house in the city of Trenton, and organize by the election of one of their number to be chairman of said commission and one to be treasurer thereof, which officers shall hold office at the pleasure of the commission; after having so met and organized, subsequent meetings of the commission shall be held at such times and places as the commission may direct or as it may be called to meet by the chairman.

Record and annual report.

2. Said commission shall keep a record of all its proceedings and transactions, also full and accurate account of its receipts, disbursements, expenditures, assets and liabilities, and shall annually report to the legislature its operations, proceedings and transactions for the preceding year, with a statement or abstract of such receipts, disbursements, expenditures, assets and liabilities.

Salary.

3. The members of said commission shall each receive an annual salary of fifteen hundred dollars, to be paid as other

Secretary.

salaries of state officers are paid; said commission may have a secretary (not a member of the commission), to be appointed by the commission, or a majority thereof, who shall hold his office at the pleasure of the commission, or a majority thereof, and receive such salary as the commission, or a majority thereof, with the approval of the governor,

Employ experts, engineers, etc.

may fix; said commission, or a majority thereof, may also from time to time employ or appoint such experts, engineers, officers, agents, employes, workmen and servants, as it may deem necessary or proper, to enable it to perform its duties

Fix duties and compensation.

and carry out the objects and purposes of this act; and said commission, or a majority thereof, may fix and determine

the duties and compensation of said experts, engineers, officers, agents, employes, workmen and servants, and remove or discharge the same or any of them at pleasure.

Duties of secretary and treasurer.

4. It shall be the duty of the secretary to keep a record of all the proceedings and transactions of the commission, to prepare the annual report to the legislature, and perform such other duties as the commission may require; it shall be the duty of the treasurer to take charge of the moneys received by the commission, to keep accurate accounts of the receipt and disbursement thereof, and to deposit and pay out said moneys as the commission may direct, and under such rules and regulalions as it may from time to time establish; the treasurer may be required to give bond to the commission for the due and faithful performance of his duties as such treasurer, in such sum and with such sureties as the commission, or a majority thereof, may require and approve.

Duty of commission.

5. It shall be the duty of said commission to investigate the various methods of sewage disposal, in order that it may be able to make proper recommendations in regard thereto; it shall investigate all complaints of pollution of the waters of this state which shall be brought to its notice, and if the said commission find that any of the waters of this state are being polluted, to the injury of any of the inhabitants of this state either in their health, comfort or property, it shall be the duty of said commission to notify in writing any person, corporation or municipality found to be polluting said waters; that prior to a time to be fixed by said commission, which time shall not be more than five years from the date of said notice, said person, corporation or municipality must cease to pollute said waters and make such disposition of their sewage or other polluting matter as shall be approved by the state sewerage commission; *provided, however*, that any person, corporation or municipality aggrieved by the said finding may appeal therefrom to the court of chancery at any time within six months after being notified thereof, and the said court is hereby authorized and empowered to hear and determine such appeal in a summary manner according to the course and practice of said court in other cases, and thereupon to affirm the finding of said commission or to reverse or modify such finding in whole or in part, as to the said court shall seem just and reasonable.

Proviso.

Unlawful to build sewers so as pollute streams.

6. It shall be unlawful for any person, corporation or municipality to build any sewer, drain or sewerage system

from which it is designed that any sewage or other harmful and deleterious matter, solid or liquid, shall flow into any of the waters of this state so as to pollute or render impure said waters, except under such conditions as shall be approved by the state sewerage commission; *provided*, that the provisions of this section shall not be deemed to prohibit the use or extension of existing sewers, drains or sewerage systems, unless the person, corporation or municipality controlling said sewer, drain or sewerage system shall be served with a notice to cease pollution as provided by the fifth section of this act.

Proviso.

Discharge of sewage plant.

7. It shall be unlawful for any person, corporation or municipality to build, or cause to be built, or operate, any plant for the treatment of sewage or other polluting substance, from which the affluent is to flow into any of the waters of this state, except under such conditions as shall be approved by the state sewerage commission, to whom any new plans shall be submitted before building.

Where unlawful to allow discharge.

8. It shall be unlawful for any person, corporation or municipality, after the date specified in the notice provided for by the fifth section of this act, to permit or allow any sewage, or other polluting matter, to flow into said waters from any sewer, drain or sewerage system, under the control of said person, corporation or municipality, except under such conditions as shall be approved by the state sewerage commission.

When injunction may be invoked.

9. It shall be lawful for the commission to apply to the court of chancery of this state for a writ or writs of injunction to prevent the violation of the provisions of this act, and it shall be the duty of the said court, in a summary way, to hear and determine the merits of said application, and to restrain, in all such cases, any person, corporation or municipality from polluting any of the waters of this state, in violation of the provisions of this act.

Information regarding disposition of sewage.

10. On or before the first day of January, one thousand nine hundred, and thereafter whenever required by said commission, the mayor of every municipality, and the chairman of every township committee of every township now having, using, owning, leasing or controlling a sewerage plant or system, shall furnish to said commission, on blanks, to be provided by said commission, a statement showing the disposition made of the sewage of their respective municipalities or townships, and as near as possible the amount

discharged each twenty-four hours, and such other information and data as may be called for by said blanks, to be provided as aforesaid by said commission.

Expenditures.

11. To enable said commission to carry out and enforce the provisions of this act, the said commission may expend such sums of money as shall be duly appropriated.

Sewerage districts.

12. And whereas, in order to prevent the pollution of the waters of this state, it is deemed necessary to establish a proper system or systems of sewerage and drainage wherein may or may not be included a system or systems of sewage disposal works for the scientific treatment and proper disposal of sewage and sewage matter and the effluent thereof, and the establishment of any such system or systems may render proper or necessary the formation or creation of sewerage districts embracing portions or the whole of the territory of two or more of the municipalities of this state within which districts such system may be constructed, maintained and operated, and such municipalities may be unable, through lack of power and authority, or otherwise, to agree upon the establishment of any such system or systems or upon the extent or limits of the territory of their respective municipalities to be included in any such district or districts, and devoted to the uses and purposes of any such system or systems as aforesaid; therefore, upon presentation to said the state sewerage commission of a petition in writing, setting forth that in order to prevent the pollution of the waters of this state, or any of them, it is proper or necessary that portions or the whole of the territory of two or more of the municipalities of this state should be erected into a sewerage district for the construction, maintaining and operation within such district of a system of sewerage and drainage or a system of sewage-disposal works, or of both of such systems, and naming each municipality, the whole or any portion of the territory whereof it is proposed shall be included in such district, and stating generally the boundaries and outlines of such proposed district with sufficient exactness to show approximately the quantity or extent of territory of each municipality to be embraced in such proposed district, and requesting said commission to create and establish such district for either or both of the purposes aforesaid; and if said petition be signed by the mayors or other chief executive officers of all of the municipalities named in said petition, any of whose territory is proposed to

Petition to sewerage commission.

be included in said district, said signatures being respectively affixed to said petition by authority or direction of the respective governing bodies of such municipalities (full power and authority to authorize and direct the signing of any such petition being hereby conferred upon and vested in all such governing bodies), and the signing of said petition by such authority or direction, being made to appear by affidavit or other due proof thereof, it shall be lawful for said the state sewerage commission to appoint a time and

Public hearing.

place when and where it will attend and give public hearing of the matters contained in said petition to all persons and parties interested therein; said commission shall cause at least twenty days' notice to be given of the time and place of any such hearing by publishing the same in a newspaper or newspapers, if any, published within said proposed district, and if none be published therein, then in a newspaper or newspapers published in the neighborhood of said proposed district and circulating therein; said notice may also, at the discretion of said commission, be published in the newspaper or newspapers published outside of said proposed district, whether or not any paper or papers be published within the same; said commission shall also, at least ten

Notice to executives of municipalities.

days prior to the day fixed for such hearing, cause notice of the time and place thereof to be mailed to or served upon the mayor or other chief executive officer of any and all municipalities named in said petition, any territory whereof is included in said proposed district; and said commission may, if it deem proper so to do, require a copy of said petition to be mailed to or served upon such mayors or other chief executive officers such number of days prior to said hearing as it may direct; said hearing may be adjourned from time to time as said commission may decide; the sessions of said commission on said hearing or any adjournment thereof, when sitting for the taking of testimony or hearing argument of counsel, shall be open and public and witnesses may be examined under oath or affirmation, which any member of said commission or the secretary thereof is hereby authorized and empowered to administer; the secretary of said commission shall attend at all such hearings and keep minutes of the proceedings thereat; said commission may, if it deem proper to do so, employ a stenographer to take and transcribe the testimony produced before it at any such hearing; and said commission may require the persons

or parties presenting to it any such petition as aforesaid to pay in advance or assume or guarantee to pay all or such part of the costs, charges and expenses to be made or incurred by reason of the filing of said petition and subsequent proceedings to be had thereupon or thereunder, as said commission may think proper. Expenses of proceedings.

13. If, after such hearing, said commission, or a majority thereof, shall deem it advisable to comply with the request of said petition, and that a district for the purpose or purposes, or either of them therein stated, should be created and established, said commission shall adopt a resolution to that effect, defining the limits and boundaries of such district with certainty and declaring the territory included within such limits and boundaries to be a sewerage district, within which a system of sewerage and drainage, or a system of sewage-disposal works, or both, may be constructed, maintained and operated under the provisions of this act; the said districts shall be called and known as "sewerage districts," and the boards to construct, maintain and operate the system or systems of sewerage or sewage-disposal works within such districts shall be called and known as "sewerage boards;" in and by said resolution, said commission shall assign to the district therein and thereby established a name and number, thus, "sewerage district number ———," and shall also specify the name by which the board thereafter to be elected in such district shall be called and designated, thus, "sewerage board of district number ———," the number of any such district and that of the sewerage board therein to be always the same; the first sewerage district created and established under this act shall be "sewerage district number one," the second, number two, and so on in regular order as the same may be respectively created; said commission shall also cause a map to be prepared of said district so created and established, whereon and whereby shall be shown with accuracy the limits and boundaries of such district, of what municipalities the lands included in said district form a part and what extent or quantity of territory of each municipality (whether the whole or a portion thereof) is included in said district; the original of said map shall be filed with said commission, and within ten days after the adoption of said resolution, a copy thereof and of said map shall be filed in the office of the secretary of state and in the clerk's office of each county in which

District boundaries.

Designation.

Sewerage boards.

District member.

Prepare maps.

Resolution and map filed with secretary of state.

New Jersey State Library

any of the lands included in said district may be situate; and from and after the filing of such resolution and maps as aforesaid, the territory included in said district as stated and shown in and by said resolution and map shall be deemed to be and constitute a sewerage district by the name and number and for the purposes stated in said resolution.

Election of district sewerage boards.

14. After the creation and establishment of any sewerage district as aforesaid, an election shall be held therein at the same time as the next annual election for members of assembly shall be held throughout this state, which election in said sewerage district shall he held and conducted between the same hours, at the same place and by the same officers as said election for members of assembly shall be held and conducted; at such first election the legal voters resident in said district shall elect five persons, resident in said district, to be members of and compose the "sewerage board of district number ———," as the case may be; and annually thereafter, at an election to be held at the same time and place, and by the same officers as the election for members of assembly shall be held and conducted, the legal voters resident in said district shall elect one person, resident in said district, to be a member of said sewerage board, to serve for the term of five years, as hereinafter provided;

Vacancies.

any vacancy in any such board, occurring otherwise than by lapse of time, shall be filled by appointment of the governor (if he shall deem it necessary to fill such vacancy), such appointee to serve until the second Tuesday in December next succeeding his appointment, and his successor to be elected at the election for members of the assembly, held next preceding such second Tuesday in December, in the manner hereinbefore provided.

Nominations, how made.

15. Nominations for said offices, as members of said sewerage boards, may be made by district convention (that is to say, sewerage districts), or by petition signed by at least one hundred and fifty voters resident in the sewerage district, in the same manner as now provided by law for the nomination of state or county officers.

Sewerage districts designated on registry lists.

16. The election board of any election district, not wholly within a sewerage district, but which election district embraces territory included in any sewerage district, shall designate on their registry lists, so far forth as they may be able to do, in such manner as they may choose to adopt, the names of the voters of their election district who reside within

any sewerage district, which includes territory embraced in said election district; and the board of freeholders of the county in which such election district is situate shall furnish and provide such election boards with a ballot-box, in which box shall be deposited the votes voted for members of the sewerage board, and only such votes.

Ballots, &c. Method of voting.

17. The ballots intended to be voted in any sewerage district under the next preceding section, besides the party name, shall have printed thereon only the name or names of the person or persons to be voted for as member or members of such sewerage board under a proper designation of the officers to be voted for thus, "for members (or member) of sewerage board of district number ———;" said ballots when voted shall be inclosed in an envelope, the ballots and envelopes to be provided and furnished by the county clerks in the same manner as ballots and envelopes are now provided and furnished in elections for members of assembly; the envelopes shall have indorsed or printed on the face thereof, "sewerage ballot district number ———," as the case may be; said ballots and envelopes shall be furnished by the election board to each voter entitled to vote in the sewerage district, in the same manner and at the same time as the ballots for member of assembly are furnished him; after the vote of any person shall have been deposited for member of assembly, such person, if he be entitled to do so, shall and may offer his ballot for member or members of the sewerage board to be voted for at that election; the chairman of the election board shall thereupon announce the name of the voter and that he offers a ballot for member or members of the district sewerage board, and if the name of such voter be found registered and designated as entitled to vote in such sewerage district, the ballot shall be deposited in the box provided for such ballots, unless the voter be challenged and the board of election reject the ballot offered for due and legal reasons; the clerks of election shall keep a separate list of all voters who shall vote in any sewerage district, and such list shall contain only the names of persons who have voted for member or members of the district sewerage board; if the name of any person offering a ballot for member or members of the district sewerage board shall be found registered as aforesaid, but not designated as entitled to vote in such sewerage district, the vote of such person shall not for that cause alone be rejected; *provided*, such

Proviso.

person shall, by affidavit or other proof, satisfy said board of election that he is a resident in the sewerage district and in all respects qualified and entitled to vote for member or members of the district sewerage board at that election.

When election district is within sewerage district.

18. In any election district included wholly within the limits of any sewerage district, the ballots for member of assembly shall have printed thereon, under a proper designation as aforesaid, the name or names of the persons to be voted for as members of the district sewerage board, and said ballots shall be voted at the same time and in the same manner and canvassed and returned in like manner as ballots for member of assembly.

Votes, how counted, etc.

19. In election districts having a separate ballot-box for members of a district sewerage board, after the votes for member of assembly shall have been counted, the board of election shall count the votes for member or members of district sewerage board, contained in said separate box, and said votes shall be counted, canvassed and returned in the same manner as the votes cast for member of assembly.

Votes canvassed.

20. The county boards of canvassers in each county shall canvass the votes cast for members of any district sewerage board, in their respective counties, in the same manner and at the same time as the vote for members of assembly is canvassed, and make return thereof to the county clerks of their respective counties.

Duty of county clerks.

21. On the second Monday next following the meetings of the county boards of canvassers the clerk of each county, any part whereof is included within a sewerage district, shall meet at the clerk's office of that county which, according to the next preceding state or federal census, had the largest population, at the hour of twelve o'clock noon, and then and there canvass the votes cast in such sewerage district and prepare a certificate of the result and mail the same to the secretary of state within two days thereafter; a copy of said certificate shall also be prepared, and within said two days mailed to each person elected a member of such sewerage board, which copy of such certificate shall be the commission or warrant of such person as a member of such board.

Certificate of election.

District sewerage board; organization, term, &c.

22. The members of any district sewerage board first elected shall meet on the second Tuesday in December next following their election, at the office of the county clerk where the result of such election was canvassed, at the hour of twelve o'clock noon; each member of said board (and all

members thereof afterwards elected or appointed thereto) shall take and subscribe an oath or affirmation, before some person authorized to administer the same, to faithfully and truly perform his duty as member of such board to the best of his ability, and within two days after making thereof forward the same to the secretary of state; said board, when met as aforesaid (the members thereof having each made and subscribed said oaths or affirmation) shall organize by the election of one of their number as chairman, one as secretary and one as treasurer; immediately after such organization they shall proceed to determine by lot one of their number to serve for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years and one for the term of five years; thereafter all persons elected to be a member of said board shall serve for the full term of five years, and the terms of all members thereof shall commence on the second Tuesday in December next following their election; the chairman, secretary and treasurer of said commission shall respectively serve for the period of one year and until their successors are elected; a certificate or statement of such meeting and organization of said board shall, on the day of such meeting, be prepared and mailed to the secretary of state, to be filed in his office; meetings of said board subsequent to such first meeting for organization shall be held at such times and places as the board may decide or as it may be called to meet by the chairman.

Body corporate; powers, etc.

23. From and after such meeting and organization of said board and the filing of such certificate as aforesaid, said board shall be deemed to be and shall be a body politic and corporate, under the same name and title as that designated and specified in the resolution of the state sewerage commission creating and defining the said sewerage district, to wit, "sewerage board of district number———," and by such name and title said sewerage board shall have perpetual succession, with power to sue and be sued, and the right, power and authority to acquire, hold, use and dispose of all such property, real or personal, as may be proper or necessary for the objects, uses and purposes for which said sewerage board was created, and with all other powers necessary or incident to bodies politic and corporate or that may be necessary or proper to carry out and effectuate the objects and purposes

of this act and the objects and purposes for which said sewerage board was created.

Power to construct, etc., system of sewers, etc.

24. Any such board incorporated as aforesaid shall have full power and authority within its respective district, under the supervision, direction and control of the state sewerage commission as hereinbefore or hereinafter provided, to construct, maintain and operate in said district a system of sewerage and drainage, or of sewage-disposal works, or both, with the necessary pipes, drains, conduits, fixtures, pumping-works, and other appliances, for the purpose of taking up sewage and all other offensive and deleterious matter, and convey the same to some proper place or places of deposit or disposal to be selected by said board, there to be deposited, treated, disinfected or disposed of as to the said board may seem proper, and as may be deemed most advantageous; and it shall be the duty of all persons and all corporate bodies and municipalities owning or controlling sewers or drains, or having charge thereof, within the limits of the district wherein intercepting or main sewers have been or may be constructed by the said board as herein provided, to cause the same to be connected therewith; and it shall be the duty of said board in constructing such main or intercepting sewers to have them so constructed that such connection can be made therewith at all necessary and proper points and places; all such connections shall be made in accordance with the rules and regulations from time to time adopted by the said board in relation thereto, and under the direction and supervision of its officers and agents.

Connections.

Power to purchase lands, etc.

25. The said board shall have power and authority to purchase and acquire all lands, rights or interests in lands, which may be deemed necessary for the construction of sewers, drains, disposal, pumping and other works authorized by this act; and if in any case the said board shall be unable to agree with the owner or owners of any lands, rights or interests in lands deemed necessary by the said board in the construction of the works herein authorized, or when, by reason of the legal incapacity or absence of such owner or owners, no agreement can be made for the purchase thereof, the lands or rights in lands so desired shall be acquired in the manner provided by the general laws of this state relating to the condemnation of lands for public use.

When condemnation proceedings may be had.

Preliminary survey.

26. Before determining upon the final plan or route for the building or construction of any work authorized by this act, the said board may, by its officers, agents, servants and employes, enter at all times upon any lands or waters for the purpose of exploring, surveying, leveling and laying out the route of any drain or sewer, locating any disposal, pumping or other works, establishing grades and doing all necessary preliminary work, doing, however, no unnecessary damage or injury to private or other property.

Rights necessary in constructing sewers, etc.

27. The said board shall have power and authority to construct any sewer or drain, by it to be made or constructed, under or over any water course, under, over or across or along any street, turnpike, road, railroad, highway, or other way, and in or upon private or public lands under water, in such way and manner, however, as not unnecessarily to obstruct or impede travel or navigation, and may enter upon and dig up any road, street, highway or private or public land, for the purpose of laying down sewers and drains upon or beneath the surface thereof, and for maintaining and repairing the same, and in general, may do all other acts and things necessary, convenient and proper for the purposes of this act; and whenever the said board shall dig up any road, street or way as aforesaid, it shall, as far as possible, restore the same to as good condition and order as the same was when such digging commenced; *provided, however,* that when such streets, roads or highways lie outside of such sewer district, the consent of the governing body of the municipality in which they lie shall be first obtained; *and provided further,* that no private lands shall be taken for the purposes of this act without compensation therefor shall have been first made or tendered.

Proviso.

Proviso.

Change water courses, grades, etc.

28. The said board shall have power and authority also to alter or change the course or direction of any water-course, and with the consent of the board or body having control of the streets and highways in any city, town or municipality, to alter or change the location or grade of any highway, public street or way crossed by any sewer or drain constructed or to be constructed under the provisions of this act, or in which such sewers or drains may be located.

Accounts kept and published.

29. The said board shall at all times keep full and accurate accounts of its receipts, expenditures, disbursements, assets and liabilities, and shall annually make a report of its

operations and doings, in which report it shall include an abstract of such receipts, expenditures, disbursements, assets and liabilities, and publish the same in one or more newspapers published in each of the counties in said district.

Bonds issued to provide for costs, etc.

30. To provide for the payment of the costs and expenses incurred or to be incurred by the said board in making the constructions and executing the work and performing the duties imposed upon it by this act, it shall have the power and authority from time to time to issue bonds in its corporate name, not to exceed the total cost and expense incurred in the work of constructing sewers, drains, disposal and other works, including the cost of lands, rights and interests in lands, of which a separate account is to be kept by said board, as hereinafter provided; such bonds shall be of the form and payable at such time, not exceeding thirty years from the date thereof, and at such place, either in currency or coin, as the said board may determine; they shall bear interest at a rate not exceeding five per centum per annum; in issuing such bonds the said board may, in its discretion, make the same, or any part thereof, fall due at stated periods, less than thirty years, or may reserve therein an option to redeem and pay the same or any part thereof at stated periods at any time between the date thereof and the date at which they would otherwise fall due, and all such bonds may be negotiated, sold or disposed of at not less than their par value, and the same or the proceeds thereof may be used by the said board for the purpose aforesaid.

Form of bonds, time, rate, etc.

Cost of construction and maintenance kept separate.

31. The said board shall keep the costs and expenses of the construction of sewers, drains, disposal and other works, in which shall be included the cost of lands, rights and interests in lands, separate from the costs and expenses of maintenance, operation and repairs, and shall, after having prepared and adopted plans (which, however, the board or the state sewer commission shall have the power to change or modify, if such change or modification shall be found necessary or desirable), make a careful estimate of the cost and expense of such construction, and shall divide and apportion the same, according to their best judgment, to and between the several municipalities or parts thereof (if any) included within such sewerage districts ratably and proportionally to the benefits received or to be received by such municipalities or parts thereof from such construction, and shall furnish to the governing body of each and every municipality, the

Proportionate division among municipalities benefited.

whole or any part whereof is included in such sewerage district, a statement of such estimated cost and expense and of the division and apportionment thereof as aforesaid, and service of said statement upon the mayor or other chief executive officer or upon the clerk of any such municipality shall be deemed to be a service upon the municipality; if the governing body of any such municipality (whether a whole or only a part thereof is included in such sewerage district) shall be dissatisfied with such division and apportionment and shall within twenty days after service thereof as aforesaid express such dissatisfaction by a resolution adopted by a majority of such body, then it shall be lawful for such body, in the corporate name of such municipality, to make application to any justice of the supreme court of this state for the appointment of three disinterested persons residents of this state, commission to review such division and apportionment, and correct, amend, revise, alter or confirm the same, as they or a majority of them shall deem just and proper, and it shall be the duty of said justice to make such appointment; the commissioners so appointed (having respectively taken and subscribed an oath or affirmation before some person authorized to administer the same faithfully and impartially to perform the duties imposed upon them) shall forthwith, at such time and place as they, or a majority of them, may appoint, and upon such notice as the said justice in the order appointing said commissioners shall direct to be given, hear the parties interested in such matter and such proofs and witnesses as may be produced before them; said commissioners may adjourn said hearing from time to time as occasion may require; on any such hearing the parties, if they so choose, may be represented by counsel, and the witnesses may be examined under oath or affirmation, which any of said commissioners are hereby authorized to administer; said commissioners may designate one of their number to act as chairman and one to act as clerk or secretary; at the conclusion of such hearing, and within ten days thereafter, said commissioners, or a majority of them, shall correct, amend, revise, alter or confirm such division and apportionment as they, or a majority of them, shall deem just and proper under the evidence and proofs produced before them, and shall make and sign a statement or certificate thereof, which statement or certificate shall be final and conclusive and binding upon all parties; the ap-

Dissatisfaction.

Application to justice of supreme court.

Commissioners appointed; proceedings.

Their findings binding.

plication for the appointment of such commissioners, the order of the justice appointing them, the oath or affirmation of said commissioners and their said statement or certificate shall, within two days after the making of said statement or certificate, be filed with the secretary of the sewerage board which made the division or apportionment reviewed by said commissioners; and such sewerage board, within five days after the filing of such statement or certificate as aforesaid, shall cause a certified copy thereof to be served in manner aforesaid upon each of the municipalities that the original division and apportionment made by said sewerage board was served upon, which certified copy so served shall be in lieu and stead of that originally served, and (as aforesaid) be final and conclusive and binding upon all parties; if, in any case, where only a part of a municipality is included in a sewerage district, the governing body of such municipality shall not, within said twenty days after service upon it of any such original statement as aforesaid, adopt a resolution expressing its dissatisfaction as aforesaid provided, then, and in every such case, it shall and may be lawful for one or more of the residents and taxpayers, or residents and non-resident taxpayers of said sewerage district, to join in such application as aforesaid to any justice of the supreme court for the appointment of commissioners to review, as aforesaid, the said division and apportionment, and thereupon the said justice may, in his discretion, appoint such commissioners, and if such appointment be made, said commissioners shall proceed in the same manner, and the proceedings before them had shall be similar to those hereinbefore provided, and the statement or certificate of said commissioners made upon any such last-mentioned application shall be final and conclusive and binding upon all parties.

Certified copies served upon municipalities interested.

When only part of municipality is affected.

Bonds allotted to each municipality; provision for meeting same by taxation.

32. The said sewerage board shall also in the manner hereinbefore directed serve upon or furnish to each of said municipalities, after every issue and sale of bonds, a statement of the amount of such bonds and the rate of interest thereon, and the proportion of interest thereof allotted to each municipality (where such municipality is entirely within the sewerage district) or (where only a part of the municipality is included in the sewerage district) of the proportion of such division and apportionment allotted to the part of the municipality in said sewerage district; and it shall be

the duty of each of said municipalities and of its proper officers in the next annual tax levy made in such municipality and in each succeeding year thereafter, to include and raise by taxation the amount required to pay the interest on the proportion of such bonded indebtedness allotted to such municipality or part thereof, as the case may be, and if such municipality be entirely within such sewerage district, then it shall be the duty of such municipalities to cause to be levied and assessed therein a sum equal to the amount of interest so apportioned and allotted to s ch municipality, together with such additional sum to be divided and apportioned and allotted to and between said municipalities or parts thereof as aforesaid, as may be necessary to establish and maintain a sinking fund sufficient to pay the principal of the bonds issued by the said sewerage board under authority of this act, when the same fall due; if only a part of the municipality be included in the sewerage district, then it shall be the duty of such municipality and its proper officers, instead of levying and assessing the same upon the whole municipality, to cause in manner aforesaid the sum or sums that may as aforesaid be apportioned and allotted to such part of the municipality as is included in the sewerage district, to be levied and assessed in and upon such part of the municipality as is included in the sewerage district, in the same manner as other taxes may be levied and assessed therein; and it shall be the duty of all taxing officers and all collecting officers in the said municipalities to levy, assess and collect the said amount or sums so to be raised in such municipalities or parts thereof, as the case may be; and it shall also be the duty of the collector of taxes in each of the said municipalities, or other proper officer, to pay to the sewerage board thereunto entitled the money so levied, assessed and collected; after each census, state or national, a new allotment shall be made of the interest and sinking fund or redemption fund in the manner herein provided.

Sinking fund.

When only part of a municipality is included, how assessments are made.

33. As soon as the work of construction by this act authorized (or the cost and expense of which a preliminary estimate shall have been made as herein provided) has been completed, the said board shall proceed at once to ascertain the actual cost and expense of such work, and shall furnish to each of the said municipalities or municipal divisions a statement of such cost and expense.

Statement upon completion of work.

Maintenance.

34. The cost of maintenance, operation and repairs, together with the cost of supervision, and all other expenses of every kind not included in the cost and expense of construction, shall be annually estimated by the said board and divided and apportioned between the said several municipalities or parts thereof upon the same basis as herein provided for the division of the cost and expense of construction; and the same, when so divided and apportioned, shall be levied, assessed, collected and paid annually in the same manner provided for the levying, assessment and collection of the cost and expense of construction; *provided, however*, that if at the end of any year when such cost and expense shall have been accurately ascertained, such estimate shall have been found to have been more or less than the proper proportion of any such municipality, then the surplus or deficiency, as the case may be, shall be deducted from or added to the sum to be levied, assessed and collected for the succeeding year.

Proviso.

Sinking fund.

35. The said board shall, immediately after receiving from the said municipalities, or either of them, or from the collector or treasurer of any such municipality, any moneys on account of the apportionment made, as hereinbefore provided, or as soon thereafter as practicable, cause the same to be invested in securities, the character of which shall be the same as required by law for savings banks of this state, except so much thereof as may be required to pay interest due or to fall due during the current year; and all such funds, and the securities in which the same or any part thereof shall be invested, and the interest received therefrom, shall be held, used and applied by the said board as a sinking fund to meet and pay the interest and principal on the bonds issued by the said board under the authority of this act, and for no other purpose whatever, until all such bonds and all arrears of interest thereon are fully paid; it shall be the duty of said sewerage board to include in its annual report the amount of money received by it for the purposes aforesaid, the sources from which such money was received, and the investment of the same; and the said board shall keep a record and account of all bonds issued by it, when the same fall due, the time and place of payment, and the rate of interest thereon, and of the amount received on the sale or disposition thereof, and shall also keep an account of all moneys invested, held and used as a sinking fund,

and of the securities in which the same may be invested; the books, records, accounts, papers and documents of the said board shall be open to the inspection of any person appointed by the governing body of any municipality within said district to inspect the same; *provided, however*, that in case the said board shall issue bonds which shall fall due and become payable at stated periods less than thirty years, or shall retain in any such issue the option to redeem bonds prior to the date at which they would otherwise fall due as hereinbefore provided, then it shall be lawful for the said board to make application of the moneys received by it from the several municipalities and of the funds temporarily invested by the said board so received, for the purpose of paying off and discharging the said obligations according to their tenor and effect. Proviso.

Providing for maturing bonds.

36. During the year preceding the year in which the bonds issued under the authority of this act shall fall due the said board shall cause a careful computation to be made of the moneys that will be available for the payment of the same; and if it shall be found that any deficiency will exist in the fund that will be available therefor, after the application of moneys received and the use of all securities held, such deficiency shall be apportioned and allotted to the said municipalities in the same manner and upon the same basis as the original apportionment, and shall be added to the amount so levied, assessed, collected and paid by the said municipalities respectively, in the succeeding year; and if any excess shall be found to exist in such fund, the surplus shall be credited to each of the said municipalities in the same proportion and deducted from future estimates of the respective shares or proportions of such municipalities of the cost and expense of maintenance, operation and repairs. If deficiency.

If excess.

Employment of engineers, workmen, etc.

37. In and about the performance and discharge of the duties imposed upon it by this act, any such sewerage board as aforsaid, or a majority thereof, may employ such experts, engineers, contractors, officers, agents, employes, clerks, workmen and servants as it may deem necessary or proper to enable it to perform its duties and carry out the objects and purposes of this act; and said board, or a majority thereof, may fix and determine the duties and compensation of such experts, engineers, contractors, officers, agents, employes, clerks, workmen and servants and remove or discharge the same or any of them at pleasure.

Duties and compensation.

Duty of secretary.

38. The secretary of any such sewerage board shall keep a record of all the proceedings and transactions of said board; under the direction of said boards he shall prepare the estimate, division and apportionment provided for in section twenty-six hereof; he shall prepare the annual report of said board and perform such other duties as the board may from time to time require; the secretary shall receive an annual salary, to be fixed by the board, or a majority thereof, but he shall not receive any per diem allowance.

Salary.

Duty of treasurer.

39. The treasurer of any such sewerage board shall have charge and custody of all moneys and securities received or owned or held by said board; he shall keep accurate record and account of the receipt, disbursement and disposition of all such moneys and securities, and invest, deposit, dispose of, disburse and pay out the same at such times and in such manner as the board may direct, and under such rules and regulations as it may from time to time establish; the treasurer shall give bond to such board for the due and faithful performance of his duties as such treasurer in such sum and with such sureties as the board, by unanimous vote, may require; the treasurer shall receive an annual salary, to be fixed and determined by the board, or a majority thereof, but he shall not receive any per diem allowance.

Salary.

Compensation of sewerage board.

40. The members of any such board, except the secretary and treasurer thereof, when actually engaged in and about the business of said board shall receive a per diem compensation of five dollars; said per diem compensation, and the salaries to be paid the secretary and treasurer, shall be included in said estimate hereinbefore mentioned.

Officers.

41. Any such sewerage board is authorized and empowered to rent an office or offices as may be required for the due transaction and carrying out of its work and duties, and to properly equip and furnish such office or offices, the expense thereof to be included in said estimate mentioned in section thirty-four hereof.

"Waters of this state"; exception.

42. "Waters of this state" as used in this act shall not be held or construed to include the ocean, or any waters separating this state from any other, unless such waters are used for potable purposes.

43. This act shall take effect immediately.

Approved March 21, 1900.

## CHAPTER 73.

A Further Supplement to an act entitled "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," approved March twenty-second, eighteen hundred and ninety-five.

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

Closed season for certain game.

1. It shall be unlawful to capture, kill, injure or have in possession any ruffed grouse (frequently called partridge or pheasant), quail (frequently called partridge), hare (frequently called rabbit), or English pheasant, excepting during the months of November and December, under a penalty of twenty dollars for each ruffed grouse, quail, hare and English pheasant so captured, killed, injured or had in possession.

Closed season for squirrels.

2. It shall be unlawful to capture, kill, injure or have in possession any gray, black or fox squirrel, excepting during the months of November and December, under a penalty of twenty dollars for each gray, black and fox squirrel so captured, killed, injured or had in possession.

Closed season for snipe.

3. It shall be unlawful to capture, kill, injure or have in possession any gray snipe (sometimes called English or Wilson snipe) excepting during the months of March, April, September, October, November and December, under a penalty of twenty dollars for each snipe so captured, killed, injured or had in possession.

Closed season for web-footed fowls.

4. It shall be unlawful to capture, kill, injure or have in possession any wild goose, wild duck, brant or other web footed wild fowl, excepting only between the first day of September and the first day of May inclusive, under a penalty of twenty dollars for each goose, duck, brant or other web footed wild fowl so captured, killed, injured or had in possession.

Repealer.

5. All acts and parts of acts, providing for the protection of any of the game birds and animals hereinabove mentioned, so far as the same are inconsistent with this act be and the same are hereby repealed, and this act shall take effect immediately.

Approved March 22, 1900.

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## CHAPTER 74.

An Act creating a county board of commissioners to equalize assessments for taxes, and defining their powers and duties.

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

County board of equalization of taxes.

1. The board of chosen freeholders of any county of this state wherein there is now no county board of equalization of taxes, may, in their discretion, by resolution adopted by a majority of all the members of the board, apply to the judge of the court of common pleas of such county for the appointment of a county board of equalization of taxes.

Commissioners appointed; term.

2. The judge of the court of common pleas shall, on or before the first day of July next after said application shall have been made to him by said board, appoint three commissioners, who shall constitute a county board of equalization of taxes; one of said commissioners shall be appointed for one year, one for two years and one for three years, from said first day of July; at the expiration of their respective terms their successors shall be appointed in like manner for a term of three years each; any vacancy that may occur in such board, by resignation, death or other cause shall be filled by said judge for the unexpired term only; if any ten residents or taxpayers of said county shall petition said judge for the removal of any commissioner for cause, it shall be the duty of such judge to summon said commissioner before him, and in summary manner to hear and adjudge said complaint, and to dismiss and remove said commissioner from office if a good cause shall be shown for such removal; each of said commissioners before performing any official act shall take an oath to perform the duties of his

Vacancies.

Petition for removal.

office faithfully, honestly and fairly, according to the best of his skill and understanding, which oath shall be filed in the office of the clerk of said county; each of said commissioners shall receive an annual salary of not less than one hundred dollars and not more than five hundred dollars, as the board of freeholders of said county may from time to time determine, to be paid by the county collector, in equal quarterly payments. Salary.

3. The board of chosen freeholders shall furnish a suitable place for the transaction of the business of said board; said commissioners shall meet on the second Tuesday of July in each year, and organize by the election of one of their number as president and one as secretary; the member of the board acting as secretary shall receive an additional compensation for his services as secretary equal to one-third of the compensation of the individual members of said board; two members shall constitute a quorum, and any official act thereof shall be valid which has the sanction of two members; said board shall keep a full record of their proceedings, and shall have power to make such rules, orders and regulations as they may deem necessary to a proper discharge of their duties, in order to secure the equalization of taxes in their respective counties; the members of said board shall have power to administer oaths and examine witnesses, for the purpose of ascertaining facts proper for them to know, and to enable them properly to perform the duties of their office. Office, organization, records, &c.

4. It shall be the duty of the county collector to certify and send to said board, before the first Tuesday of September in each year, the amount of money required to be raised in said county for state, state school tax, and county purposes. Information furnished by county collector.

5. Said board shall supersede the county board of assessors, and discharge the duties now imposed by law upon the said county board of assessors; the assessors of the several taxing districts in each county shall deliver to the county board of equalization, on the first Tuesday in September in each year, a transcript or duplicate of their assessment, containing the ratables and persons liable to taxation in their respective districts in the form and in the manner as heretofore observed, and as required by law to be produced before the county board of assessors; the several assessors shall attend said commissioners from day to day or on such days as the said commissioners shall designate after the first Tuesday of County board of assessors superseded; duty of district assessors.

September annually, to render such aid and assistance as they may be able to give for the purpose of arriving at a fair and equitable adjustment of the values throughout the whole county; said commissioners shall have power to examine any assessor upon oath as to his assessment, both as to the valuations as a whole and as to any particular piece of property assessed, and in any other manner as to the said commissioners shall seem equitable and just, and to inquire by the testimony of witnesses under oath or otherwise as to all assessments returned to them by each assessor, and if they deem proper they may make a personal examination of any property in any taxing district, for the purpose of equalizing assessments between the several taxing districts of said county; and if it shall appear to said commissioners that the value of the property contained in any duplicate is relatively less than the value of other property in the county, they may, for the purpose of fixing and adjusting the proportion or quota of tax to be levied in any taxing district and for that purpose only, after a careful, particular and thorough comparison of the respective duplicates, add thereto such sum as shall appear just and proper and warranted by such comparison, but not otherwise; or if it shall appear to said commissioners upon such examination that the value of the property contained in any duplicate is greater than the true value thereof, they may, for the purpose aforesaid, in order to equalize the valuations throughout their county, reduce said assessment to the amount of the true value of the property therein, and at the same time, if necessary, increase the valuation of any other duplicate as shall be warranted by such comparison, but no such increase or diminution shall be made except on careful examination, and by full investigation relative thereto.

Duty of commissioners.

Hearing may be given regarding valuation.

6. The commissioners of equalization shall, on application by any individual or representative of any taxing district, afford such applicant an opportunity to be heard either in favor of or against any change in the valuation of any assessment, but before the valuation of any taxing district shall be increased, the assessor of such district shall be notified in writing that the said commissioners propose to consider the propriety of increasing such assessment, and he shall be required to show cause why such increase should not be ordered; such notice shall be sufficient, if published in one of the newspapers circulating in the county, at least five days

before such hearing, or if mailed to such assessor, at his usual post-office address, for the same period, or by personal service upon him at least three days before such hearing.

Fix quota of taxes and prepare abstracts.

7. Said commissioners of equalization shall, on or before the last day of September in each year, complete their work of equalization and shall compute and ascertain the whole value of the real and personal estate, after the deduction of debts and exemptions allowed by law, to be taxed according to the valuation thereof contained in the duplicates of the several assessors as finally adjusted or approved by said commissioners, and shall fix and adjust the porportion or quota of taxes to be levied and collected in each taxing district in proportion to said value, and shall make and sign at least three abstracts of the net value of the taxable real and personal property in each taxing district, one of which they shall retain in their possession and the others shall within three days be delivered to the county collector, who shall forthwith file one of them and transmit the other to the comptroller of the state for the use of the legislature.

Assessors' duties after apportionment.

8. After said apportionment is made, the commissioners of equalization shall return the assessor's abstracts to the several assessors, who shall proceed to make up their abstracts of ratables and make such copies thereof as they are now required by law to make, and to file them in accordance with the general laws of this state, or in accordance with any special law applicable to any taxing district, and deliver a true transcript or duplicate of the assessment of taxes to the collector as now required by law; the meeting of the county board of assessors on the first Monday in September, as now required by law, is hereby abolished.

Refusal to furnish duplicate, penalty.

9. If any assessor shall refuse or neglect to produce and deliver to said board his transcript or duplicate of his assessment, as herein required, he shall be liable to a fine of two hundred dollars, to be recovered in an action of contract in the name of said board, before any court of competent jurisdiction, for the use of the said county; *provided*, that said board may on good cause shown remit said penalty upon the delivery to them of said transcript; *provided also*, that in case of such refusal or neglect, the said board shall ascertain the quota or proportion of tax to be assessed and levied on the taxing district of such delinquent assessor, according to such knowledge and information as they may be able to

Proviso

Proviso.

obtain, and certify the same to the assessor or collector of said district, to be collected as in other cases.

Repealer. 10. All acts repugnant to or inconsistent with this act, so far as affects any county in which the provisions of this act are accepted, are hereby repealed, and this act shall take effect immediately.

Approved March 22, 1900.

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## CHAPTER 75.

Supplement to an act entitled "An act to establish a bureau of statistics on 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.

Preamble. WHEREAS, The duty of collecting and compiling annually the statistics of manufactures of this state, with which the bureau of statistics of labor and industries is charged by an act of the legislature, approved March twenty fifth, one thousand eight hundred and ninety-eight, has greatly increased the work of said bureau; in order, therefore, to provide for the proper performance of said work:

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

Deputy chief of bureau. 1. From and after the passage of this act, the chief of the bureau of statistics of labor and industries shall appoint a deputy, who shall be commissioned by the governor to be deputy chief of said bureau; the said deputy shall hold his office during the pleasure of the chief, and perform all the duties of the chief of the bureau in his absence; he shall, also, perform all the duties now imposed by law upon the secretary of said bureau, together with such other special duties as may be assigned him by the chief; and from and after the appointment of said deputy chief, the office of secretary of the bureau of statistics of labor and industries shall be abolished.

2. The deputy chief shall receive such annual compensation as may be fixed by the chief with the approval of the governor, which salary shall be paid monthly by the treasurer on warrants drawn by the comptroller in the same manner as the salary of the chief of the bureau is now paid. Compensation.

3. The chief of the bureau of statistics of labor and industries may employ such clerks and other assistants as he may deem necessary, and with the approval of the governor, fix their compensation; he may also incur such expenses as may be necessary for stationery, blanks, postage, expressage, and other incidental expenses of his office; *provided*, such compensation and expenses shall not exceed in the aggregate the sum annually appropriated for said bureau by the legislature. Clerical assistance; incidentals. Proviso

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

Approved March 22, 1900.

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## CHAPTER 76.

An Act to authorize cities in this state to provide means to purchase a new water-supply therefor by the issuance or assumption of bonds.

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

1. Where in any city a contract has been or shall be made for the purchase of water, water rights, property and works constructed or to be constructed for the purpose of providing a new supply of water for such city, it shall be lawful for the board having charge and control of the finances of such city, with the approval of the mayor, to issue in the name of the city and under its seal, the bonds of such city to pay the purchase money or contract price of such water rights, water-supply, property and works, and to pledge the property of the city for the payment thereof; such bonds shall run for such periods, not exceeding fifty years, and bear interest not exceeding four per centum per annum payable semi-annually, Bonds issued to secure water supply, &c.

and shall be of such form, payable in such money or coin and at such place as may be determined on by such financial board; said bonds may be coupon or registered bonds, and the financial officers of the city may exchange registered for coupon bonds or vice versa, under such reasonable restrictions as they may impose; said bonds shall be sold at public or private sale, but for not less than par and accrued interest.

Sinking fund for redemption of bonds.

2. The board having charge and control of the finances of such city shall at the time of the issuance of such bonds establish a sinking fund for the redemption thereof; said sinking fund shall consist of such percentage of the principal of such bonds, to be set aside each year, as shall be determined on by such board, but the same shall average at least one and one-half per centum of the principal of said bonds per year for the life of said bonds; said financial board shall have the right, in its judgment, to defer the first payment into such sinking fund until the expiration of any period not exceeding ten years from the date of the issue of such bonds; the amount of said sinking fund shall be paid over annually to the commissioners of the sinking fund in such city for investment and the retirement of said bonds.

Assumption of bonds issued by contractor.

3. In lieu of the issuance of bonds in manner aforesaid, it shall be lawful for the city, acting through the board having charge and control of the finances thereof, with the approval of the mayor, upon the purchase of such water rights, water-supply, property and works, to contract and agree with the contractor therefor, provided the assent of said contractor can be obtained thereto, to pay the contract or option price therefor by the assumption, at par, of the principal and interest of any bonds (not exceeding the purchase price of such new water supply) issued by the contractor and secured by mortgage upon such water rights, water-supply, property and works; such bonds so assumed shall bear interest at a rate less than four per centum per annum, payable semi-annually, and shall run for not more than fifty years from the date thereof; upon the assumption of said bonds by the city it shall be the duty of the mayor and treasurer of said city, upon demand made by the holder of any such bond, to sign and endorse thereon on behalf of the city and under its seal a certificate of assumption in the form following:

Form of certificate of assumption endorsed on bond.

The payment of the principal and interest of this bond is hereby assumed and guaranteed by (insert corporate title of

city), and this bond is hereby made the obligation of said city; the principal and interest thereon are henceforth payable at the office of the City Treasurer in said city.

Done in pursuance of Chapter (insert chapter number) of the laws of 1900.

Witness the seal of the city and the hands of the Mayor and Treasurer thereof.

(Corporate title of city.)

Dated _____ Mayor.

(Seal.) Treasurer.

Attest:

City Clerk.

Said assumption, when executed as aforesaid, shall constitute a contract between said city and the holder of said bond and his assigns; but said city shall be bound to pay the principal and interest of all bonds assumed under its agreement with the contractor whether the same shall be so endorsed or not; notwithstanding such assumption the holder of each bond shall be entitled to retain his security under the mortgage issued to secure the same, by the contractor as aforesaid; such bonds, when endorsed as aforesaid, may be registered by the financial officers of the same in the same manner as bonds issued by the city are registered. Assumption a contract.

4. It shall be lawful for the city, acting through its board having charge and control of the finances thereof, with the approval of the mayor, at any time prior to the purchase of said water rights, water-supply, property and works by the city, to agree with the contractor therefor as to form of the bond and the mortgage to be executed and issued thereon by him and to agree with such contractor in advance of such purchase, to assume in manner aforesaid the payment of the principal and interest of such bonds, not exceeding, however, the agreed purchase or option price, upon the consummation of the purchase of said water rights, water-supply, property and works by the city, but nothing in this act contained shall be construed as authorizing a consummation of such purchase until said water rights, water-supply, property and works shall have been accepted as completed in accordance with the contract therefor by the board having charge and control of the water department of such city. Agreement may be made with contractor to assume certain liabilities.

If bonds are assumed sinking fund established.

5. In case the city shall pay the purchase price for such water rights, water-supply, property and works by the assumption of bonds in the manner aforesaid, and shall consummate such purchase, then the board having charge and control of the finances shall forthwith establish a sinking fund for the redemption of the bonds so assumed; said sinking fund shall consist of such percentage of the principal of such bonds, to be set aside each year, as shall be determined on by such board, but the same shall average at least one and one-half per centum of the principal of said bonds per year for the life of said bonds; said financial board shall have the right, in its judgment, to defer the first payment into such sinking fund until the expiration of any period not exceeding ten years from the date of the assumption of such bonds; the amount of said sinking fund shall be paid over annually to the commissioners of the sinking fund in such city for investment and the retirement of said bonds.

Interest and charges met by water rents.

6. The interest and sinking fund charges aforesaid for the bonds to be issued by the city or assumed as aforesaid shall be paid, as they fall due, out of the revenues received by the city from water rents therein, on which they are hereby specially charged; it shall be the duty of the city to raise annually by taxation such further sum, if any be needed, as will be sufficient to pay the interest and sinking fund charges on all such bonds as they fall due and the principal thereof at maturity.

"Contractor" defined.

7. The word "contractor" in this act shall include not only the persons or company with whom the city has entered or shall enter into a contract for a new water-supply, but also any person or company to whom such contract has been or shall be assigned.

When bonds exempt from taxation.

8. Where any of the bonds issued or assigned by the city under the authority of this act are owned and held by any taxpayer residing in such city, at the time taxes are laid and levied therein, the same shall be exempt from taxation therein.

When this act shall not apply.

9. The provisions of this act shall not apply to the issuance or assumption of bonds for the purchase of water rights, water supply, property and works unless the same are purchased under and in accordance with the legal exercise of an option under the provisions of an act entitled "An act to authorize any of the municipal corporations of this state to

contract for a supply or a further or other supply of water therefor," approved April second, one thousand eight hundred and eighty-eight.

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

Approved March 22, 1900.

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## CHAPTER 77.

An Act to authorize municipalities to raise funds to replace any lost through the failure of banking institutions.

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

1. Whenever any city, town, township, or other municipality shall have lost any money or funds through the failure of any bank or banking institution by being depositors therein or otherwise, where there is no provision by law by which such municipality may raise money to replace that so lost by such failure, it shall be lawful for the common council, board of aldermen, township committee, or other board or body having charge and control of the finances of any such city, town, township or other municipality, to take an amount not exceeding the amount so lost from any other funds in such municipality not appropriated for any specific purpose and apply the same to the purpose for which the funds so lost were appropriated, or to raise a sum sufficient to replace the amount so lost by such failure by issuing bonds in such sums as the governing body or board having charge and control of the finances of such municipality shall determine; said bonds shall be issued in the corporate name of the municipality issuing the same, and shall be payable in not more than twenty years from the date of issue; they shall bear interest at a rate not to exceed five per centum per annum, and shall be sold for not less than par; the total amount raised shall not exceed the amount lost by the failure of such banking institution, and no part thereof shall be used for any other purpose than that for which the amount so lost was intended to be used; *provided, however*, that Bonds issued to replace funds lost through failure of bank. Proviso.

nothing in this act shall be construed in any wise to relieve or exempt any officer or agent of any municipality from any liability for any loss of any funds belonging to such municipality.

2. This act shall take effect immediately.

Approved March 22, 1900.

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## CHAPTER 78.

An Act to provide for the appointment of a board of water commissioners in cities of this state, and to define their powers and duties and fix their compensation.

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

Board of water commissioners; appointment, term, bond, etc.

1. In all cities in this state there shall be a board of water commissioners to consist of three suitable persons, who shall be appointed by the mayor, one for a term of one year, one for a term of two years and one for a term of three years from the date of their appointment hereunder, and at the time of the expiration of service of each of such commissioners a commissioner shall be appointed in his place in the same manner for three years, so that the term of service of all such commissioners under this act thereafter appointed shall be three years, and such persons when so appointed shall be a board of water commissioners of the city in and for which they are appointed; they shall qualify as officers of like character qualify in such cities and shall give bonds in the sum of five thousand dollars each, to be approved as to sufficiency in the same manner as other bonds of municipal officers are approved in and for the city in which they are appointed, for the faithful discharge of their duties; the commissioners so appointed hereunder shall meet as a board as soon as practicable thereafter and shall select one of their number to act as president for the ensuing year, and thereafter they shall so select a president each year; the said board of water commissioners shall have power to employ or appoint from time to time such superintendents, engineers, assistants, clerks and other persons as they may deem necessary or as may be authorized or required by law for

any such city, and to fix their compensation, and to require bonds for the faithful performance of their duties; the acts of two members shall be the acts of the board and any vacancy shall be filled by the mayor for the unexpired term only; no more than two members shall be appointed from the same political party.

Powers and duties.

2. The board of water commissioners herein provided for in any such city shall in relation to the matters contained in this act be substituted for and become vested with and shall perform all the powers and duties now vested in the board of aldermen, common council or other legislative body now having charge, control, operating, management, maintenance and construction of the water works and the water supply and the distribution, sale and use of water and the assessment and collection of water-rents and taxes in any such city; and all offices of superintendents, engineers or other office connected with the water-works in any such city are hereby abolished from the time the first water commissioners appointed under this act are qualified; and all books and papers, property and effects, matters and things whatsoever, now used by or heretofore in charge of any such officer of any board or body, and used for any purpose whatever in the exercise of the powers and duties by this act conferred upon the board of water commissioners herein provided for and authorized, shall at once be delivered to the said board of water commissioners, or to any person or persons designated by the board to receive the same in any such city; and all moneys received from water-rents or prices paid for the use of water, and interest on arrears of water-rents shall be applied as now provided by law.

Present offices abolished.

Records, etc.

Compensation.

3. The water commissioners herein provided for shall be paid a sum not exceeding five hundred dollars each per annum as compensation for their services; said sum to be fixed by the board of aldermen, common council or other governing body of such city.

All power vested in commission.

4. Every power and duty of every kind in relation to the said matters contained in this act now existing in any officer or officers or board or authority in any such city shall be performed by the board of water commissioners in this act provided for; and such board in the exercise of such powers and duties shall be substituted for any board or authority or officer or officers now performing or exercising any such

powers and duties, and the powers and duties aforesaid of the latter shall cease as herein provided.

Act inoperative in any city unless assented to by majority of voters.

5. This act shall take effect immediately; but its provisions shall remain inoperative in any city in this state until assented to by a majority of the legal voters thereof voting at any charter election or special election called for such purpose to be held in said city at any time to be fixed by the board of aldermen, council or other legislative body of said city, of which election the city clerk of said 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 said city, and published in one or more 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 to provide for the appointment of a board of water commissioners in cities of this state and to define their powers and duties and fix their compensation,'" or "against the adoption for this city of the provisions of an act entitled 'An act to provide for the appointment of a board of water commissioners in cities of this state and to define their powers and duties and fix their compensation'"; that such election shall be held at the usual places and conducted in the usual manner as charter elections are held and conducted in said city, and the election officers thereof shall return to the board of aldermen, common council or other legislative body of said city a true and correct statement in writing, under their hands, of the result of said election, the same to be entered at large upon the minutes of said body.

Approved March 22, 1900.

## CHAPTER 79.

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

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

Service upon judgment debtor who is non-resident, absconded, &c.

1. When application shall be made by the judgment creditor of a judgment debtor for an order requiring the judgment debtor to appear and make discovery on oath concerning his property and things in action, and it shall appear by affidavit to the satisfaction of the judge to whom such application shall be made that said judgment debtor is non-resident, or that he has absconded, or that his whereabouts are unknown, although reasonable inquiry for the same has been made, said judge shall, either at the time of the granting of said order, or afterwards, prescribe the method of service of the same, which service may be upon the judgment debtor's attorney of record in the cause in which said judgment was obtained, or by advertisement, or by mailing, or in such other manner as shall, under the circumstances, to the said judge seem proper; and upon proof of service of the said order in the manner directed, the proceedings shall continue in the same manner as if said order had been served personally upon said judgment debtor, and it shall be lawful, whether said judgment debtor shall appear as in said order directed or not, for said judge to make order appointing a receiver for the purposes and in the manner provided for in the act to which this is a supplement; *provided, however,* that no proceedings for contempt for not obeying said order shall be instituted against such judgment debtor unless it shall appear that the said order was served upon the judgment debtor personally.

Proviso.

Repealer.

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

Approved March 22, 1900.

## CHAPTER 80.

An Act providing that whenever, under and by virtue of the provisions of any existing law or laws, the sale of lands, tenements and real estate for the non payment of taxes and assessments or either of them, shall be advertised for at least sixty days, such sale and the notice thereof shall be published for said period, once in each week, successively, next preceding the time appointed for such sale, and that any sale of land, the notice of which is given as herein provided, shall be as good, valid and sufficient as if said notice had been published daily for at least sixty days previous to the time of such sale.

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

Notice of sale of property for non-payment of taxes or assessments.

1. Whenever, under and by virtue of the provisions of any existing law or laws, it is required in the sale of lands, tenements and real estate for the non payment of taxes and assessments or either of them, that the public body or authority making and conducting said sale, shall cause the same to be advertised for at least sixty days, such sale and the notice thereof shall be published for at least sixty days, once in each week, successively, next preceding the time appointed for such sale.

Successive weekly advertisements sufficient.

2. Any sale of lands and tenements for the non-payment of taxes and assessments, or either of them, hereafter made, where notice of the time and place thereof is given as herein provided, shall be as good, valid and sufficient as if said notice had been published daily for at least sixty days previous to the time of such sale.

Repealer.

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

Approved March 22, 1900.

## CHAPTER 81.

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

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

1. The forty-ninth section of said act be amended so as to read as follows: Section amended.

49. The said board of trustees shall have power to form such and so many fire engine, hose and hook and ladder companies as they may deem necessary, which shall be subject to the direction, authority and control of said trustees at all times; and said trustees are hereby invested with full power to procure, build, repair, maintain and preserve engines, engine houses, cisterns and reservoirs of water, ladders, buckets and all necessary implements and machines, and to purchase the real estate necessary, and to incur such other expenses as to said trustees shall appear best calculated to protect property within the village limits from injury or destruction by fire; but the whole amount expended under this section (except in cases of emergency as is hereinafter provided for) shall not in any year exceed such sum as shall be authorized for fire purposes by a majority vote at the annual election; and that in cases of emergency arising where it becomes necessary and important in the judgment of said board of trustees to raise money to purchase fire engines, hook and ladder trucks, hose carriages, ladders, buckets, hose and all other fire apparatus of any and every kind whatsoever of which the said board of trustees shall be the judges; the said board of trustees at either a regular or special meeting of said board shall have power and authority to determine to submit to a vote of the legal voters of said village upon at least three days' notice thereof

Trustees to create fire departments.

Expenditure.

Referendum.

whether any or all of such fire engines, hook and ladder trucks, hose carriages, ladders, buckets, hose, or other fire apparatus so submitted shall be purchased and how much money shall be expended therefor, and that the moneys needed and so voted for the purposes aforesaid shall be certified to the assessor of the townships wherein said village shall be located and shall thereupon be assessed, levied and collected by the assessor and collector of said township upon the same property and in the same manner and at the same times other village taxes are within the same limits, and said trustees shall have power to borrow said moneys or any part thereof upon note or notes payable at the expiration of not more than three years from the date of their issue, with interest at a rate not exceeding six per centum per annum, to be fixed by the said board, in anticipation of taxation.

Election; ballots.

2. In case the election herein authorized fall on the day of any general or special election of such village no separate ballots shall be required for the purpose of the vote of the adoption or rejection of the question to purchase according to such determination or resolution of the board of village trustees; each voter in favor of such purchase shall deposit a ballot containing the words "purchase of fire engines, et cetera, as directed by board of village trustees accepted," written or printed thereon, and those who are opposed shall each deposit a ballot with the words "purchase of fire engines, et cetera, as directed by board of village trustees rejected" written or printed thereon; it shall be the duty of the board of village trustees to furnish official ballots to all persons entitled thereto; there shall be a canvass on the return of votes upon the question of such acceptance or rejection in the same manner as for officers voted for at an election, and if the majority of the ballots cast, for or against such purchase, contain the words "purchase of fire engines, et cetera, as directed by board of village trustees accepted," then the said board of village trustees shall have the power to purchase such fire engines, hook and ladder trucks, hose carriages, ladders, buckets, hose and all other fire apparatus whatsoever to an amount not exceeding the amount so authorized at such election.

3. This act shall take effect immediately.

Approved March 22, 1900.

## CHAPTER 82.

An Act to amend an act entitled "A general act relating to boroughs (Revision, 1897)," approved April twenty-fourth, eighteen hundred and ninety seven.

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

1. Section thirty-nine of the said act to which this is an amendment, be amended so that the said section thirty-nine read as follows: Section amended.

39. The council of any borough may issue bonds under the signature of the mayor and borough clerk, with the corporate seal affixed, for the following purposes: For laying out, opening, widening, vacating, straightening, altering, grading or extending streets, avenues, roads, sidewalks and crossings, for telfordizing, macadamizing, paving, graveling, curbing, flagging, cleaning and keeping in repair the same; for lighting of streets or public places, and the construction or purchase of suitable plants, works or machinery for the supplying light for public or private use; for the construction or purchase of water-works or a plant for the supply of water for domestic or public use; for the purchase or construction of sewers, drains, or of a system of sewers or drains; for protection of property from fires; for protection of property from encroachment of the sea; for the purchase and establishment of public parks or squares, and the construction and purchase of public docks on tide water; for the purchase of property for the use of the borough; for building a borough hall or lock-up; for the building of fire-engine houses; for constructing public walks along any beach or ocean front; for the payment and refunding of any existing bonds due or about to fall due; or for any other public improvement, work or purchase of property authorized by law; the aggregate of bonds issued by the borough shall not at any time exceed fifteen per centum of the amount of the assessed valuation of the property in said borough, as shown by the latest assessment of valuation thereof; said bonds Council may issue bonds for certain purposes. Limitation to issue.

shall be payable at such time or times, not more than thirty years from the date thereof, respectively, and shall bear interest, payable at such time and at such rate, not exceeding six per centum per annum, as the council may decide; the existing indebtedness of any school district within the borough, or any indebtedness hereafter incurred for school purposes, and any notes, certificates or other obligations issued in anticipation of the collection of taxes, shall not be computed as a part of the indebtedness of the borough within the meaning of this section; the said bonds may be either registered or coupon bonds, or both; they may be disposed of at public or private sale, under such terms and conditions as the council may direct, at not less than par.

Existing indebtedness of school district not included.

3. This act shall take effect immediately.

Approved March 22, 1900.

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## CHAPTER 83.

An Act concerning consolidated cities and annexed municipalities and townships and portions thereof.

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

1. Whenever one or more cities, boroughs, towns or townships, or portions thereof, shall be annexed to or consolidated with any city by or pursuant to any general or special law, immediately upon such annexation or consolidation taking effect the charter of the city to which such municipality or municipalities and township or townships, or portions thereof, shall be annexed or added, and the supplements thereto, and all general laws affecting the same, and the ordinances and regulations of such city, shall extend to and have the same force and effect within the territories of the municipalities and townships and portions thereof so annexed to or consolidated with said city as the same shall have theretofore had within the original limits of such city; and the charter or charters of any municipality or municipalities the entire territory or territories of which shall be annexed to or consolidated with the territory of such city,

City charter extended to annexed district.

Charter of annexed district void.

and the supplements thereto, shall be deemed and taken, and are hereby declared to be repealed immediately upon such annexation or consolidation taking effect; *provided*, that such repeal shall not operate to affect any right which any such annexed municipality or any person shall have acquired under or by virtue of the law or laws so repealed; *and provided further*, that all ordinances and regulations of such annexed municipality or municipalities, so far as the same may be consistent with the charter and ordinances of such city, shall continue in full force and effect until the same shall be lawfully repealed, rescinded or altered by the proper authorities of such city.

Proviso.

Proviso.

2. The persons resident within the territorial limits of such city and such territory annexed to or consolidated therewith, and their successors, upon such annexation or consolidation taking effect, shall be, as a municipal corporation, under and by the corporate name of such city, and they are hereby declared so to be, absolutely and completely vested with all the lands, tenements, hereditaments, property, rights, causes of action and estate whatsoever, both at law and in equity, in possession, reversion and remainder, which at the time such annexation or consolidation shall take effect shall be vested in, or of right belong to such city and to such annexed municipality or municipalities, township or townships; *provided*, that nothing in this act contained shall affect any suit or suits which shall be pending at the time of such annexation or consolidation in the name of such city or of any such annexed municipality or township; and the collection of all taxes and assessments of all such annexed municipalities standing at the time of such annexation or consolidation, shall be effected in the manner prescribed by the respective charters, ordinances and regulations of such annexed municipalities.

Rights of persons in annexed territory.

Proviso.

3. Such city to which such municipality or municipalities, or township or townships, or parts thereof shall be annexed shall be liable to pay the bonded and other indebtedness of every municipality and township so annexed thereto, and a ratable proportion of the indebtedness of any municipality or township, a portion of the territory of which shall be so annexed thereto, which proportionate indebtedness shall be ascertained in the manner hereinafter provided; all paupers chargeable to any municipality or township, the whole territory of which shall be

Liability of city for debts of annexed territory.

Regarding paupers.

annexed to or consolidated with such city, shall be chargeable to and shall be supported by such city; and all paupers who at the time such annexation or consolidation shall take effect may be chargeable to or supported by any municipality or township, a part of the territory of which shall be annexed to or consolidated with such city, shall be chargeable to and supported by either such city or such municipality or township, as would have been the case had such annexation or consolidation taken place before such paupers, respectively, acquired the legal settlements by virtue of which they shall be supported.

Liabilities for indebtedness for schools.

4. Such city to which such municipality or municipalities, or township or townships, or parts thereof, shall be annexed, shall be liable to pay the bonded or other indebtedness of any municipality or township, which may have been incurred by such municipality, township or townships or board of education belonging thereto, for the erection, purchase, furnishing or repairing of any school house or property lying within the limits of the portion of the territory so annexed thereto.

Determination of proportionate liabilities and property.

5. On the second Monday after any such annexation or consolidation shall take effect a committee of three, to be appointed by the board of aldermen, common council or other governing board of such city, and a committee of three, to be appointed by the board of aldermen, common council or other governing board of each municipality, and by the township committee of each township, a part only of the territory of which shall be annexed to or consolidated with such city, shall meet at the city hall of such city, at ten o'clock in the forenoon of said day, and shall then and there, or as soon thereafter as may be, proceed to allot and divide between such city and such municipality or municipalities and township or townships, all the paupers of such municipality or municipalities and township or townships, and all the property and moneys on hand or due to, and all the indebtedness of such municipality or municipalities and township or townships respectively, in proportion to the taxable property and ratables within the respective limits of such municipality or municipalities and township or townships as the same shall remain, and the part or parts thereof which shall be so annexed to or consolidated with such city; and such apportionment of assets and debts shall be based upon the last abstract of

ratables made for the purpose of levying taxes; and such city shall be liable for its part of the debts of such municipality or municipalities and township or townships, so ascertained, and shall be entitled to its share of the moneys and properties thereof in proportion to such ratables as divided as aforesaid; in effecting such division the decision of a majority of those present of the committee of such city and of the committee of such municipality or township, the debts and property of which are being divided, shall be final and conclusive, the members of the committees of other municipalities and townships present for the purpose of making such division having no voice therein; if any member of any of said committees shall neglect or refuse to attend such meeting, those assembled may act; *provided*, that it shall be lawful to adjourn said meeting from time to time, not exceeding one week, as a majority of said committee may decide.

Proviso.

6 Such city shall be entitled to its proportion, according to the principle stated in the preceding section, and to be allotted and divided by the same committee, of the surplus revenue of the general government which may be deposited with such municipality or municipalities and township or townships, and the interest due thereon; and such municipality or municipalities and township or townships shall be discharged from liability for, and such city shall become liable for so much of said surplus revenue as may be allotted to it.

Allotment of surplus revenue.

7. All officers of such city, for the choice of whose successors no provision is herein made, shall continue in office until the expiration of their respective terms; all commissioners of deeds, justices of the peace and constables resident within the territories annexed to such city shall continue to hold their respective offices until the expiration of their respective terms; and all police officers of any municipality the entire territory of which shall be annexed to or consolidated with such city, shall continue to hold their offices, and to exercise the functions and powers thereof as provided by the ordinances, rules and regulations of such city, and under the marshal, chief of police, or the board of police commissioners thereof, until their successors shall be regularly appointed by the proper authorities of such city; until their successors shall be chosen, and while they shall remain in such positions, they shall receive from such city the same

When officers to continue.

pay that they shall have received from the municipality of which they were officers before such annexation or consolidation.

Wards in annexed district.

8. Upon the presentation to the common council, town council, board of aldermen, or other governing board or body of such city or town to which such township, townships or portion or portions thereof shall be annexed and consolidated, of a petition signed by five or more qualified electors resident within the territory annexed to or consolidated with such city, setting forth the fact of such annexation or consolidation, and praying that the territory so annexed to or consolidated with such city may be divided into wards, such governing body, on being satisfied of the sufficiency of such petition, shall appoint a time not less than ten nor more than thirty days from the date of the presentation of said petition to them, and a place within such city when and where they will sit to hear and consider such petition, notice of which hearing, and the time and place thereof, shall be published at least twice, in two of the daily newspapers published in said city, and posted in at least five of the most public places within the territory so annexed or consolidated with such city; at the place and time so appointed, or at a time to which such hearing shall be adjourned, the governing body of such city shall sit to hear and decide upon such petition, and upon being satisfied of the truth of the matters therein contained, they shall appoint from the qualified voters being resident freeholders within the enlarged boundaries of such city, five commissioners, not more than three of whom shall be members of any one political party, to divide the territory so annexed or consolidated with such city into wards, and to perform the other duties required of them by the provisions of this act; before acting the said commissioners shall take and subscribe to an oath to well, truly and impartially perform their duties as such officers, which oath shall be filed in the office of the clerk of the county in which such consolidated city shall be situate; the said commissioners shall at once proceed to divide the territory so annexed or consolidated with such city into wards in as fair a manner as may be, and shall make such division with reference to population and territory; *provided, however*, that if, in the opinion of said commissioners, or in the event of such division of such annexed territory devolving upon common council or other governing body of said city, as

Commissioners appointed.

Proviso.

hereinafter provided, said commissioners or said governing body should not find it practicable or expedient to erect one or more wards out of the territory so annexed, in that event the said commissioners or the said governing body of such city may annex a part or parts, or all, of such annexed territory to one or more existing and contiguous wards in such city; if the commissioners shall neglect or fail to make such division within fifteen days after their appointment, it shall be the duty of the common council, board of aldermen or other governing body of the city to or with which such territory is or may be annexed or consolidated, forthwith to make such division; when the boundary lines of the wards of the territory so annexed or consolidated with such city shall have been settled and defined by the commissioners, or by the common council or other governing body as aforesaid, said commissioners, common council or other governing body shall prepare triplicate written descriptions of said boundary lines, and shall annex to each description a map of the said boundary lines, a majority of whom shall sign their names thereto, and shall file one of said copies and maps in the office of the clerk of such city, another of such copies and maps in the office of the clerk of the county in which such city shall be situate, and the third of said copies and maps in the office of the secretary of state; and a map of the said ward lines shall be recorded in the city atlas of such city; and from and after the date of filing such descriptions and maps in the said offices the boundaries of the wards or parts of wards of the territory so annexed or consolidated with such city shall be as described and delineated in said descriptions and maps; if any of the commissioners shall fail or refuse to qualify or act, or shall die or become ineligible, the fact shall be certified by any of the acting commissioners to the common council or other governing body, who shall appoint a proper person to fill such vacancy; in acting under the provisions of this act the commissioners may adjourn their sessions from time to time, but no such adjournment shall be for a longer period than one week; the said commissioners, while actually in session, shall each receive the sum of three dollars for each day, which said moneys shall be paid to them out of the treasury of said city; *and provided further*, that, in the event of no new ward or wards being created out of the

Description of ward lines.

Recorded on city atlas.

Proviso.

annexed territory, and in the event of such territory being added to existing contiguous ward or wards, there shall be established by the common council or other governing body of such city to which such territory shall be annexed, such new precincts or election districts and polling places, as the laws of this state or the charter of such city may require.

Election districts.

9. As soon as may be after the division of the territory so annexed or consolidated with such city into wards as aforesaid, the officers or body who so divided said territory into wards shall divide each of said wards of said city into at least two election districts, and shall designate a polling place in each of said districts; and they shall thereupon file with the clerk of the city a writing signed by themselves or a majority thereof, which writing shall describe the boundaries of the several election districts within the territory so annexed or consolidated with such city; as soon as such paper shall have been filed in said clerk's office, the common council or other governing body shall fix a time for the holding of a special election in the ward or wards newly created, and thereupon the clerk of such city shall give notice of such special election to be held in the ward or wards newly created, at least ten days before the time fixed as aforesaid for said special election; and he shall publish with such notice a description of the boundary lines of the election districts of the city; such notice shall be published at least five times in two or more of the daily newspapers published in such city, and shall be posted for at least five days before the election in five of the most public places in each ward within the territory so annexed or consolidated with such city; *provided, however*, that no such special election shall be held if the territory so annexed or consolidated with such city shall be added to existing contiguous ward or wards.

Special election.

Proviso.

Penalties.

10. The said election shall be conducted under the pains and penalties and according to the provisions (so far as the same may be applicable thereto) of an act entitled "An act to regulate elections (Revision of 1898)," approved April fourth, one thousand eight hundred and ninety-eight, and the supplements thereto; *provided*, that no registration of voters shall be required for such election.

Proviso.

Officers to be chosen; term.

11. On the day appointed for such election there shall be elected in each of the wards within the territory so annexed or consolidated with such city, as many members of the

board of aldermen, common council, or other governing board of such city, and also one chosen freeholder and such other officers as the law provides to represent such wards; the members of the board of aldermen, common council or other governing body shall be elected to serve one of each until his successor shall be chosen at the next annual charter election of said city; another until his successor shall be chosen at the second annual charter election, and the third (if there be a third member), until his successor shall be chosen at the third annual charter election of such city to be held thereafter; and the time for which each of said officers is to be elected to serve shall be written or printed under his name upon the ballot to be cast, and any ballot which shall not designate such terms of service shall be rejected as to such officers.

Certain offices abolished.

12. Upon the election of such officers, the offices held by the members of the theretofore existing board of aldermen, common council, township committee or other governing board of the territory or any portion of the territory so annexed or consolidated with such city, and chosen freeholders resident therein, shall and the same are hereby declared to be forthwith vacated and abolished.

Repealer.

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

Approved March 22, 1900.

## CHAPTER 84.

A Supplement to an act entitled "An act for the creation of a state board of children's guardians, and for defining their duties and powers with respect to the maintenance, care and general supervision over indigent, helpless, dependent, abandoned, friendless and poor children now or hereafter to become public charges of this state," approved March twenty-fourth, one thousand eight hundred and ninety-nine.

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

Section amended.

1. Section four of the act entitled "An act for the creation of a state board of children's guardians, and for defining their duties and powers with respect to the maintenance, care and general supervision over indigent, helpless dependent, abandoned, friendless and poor children now or hereafter to become public charges of this state," approved March twenty-fourth, one thousand eight hundred and ninety-nine, shall be and the same is hereby amended so as to read as follows:

Further duties of board of children's guardians.

4. It shall be the duty of the state board of children's guardians, upon receiving notice of the commitment of the child as a public charge, to place such child in the care of some family within this state, with or without the payment of board, and with or without indenture; and it shall further be the duty of such state board of children's guardians to place such child in the care of a family of the religious faith of the parent or parents of such child, and during the period in which the state board of children's guardians is seeking such family for such child, and until such family is secured as hereinbefore provided, it shall be the duty of the state board of children's guardians to place such child in the custody and care of an institution in this state for the care of children; *provided*, that the institution in which the child is placed shall be one maintained for children of the religious faith of

Proviso.

the parent or parents of such child when such an institution exists therein; in case no institution of such religious faith exists in this state, then the said board of children's guardians shall use its discretion in providing an institution for the care of such child until a family has been secured; *provided*, that nothing in this act contained shall be construed as giving such state board any control over or supervision of any child heretofore or hereafter placed in or bound out by any home or institution created under the laws of this state, and supported or maintained without assistance from the state or any municipality thereof, or of any child heretofore or hereafter committed to a duly incorporated charitable institution in this state by virtue of an act approved March twenty-fifth, anno domini one thousand eight hundred and eighty-one, entitled "A supplement to an act entitled 'An act for the settlement and relief of the poor' (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four." Proviso.

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

Approved March 22, 1900.

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## CHAPTER 85.

An Act to authorize municipalities to light turnpike roads.

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

1. It shall be lawful for any municipality in this state to light or cause to be lighted, any part of a turnpike road situate within its corporate limits, while such road is used as a highway therein, and also to erect thereon such poles, wires and other fixtures as may be reasonably necessary for such purpose, provided such poles shall be erected in such a manner as not to interfere with public travel on such turnpike road. Turnpikes within municipality may be lighted.

2. This act shall take effect immediately.

Approved March 22, 1900.

## CHAPTER 86.

Supplement to an act entitled "An act to encourage the establishment of mutual loan, homestead and building associations" (Revision), approved April ninth, one thousand eight hundred and seventy-five, and the several supplements thereto.

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

Elections by ballot.

1. All elections for directors and other officers of every association incorporated under the provisions of the above stated act, and the several supplements thereto, shall be held by ballot; the poll at every such election shall be opened between the hours of nine o'clock in the morning and nine o'clock in the evening, at such time as may be designated in the constitution or by-laws, or by resolution of the board of directors of the association.

Who entitled to vote.

2. Every person holding a share or shares in any association as executor, administrator, guardian or trustee, may vote as a shareholder, and every person who shall pledge his or her share or shares as collateral security, may, nevertheless, represent the same at all such meetings, and may vote accordingly as a shareholder.

Repealer.

3. 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, 1900.

## CHAPTER 87.

An Act to provide for the selection, location, appropriation and management of certain lands along the palisades of the Hudson river for an interstate park, and thereby to preserve the scenery of the palisades.

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

Commissioners of park; number, appointment, term.

1. Within thirty days after the going into effect of this act there shall be appointed by the governor of this state, by and with the consent of the senate, ten commissioners, five of whom shall be citizens and residents of the state of New Jersey, who shall constitute and are hereby appointed and constituted a board of commissioners by the name and style of "commissioners of the palisades interstate park"; of the commissioners first appointed under the provisions of this act, the terms of two (one of whom shall be a resident of this state) shall expire each year until the terms of all have expired, and the said commissioners first appointed shall be appointed and hold office respectively for the terms of one, two, three, four and five years, as indicated and fixed in their respective commissions and until others are appointed in their places, and all such commissioners, after the first appointment, shall be appointed by the governor and hold office for the full term of five years and until others shall be appointed in their places; vacancies in the commission caused by death, resignation, refusal to act or removal from the state shall be filled by the governor by appointment for the unexpired term only; 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 for his expenses in performing the duties of his office.

Vacancies.

Compensation.

Rights of board.

2. Such board of 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 and adopt by-laws to regulate its proceedings; such board shall annually choose from among its members a president, a vice-president,

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treasurer and secretary and appoint such other officers and employes 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; such board shall have and maintain 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 shall determine.

Meeting.

3. The first meeting of such board of commissioners, at which it shall choose its officers, as hereinbefore provided, shall be held at such time and place as shall be notified to the members of the board of commissioners by the secretary of state.

Duty.

4. The board of commissioners shall have power to and shall, as soon as may be after its organization, and from time to time, proceed to select and locate such lands lying between the top or steep edge of the palisades or the crest of the slope in places where the steep palisade rocks are absent and the base of the steep rocks of the palisades, together with such lands as may lie between said base and a line running parallel to and distant, westerly, one hundred and fifty feet from the high-water line of the Hudson river, from the New York state line on the north, to the road leading from the old Fort Lee dock or landing to Fort Lee, in Bergen county, on the south, as may in their opinion be proper and necessary to be reserved for the purpose of establishing a state park and thereby preserving the scenic beauty of the palisades; *provided*, that no public road, now or hereafter, leading from the top of the palisades to the Hudson river, and no public wharf, dock or ferry slip located within two hundred feet of the point of intersection of the center line of any such road with the high-water line of said river, shall be included in or make a part of said park.

Proviso.

Power to acquire, &c., lands for public park.

5. The said board of commissioners shall have power to acquire, maintain and make available for use as a public park the lands located as aforesaid, and for this purpose shall have power to take in fee or otherwise, by purchase, gift, devise or eminent domain, the said lands, or any of them, and any rights, interests and easements therein; they shall also have power to acquire by purchase, gift or devise, but

not by eminent domain, for the purposes herein set forth, any lands on the top of the palisades, and to receive by gift, contribution or bequest moneys to be used in acquiring or improving the said lands or any of them; deeds of conveyance for such lands shall be made to said board of commissioners by its corporate name, and it shall be the duty of said board to preserve, care for, lay out and improve the said park and to make rules for the use and government of the same; said board shall have power also to lay out, construct and maintain roads, pathways and boulevards upon, across and over the said park, to lay out, construct and maintain roads between and connecting any separated portions of said park (provided that no such road shall be laid out upon the top of the palisades, except wholly upon the lands of said park or upon lands of parties consenting thereto), and for this purpose to acquire rights of way upon and across any intervening lands and to lay out, construct and maintain roads and ways connecting the roads and ways within said park with other public roads outside of and adjacent thereto; and said board of commissioners shall in laying out and maintaining said park have regard to the laying out and maintenance of such park as may be established by the state of New York along the palisades and Hudson river and shall lay out and maintain said park in such manner that it, together with such park as may be established by the state of New York, shall form, so far as may be, a continuous park, the intention of this act being to provide, in conjunction with the state of New York, for the establishing of a park along the front of the palisades from Fort Lee in this state to the termination thereof in New York, and thereby preserving the scenic beauty of the palisades. Preservation of park.

6. Before any proceedings shall be had or taken for acquiring by eminent domain the title to any of the lands located under section four of this act, the said commissioners shall cause to be made, by such engineer and surveyor as they shall select, a map of the parcel or parcels of lands and rights in lands which they shall determine and be about to take, showing the boundaries thereof and of the individual pieces of land embraced therein, and the names of the owners or reputed owners thereof, as nearly as the same can be ascertained, a copy of which map, certified by a majority of said commissioners, shall be filed in the office of the clerk of the county of Bergen; and the said commissioners shall Maps.

also file in like manner from time to time maps of any other or further parcel or parcels of lands and of any rights in lands, located as aforesaid, which they may determine and be about to take, and the proceedings hereinafter provided for shall be taken in regard to the lands and rights in lands shown on each of said maps

Notice of intention.

7. Within six months after the filing of any such map as above required, the said commissioners shall publish for four successive weeks, at least once in each week, in a newspaper printed and published in the county of Bergen, a notice declaring that the commissioners of the palisades interstate park intend to take and appropriate and pay for such of the lands and rights in lands shown on the said map as are described in such notice, and acquire title thereto and hold the same in trust for the people of the state of New Jersey.

Acquire land by condemnation.

8. The said commissioners shall have power and authority to acquire such lands for the purposes mentioned in this act, and in case they shall be unable to agree with the owner or owners of any of such lands, or when by reason of the legal incapacity or absence of such owner or owners or for any other cause no agreement can be made for the purchase thereof, such land shall be acquired and the compensation shall be ascertained and paid in the manner provided by the general laws of this state regulating the ascertainment and payment of compensation for property condemned or taken for public uses, and subject to the procedure and practice prescribed by said laws; *provided, however*, that in fixing the compensation to be paid for such lands, no allowance or deductions shall be made on account of any real or supposed benefit which the parties interested may derive from said park or improvement for which such lands are to be taken; the commissioners or any party may appeal from said award and such appeal shall be heard and determined in the manner provided by said laws.

Proviso.

When condemnation void.

9. In case any lands condemned under the authority of this act shall not be paid for within six months from the filing of the award therefor, or in case of appeal, within six months from the date of the judgment entered on said appeal, then the condemnation proceedings had in regard to such lands shall become and be null and void.

Report to next legislature.

10. After the proceedings hereinbefore provided for, for the purpose of acquiring title by the said board of commis-

sioners to the said lands or any of them shall have been concluded, the said board of commissioners of the palisades interstate park shall report such proceedings, and all other action by them taken, together with the amounts awarded by the said commissioners of appraisement, to the legislature of this state at the next ensuing session thereof.

Access maintained.

11. Nothing in this act contained shall prevent access upon and across lands which shall have been acquired by said board of commissioners as portions of said park, to or from lands of private individuals or corporations lying along the foot of the palisades within the limits of the said park in this state which shall not have been so acquired, or from the lands lying on the top of the palisades to the Hudson river, by elevator, highway, steam, electric or other road, but such access may be acquired in the manner provided by law, as though the said park lands were held by private individuals or corporations.

Expenditures.

12. Said commissioners of the palisades interstate park shall be authorized to spend such sum as may be included in the annual appropriation bill, not exceeding five thousand dollars, for necessary expenses of said commissioners in carrying out the provisions of this act, but not for the purchase of lands; *provided*, such expenditures shall be approved by the governor and comptroller before payment thereof.

Proviso.

Enacting clause.

13. This act shall take effect on the first day of June, anno domini nineteen hundred.

Approved March 22, 1900.

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## CHAPTER 88.

An Act to incorporate the borough of Highlands, in the county of Monmouth.

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

Corporate name.

1. The inhabitants of that portion of the township of Middletown, in the county of Monmouth and state of New Jersey, hereinafter set forth, are hereby constituted and declared to be a body politic and corporate in fact and in

law by the name of the borough of Highlands, and shall be governed by the general laws of this state relating to boroughs.

Boundaries.

2. The boundaries of the said borough shall be as follows: Beginning at a point in the west channel of the Shrewsbury river opposite the northwesterly corner of the Andrew and Thompson tract, so called; from thence running (1) in a straight line in a southwesterly direction to and along the westerly line of said Andrew and Thompson tract across Navesink avenue to the westerly side of North Peak avenue, and continuing the same course along the westerly side of North Peak avenue and lot No. 102 on the map of Schenck's estate, to a stone planted for a monument in the line of lands of Hartshorne; thence (2) in a southeasterly and southerly direction along the Hartshorne line to a monument in the north line of lands of Joseph Wheelock; thence (3) in an easterly direction along the north line of said Wheelock's lands and lands of formerly Robert Proudfoot, to the channel of said Shrewsbury river; thence (4) northerly and westerly, following the meanderings of the channel of said Shrewsbury river, to the place of beginning; excepting thereout the tract of land owned by the United States government, whereon the famous "Twin-Light houses" are located.

3. This act shall take effect immediately.

Approved March 22, 1900.

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## CHAPTER 89.

An Act to reorganize the government of counties of the first class in this state.

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

County supervisor.

1. On and after the first Monday in December, nineteen hundred, counties of the first class within this state shall be governed by a chief executive officer to be known as the "county supervisor," and a board of chosen freeholders to

be constituted as follows: There shall be one member of such board from each ward of each first class city in such county; two members at large from each city of the second class, town or township in such county which shall have at the time of the election of such members a population of not less than fourteen thousand, as ascertained by the then last preceding federal or state census, one member at large from each city, town or township having by such census a population of less than fourteen thousand, and for the purposes of representation in said board of chosen freeholders every borough shall be regarded as part of the municipality from the territory of which such borough was created; they shall be elected in and for their several and respective municipal districts at the general election of nineteen hundred, and at the general election each second succeeding year, and shall be citizens of the respective municipal districts in and for which they are elected; their terms of office shall begin on the first Monday in December next after their election, and they shall hold office for two years, and until their successors shall have been elected and qualified.

Board of freeholders, how constituted.

Term.

2. The "county supervisor" shall be elected at large in the county, and must be a citizen of such county in and for which he is elected; he shall be voted for at the same time and at the same places that members of the boards of chosen freeholders are voted for; he shall take office on the first Monday in December next after his election, and shall hold office for two years and until his successor shall have been elected and qualified; he shall be the chief executive officer of the county, and may recommend the board of chosen freeholders to pass such measures as he may deem necessary or expedient for the welfare of the county; it shall be his duty to communicate to the board of chosen freeholders, at their first annual meeting in each year, and at other times when he may deem it expedient, a general statement of the condition of the county in relation to its government, finances, institutions and improvements, with such recommendations as he may deem proper; to be vigilant and active in causing the laws and ordinances of the county to be executed and enforced.

County supervisor; his election, term, duty.

3. It shall be the duty of the "county supervisor" to exercise a constant supervision over the conduct of all subordinate officers, and to examine into all complaints made against any of them for violation or neglect of duty, and if

Further duties.

it is found that any officer is guilty of the charges brought against him, the "county supervisor" may suspend or remove him, as the case may seem to require; and, generally, to perform all such duties as may be required of him by law or ordinance.

All ordinances presented to him.

4. Every resolution or ordinance passed by the board of chosen freeholders shall, before it takes effect, be presented to the "county supervisor" by the clerk of the board of chosen freeholders, duly certified by the director and clerk of said board; if he approve it, he shall sign it; if not, he shall return it with his objections, and file it with the clerk of the board of chosen freeholders within ten days after receiving it; and the board of chosen freeholders shall, at its next meeting thereafter, enter the objections at length on the minutes of the board, and shall proceed to reconsider the same, and if two-thirds of all the members of the board of chosen freeholders agree to pass the same, it shall take effect, but in every such case the vote shall be taken by yeas and nays and entered in full on the minutes of the board; and if such resolution or ordinance shall not be returned within ten days as aforesaid, it shall take effect in like manner as if the "county supervisor" had signed it; and each and every ordinance so passed as aforesaid shall be published twice in two newspapers printed and published in the county.

Power of veto.

Publication of ordinances.

County supervisor pro tempore.

5. Whenever there shall be a vacancy in the office of "county supervisor" or whenever the "county supervisor" shall be prevented by absence from the county, sickness or any other cause from performing the duties of his office, then the director of the board of chosen freeholders shall act as "county supervisor" pro tempore, and shall possess all the rights and powers of the "county supervisor" until such disability be removed or a new "county supervisor" be elected and qualifies.

Organization of freeholders.

6. The boards of chosen freeholders in counties of the first class, constituted as hereinbefore directed, shall meet for organization on the first Monday in December, nineteen hundred, and thereafter on the first Monday in December next after their election, and shall elect from their own number a director, who shall be the presiding officer of said board, and shall appoint the standing committees thereof; said board shall also appoint a county counsel, a county physician, a county engineer, a warden of the penitentiary, a warden of the county jail, a superintendent of the county

County officers.

almshouse, a superintendent of each county hospital, a physician for the penitentiary, a physician for the county jail, and the physicians for the county hospitals, together with such other officers and agents for the transaction of county business, as may be determined by resolution of said board.

Compensation.

7. Members of the boards of freeholders in counties of the first class shall receive as compensation for their services a salary of five hundred dollars per annum, and that the "county supervisor" shall receive a salary of twenty-five hundred dollars per annum; said salaries shall be paid out of the county treasury by the county collector of said counties in equal quarterly payments as the same become due, and no other compensation shall be allowed, given or paid to any of said members, or to the "county supervisor" for any services or expenses whatever connected with said office; before assuming the duties of his office each freeholder appointed, chosen or elected under the provisions of this act and each "county supervisor" shall take and subscribe an official oath for the faithful performance of the duties of his office, which oath shall be filed in the respective offices of the clerks of said counties; the county auditor, the county collector, and every other officer and appointee or employee of the board of chosen freeholders, shall receive such compensation as shall be determined by resolution of such board of chosen freeholders and shall give bond for the faithful performance of the duties of his office or position, in such sum as shall be prescribed by resolution of said board of chosen freeholders.

Vacancies.

8. Any vacancy or vacancies hereafter existing in any of the boards of chosen freeholders constituted or elected under the provisions of this act shall be filled by the governing body of the city, township or incorporated town for which such vacancy or vacancies shall exist; *provided*, that the members chosen to fill such vacancy or vacancies shall be citizens of the ward, city, township or incorporated town for which the vacancy or vacancies shall exist, and shall hold office for the unexpired term only.

Proviso.

Existing laws applicable.

9. All laws, public, general, special or private, now in force, relating to the boards of chosen freeholders of counties subject to the operation and provisions of this act, and consistent with this act, shall apply to the boards of chosen freeholders as the same shall be constituted or elected under the provisions of this act.

Powers, duties, &c.

10. The boards of chosen freeholders constituted or elected under the provisions of this act shall be vested with all the powers, authority, rights and privileges, and shall have imposed upon them all the duties which are now vested in or imposed upon the boards of chosen freeholders now existing in each of said counties; and that all laws, parts of laws, statutes and parts of statutes now in force, and in anywise applicable to the boards of chosen freeholders in said counties, public, private, general or special, be and the same hereby are in all respects continued in full force and made applicable to the boards of chosen freeholders constituted or elected under the provisions of this act, except in so far as the same may conflict with or be inconsistent with the meaning of this act.

Expiration of term of office of present officers.

11. The terms of office of all officers now holding office under appointment by the boards of chosen freeholders of counties of the first class or under appointment by any officer of any such boards shall expire on the fourth day of December, nineteen hundred, notwithstanding that such officers may have been appointed for a longer term; and all offices filled by appointment by such boards of chosen freeholders shall be and become vacant from and after the said fourth day of December, nineteen hundred, and the boards of chosen freeholders constituted or elected under the provisions of this act, shall forthwith, upon the organization of said board, appoint successors to the offices hereby vacated, who shall serve for terms of two years; *provided*, that the persons now holding the respective offices of county auditor and county collector shall continue to exercise the duties of their respective offices until their successors shall have been appointed as provided for by this act, and shall have duly qualified; *and provided further*, that nothing in this section contained shall apply to or in anywise affect any honorably discharged soldier or sailor of the United States, being a veteran of the war of the rebellion or the widow of such soldier or sailor in office at the time of the passage of this act, but any and all such persons shall continue and remain in their respective offices or positions the same as if this act had not been passed, and shall be removed for cause only; except in cases where the term of office or position was fixed by law or by contract.

Proviso.

Proviso.

Representation in board.

12. From and after the passage of this act it shall not be lawful for the governing body of any city, town or

township in such county to make any appointment to membership in any board of chosen freeholders whereby such city, town or township shall have any greater representation in such board of chosen freeholders than is provided for in this act; but the present members of the board of chosen freeholders shall continue in office until the expiration of the term for which they were elected.

Repealer.

13. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall be deemed a public act, and shall take effect immediately; *provided, however*, that this act shall not take effect in any county in which the legal voters shall decide at an election to adopt another plan for the election of chosen freeholders

Proviso.

Approved March 22, 1900.

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## CHAPTER 90.

A Further Supplement to an act entitled "An act to authorize the planting of oysters on lands covered by water in Shark river, in the county of Monmouth, and for the protection of the same," approved March fourteenth, one thousand eight hundred and sixty-one.

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

Terms of lease extended.

1. The commissioners authorized to be appointed by the second section of the act, of which this act is a supplement, be and they are hereby empowered to extend the term of lease of the lands covered with water in Shark river, in the county of Monmouth, within the territory described in said act or any supplement thereto to the highest bidder or bidders at public vendue for a period not less than one or more than five years, the said bidder or bidders, in all cases, to be citizens of this state, and shall pay the sum bid annually during the term for which the said land covered with water is leased, the payment of which rent shall be secured to the satisfaction of said commissioners, and upon the pay-

ment of the sum for which said lands or any part thereof may be leased, such bidder or his or her legal representative shall be entitled to the exclusive use and occupation of the said land covered by water during the term named, for the purpose of planting and growing oysters.

2. This act shall take effect immediately.

Approved March 22, 1900.

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## CHAPTER 91.

An Act to provide for the expenses of the assembly committee of investigation appointed February twenty-first, nineteen hundred.

Preamble.

WHEREAS, The speaker of the general assembly, on the twenty-first day of February, one thousand nine hundred, did appoint a committee of five members of the general assembly, pursuant to the report of the joint committee on the state industrial school for girls, recommending the appointment of a committee of five by the speaker to investigate the charges made with relation to the management of the school and make report with all convenient speed; the said committee to have power to compel the presence of witnesses, and produce the books and papers, and to employ such assistance as they may deem necessary, and said committee is about to commence such inquiry; therefore,

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

Provision for expenses.

1. Upon the requisition of said committee, or a majority of them, the comptroller of the treasury shall draw his warrants for, and the state treasurer shall pay, all expenses which may be incurred in such investigation or any other investigation which said committee may be authorized to make, 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 investigation; and all

moneys necessary for said purpose are hereby appropriated out of any moneys in the treasury not otherwise appropriated; *provided*, that no such expense shall be paid, except upon the approval of the governor, the state treasurer and the comptroller, and this act shall take effect immediately. Proviso.

Approved March 22, 1900.

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## CHAPTER 92.

An Act to amend an act entitled "A further supplement to an act entitled 'A supplement to an act entitled "An act to regulate fishing with seines in Barnegat Bay,"' passed February seventeenth, one thousand eight hundred and forty-two," which supplement was approved April twenty-first, one thousand eight hundred and seventy six, and said amendatory act approved May fourteenth, one thou sand eight hundred and ninety-four, and which further supplement was approved April nineteenth, one thousand eight hundred and ninety-eight.

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

1. Sections one and two of an act entitled "A further supplement to an act entitled 'An act to regulate fishing with seines in Barnegat Bay,'" approved May fourteenth, one thousand eight hundred and ninety four, be and the same are hereby amended so as to read as follows: Section amended.

1. From and after the passage of this act it shall not be lawful for any person to set, haul or use within the tide-waters of Barnegat Bay, or any of the rivers, coves or other tributary waters thereof, any net or nets, fyke or fykes, pound or pounds, weir or weirs, for the purpose of taking fish therefrom during the months of July, August, September and October of each year; *provided*, that nothing herein contained shall prevent the setting or using of fykes or gill nets during the months of November, December, January, February, March, April, Closed season. Proviso.

May and June of each year hereafter, which said fykes or gill nets shall not exceed thirty fathoms in length; *provided further*, that it shall not be lawful for any person or persons to set or use within the tide-waters of Barnegat Bay, or any of the rivers, coves, or other tributary waters as aforesaid, any pound or pounds, weir or weirs, for the purpose of taking fish therefrom; *and provided further*, that it shall be unlawful for any person or persons to use for fishing a net or nets of less than three-inch mesh.

Proviso.

Proviso.

Use of seine.

2. It shall not be lawful for any person or persons to haul or use any seine or other moving net, fyke or gill net, for the purpose of taking fish from the waters of said Barnegat Bay during the months of July, August, September and October of any year; nor shall it be lawful to use any seine or other net for fishing in the waters of said bay composed in any of its parts of meshes of less size than three inches; *provided*, that it shall and may be lawful to haul seines in the several tributary rivers, creeks, streams, and coves of said bay, and in that portion of the bay proper which is within the present limits of the township of Brick, for the purpose of taking herring therefrom, during the months of March, April, May and June, yearly and every year, the smallest meshes of which said nets shall not be less than two inches in size.

Proviso.

Repealer.

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

Approved March 22, 1900.

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## CHAPTER 93.

An Act to establish and regulate the state home for boys (Revision of 1900).

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

Name.

1. The institution known as the state reform school for juvenile offenders, located at Jamesburg and established by the act of April sixth, eighteen hundred and sixty-five, and

the various supplements thereto, shall hereafter be known as "the state home for boys."

Corporate name of trustees.

2. The trustees of said institution appointed as hereinafter provided shall be a corporation by the name of "the trustees of the state home for boys" for the purpose of taking and holding to themselves and their successors, in trust for the state, any grant or devise of lands, and any donation or bequest of money or other personal property, made for the use of said institution, and for the purpose of preserving and investing the same or the proceeds thereof in good securities, with all the powers necessary to carry said purposes into effect.

Corporate rights vested in new board.

3. The said "the trustees of the state home for boys" shall have full power and authority to fulfill and carry out all lawful contracts, agreements and obligations heretofore made and entered into by the trustees of the corporation known as "the trustees of the New Jersey state reform school," and all such contracts, agreements and obligations shall survive to and be vested in the said "the trustees of the state home for boys," and all rights, credits and property, both real and personal, now belonging to or vested in or under the charge and control of the said "the trustees of the New Jersey state reform school," shall survive to and belong to and be vested in and become under the charge and control of the said "the trustees of the state home for boys," as fully and to the same extent as the same now belong to, are vested in or are under the charge and control of the said "the trustees of the New Jersey state reform school."

## TRUSTEES, THEIR POWERS AND DUTIES.

Trustees; number, term,

4. The trustees of said home shall be six in number and shall be appointed by the governor with the advice and consent of the senate, as follows: Two each year for the term of three years; and in case of a vacancy from death, resignation, removal from office or otherwise, the vacancy shall be filled for the unexpired term only, and not more than three of said trustees shall belong to the same political party, either by original appointment or by appointment to fill vacancies; *provided*, the governor may in his discretion remove from office any trustee so appointed.

Proviso.

Continuance of present trustees.

5. The trustees of said home now in office shall continue to serve as such for the terms for which they were respectively appointed, and shall possess the same powers and discharge the same duties as if they had been appointed under the provisions of this act, and their successors shall be appointed under the provisions of the preceding section; all officers and subordinate employees, heretofore appointed by the trustees, shall continue as such until their successors are appointed.

Power and duties.

6. The trustees shall have power to enact by-laws for their own government and shall have charge and control of the general interests of the institution; they shall see that its affairs are conducted in accordance with the requirements of the legislature and the by-laws, and that strict discipline is maintained therein; they shall prescribe rules and orders relative to the care, discipline and government of the inmates; they shall provide employment and instruction for the inmates, and bind them out, discharge or parole or remand them, as herein provided; they shall appoint a superintendent, a steward, teacher or teachers, and such other officers as in their judgment the wants of the institution may require, and prescribe their duties; they shall exercise a vigilant supervision over the institution, its officers and inmates; and may remove such officers at pleasure and appoint others in their stead, and determine the salaries to be paid to the officers; the by laws may be amended by the assent of four trustees, at a legal meeting.

Instruction given.

7. The trustees shall cause the boys under their charge to be instructed in such branches of useful knowledge as are adapted to their age and capacity, and in some regular course of labor, either mechanical, manufacturing, agricultural or a combination of these as is best suited to their age, strength, disposition and capacity, and in such other arts or trades as may seem best adapted to secure the reformation and future benefit of the boys; they shall also cause said boys to be given moral instruction and may employ for such time, and at such a compensation as they shall see fit, a clergyman or clergymen, of good repute and standing, to act as teachers and moral instructors; *provided*, the annual compensation to such moral instructors shall not exceed one thousand five hundred dollars.

Proviso.

Boys indentured.

8. The trustees may bind out boys committed to the home as apprentices or servants until they become twenty-one

years of age, or for any less time; stipulating in the indentures for the needful amount of school learning, and from time to time as the rightful guardians of the boys, ascertaining whether the duties and obligations of the master or mistress are faithfully performed, and if not, applying the proper remedy and such other conditions as to them may seem best; in binding out boys they shall have scrupulous regard to the religious and moral character of those to whom they are to be bound.

Visitations by trustees.

9. One or more of the trustees shall visit the home at least once in every fortnight, at which time the boys shall be examined in the school room and at their labor, and the register shall be inspected; a record shall be kept of these visits in the books of the superintendent; once in every three months the home, in all its departments, shall be thoroughly examined by a majority of the trustees, and a report thereof signed; they shall prepare an annual report of the condition of the institution on or before the fifteenth of December in every year, which, together with a full report of the superintendent, and a list of the salaried officers and their salaries, with an inventory of the value of the live stock and other personal property of the state in the buildings or on the farm, shall be laid before the governor to be by him presented to the legislature.

Annual report.

Organization.

10. The trustees shall organize by electing one of their own number as president and one as treasurer, who shall give a bond to the state in the sum of ten thousand dollars, with sureties satisfactory to the trustees, conditioned for the faithful performance of his duties, which bond shall be filed in the office of the treasurer of the state; they shall also elect a secretary, who shall keep full and permanent records of all the proceedings and acts of said trustees; they shall meet at said institution at least once in each month, on such days as shall be fixed by them; they shall receive no compensation for their services, but shall be paid their actual expenses incurred in the discharge of their official duties.

Compensation.

Quarterly report to governor.

11. The trustees shall make and submit a report to the governor at the expiration of every three months, dating from the first of each year, showing the average number of boys maintained in the home during such period, which said report shall be duly certified by the president and attested by the secretary of the board; and the funds appropriated by the state for the maintenance of said home shall be paid

to the treasurer of the trustees quarterly, in such sums as shall be considered necessary by the trustees and approved by the governor, such sum not to exceed for any quarter the maximum sum of forty dollars for each boy maintained in said home, based on the average number of inmates for the last preceding quarter.

POWERS AND DUTIES OF THE SUPERINTENDENT.

Superintendent, powers and duties.

12. The superintendent, subject to the rules and orders of the trustees, with such subordinate officers as the trustees may appoint, shall have the charge and custody of the boys; he shall be a constant resident at the institution, and shall, under the direction of the trustees, discipline, govern, instruct, employ and use his best endeavors to reform the inmates in such manner as, while preserving their health, will secure the formation, as far as possible, of moral, religious and industrious habits, and qualify them for regular trades and employments.

Bond of superintendent.

13. He shall, before entering upon his duties, give a bond to the state, with sureties satisfactory to the trustees, in the sum of three thousand dollars, conditioned that he shall faithfully perform all his duties, and account for all money received by him and property under his control as superintendent, which bond shall be filed in the office of the treasurer of the state; he shall have charge of all the property of the institution, within the precincts thereof; he shall keep in suitable books complete accounts of all his receipts and expenditures, and of all property entrusted to him, showing the income and expenses of the institution; and he shall account, in such manner as the trustees may require, for all money received by him; his books and all documents relating to the home shall at all times be open to the inspection of the trustees, who shall, at least once in every six months, carefully examine the books and accounts, and the vouchers and documents connected therewith, and make a record thereof; he shall keep a register containing the name, age, and circumstances connected with the early history of each boy, and shall add such facts as come to his knowledge, relating to his history, while at the institution and after leaving it.

Keep records.

Quarterly report judges.

14. It shall be the duty of the superintendent to make out and send quarterly to each of the justices of the supreme court, and to the respective judges of the inferior courts of common pleas, a statement showing the capacity of the home, the number of inmates, and such other information as may direct the justices and judges in making commitments, so that the home may not be crowded beyond its means of accommodation.

Power of arrest.

15. The superintendent shall have the power to arrest, without warrant, in any place within the state, any boy committed to said home who shall leave the same without first obtaining a legal discharge therefrom, and convey said boy back to said home.

Appoint special officers.

16. The superintendent may, whenever he shall deem it necessary, appoint in writing any of the subordinate officers or employes of said home, as special officers to seek after and to arrest boys who may have escaped from said home, which special officer shall have the same powers in that respect as are given in the preceding section to the superintendent.

Assistance by constables and policemen.

17. It shall be the duty of every constable or police officer to assist said superintendent or other person designated by him for that purpose to arrest any boy who may escape from said home, and it shall be lawful for any constable, police officer or other person without warrant to arrest any boy who may escape from said home and to return him thereto.

## COMMITMENTS AND DISCHARGES.

Commitments, discharges, paroles.

18. Every commitment to the said home shall be until the boy attains the age of twenty-one years, and no longer; but the trustees, in their discretion, may at any time discharge as reformed a boy from said home as a reward of good conduct upon satisfactory evidence of his reformation; or they may parole any boy in the custody of his parents, guardian, or any fit person designated by them, under such conditions as they may think proper; every boy so paroled shall be liable at any time to be taken back to said home if the conditions of his parole are violated, or if in the judgment of the trustees for any cause his welfare shall so require.

Commitment of boy sentenced to jail.

19. In case any boy under the age of sixteen years shall have been sentenced, after conviction in any court, to imprisonment in the jail, or in the state prison, it shall be lawful for any justice of the supreme court, or judge of the inferior court of common pleas, on complaint of any citizen, to institute a summary examination, and if he shall be satisfied that said boy is a suitable subject for said home to commit him thereto by warrant, as in other cases provided.

Commitment instead of sentencing.

20. When a boy under the age of sixteen years shall, in the court of quarter sessions, or court of special sessions, be found guilty of any crime, except murder, it shall be lawful for the said court, instead of entering judgment and pronouncing sentence according to law, to cause an order to be entered in the minutes that said boy be committed to the said home, and thereupon the court may commit him thereto, by warrant, as in other cases provided.

Warrant.

21. Every warrant for the commitment of a boy to said home shall be in substance as follows viz.:

"To A. B. (sheriff, constable or police officer, as the case may be).

You are hereby commanded to take C. D., a boy under the age of sixteen years, to wit: of the age —— as near as can be ascertained, who at the time of his arrest resided in ——, and who has been proved to me to be a fit subject for the care, discipline and instruction of the state home for boys, in that he —— (stating cause of his commitment) and deliver said boy without delay to the superintendent of the said home, or other person in charge thereof, at the place where the same is established, and for so doing this shall be your sufficient warrant; dated this —— day of ——, 19—, in the county of —— in the state of New Jersey," but no variance from said form shall be deemed material if it sufficiently appears upon the face thereof that the boy is committed in the exercise of powers given by this act, and every such warrant shall be executed within five days from the date thereof.

Statement in warrant.

22. Every justice of the supreme court and every judge of the inferior court of common pleas who shall commit a boy to said home shall state in the warrant the place in which the boy resided at the time of his arrest, and his age as near as can be ascertained; and such statement, for the purpose of this act, shall be conclusive evidence of his residence and age; in the warrant the justice or judge shall also

state the nature of the complaint against the boy, together with such other particulars concerning the boy as the justice or judge is able to ascertain.

Declining to receive boy.

23. The trustees of said home may decline to receive a boy committed to said home by a warrant which does not state the place of residence of the boy at the time of his arrest, his age as near as can be ascertained, and the nature of the complaint against the boy.

Released for physical reasons.

24. When the trustees shall become satisfied that any boy committed to the home is unfitted by physical weakness or disease or mental imbecility for the instruction, discipline and care of the institution, they may release him under such conditions as they may deem necessary to promote his welfare.

Boys liable for their maintenance.

25. Every boy committed to the said home shall be personally liable for his own maintenance and all necessary expenses incurred therein on his behalf; and the parent, guardian or relative, who would have been bound by law to provide for and support him if he had not been sent to the said home, shall be liable to pay for such maintenance and necessary expenses, and, if the trustees shall so order, the same may be sued for and recovered in the name of the superintendent of said home in any court having cognizance thereof; *provided*, the trustees may in their discretion remit such liability or any part thereof; *provided, also*, all moneys so received or collected shall be paid into the state treasury.

Proviso.

Proviso.

Effect of discharge.

26. Every boy committed to said home shall be there kept and governed according to the provisions of this act until he arrives at the age of twenty-one, unless he is bound out, paroled or discharged as reformed, or otherwise legally discharged; the discharge of a boy as reformed, or his arriving at the age of twenty-one years, or his entering the land or naval forces of the United States, with the consent of the trustees, shall be a full release from all the liabilities, penalties and disabilities created or incurred by his commitment to said home, and no boy who has been discharged from said home as reformed, or by reason of his arriving at the age of twenty one years, or of his entering the land or naval forces of the United States with the consent of said trustees, shall thereafter be prosecuted or punished for the crime with which he was charged at the time of his commitment to said home.

PROCEDURE FOR COMMITMENT.

Procedure before magistrate.

27. When a boy under the age of sixteen years shall be arrested upon complaint of any crime (excepting murder or manslaughter), or of being a disorderly person, or being habitually vagrant, or habitually truant, it shall be lawful for the magistrate before whom he shall be taken, after examination, if in his judgment said boy is a fit subject for the said home, to commit him to the jail of the county or city where the charge shall be made, and forthwith to certify and send a copy of the complaint and commitment to a justice of the supreme court or a judge of the inferior court of common pleas; *provided*, that no boy under the age of eight years shall for any cause under any of the provisions of this act be committed to said home.

Proviso.

Brought before judge.

28. The said justice or judge, upon receiving said copies of the complaint and commitment, or upon his own information of such complaint or commitment, shall and may issue a warrant to a sheriff, constable or other officer to bring said boy before him, and also an order to the parent or guardian of said boy, or such person as may have him in charge, or with whom he has last resided, or one known to be nearly related to him, or if he be alone and friendless, then to such person as said justice or judge may appoint to act as guardian ad litem, requiring him or her to appear at a time and place stated in said order, to show cause why said boy should not be committed to the said home for reformation and instruction; pending such hearing the justice or judge may make such disposition of said boy as to him may seem best.

Order to parents, etc.

Order, how served.

29. The said order shall be served by the sheriff, a constable or police officer, by delivering a copy thereof personally to the party to whom it is addressed, or leaving it with some person of full age at the place of residence or business of said party, and immediate return shall be made to said justice or judge under oath of the time and manner of such service.

Hearing.

30. At the time and place mentioned in said order, or the time and place to which the hearing may be adjourned, if the parent or guardian to whom said order may be addressed shall appear, then, in his or her presence, or if he or she shall fail to appear, then, in the presence of some suitable person whom the said justice or judge shall appoint as

guardian ad litem, it shall and may be lawful for said justice or judge to proceed to take the voluntary examination of said boy, and to hear the statements of the party appearing for him, and such testimony in relation to the case as may be produced, and if upon such examination and hearing the said justice or judge shall be satisfied that the boy has committed a crime, or is a disorderly person, or is habitually vagrant, or habitually truant, and is a fit subject for the said home, he may commit him to said home by warrant as herein provided.

When committed.

31. If the justice or judge aforesaid is of the opinion the boy is not a fit subject for the home, he shall discharge him, unless he is charged with a crime, in which case he shall remand him to the custody of the keeper of the jail of the county or city, to be dealt with according to law; but in case said boy shall be subsequently convicted on said charge of crime, said justice or judge may in his discretion commit said boy to said home under the provisions of the twentieth section of this act.

When discharged.

32. If any parent or guardian shall make complaint to a justice of the supreme court or to a judge of the inferior court of common pleas that any boy, under the age of sixteen years, the son or ward of such parent or guardian, is habitually truant or habitually vagrant or disorderly or incorrigible, it shall and may be lawful for said justice or judge to issue a warrant to the sheriff, a constable or police officer, to cause said boy to be brought before him at such time and place as he may appoint, when and where said justice or judge shall examine the parties, and if in his judgment the boy is habitually truant or habitually vagrant or disorderly or incorrigible, and is a fit subject for the said home, he may issue a warrant with the consent of the said parent or guardian endorsed thereon, to be executed by the sheriff, a constable or police officer, committing said boy to the said home; *provided*, security for the payment of the expenses of said complaint and commitment and of carrying said boy to the home, at the rates herein prescribed in other cases, and the expenses of board at such home may, in the discretion of the said justice or judge, be required of the said parent or guardian.

Complaint by parent or guardian.

Proviso.

33. Whenever a boy shall be committed to said home under the provisions of the last preceding section it shall be the duty of the justice or judge at the time of the examination, to make inquiry as to the ability of the parent or guar-

Ability of parent or guardian to pay board.

dian to pay the expenses of said commitment proceedings and the board of said boy at said home, and to endorse on the warrant of commitment a statement of his finding in that regard.

In case complaint comes before grand jury.

34. Whenever a complaint charging a boy under the age of sixteen years with crime shall come before the grand jury of any county, or an allegation of crime shall be made against such a boy in the court of special sessions, it shall be the duty of the prosecutor of the pleas of such county to examine into the condition and circumstances of such boy, and if in his judgment such boy is a fit subject for said home, he shall, before an indictment is found or a trial had in said court of special sessions, certify the facts to the justice of the supreme court, or the judge of the inferior court of common pleas, with such recommendation as to him shall seem proper, and thereupon said justice or judge may, in his discretion, upon like procedure as in cases where a copy of a complaint and commitment is sent him by a magistrate, if in his judgment said boy is a fit subject for said home, commit him thereto by warrant as in other cases, and in such case no indictment shall be found or other proceedings taken against said boy, except as herein otherwise provided.

FEES AND COSTS.

Fee for copies of complaint, commitment, etc.

35. For making copies of a complaint and commitment under section twenty-nine every magistrate shall be entitled to the same fees as are allowed by law for the original complaint and commitment; all officers serving process under this act shall be entitled to the same fees, which shall be paid in the same manner as for like services in criminal cases; the sheriff, constable or officer executing a warrant committing a boy to the said home shall be entitled to a fee of five dollars, besides the necessary traveling expenses for himself and boy, to be taxed by said justice or judge; and other fees shall be the same as are allowed for similar services in the court of quarter sessions, all of which fees shall be paid as in criminal causes in the county where such services are rendered.

DISORDERLY PERSONS. POWER TO ARREST.

Disorderly persons subject to arrest.

36. The said home and the premises connected therewith shall be deemed and held to be a public place, and a public school within the intent and meaning of an act entitled "An act concerning disorderly persons" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight, and the supplements thereto, and any person, not an inmate of said home, who shall while at said home or on the premises connected therewith violate any of the provisions of said act as to public places or public schools, or shall wilfully act in opposition to the rules and discipline of said home, shall be deemed and adjudged a disorderly person and be punished accordingly; and the superintendent of said home and such employees thereof as the trustees shall by resolution designate for that purpose shall have full power and authority to arrest without warrant any person violating the provisions of this section, and to proceed against such person according to law.

Repealer.

Proceedings not abated.

37. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed; and no proceeding for the commitment of any boy to said school shall abate by reason of the passage of this act, but every such proceeding shall proceed under the provisions of this act.

38. This act shall take effect immediately.

Approved March 22, 1900.

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## CHAPTER 94.

An Act to regulate the pay of officers and employes of paid fire departments in cities of the second class in this state.

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

Salaries of firemen.

1. In any city of the second class in this state, having a paid fire department, the pay or salaries per annum of the

following named officers and employes shall be not less than as hereinafter specified, namely: to the chief engineer, not less than the sum of fifteen hundred dollars; to assistant engineers, not less than the sum of twelve hundred dollars each; to regular full-paid privates, not less than the following sums, according to term of service, namely: to those who have served continuously in any such paid fire department for a term less than one year, not less than the sum of four hundred and eighty dollars each; to those who have served continuously as aforesaid for one year and less than two years, not less than the sum of six hundred dollars each; to those who have served continuously as aforesaid for two years and less than three years, not less than the sum of seven hundred and eighty dollars each; and to those who have served continuously as aforesaid for a longer term than three years, not less than the sum of nine hundred and sixty dollars each; in lieu of all other compensation whatsoever.

Referendum.

2. The provisions of this act shall remain inoperative in any such city until the same shall, by a resolution therefor of the board having control of the fire department of such city, be submitted to a vote of the legal voters of such city, and be assented to by a majority of the legal votes cast for or against the acceptance or rejection of this act at any regular charter or general election to be hereafter held in such city or municipality next after the passage of such resolution; such submission, however, shall not be made until notice of the adoption of said resolution by said board shall have been published every day for at least ten days next preceding the time when the official ballots must be ready for distribution for such election in such city, in the official daily newspaper in such city, by the clerk of such city; persons voting at any election at which this act shall be submitted as aforesaid, 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, districts or wards of any such city; and the question of acceptance or rejection of the provisions of this act shall be expressed upon the official ballot on which are the names of the candidates for ward or city officers in any such city, as follows: by printing on such ballot and below the names of such candidates for ward or city officers, the words "for increase of pay of fire department," and if said words

be marked off or defaced upon the ballot it shall be counted as a vote against the same; if it be not marked off or defaced it shall be counted as a vote in favor thereof, and the election officers in the several precincts, wards and districts of such city, and the board of canvassers of such city shall, in the canvassing, determining and returning the votes cast at such election, canvass, determine and return the votes, and the result of the votes at such election, upon the question of the acceptance or rejection of this act, in the same manner as for officers voted for at such election; and if a majority of the ballots on which there shall be the words "for increase of pay of fire department" are in favor of the acceptance of this act, then this act shall take effect immediately.

If increased, schedule of salaries arranged.

3. If a majority of the legal votes cast at such general or charter election shall be in favor of an increase as above provided, the governing board of such fire department shall, at the first regular meeting next succeeding such election, fix by resolution the specific sums to which the members of the fire department affected by the provisions of this act shall be entitled as annual pay or salary.

Provision for the additional expense.

4. The increase of pay of officers and employes provided by this act shall go into effect on the first day of the next calendar month after this act shall take effect as aforesaid, and the board or authority having control of the finances of such city shall make due provision for the payment of such additional expense and shall put such additional sum in the next and annual tax levy of such city thereafter as may be necessary for that purpose.

5. This act shall take effect immediately.

Approved March 22, 1900.



New Jersey State Library

## CHAPTER 95.

An Act to facilitate the acquirement of lands, and the erection of buildings for county purposes.

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

County building commission.

1. Whenever in any county in this state the board of chosen freeholders shall adopt a resolution declaring the court house and buildings in use for county offices to be inadequate, a county building commission shall be constituted in such county, which shall consist of the person who shall be director of the board of chosen freeholders at the time of the adoption of such resolution, and two other residents of said county, who shall be selected and appointed by such director, and said commissioners, when so appointed, shall continue in office until the public buildings herein provided for shall have been completed and furnished, ready for occupancy; if any vacancy shall occur by death, resignation, or removal from the county, such vacancy shall be filled by the appointment of a new commissioner, which appointment shall be made by the director of the board of chosen freeholders at the time such vacancy occurs; each of said commissioners shall receive compensation for his services at the rate of one hundred dollars per month during his term of service.

Vacancies.

Compensation.

Power to acquire land, employ architects, etc.

2. The said commission shall have power to acquire, by purchase or condemnation, lands which in the judgment of the commission are suitable, and to erect thereon buildings for the use of the courts and the county officers, and for the transaction of the public business of the county, and to furnish the same ready for occupancy and use by such court and public officers; the title to said premises shall be taken in the name of the board of chosen freeholders of said county, and proceedings in condemnation, when necessary, shall also be taken in the name of the board of chosen freeholders of said county; said commission shall also have power to employ counsel and architects, and incur any

proper and necessary expense in carrying out the provisions of this act.

Payment.

3. All money required for the payment of the cost of said lands, and of bills for labor and materials for the construction and furnishing of said buildings, and for all other proper and necessary expenses, shall be paid on the order of the said commission by the county collector of the said county, out of any funds which shall be raised in the manner hereinafter authorized.

Money raised by issue of bonds.

4. It shall be lawful for the board of chosen freeholders of such county to issue and sell the bonds of such county corporation, for the purpose of raising money to pay the cost of lands and buildings and furnishing the same according to the provisions of this act, to an aggregate amount not to exceed five-tenths of one per centum of the total assessed value of the real and personal property in such county; such bonds shall bear interest at a rate not exceeding four per centum per annum, payable semi-annually, with such provisions as to registration and payment of interest or coupons as may be found expedient; shall be payable at a time not exceeding forty years from their date, and shall not be sold at either public or private sale for less than par; it shall be the duty of such board of chosen freeholders to establish a sinking fund, to be raised by taxation from year to year, sufficient to pay off and discharge said bonds at their maturity, and also to include in the annual county tax levy a sum sufficient to pay the interest on such bonds from year to year.

Sinking fund for discharge of bonded indebtedness.

Repealer.

In case a commission already exists.

5. All acts and parts of acts inconsistent herewith are hereby repealed, and nothing herein contained shall authorize the appointment of a county building commission in any county wherein a county building commission shall have been already constituted by virtue of the provisions of any other act, which shall be composed of different commissioners from the building commission already appointed under such other act, nor shall the commissioners to be appointed be authorized to receive any greater compensation for their services than herein provided; but if appointed under this act and also under any other act, they shall receive no more than one hundred dollars each per month.

6. This act shall take effect immediately.

Approved March 22, 1900.

## CHAPTER 96.

An Act to establish a system of public instruction (Revision of one thousand nine hundred).

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

### ARTICLE I.

#### STATE BOARD OF EDUCATION.

State board of education; number, term, appointment.

1. The general supervision and control of public instruction shall be vested in a State Board of Education, which board shall consist of two members from each congressional district, who shall not be members of the same political party, and who shall not reside in the same county except where a congressional district shall lie wholly within one county. The several members of the State Board of Education as now constituted shall continue to serve for the full term for which they have been severally appointed. Their successors shall be appointed by the Governor, by and with the advice and consent of the Senate, and for the following terms: In place of the member whose term shall expire in the year nineteen hundred, a member shall be appointed for the term of five years; in place of the members whose terms shall expire in the year nineteen hundred and one, two members shall be appointed each for the term of four years, and two each for the term of five years; in place of the member whose term shall expire in the year nineteen hundred and three, a member shall be appointed for the term of three years; in place of the members whose terms shall expire in the year nineteen hundred and four, three members shall be appointed each for the term of three years, three each for the term of four years, and four each for the term of five years, and thereafter in the place of any member whose term shall expire a successor shall be appointed in like manner for the term of five years, so that

there shall be always two members from each congressional district. In case of a vacancy a successor for the unexpired term shall be in like manner appointed. If at any time an additional congressional district shall be established, the first members of the State Board of Education for such district shall be appointed for such terms, not exceeding five years each, that the total number of members of said board whose terms shall expire in any one year shall not exceed four. A suitable room in the State House at Trenton shall be provided for the use of said board. Vacancies.

2. The State Board of Education shall have the control and management of the State Normal School, the New Jersey School for the Deaf, and the Manual Training and Industrial School for Colored Youth. Control of.

3. The State Board of Education shall have power: Powers enumerated

I. To frame and modify by-laws for its own government; to elect its president and other officers, and to prescribe and enforce rules and regulations necessary to carry into effect the school laws of this state;

II. To appoint County Superintendents of Schools, and for cause to remove them;

III. To prescribe rules and regulations for holding teachers' institutes;

IV. To authorize the payment by the State Treasurer, upon the warrant of the State Comptroller, of the necessary incidental expenses incurred by the State Superintendent of Public Instruction and the Assistant State Superintendent of Public Instruction in the performance of their official duties;

V. To decide appeals from the decisions of the State Superintendent of Public Instruction;

VI. To make and enforce rules and regulations for the examination of teachers, and the granting of certificates or licenses to teach.

4. The members of the State Board of Education shall receive no compensation for their services, but the State Treasurer shall, upon the warrant of the State Comptroller, pay their necessary expenses. Compensation

5. The State Board of Education shall report annually to the Legislature in regard to all matters committed to its care. Annual report

## ARTICLE II.

### STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.

State superintendent; appointment and salary.

6. The State Superintendent of Public Instruction shall be appointed by the Governor, by and with the advice and consent of the Senate, for the term of three years and until his successor shall be appointed and confirmed. He shall receive a salary of three thousand dollars a year, payable in equal monthly installments. A suitable office, to be known as the Department of Public Instruction, shall be provided for him in the State House at Trenton.

Office.

Assistant superintendent; appointment, salary, duty.

7. The State Superintendent of Public Instruction may appoint an Assistant State Superintendent of Public Instruction. He shall file a certificate of such appointment in the office of the Secretary of State, and, with the approval of the Governor, fix his salary, which salary shall be paid in the same manner as the salary of the State Superintendent shall be paid. Said Assistant Superintendent shall perform all the duties of the State Superintendent of Public Instruction during his absence.

Clerical help.

8. The State Superintendent of Public Instruction may employ such clerks as he may deem necessary, and, with the approval of the Governor, fix their compensation, which compensation shall be payable monthly on the certificate of the State Superintendent of Public Instruction; *provided*, that the salary of the Assistant Superintendent and the compensation of said clerks shall not exceed in the aggregate the sum annually appropriated therefor by the Legislature.

Proviso.

Secretary board of education.

9. The State Superintendent of Public Instruction shall be the Secretary of the State Board of Education, and a member of all boards of examiners. He shall enforce all rules and regulations prescribed by the State Board of Education. He shall have supervision of all the schools of the State receiving any part of the state appropriation. He shall, from time to time, instruct county and district superintendents as to their duties and as to the best manner of conducting schools, constructing school houses and furnishing the same.

Decision of controversies.

10. The State Superintendent of Public Instruction shall decide, subject to appeal to the State Board of Education and without cost to the parties, all controversies and dis-

putes that shall arise under the school laws, or under the rules and regulations of the State Board of Education. The facts involved in any controversy or dispute shall, if he shall so require, be made known to him by written statements by the parties thereto, verified by oath or affirmation, and accompanied by certified copies of all documents necessary to a full understanding of the question in dispute, and his decision shall be binding until, upon appeal, a decision shall be given by the State Board of Education.

Records.

11. The State Superintendent of Public Instruction shall keep a record of all his official acts and shall preserve copies of all decisions made by him, and shall adopt and provide an official seal. Copies of all acts, orders and decisions made by him, and of all papers deposited or filed in the Department of Public Instruction may be authenticated under said seal, and when so authenticated, shall be evidence equally with and in like manner as the originals.

Seal.

County superintendent; vacancy, how filled.

12. Whenever there shall be a vacancy in the office of County Superintendent of Schools, the State Superintendent of Public Instruction shall appoint, subject to the approval of the President of the State Board of Education, a suitable person to fill such vacancy, and the person so appointed shall hold office until his successor shall be appointed by the State Board of Education.

When withhold salary from county superintendent.

13. In case a County Superintendent of Schools shall neglect or refuse to perform any duty imposed upon him by this act or by the rules and regulations of the State Board of Education, the State Superintendent of Public Instruction shall, subject to appeal to the State Board of Education, withhold from such County Superintendent of Schools the order for his salary until he shall have fully complied with the provisions of this act and with the rules and regulations of the State Board of Education relating to his duties.

In case of refusal to perform duty imposed, school moneys withheld.

14. In case a board of education, or any officer thereof, or the legal voters of any school district, or any board or officer of the municipality in which any such school district shall be situate shall neglect or refuse to perform any duty imposed upon such board, officer or legal voters by this act or by the rules and regulations of the State Board of Education, the custodian of the school moneys of such school district shall, upon notice from the County Superintendent of Schools, approved by the State Superintendent of Public Instruction, withhold all moneys received by him from the

County Collector, and then remaining in his hands to the credit of such district, until he shall receive notice from said County Superintendent of Schools that said board, officer or legal voters have fully complied with the provisions of this act and with the rules and regulations of the State Board of Education.

Neglect or refusal of teacher; salary withheld.

15. In case a teacher shall neglect or refuse to perform any duty imposed upon him or her by this act or by the rules and regulations of the State Board of Education, the State Superintendent of Public Instruction shall direct the custodian of the school moneys of the school district in which such teacher shall be employed, to withhold from such teacher all salary due to him or her until he receives notice from said State Superintendent of Public Instruction that such teacher has fully complied with the provisions of this act and the rules and regulations of the State Board of Education relating to his or her duties.

When suspension may be had.

16. Whenever it shall be proved to the satisfaction of the State Superintendent of Public Instruction that any member of a board of education, or any officer thereof has been guilty of a willful violation or neglect of duty under this act or under the rules and regulations of the State Board of Education, said State Superintendent of Public Instruction may, by an order under his hand and seal, which order shall be recorded in his office, and a duplicate thereof transmitted to said board of education, suspend such member or officer from his office; *provided*, that notice of his proposed action shall be served upon said member or officer either personally or by letter directed to him at his last known postoffice address, at least two weeks prior to the making of said order; *provided further*, that said State Superintendent of Public Instruction shall forthwith report such suspension to the State Board of Education, and said board shall, after due investigation, reinstate or remove such member or officer.

Proviso.

Proviso.

Apportionment of school moneys.

17. The State Superintendent of Public Instruction shall equitably apportion to the several counties the amount appropriated for the support of public schools from the State School Fund on the basis of the last published school census, and shall furnish to the State Comptroller and to the several County Superintendents of Schools and County Collectors an abstract of such apportionment, and of the apportionment of the moneys due to the several counties from the

state school tax and from the reserve fund, and shall draw his orders on the State Comptroller and in favor of the County Collector of each County for the amounts to which such county shall be entitled.

Reports of private schools.

18. The superintendent or manager of each educational institution receiving support or aid from the state, and the president, manager or principal of each seminary, academy or private school shall report to the State Superintendent of Public Instruction annually, on or before the first day of August, such statistics relating to such institution, seminary, academy or school as said State Superintendent of Public Instruction may require, and in the manner and form prescribed by him; *provided*, that no report concerning the expenses or finances of such institution, seminary, academy or private school shall be required; *and provided further*, that no report of any seminary, academy or private school shall be published or made public by the State Superintendent of Public Instruction.

Proviso.

Proviso.

Printed forms.

19. The State Superintendent of Public Instruction shall prepare and cause to be printed forms for making all reports and conducting all proceedings under the school laws of this state. He shall cause all school laws to be printed in pamphlet form, and shall annex thereto forms for making reports and conducting school business, and shall distribute the same.

Annual report to board of education.

20. The State Superintendent of Public Instruction shall present to the State Board of Education annually at its meeting in December, a report of the condition of the public schools and of all the educational institutions receiving support or aid from the state. Such report shall contain full statistical tables of all items connected with the cause of education that may be of interest to school officers or the people of the state, together with such suggestions and recommendations for the improvement of the schools and the advancement of public instruction as he shall deem expedient.

Oaths.

21. The State Superintendent of Public Instruction and the Assistant State Superintendent shall, without charge, administer oaths and take affidavits concerning any matter relating to the schools.

Delivery of seal, records, etc., to successor.

22. The State Superintendent of Public Instruction shall, at the expiration of his term of office, deliver to his successor his official seal, together with all property, books, docu-

ments, maps, records, reports and other papers belonging to his office.

Term.

23. The State Superintendent of Public Instruction now in office shall hold office for the full term for which he has been appointed.

## ARTICLE III.

### COUNTY SUPERINTENDENTS.

County superintendent.

24. The State Board of Education shall appoint for each county a suitable person to be the County Superintendent of Schools of that county, who shall hold office for the term of three years from the date of his appointment and until his successor shall have been appointed as aforesaid, unless sooner removed for cause by said board. No person shall be appointed as County Superintendent of Schools unless he shall hold a State teachers' certificate.

Salary.

25. The yearly salary of a County Superintendent of Schools shall be a sum which shall be equal to seven dollars for each teacher employed in the public schools in his county as ascertained from the last published report of the State Superintendent of Public Instruction; but such salary shall in no case be less than one thousand dollars nor more than thirteen hundred dollars. Such salary shall be paid in equal monthly installments out of the income of the State School Fund, and the State Comptroller shall, on the order of the State Superintendent of Public Instruction, draw his warrant for such salary on the Treasurer of the State School Fund in favor of such County Superintendent of Schools.

How paid.

Expenses paid.

26. A County Superintendent of Schools shall receive, in addition to his salary, the actual expenses incurred by him in the performance of his official duties, which expenses shall be paid by the collector of the county on the order of the State Superintendent of Public Instruction; *provided*, that no such order shall be drawn in favor of any County Superintendent of Schools until he shall have furnished to the State Board of Education an itemized statement, certified under oath or affirmation, of the expenses he has incurred, and unless he shall have, during the period in which such expenses have been incurred, faithfully performed all the duties imposed upon him by this act and by the rules and regulations of the

Proviso.

State Board of Education; *and provided further*, that in no case shall the expenses aforesaid exceed three hundred and fifty dollars annually. Payment of such expenses shall be made quarter-yearly. Proviso.

27. A County Superintendent of Schools shall have power: Powers of county superintendent.

I. To administer, without charge, oaths or affirmations to teachers and school officers;

II. To issue orders on the County Collector in favor of the custodian of the school moneys of the several school districts in said county for that portion of the state school tax, the state appropriation, and the interest of the surplus revenue to which each of said school districts shall be entitled;

III. To exercise general supervision over the public schools of the county under his charge in accordance with the rules and regulations prescribed from time to time by the State Board of Education; to visit and examine all the schools under his care; to inquire into the management, methods of instruction and discipline in such schools; to note the condition of the school-houses, sites, buildings and appurtenances; to examine the courses of study, text-books and school libraries; to advise with and counsel boards of education in relation to their duties, particularly in respect to the construction, heating, ventilating and lighting of school-houses, and to recommend to boards of education and teachers proper studies, methods, discipline and management for the schools;

IV. To appoint members of the board of education for a new district situate in a municipality not divided into wards, and for any district situate in such a municipality which shall fail to elect such members at the regular time. Such appointees shall serve only until the next regular election in the district for members of the board of education.

28. Each County Superintendent of Schools shall render annually, on or before the first day of September, to the State Superintendent of Public Instruction, in the manner and form prescribed by him, a report of such matters relating to the schools under his supervision as shall be required by said State Superintendent of Public Instruction. Annual report to state superintendent

29. The superintendents, district clerks and the custodians of school moneys of the several school districts shall annually, on or before the first day of August, report to the County Report of local officers to county superintendent.

Superintendent of Schools in the manner and form prescribed by the State Superintendent of Public Instruction.

City school superintendents.

30. Whenever a superintendent of schools shall be appointed in any school district situate in a municipality divided into wards, the supervision of the schools of such district shall devolve upon the superintendent of schools thereof and not upon the County Superintendent of Schools of the county in which such school district shall be situate.

Term of present county superintendents.

31. The County Superintendents of Schools now in office shall serve for the full term for which they have been severally appointed, unless sooner removed for cause by the State Board of Education.

## ARTICLE IV.

### BOARDS OF EXAMINERS.

State board of examiners.

32. There shall be a State Board of Examiners, consisting of the State Superintendent of Public Instruction, the Principal of the State Normal School and one person to be appointed by the State Board of Education. Said last named person shall hold office for one year from date of his appointment as aforesaid. The member of said State Board of Examiners appointed by the State Board of Education shall hold a first grade state certificate, or shall be a graduate of a college or university.

Compensation.

He shall receive for his services, in addition to traveling expenses, such compensation as may be fixed by the State Board of Education, not to exceed ten dollars for each meeting of said Board of Examiners. Said board shall hold examinations of teachers, grant State certificates and revoke the same under rules and regulations prescribed by the State Board of

Validity of certificate.

Education. A certificate thus granted shall entitle the holder, without further examination, to teach in any part of the state so long as said certificate shall remain valid by the terms thereof.

County board of examiners.

33. There may be in each county a County Board of Examiners consisting of the County Superintendent of Schools, who shall be its chairman, and a number of teachers not to exceed three to be appointed by him, who shall hold office for one year from the date of their respective appointments. No person shall be appointed as a county examiner unless he

or she shall hold either a state or a first-grade county certificate. The County Superintendent of Schools shall fill vacancies that shall occur from absence or other cause. Said County Board of Examiners shall conduct examinations and grant certificates of different grades at such times and under such rules and regulations as the State Board of Education may prescribe. It shall meet at such places as may be designated by the chairman. Each member of said Board of Examiners, except the County Superintendent of Schools, shall receive for his or her services, in addition to traveling expenses, such compensation as may be fixed by the State Board of Education not to exceed ten dollars for each regular examination, which compensation shall be paid by the County Collector on the order of the County Superintendent of Schools; *provided,* that whenever said board shall hold a special examination no compensation thereof shall be paid by the County Collector, but in such case said board may charge each applicant for examination a fee not to exceed two dollars.

Meetings.

Compensation.

Proviso.

34. In each school district situate in a municipality divided into wards there may be a Board of Examiners consisting of the Superintendent of Schools of such district, if there be one, and such persons as the board of education of the school district shall appoint. No person shall be appointed as such an examiner unless he or she shall hold either a state certificate or the highest grade certificate issued in said district, or shall be a graduate of a college or university. Said Board of Examiners shall, under such rules and regulations as the State Board of Education shall prescribe, grant certificates which shall be valid for all schools of such school district. No teacher shall be employed in any of the schools of such district unless he or she shall possess such certificate or a state or county certificate; *provided,* that nothing herein contained shall be construed to prevent the Board of Education of such school district from prescribing and requiring other and further qualifications to teach than shall have been prescribed by the rules and regulations of the State Board of Education as aforesaid; *provided further,* that if any such school district shall maintain a Normal School or a training school for teachers, which school shall have been approved as to its course of study by the State Board of Education, then the diplomas or certificates issued to pupils of any such school upon graduation therefrom may

Local board of examiners.

Proviso.

Proviso.

be accepted by the board of education of said school district as certificates to teach valid for the schools of such school district.

Present certificates not affected.

35. All certificates to teach heretofore issued and now in force in this state shall be valid according to their terms and for the periods for which they have been severally granted.

## ARTICLE V.

### SCHOOL DISTRICTS.

School district.

36. Each township, city and incorporated town shall be a separate school district, but each borough hereafter created shall remain and be a part of the township school district in which said borough shall be situate; *provided*, that whenever it shall appear to the State Superintendent of Public Instruction that the best interests of any borough or township require that it be a separate shool district, he shall make an order creating such borough or township a separate school district. Such order shall not take effect until approved by the State Board of Education; *provided further*, that nothing in this section shall be construed as abolishing any school district or changing the boundaries of any school district legally constituted at the time of the passage of this act, but such district shall remain and be a separate school district until consolidated with an adjoining school district as hereinafter provided.

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New district.

37. Whenever a new school district shall be created the children residing in said new district shall continue to attend the schools in which they shall be enrolled until the end of the then current school year. In case there shall be a school-house in such new district in which school shall be then maintained the board of education of the school district from which such new district shall have been set off shall have charge and control of such school until the end of the then current school year, and shall pay the salaries of the teachers, janitors and other persons employed in such school until the end of said year. In case there shall be any balance at the end of said school year in the hands of the custodian of the school moneys of the school district to the credit of the school district from which said new district shall have been set off, said custodian shall certify to the

In case balance of moneys.

County Superintendent of Schools the amount of such balance, and what portion of such balance was received from state appropriation, state school tax and interest of the surplus revenue, and what portion was received from district school tax. Said County Superintendent of Schools, upon receipt of such notice, shall divide between said districts that portion of the balance arising from the state appropriation, state school tax and interest of the surplus revenue on the basis of the aggregate number of days attendance of pupils in the public schools as ascertained from the last published report of the State Superintendent of Public Instruction, and shall divide between said districts that portion of said balance arising from district school tax on the basis of the respective ratables of said districts, and shall issue an order in favor of the custodian of the school moneys of such new district for that portion of said balance found to be due said district from the district from which it shall have been set off.

Division of balance.

38. Whenever a school district situate in a municipality not divided into wards, shall desire to consolidate with an adjoining school district situate in a municipality not divided into wards and within the same county, the board of education of said district shall petition the County Superintendent of Schools of the county in which said districts shall be situate, to appoint a time when meetings of the legal voters of the districts proposed to be consolidated shall be held, and said County Superintendent of Schools shall, upon receiving said petition, appoint a day for said meetings, and shall notify the board of education of each of said districts of his action. Each board of education receiving such notification shall cause its 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. Said meeting shall be called in the same manner as other special meetings, and shall be held on the day designated therefor by the County Superintendent of Schools, at such hour and place as may be determined by the board of education. The election shall be by ballot, and the chairman shall appoint two tellers who shall receive and count the ballots in the presence of the chairman of the meeting. The secretary of the meeting shall keep a poll list and shall record therein the name of each person voting at such meeting, and shall also keep a tally sheet of the votes

Consolidation of school districts.

Public meeting.

Election.

as counted by the tellers. The tally sheet shall be signed by the chairman and tellers, and said tally sheet, poll list and ballots shall be placed in a sealed package by the secretary, indorsed with the name of the district, the name of the county in which said district shall be situate, and the date on which said election shall have been held,

Result of election.

and said package, together with a statement of the result of said election, signed by the chairman and secretary, shall be within five days after the date of said election forwarded by said secretary to the County Superintendent of Schools, and the same shall be preserved by him for one year. If the County Superintendent of Schools shall ascertain from said statements that the number of votes cast in each of said districts in favor of consolidation exceeds the number of votes cast against the same, he shall immediately notify each of the boards of education of the result of said election, and thereafter said districts shall constitute but one district.

Board of education of consolidated district.

39. 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 Schools of such consolidation, select by lot four of its number to serve as members of the board of education of the consolidated district, and the eight members so elected shall select the ninth member of said board from among the remaining members of the board of education of that district which shall employ

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the greater number of teachers; *provided*, that if the board of education of one of the districts so consolidated shall consist of but three members, all of said members shall be members of the board of education of the consolidated district, and four members of said board shall be chosen as hereinabove provided from the board of education of the

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other district so consolidated; *and provided further*, that if each of said boards of education shall consist of three members only, said boards shall constitute the board of education of the consolidated district, and the board constituted as hereinabove provided shall serve until the next annual meeting for the election of members of boards of education, and the terms of office of the remaining members of the board of education of each of said districts so consolidated shall thereupon cease and determine. 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.

Body corporate.

40. The board of education of such consolidated district shall be a body corporate and shall have all the powers and duties and be subject to the same restrictions as a board of education in a district situate in a municipality not divided into wards, and shall be called and known as "the board of education of the ——— of ———, (here insert the name of the municipality in which was situate that district consolidated as aforesaid which had the larger amount of taxable property as ascertained from the last published report of the State Comptroller) in the county of———."

Title and obligations in new districts.

41. In case any township, city, incorporated town or borough shall hereafter become a separate school district, or in case two school districts shall consolidate as hereinbefore provided and form one school district, the board of education of such district, in its corporate capacity, shall become vested with the title to all school property real and personal in such district, and if, for the erection, repair or purchase of any such property, there shall be an indebtedness for which the board of education of the school district to which said property originally belonged shall be liable, the said indebtedness shall be assumed by, and become the obligation of the board of education of the school district which shall have become vested with the title to such property, and upon payment of said indebtedness by the school district originally liable therefor, an action may be maintained therefor by the board of education so paying the said indebtedness against the board of education of the school district which shall have become vested with the property for which the said indebtedness was originally incurred.

Assumption of indebtedness.

42. In case any borough, township or other municipality or any part thereof shall have been annexed to another municipality and there shall be within the limits of such borough, township or other municipality, or such part thereof as shall have been annexed to another municipality as aforesaid, any school-house or property formerly belonging to the board of education of such borough, township or other municipality, and for the erection, purchase, furnishing or repair of which there shall be an indebtedness for which the board of education of such borough, township or other municipality shall be liable, the said indebtedness shall be assumed by and become the obligation of the board of education of the municipality to which such borough, township or other municipality shall have been annexed.

Repayment of moneys.

43. Whenever the board of education of any township, borough or other municipality shall pay any portion of an indebtedness existing at the time of the formation of a new township, borough or other municipality or at the time of the annexation of such township, borough or other municipality or part thereof to another municipality as aforesaid, which indebtedness shall have been assumed by and shall have become the obligation of the board of education of such new township, borough or other municipality, said last-mentioned board shall repay to the board of education of said first-mentioned township, borough or other municipality, the amount of said payment, with interest.

Nine months' term necessary.

44. The state appropriation and the state school tax shall not be apportioned in any year to any district which shall not have maintained a public school for at least nine months during the preceding school year; *provided*, that the State Superintendent of Public Instruction may, for good cause shown, remit said penalty; *and provided further*, that said appropriation and said state school tax shall be apportioned to a new district, or to a district in which the school shall have been discontinued on account of the repairing of an old, or the erection of a new school building.

Proviso.

Proviso.

## ARTICLE VI.

### BOARDS OF EDUCATION IN SCHOOL DISTRICTS SITUATE IN MUNICIPALITIES DIVIDED INTO WARDS.

Boards of education in municipalities.

Appointed by mayor.

45. In each city, incorporated town, borough, township or other municipality which now is or which shall hereafter be divided into wards the mayor or other chief executive officer of such municipality shall, after the first day of May and before the thirtieth day of June next after the acceptance of the provisions of this section, as provided in the next succeeding section for the creation of an elective board, appoint ten persons to be members of the board of education of the school district in said municipality, who shall severally possess the qualifications for said membership prescribed in this article.

Term.

Two of such persons shall be appointed to serve for one year, two for two years, two for three years, two for four years and two for five years, and annually thereafter after the first day of May and before the thirtieth day of June, the said

mayor or other chief executive officer of such municipality shall appoint two members of said board of education to serve for the term of five years, to take the place of those members whose terms shall expire in such year. Any vacancy in such board of education shall be forthwith reported by the secretary of said board to the mayor or other chief executive officer, who shall appoint a person to fill such vacancy for the unexpired term. To every such appointee as aforesaid said mayor or other chief executive officer shall issue and deliver a certificate of his appointment. The term of office of a member of the board of education shall begin on the first day of July next succeeding his appointment.

Vacancies.

46. Any city, incorporated town, borough, township or other municipality which now is or which shall be hereafter divided into wards may in substitution for the method provided for the creation of a board of education in section forty-five of this article provide for the creation of an elective board of education to consist of ten members who shall possess the qualifications provided in this article, and shall be chosen for the respective terms set forth in section forty-five, in the following manner: The acceptance of the provisions of this section shall be submitted to the vote of the qualified voters of such municipality at a general or municipal election to be held therein; *provided*, that such submission shall be had and such vote shall be taken whenever the common council, board of aldermen, or other legislative body of the municipality, or the board of education of any school district situate in such municipality shall have, by resolution, determined that such question shall be so submitted, or whenever at least five per centum of the legal voters of such municipality as shown by the election returns at the last elect on in such municipality shall by their petition, duly signed and delivered to the clerk of the said municipality, have requested that such question shall be so submitted. At least ten days' notice that such vote will be taken shall be given by public advertisement in two newspapers printed and circulating in such municipality, or by written or printed notices posted in ten or more conspicuous places in such municipality. If a majority of the votes cast at such election for the acceptance or rejection of the question so submitted as aforesaid shall be in favor of the acceptance of

Elective board.

Referendum.

Proviso.

the provisions of this section, then such provisions shall immediately go into effect in such municipality, and the board of education of the school district situate in such municipality shall thereafter be created as provided in this section. At such election, the voters shall deposit ballots in the polling places in the several election districts therein; those who shall be in favor of the acceptance of the provisions of this section shall each deposit a ballot containing written or printed thereon "For the creation of a board of education by election by the people" and those who shall be opposed to the acceptance of the provisions of this section shall each deposit a ballot containing written or printed thereon "Against the creation of a Board of Education by election by the people." There shall be a canvass by the election officers holding such election of the votes upon the question so submitted in the same form and manner as for officers voted for at such election, and if a majority of the ballots cast thereat for and against such question so submitted shall be found to be in favor of the acceptance of the provisions of this section, then this section and the provisions thereof shall become binding upon such municipality and upon the school district situate therein; *provided further*, that the question of accepting the provisions of this section shall not be submitted to the vote of the legal voters of any municipality as aforesaid more often than once in five years.

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Qualification of members.

47. A member of a board of education created under the provisions of this article shall be at least twenty-five years of age, a citizen and resident of the municipality in which the school district shall be situate, and shall have been such citizen and resident for at least three years immediately preceding his or her becoming a member of such board. He shall not be interested directly or indirectly in any contract with nor claim against said board.

Oath.

48. A member of such board of education shall, before entering upon the duties of his office, take oath in writing before a justice of the peace, a judge of a municipal court in the municipality in which the school district shall be situate, the clerk of such municipality, a master in chancery or a notary public that he possesses the qualifications to be a member of said board prescribed therefor by this article, and that he will faithfully discharge the duties of his said office. Said oath shall be filed with the secretary of said board.

Removal for non-attendance.

49. A member of such board of education who shall fail to attend three consecutive regular meetings of said board without good cause, may be removed by said board; the vacancy thus created shall be filled in the same manner as other vacancies in the board of education shall be filled.

No compensation.

50. A member of such board of education shall receive no compensation for his services.

Corporate name and seal.

51. A board of education created under the provisions of this article shall be a body corporate, and shall be known as and called "the board of education of———" (in which title shall be inserted the name of the municipality in which the school district shall be situate), and shall adopt an official seal.

Organization.

52. Such board shall, within ten days after the first selection of its members, organize by electing one of its members as president and another as vice-president, and thereafter, in each year, at the first regular meeting of said board after the selection of new members thereto, it shall elect one of its members as president and another as vice-president, which officers shall serve for one year thereafter and until their respective successors shall be elected.

May sue, purchase, etc.

53. Said board shall, in and by its corporate name, sue and be sued, purchase, lease, receive, hold and sell property real and personal, and shall do all acts and things necessary for the lawful and proper conduct and maintenance of the public schools of its school district.

Vested rights.

54. It shall succeed to and be vested with all the property of every kind, and all the rights and privileges, not inconsistent with the provisions of this act, theretofore vested in or possessed by any board of education, school commissioners, or other body theretofore having charge and control of the public schools or public school property of the school district or of the municipality in which said district shall be situate.

Title vested in new board.

55. The title to school property, real and personal, previously acquired by said school district, or by any antecedent board of education, school commissioners, or by any other body for school purposes in said school district, or in the municipality in which the said district shall be situate, and the title to all lands, buildings and other property to be hereafter acquired for school purposes in said school district shall vest in the board of education in said district created under the provisions of this article.

Management, etc.

56. Every such board shall have the supervision, control and management of the public schools and public school property in its district. It shall appoint a person to be its secretary, and may appoint a superintendent of schools, a business manager and other officers, agents and employes as may be needed, and may fix their compensation and terms of employment, but no such appointee, officer, agent or employe, other than the secretary, shall be a member of said board.

Rules and regulations.

57. Said board shall make, amend and repeal rules, regulations and by-laws not inconsistent with this act or with the rules and regulations of the State Board of Education, for its own government, for the transaction of business, and for the government and management of the public schools and the public school property in said district, and also for the employment and discharge of principals and teachers.

Proposals for supplies.

58. Such board of education shall, prior to the beginning of each school year, cause advertisement to be made under such regulations as it may provide, for proposals for furnishing supplies required in the schools and by said board during the ensuing year. If other and further supplies shall be required during the year, they shall be purchased in like manner. No contract shall be entered into for the building of a new school house, or for the enlarging or repairing of a school-house already erected, except after advertisement made under such regulations as said board may prescribe; *provided*, that the board may at any time order repairs to school buildings to an amount not exceeding one hundred dollars, and may authorize the purchase of supplies to an amount not exceeding fifty dollars without advertisement.

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Specifications and contracts.

59. No bid for building or repairing school-houses or for supplies shall be accepted, which does not conform to the specifications furnished therefor, and all contracts shall be awarded to the lowest responsible bidder.

Public report.

60. Such board of education shall, as soon as practicable after the close of each school year, cause to be printed and published a report of the condition of the public schools under its charge, of all the property under its control, and an itemized account of the expenditures of the board and of the finances of the district.

Secretary; salary, oath.

61. A secretary shall be appointed by the majority vote of all the members of the board of education; he shall be paid such salary as said board shall determine, and may

be removed by a majority vote of all the members of said board. He shall, before entering upon the duties of his office, execute and deliver to said board a bond in a sum to be fixed by said board, but not less than two thousand dollars, with surety or sureties to be approved by said board, conditioned for the faithful performance of the duties of his office. Said board may accept the bond or undertaking of a trust company or surety or indemnity company, and may pay the annual premium or fee therefor as a current expense of said board.

Secretary's power.

62. The secretary may appoint and remove clerks in his office, but the number and salaries of such clerks shall be determined by the board of education.

Duties.

63. He shall record the proceedings of the board and of its committees, and shall be the custodian of all securities, documents, title papers, books of record and other papers belonging to the board under such conditions as said board shall direct.

Regarding moneys; monthly report.

64. He shall collect tuition fees and other moneys due to the board of education, except moneys apportioned by the County Superintendent of Schools or appropriated by the municipality, and shall deposit daily with the custodian of the school moneys of the district all moneys collected by him, and shall render monthly to the board of education a report of the receipts during the preceding month.

General accountant.

65. The secretary shall be the general accountant of the board of education and shall preserve in his office all accounts, vouchers and contracts relating to the public schools. He shall examine and audit all accounts and demands against said board. Such accounts and demands exceeding in amount the sum of five dollars, except for salaries, shall be verified by affidavit.

What claims paid.

66. No claim or demand shall be audited or paid unless it shall be authorized by law and the rules of the board of education and be fully itemized, nor unless the amount required to pay the same shall have been theretofore appropriated by said board.

Disbursements, how made.

67. All disbursements of the board of education shall be by warrant drawn on the custodian of the school moneys of the district, signed by the president of said board and countersigned by the secretary.

Monthly report of warrants.

68. The secretary shall report monthly to the board of education the amount for which warrants shall have been

drawn during the preceding month, the accounts against which said warrants shall have been drawn and the balance to the credit of each account, and shall, at the close of the fiscal year, make a full itemized report of the finances of the school district.

Appointment of municipal superintendent of schools.

69. Whenever a superintendent of schools shall be appointed, it shall be by a majority vote of all of the members of the board of education. He shall receive such salary as said board shall determine, which salary shall not be reduced during his employment. He may be removed by a majority vote of all the members of said board. He shall have a seat in said board, and the right to speak on all educational matters, but shall not have the right to vote.

Assistant superintendents.

70. The board of education may, on the nomination of the superintendent of schools appoint assistant superintendents and shall fix their salaries. Assistant superintendents may be removed by a majority vote of all the members of said board.

Qualification.

71. No person shall be appointed superintendent of schools, or assistant superintendent under the provisions of this article unless he shall hold a state teachers' certificate;

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*provided*, that this section shall not apply to a superintendent of schools employed in any school district at the time of the passage of this act.

Duties.

72. The superintendent of schools shall, when required by the board of education, devote himself exclusively to the duties of his office. He shall have general supervision over the schools of the district, and shall examine into their condition and progress and report thereon from time to time, as directed by the board of education. He shall have such other powers and perform such other duties as may be prescribed by the board of education. He may appoint and remove clerks in his office, but the number and salaries of such clerk shall be determined by the board of education. Said superintendent shall render annually on or before the first day of August to the State Superintendent of Public Instruction, and in the manner and form prescribed by him, a report of such matters relating to the schools under his supervision as shall be required by said State Superintendent of Public Instruction.

Annual report to state superintendent.

Majority necessary.

73. The appointment, promotion, removal and transfer of teachers, the adoption and change of text-books and

courses of study shall be made by a majority vote of all the members of the board of education.

Suspensions by superintendent.

74. The superintendent of schools may, with the approval of the president of the board of education, or in his absence of the chairman of the committee on teachers, suspend any assistant superintendent, principal or teacher, and shall forthwith report such suspension to the board of education, which board shall take such action for the restoration or removal of such assistant superintendent, principal or teacher as it shall deem proper; *provided*, that such action shall be by a majority vote of all the members of said board.

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Business manager; salary, bond.

75. Whenever a business manager shall be appointed, it shall be by a majority vote of all the members of the board of education. He shall receive such salary as said board shall determine. He shall, before entering upon the duties of his office, execute and deliver to the board of education a bond in a sum to be fixed by said board, but not less than two thousand dollars, with surety or sureties to be approved by said board, conditioned for the faithful performance of the duties of his office. Said board may accept the bond or undertaking of a trust company, surety or indemnity company and may pay the annual premium or fee therefor as a current expense of said board. Said business manager may, by a majority vote of all the members of the board of education, be removed from office. He shall have a seat in said board, and the right to speak on all matters relating to his department, but shall not have the right to vote.

Duties.

76. The business manager shall have charge and care of the public school buildings and all other property belonging to the school district. He may appoint and remove clerks in his office, but the number and salaries of such clerks shall be determined by the board of education.

Additional duties.

77. All plans and specifications for the erection, improvement or repair of public school-houses shall be drawn by or under the supervision of the business manager, if there be one, and shall be approved by the board of education. Said business manager, if there be one, shall supervise the construction and repair of all school buildings, and shall report monthly to the board of education the progress of the work; *provided*, that repairs not exceeding the sum of one hundred dollars may be ordered by the business manager, if there be

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one, and if there be none then by the committee of the board having charge of the repair of school property, without the previous order of the board and without advertisement. The business manager, if there be one, shall superintend all advertisements for bids and the letting of all contracts. He shall inspect all work done and materials or supplies furnished under contract, and shall, subject to the approval of the board of education, condemn any work and reject any material or supplies which, in his judgment, do not conform to the specifications contained in the contract therefor, and shall perform such other duties as may be required by the board of education.

Board of school estimate.

78. In every school district organized under the provisions of this article, two members of the board of education to be selected by said board, the mayor or other chief executive officer of the municipality in which such school district shall be situate, and two members of the common council, board of finance or other body in the municipality in which such school district shall be situate having the power to make appropriations of moneys raised by taxes in such municipality, to be chosen by such body, shall constitute a board to be known as the "Board of School Estimate" of said school district. The secretary of the board of education shall be the secretary of the board of school estimate, but shall receive no compensation as such.

Estimate furnished by board of education.

79. On or before the fifteenth day of April in each year, the board of education of such school district shall prepare and deliver to each member of said "Board of School Estimate" an itemized statement of the amount of money estimated to be necessary for the current expenses of and for repairing and furnishing the public schools of such district for the ensuing school year, and also the amount which shall have been apportioned to such district by the county superintendent.

Amount necessary to be appropriated determined.

80. Between the fifteenth day of April and the first day of May in each year said "Board of School Estimate" shall fix and determine the amount of money necessary to be appropriated for the use of the public schools in such district for the ensuing school year, exclusive of the amount which shall have been apportioned to it by the County Superintendent of Schools. Said "Board of School Estimate" shall, on or before the last-named date, make two certificates of said amount, signed by at least three of the members of

said board, one of which certificates shall be delivered to the board of education of said school district, and the other to the common council, board of finance, or other body in the municipality in which said school district shall be situate having the power to make appropriations of moneys raised by taxes in such municipality. Said common council, board of finance or other body shall, upon receipt of said notice, appropriate in the same manner as other appropriations are made by it the amount so certified as aforesaid and said amount shall be assessed, levied and collected in the same manner as moneys appropriated for other purposes in such municipality shall be assessed, levied and collected; *provided*, that any amount in excess of three fourths of one per centum of the taxable valuation of the real and personal property shall be appropriated only with the concurrence and consent of said common council, board of finance or other body, expressed by its resolution duly passed; *and provided further*, that if the charter of the municipality in which said school district shall be situate, shall limit the amount of tax or the rate of taxation in such municipality, so that the provisions of this section cannot be carried out, or shall otherwise by its terms prevent the carrying out of the provisions of this section, the same shall be hereafter held not to apply to the raising of money under the provisions of this section.

Appropriation made.

Proviso.

Proviso.

81. Whenever a board of education organized under the provisions of this article shall decide that it is necessary to raise money for the purchase of lands for school purposes, or for erecting, enlarging, repairing or furnishing a school-house or school-houses, it shall prepare and deliver to each member of the "Board of School Estimate" of such school district a statement of the amount of money estimated to be necessary for such purpose or purposes. Said "Board of School Estimate" shall fix and determine the amount necessary for such purpose or purposes, and shall make two certificates of such amount, one of which certificates shall be delivered to the board of education, and the other to the common council, board of finance or other body in the municipality in which such school district shall be situate having the power to make appropriations of money raised by tax in such municipality. Said common council, board of finance or other body may, by resolution duly passed, appropriate such sum or sums for such purpose or purposes in the same manner as other appropriations are made by it, and said sum or sums shall be raised,

Method by which money may be raised for purchasing land or building.

assessed, levied and collected at the same time and in the same manner as moneys appropriated for other purposes in such municipality are raised, assessed, levied and collected, or said common council, board of finance or other body may, by resolution duly passed, appropriate and borrow such sum or sums for the purpose or purposes aforesaid, and may secure the repayment of the sum or sums so borrowed, together with interest thereon at a rate not to exceed five per centum per annum, by the issue of bonds in the corporate name of such municipality.

Issue school bonds.

Bonds so issued shall be designated "school bonds;" shall be of such denomination as said common council, board of finance or other body may determine, and shall be made payable in not more than thirty years from the date thereof. Such bonds may be registered or coupon bonds, or may be registered and coupon bonds combined at the option of such common council, board of finance or other body. The proceeds of the sale of such bonds shall be deposited with the custodian of the funds of such school district, and shall be paid out only on the warrants or orders of the board of education; *provided*, that the total amount of bonds for the purposes named in this section, including bonds theretofore issued for such purposes shall not exceed at any one time a sum equal to three per centum of the taxable valuation of the real and personal property in such municipality; *provided further*, that if the charter of the municipality in which such school district shall be situate shall limit the amount of indebtedness in such municipality, or shall by its terms prevent the carrying out of the provisions of this section, the same shall be hereafter held not to apply to the issuing of bonds under the provisions of this section.

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Proviso.

Powers of board of school estimate.

82. Any such board shall have all the powers granted to boards of education under other articles of this act, except as they are limited by or are inconsistent with the provisions of this article.

Continuation of present boards of education.

83. In any school district situate in a municipality which is now or which shall hereafter be divided into wards, the administration and conduct of the public schools and the management and care of the public school property therein, shall remain in and shall be exercised by any board of education or other body theretofore having control of the public schools therein, until the organization of a board of education in such school district under the provisions of this article, with the powers conferred by this act. Upon the organ-

ization of a board of education in said district as provided in this article, any board of education, school commissioners or any other body theretofore having charge of the public schools in such school district or in such municipality and having no other function shall be abolished.

Present officers to complete term.

84. The superintendendents of schools, secretaries of boards of education, janitors and other employes of the several boards of education of school districts situate in municipalities divided into wards as said boards shall be constituted at the time of the passage of this act, shall continue to serve for the full term for which they were severally appointed or elected, as though they had been appointed under the provisions of this article.

## ARTICLE VII.

### BOARDS OF EDUCATION IN DISTRICTS SITUATE IN MUNICIPALITIES NOT DIVIDED INTO WARDS.

Constitution of boards of education in municipalities without wards.

85. In each township, city, incorporated town and borough not divided into wards there shall be a board of education consisting of nine members, except as hereinafter provided; three members of such board shall be chosen at each annual school meeting, and shall hold office for the term of three years. In case there shall be a vacancy in a board of education, such vacancy shall be filled at the next annual meeting after such vacancy occurs, and the person elected to fill such vacancy shall be elected for the unexpired term only; *provided*, that nothing in this section shall be construed so as to require any such school district which now has a board of education consisting of less than nine members, to increase the number of members to nine.

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Number of members may be reduced.

86. If the board of education in any school district acting under the provisions of this article shall deem it for the best interests of the schools that the number of members constituting said board shall be reduced, the district clerk, when directed by said board, shall insert in the call for the next annual school meeting a notice that it will be determined at said meeting whether the board of education shall consist of three, five or nine members. 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 then in office

shall continue in office for the terms for which they were severally elected, and their successors shall be elected in the manner following:

Procedure if five determined upon.

I. If it shall be determined at said meeting that the board of education shall consist of five members, then no election for members of said board shall be held at said meeting. At the next annual school meeting two members of said board shall be elected for the term of three years, and at the second annual school meeting held after the meeting at which it was determined to reduce the number of the members of the board of education to five, two members of said board shall be elected for the term of three years and one member 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 shall have expired, who shall hold office for the term of three years.

Procedure if three determined upon.

II. If it shall be determined at said meeting that the board of education shall consist of three members, then no election for members of said board 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 meeting at which it was determined to reduce the number of members of the board to three, there shall be elected three members of said board to serve 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.

If new district be created.

87. Whenever in a municipality not divided into wards, a new school district shall be created, there shall be held, at the ensuing annual school meeting, an election for members of the board of education. Before proceeding to ballot for such members of the board of education the legal voters present shall determine whether the board of education shall consist of three, five or nine members. If it shall be determined that the board shall consist of three members, then said legal voters shall elect one member to serve for the term of one year, one for the term of two years, and one for the term of three years. If it shall be determined that the said board shall consist of five members, the said legal voters shall elect one member to serve for the term of one year, two for the term of two years, and two for the term of three years. If it shall be determined that said board shall consist of nine members, said legal voters shall elect three members

Choosing of board.

to serve for the term of one year, three for the term of two years, and three for the term of three years, and annually thereafter there shall be elected a person or persons for the term of three years in the place of the member or members whose terms shall have expired.

Annual district meeting.

88. An annual meeting for the election of members of the board of education shall be held in each school district situate in a township, city, incorporated town or borough which is not divided into wards on the third Tuesday in March, at a school-house or such other convenient public place within the district as may be selected by the board of education. Not less than seven notices of such meeting, specifying the day, time, object and place thereof, shall be posted by the district clerk at least ten days before the date of such meeting; one of such notices shall be posted on each school-house within the district, and at such other public places therein as the board of education of said district shall direct. Any district clerk who shall fail to post notices calling said annual meeting as required by this section shall pay a fine of twenty dollars, to be recovered in a court for the trial of small causes by any resident of said school district. No person shall be eligible to the office of member of a board of education unless he or she shall be above the age of twenty five years, shall have been a resident of the district for at least three years immediately preceding his or her election, and can read and write. A plurality of the votes cast shall be sufficient to elect a member of a board of education.

Notices.

Eligibility of members.

Plurality sufficient.

Who may vote.

89. Every male citizen of the United States who shall have the qualifications required for electors for the most numerous branch of the state legislature, shall have the right to vote at such meeting. Every female citizen of the United States of the age of twenty-one years and possessing the qualifications respecting residence required of male voters, shall have the right to vote at any annual or special school meeting of the legal voters of said school district for any purpose other than the election of members of the board of education.

Elections by ballot.

90. All elections for members of a board of education shall be by ballot. The polls for such election shall remain open one hour and as much longer as may be necessary to enable the legal voters present to cast their ballots. Said ballots may be printed or written, or partly printed and

partly written. In case a member of a board of education is to be elected for a full term, and a member is to be elected to fill an unexpired term, the ballots shall designate which of the persons voted for is to be elected for the full term, and which for the unexpired term. The chairman of the meeting shall appoint two tellers who shall receive and count the ballots in his presence, and said chairman shall announce the result of such election. The secretary of the meeting shall keep a poll list and record therein the name of each person voting at such election, and shall also keep a tally-sheet of the votes as counted by the tellers. The tally-sheet shall be signed by the chairman and tellers, and said tally-sheet, poll list and ballots shall be placed by the secretary in a sealed package, indorsed with the name of the district, the name of the county in which said district shall be situate and the date on which said election shall have been held, and said package, together with a statement of the result of said election signed by the chairman and secretary, shall be by said secretary deposited with the district clerk, and a copy of said statement shall be forwarded by said secretary to the County Superintendent of Schools within five days after the date of such election, and the same shall be preserved for one year.

Method of conducting election.

Two ballot-boxes when other questions.

91. At any annual meeting when the question of raising a tax, the issuing of bonds, or the establishing of a union-graded school is to be voted on, two ballot-boxes shall be provided and two tellers shall be appointed for each box. One of said boxes shall be used to receive the ballots for members of the board of education, and the other to receive the ballots for the other objects enumerated in this section.

School precincts.

92. The board of education of any school district acting under the provisions of this article may divide said school district into eight precincts, which precincts shall be, as nearly as may be, equal in population. Said precincts shall be so constituted that each shall contain at least one school-house, unless said district shall contain less than eight school-houses, and thereafter upon the expiration of the term of office of a member of a board of education, his successor shall be nominated from one of said precincts which has no representation in the board of education, and thereafter his successor shall be nominated from the same precinct, in order that each of said precincts may be at all times represented in the board of education. There shall

also be one member-at-large; *provided*, that whenever any district shall have a board of education consisting of only three or five members, the number of precincts shall be one less than the number of members of the board of education of said district, so that there shall be at all times a member of said board of education from each of said precincts, and one at large, and said members shall be elected at the same time and in the same manner as hereinabove provided. Proviso.

93. Each board of education elected as provided in this article shall be a body corporate, and shall be called and known as "the board of education of the township (city, town or borough, as the case may be) of ———, in the county of ———." Corporate name

94. Each board of education created under the provisions of this article shall organize within ten days after the annual school meeting by the election of one of its members as president, and a district clerk, and may fix the compensation of said clerk. If said board shall fail to organize within ten days the County Superintendent of Schools shall appoint a president and a district clerk. In case the office of president or district clerk shall become vacant the board of education shall, within thirty days thereafter, fill such vacancy for the unexpired term, and if it shall fail to fill said vacancy within the said thirty days the County Superintendent of Schools shall fill such vacancy for the unexpired term. A member of such board of education shall before entering upon the duties of his office, take oath in writing before a justice of the peace, the clerk of the municipality in which the school district shall be situate, a master in chancery or a notary public that he possesses the qualifications to be a member of said board prescribed therefor in this article, and that he will faithfully discharge the duties of his said office. Said oath shall be filed with the district clerk of said board. Organization. Failure to organize. Vacancies. Oath.

95. The board of education shall have power: Powers of district board of education.

I. To appoint a person to fill a vacancy in the board of education, but the person so appointed shall serve only until the next regular election for members of the board of education.

II. To employ and dismiss principals, teachers, janitors, mechanics and laborers, and to fix, alter and order paid their salaries and compensation;

III. To make and enforce rules and regulations not in conflict with this act nor with the rules and regulations of the State Board of Education for the government of schools, pupils and teachers;

IV. To purchase, sell and improve school grounds; to erect, lease, enlarge, improve, repair or furnish school buildings and to borrow money therefor with or without mortgage; *provided*, that for any such act it shall have the previous authority of the vote of the legal voters of the district;

Proviso.

V. To insure school buildings, furniture and other school property, and to receive, lease and hold in trust for the district any and all real or personal property for the benefit of the schools thereof;

VI. To enforce the rules and regulations prescribed by the State Board of Education, select the text-books, and, in connection with the County Superintendent of Schools, to prescribe the course of study to be pursued in the school or schools under its charge;

VII. To suspend or expel pupils from school;

VIII. To provide text-books and other necessary school supplies;

IX. To call a special meeting of the legal voters of the district at any time when in its judgment the interests of the schools require it, or whenever fifty of such legal voters shall request it by petition so to do. In the notices of any special meeting, called upon petition as aforesaid, shall be inserted the purposes named in said petition so far as the same are not in conflict with the provisions of this act. No business shall be transacted at any special meeting except such as shall have been set forth in the notices by which said meeting was called. Special meetings shall be called in the manner provided for calling the annual meetings;

X. To permit a school-house to be used for other than school purposes when the board shall consent thereto;

XI. To adopt an official seal by which all its official acts may be authenticated;

XII. To make an annual report to the County Superintendent of Schools on or before the first day of August in the manner and form prescribed by the State Superintendent of Public Instruction;

XIII. To borrow, after the first day of July and before the first day of January, a sum not exceeding one-half of the

amount appropriated for the current expenses of the schools and for the repair of school houses under its control, and to execute and deliver promissory notes therefor, and to pay the amount so borrowed together with interest thereon, at a rate not exceeding six per centum per annum.

Supervising principal.

96. A board of education may appoint a suitable person as supervising principal of schools, define his duties and fix his salary; *provided*, that no person shall be appointed supervising principal unless he or she shall hold either a state or first-grade county certificate; *and provided further*, that the boards of education of two or more districts may unite in employing a supervising principal.

Proviso.

Proviso.

All procedure by majority vote.

97. No principal or teacher shall be appointed or dismissed, nor the amount of his or her salary fixed; no school term shall be determined, nor shall any course of study be adopted or altered, nor text books selected, except by a majority vote of the whole number of members of the board of education.

Regular meetings.

98. The board of education of every school district elected under the provisions of this article, shall meet for the transaction of business at least once in two months during the period that the schools in said district shall be in session. No contract shall be entered into by, nor shall any bill or demand for money against a board of education be paid until the same shall have been presented and passed on at a regularly called meeting of the board.

Itemized statements.

99. It shall be unlawful for any board of education to order paid out of the school moneys under its control, any money for school supplies, books, maps, charts, globes, fuel, erecting, enlarging, repairing, furnishing or improving school buildings and grounds, unless the person claiming said money shall first present to said board an itemized bill showing the name of the person to whom the amount of such bill is due; *provided*, that the district clerk, whenever authorized by said board, may purchase such supplies for the school or schools under its control, and shall present an itemized bill of the same with his affidavit attached, which bill shall be acted on and paid as other bills are paid. Every person presenting any such bill exceeding in amount the sum of five dollars, shall make an affidavit that the goods or services itemized in said bill have been delivered or rendered, and that no bonus nor reward has been given or received by any person with the knowledge of

Proviso.

Affidavit.

the deponent in connection with the claim, and that said bill is correct and true. The district clerk is hereby authorized to take said affidavit without cost. Any member of a board of education who shall willfully violate the provisions of this section, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not to exceed one hundred dollars. Said fine when collected shall be paid to the custodian of the school moneys of the school district for the use of the district.

Violation by members of board.

Duties of district clerk.

100. The district clerk shall record in a suitable book all proceedings of the board of education, of the annual school meetings, and of special school meetings. He shall pay out by orders on the custodian of the school moneys of the school district, and in the manner prescribed by law, all school moneys of the district. He shall keep a correct and detailed account of all the expenditures of school moneys in the district, and shall report the same to the County Superintendent of Schools. At each annual school meeting he shall present his record-books and his accounts for public inspection, and shall make a statement of the financial condition of the district. He shall post notices of the annual and of any special meeting of the legal voters, and shall insert in said notices the object or objects for which said meeting shall be called, and shall notify all members of the board of education of all regular and special meetings of the board.

Removal for non-attendance.

101. A member of a board of education elected under the provisions of this article who shall fail to attend three consecutive regular meetings of said board without good cause, may be removed by said board, and the vacancy thus created shall be filled in the same manner as other vacancies in the board of education shall be filled.

Semi-annual meetings of several district boards.

102. The boards of education in the several school districts in each county organized under the provisions of this article shall meet together semi-annually at such times and places as the County Superintendent of schools shall appoint.

Member not interested in claims.

103. A member of a board of education shall not be interested directly or indirectly in any contract with, nor claim against said board.

Right to sue, etc.

104. A board of education may sue and be sued, complain and defend in any court of law and equity, and employ counsel therefor, and the amount of the expense incurred by said board in conducting or defending any such suit shall be certified to the assessor by the president and district clerk of

such board, and said amount shall be assessed and collected in the next annual tax levy.

Regarding children in almshouses.

105. The board of education of any district in which there shall be an almshouse or poorhouse, may admit to the public schools under its control children who are inmates of such almshouse or poorhouse, or may maintain a separate school for such children. The current expenses of such school shall be paid as the current expenses of the other public schools in such district shall be paid, but if such almshouse or poorhouse shall be under the control of the board of chosen freeholders, said board of chosen freeholders shall, upon the request of the board of education, provide suitable school accommodations for such children.

Completion of present terms.

106. The several members of the boards of education as now constituted in school districts in townships, cities, incorporated towns and boroughs not divided into wards, shall continue to serve for the full terms for which they have been severally elected, as though they had been elected under the provisions of this article.

## Article VIII.

### TEACHERS.

Teachers; their employment, term, salary.

107. A board of education may make rules and regulations governing the engagement and employment of teachers and principals, the terms and tenure of such employment, and the promotion and dismissal of such teachers and principals, the salaries, and the time and mode of payment thereof, and may from time to time change, amend or repeal such rules and regulations. The employment of any teacher by such board, and the rights and duties of such teacher with respect to such employment shall be dependent upon and shall be governed by the rules and regulations in force with reference thereto. If a board of education shall not have made rules and regulations as aforesaid, then no contract between such board of education and a teacher shall be valid unless the same shall be in writing, or partly written and partly printed, in triplicate, signed by the president and district clerk or secretary of the board of education and by the teacher. One copy thereof shall be filed with the board of education, one copy with the teacher, and one copy with

Contract.

the county, city, town, borough or township superintendent. Such contract shall specify the date when such teacher shall begin teaching, the kind and grade of certificate held by said teacher and the date when said certificate will expire, the salary and such other matter as may be necessary to a full and complete understanding of the same. In every such contract, unless otherwise specified, a month shall be construed and taken to be twenty school days or four weeks of five school days each. The salary specified in every such contract shall be paid in equal monthly installments, not later than five days after the close of each month while the school shall be in session. Any contract or engagement between a board of education and a teacher shall cease and determine and be of no effect against said board whenever said board shall ascertain by notice in writing received from the county, city, town, borough or township superintendent or otherwise, that said teacher is not in possession of a proper teachers' certificate in full force and effect, notwithstanding the term or engagement for which such contract shall have been made may not then have expired. The State Superintendent of Public Instruction shall prepare and distribute blanks for contracts between boards of education and teachers.

School month.

Dismissal of teacher.

108. In case the dismissal of any teacher before the expiration of any contract entered into between such teacher and a board of education shall, upon appeal, be decided to have been without good cause, such teacher shall be entitled to compensation for the full term for which said contract shall have been made; but it shall be optional with the board of education whether such teacher shall or shall not teach for the unexpired term.

Leaving without consent; suspension of certificate.

109. If a teacher employed by a board of education shall leave the school before the expiration of the term of his or her employment, without the consent of the board of education, said teacher shall be deemed guilty of unprofessional conduct, and the State Superintendent of Public Instruction is authorized, upon receiving notice of such fact, to suspend the certificate of such teacher for a period not exceeding one year.

School register, how kept.

110. Every teacher in a public school shall keep a school register in the manner provided therefor, and no order or warrant for salary shall be delivered to such teacher until the district clerk or other officer authorized to deliver such

order or warrant shall ascertain that said register has been properly kept for the time for which salary is demanded, and shall enter upon said register a certificate to that effect. The order or warrant for the balance of salary due any teacher at the time of closing the school for the summer vacation, or of leaving the school before the end of the school year, shall not be delivered to such teacher until the district clerk or other officer authorized to deliver such order or warrant shall have received written notice from the county, city, town, borough or township superintendent that such teacher has filed with him his or her annual report on the blank furnished for that purpose by the State Superintendent of Public Instruction; *provided*, that in any school in which more than one teacher shall be employed the principal thereof shall furnish such report. Proviso.

111. No teacher shall be required to teach school on any day declared by law to be a public holiday, and no deduction from a teacher's salary shall be made by reason of the fact that a school day happens to be a day declared by law to be a public holiday. Any contract made in violation of this section shall have no force or effect as against a teacher. Observation of holidays.

112. A teacher shall hold every pupil accountable in school for disorderly conduct on the way to or from school, or on the play-grounds of the school, or during recess, and shall suspend from school any pupil for good cause; *provided*, that such suspension shall be reported forthwith by the teacher to the board of education; *provided further*, that in any school in which more than one teacher shall be employed the principal alone shall have the power to suspend a pupil. Teacher's authority over pupils. Proviso. Proviso.

113. No principal, teacher or other person employed or engaged in any capacity in any school or educational institution, whether public or private, shall inflict or cause to be inflicted corporal punishment upon any pupil attending such school or institution, and every resolution, by law, rule, ordinance or other act or authority heretofore or hereafter passed, adopted, approved, made or given by any person or persons whomsoever, natural or artificial, permitting or authorizing corporal punishment to be inflicted upon any pupil attending or that may attend any school or educational institution shall be henceforth void and of no force or effect. Corporal punishment forbidden.

114. No teacher shall be entitled to any salary unless such teacher shall be the holder of an appropriate teachers' certificate. When not entitled to salary.

Religious exercises.

115. No religious service or exercise, except the reading of the Bible and the repeating of the Lord's Prayer, shall be held in any school receiving any portion of the moneys appropriated for the support of public schools.

Exempt from jury duty.

116. No teacher shall be required to serve on any jury in this state while his school shall be in session.

## ARTICLE IX.

### PUPILS.

Schools free; age.

117. Public schools shall be free to all persons over five and under twenty years of age who shall be residents of the school district. Non-residents of a school district, if otherwise competent, may be admitted to the schools of said district with the consent of the board of education upon such terms as said board may prescribe; *provided*, that the authority to charge tuition for non-resident pupils conferred by this section shall not apply to non-resident pupils transferred to any district by an order of the County Superintendent of Schools.

Proviso.

Transportation of children.

118. Whenever in any district there shall be children living remote from the school-house, the board of education of such district may make rules and contracts for the transportation of such children to and from school. Nothing in this section shall be so construed as to prohibit a board of education from making contracts for the transportation of children to a school in an adjoining district when such children shall be transferred to said district by order of the County Superintendent of Schools, or when any children shall attend school in a district other than that in which they shall reside by virtue of an agreement made by the respective boards of education.

Attendance of children remote from school, in adjacent district.

119. Any child living remote from any public school in the district in which he or she shall reside shall be allowed to attend a public school in an adjoining district with the consent of the County Superintendent of Schools, which consent shall be in writing, and one copy thereof filed with the district clerk or secretary of the board of education of the district in which such child shall reside, and one copy filed with the district clerk or secretary of the board of education of the district in which such child shall attend school;

and in case the districts shall not be in the same county, the written consent of the County Superintendent of Schools of each county shall be obtained. The custodian of the school moneys of a school district from which a child shall have been transferred as aforesaid shall pay, on the order of the County Superintendent of Schools, to the custodian of the school moneys of the school district to which said child shall have been transferred, such amount for the education of said child as the respective boards of education may agree upon, which amount shall be certified to the County Superintendent of Schools by said boards; but if said boards of education shall be unable to agree, on or before the first day of February, upon the amount so to be paid, then, and in that case, each of said boards shall appoint a suitable person, and the two persons so appointed shall appoint a third, and the three persons so appointed shall constitute a board of arbitration. Said board of arbitration shall decide what amount is equitably and justly due to the district to which such child shall have been transferred, and shall notify the County Superintendent of Schools in writing of its decision, and said County Superintendent of Schools shall thereupon issue his order on the custodian of school moneys of the school district from which such child shall have been transferred, and in favor of the custodian of school moneys of the school district to which such child shall have been transferred, for the amount certified to him by said boards of education, or by said board of arbitration. The orders issued by the County Superintendent of Schools pursuant to the provisions of this section may be paid out of any moneys available for current expenses to the credit of the district from which said child shall have been transferred; *provided*, that the amount awarded by said board of arbitration for each child transferred as aforesaid shall not exceed the average per capita cost of education in the district to which said child shall have been transferred for the year preceding that for which the award shall be made, and in determining said average per capita cost, the amount expended for the purchase of land, the building, repairing or furnishing of school houses, and the payment of the principal or interest of any debt incurred therefor shall not be included.

Transfer of moneys in such cases.

Arbitration.

Proviso.

120. Any child who shall have completed the course of study pursued in the schools in the district in which he or she shall reside may, with the consent of the board of edu-

Attendance at higher grade school.

cation of said district and of the board of education of a district in which he or she shall desire to attend school, be admitted to a school of higher grade in said last-mentioned district. Said boards of education shall determine the amount to be paid for the education of such child, and the board of education of the district in which such child shall reside shall issue an order for said amount, signed by the president and district clerk or secretary of the board of education, in favor of the custodian of the school moneys of the school district in which such child shall attend school, which order shall be paid by the custodian of the school moneys of the first-mentioned district out of any moneys in his hands available for the current expenses of said district.

Pupils to submit to authority of teacher.

121. Pupils in the public schools shall comply with the regulations established in pursuance of law for the government of such schools; shall pursue the prescribed course of study, and shall submit to the authority of the teacher. Continued and willful disobedience, open defiance of the authority of the teacher, the use of habitual profanity or obscene language shall be good cause for suspension or expulsion from school. Any pupil who shall cut, deface or otherwise injure any school-house, furniture, fences, outbuildings or other property of the school district shall be liable to suspension and punishment, and the parents or guardian of such pupil shall be liable for damages to the amount of the injury; said amount to be collected by the board of education in any court having jurisdiction, together with the costs of said action.

Parents liable for damage.

Unvaccinated children, or persons exposed to contagious disease may be excluded.

122. A board of education may exclude from school any child who shall not have been duly vaccinated, unless such child shall present a certificate signed by a regularly licensed physician, that such child is an unfit subject for vaccination. No teacher or child who shall be a member of a household in which a person shall be sick with small-pox, diphtheria, scarlet fever, whooping cough or measles, or of a household exposed to contagion as aforesaid, shall attend any public school during such sickness, nor until the board of education shall have been furnished with a certificate from the board of health, or from the physician attending such sick person, certifying that all danger of communicating such disease by such teacher or child has passed.

Children vaccinated at public expense.

123. In case any child enrolled in a public school shall be found to be unvaccinated, whose parents shall be, in the judgment of the board of education, unable to pay for the vaccination of such child, the district clerk or secretary of the board of education may give to said child a permit to appear before any regularly licensed physician to be vaccinated, and such physician, on presenting said permit, with his certificate appended thereto that the vaccination has been by him successfully performed, shall receive from the township, city, incorporated town, borough or other municipality in which said child shall reside the sum of fifty cents.

Schools may be closed upon declaration of epidemic.

124. Whenever the board of health of any township, city, incorporated town, borough or other municipality shall declare any epidemic or cause of ill-health to be so injurious or hazardous as to make it necessary to close any or all of the public schools in such township, city, incorporated town, borough or other municipality, said board shall immediately serve notice on the board of education of the school district situate in said township, city, incorporated town, borough or other municipality that it is desirable to close said school or schools. Upon receipt of such notice such board of education may close the schools under its control, or such of them as may be designated by the board of health, and said schools shall not be reopened until said board of education shall be satisfied that all danger from said epidemic or cause of ill-health has been removed.

When pupils may be admitted.

125. Children who shall have never attended any public or private school may be admitted to a public school during the ten days immediately following the opening of said school for the fall term, during the first five days in January and April respectively, and at no other time except by a majority vote of all the members of the board of education of the school district in which such school shall be situate.

No exclusion.

126. No child between the age of four and twenty years shall be excluded from any public school on account of his or her religion, nationality or color. A member of any board of education who shall vote to exclude from any public school any such child, on account of his or her religion, nationality or color shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than fifty dollars nor more than two hundred and fifty dollars, or by imprisonment in the county jail,

Penalty to exclude.

workhouse or penitentiary of the county in which the offense shall be committed for not less than thirty days nor more than six months, or by both fine and imprisonment in the discretion of the court.

## ARTICLE X.

### SCHOOL HOUSES.

Suitable accommodations.

Penalty.

127. Each school district shall provide suitable school facilities and accommodation for all children residing in the district and desiring to attend the public schools therein. Whenever such school facilities or accommodation shall be inadequate and unsuited to the number of pupils attending or desiring to attend such schools, the County Superintendent of Schools shall transmit to the custodian of the school moneys of the school district an order directing him to withhold from the district all moneys in his hands to the credit of such school district received from the state appropriation or from the state school tax until suitable facilities or accommodation shall be provided, and shall notify the board of education of such district of his action with the reasons therefor. Such order shall not take effect until approved in writing by the State Superintendent of Public Instruction, and said approval shall state when said order shall take effect.

Suitable water-closets.

Amount raised without submission to voters.

128. Each board of education shall provide at least two suitable and convenient outhouses or water-closets for each of the school-houses under its control. Said outhouses or water-closets shall be entirely separated each from the other and shall have separate means of access. Said outhouses and said water-closets, if detached from the school-house, shall be separated by a substantial close fence not less than seven feet in height. The board of education shall have said outhouses and water-closets kept in a clean and wholesome condition. The question of raising the amount needed to carry into effect the provisions of this section shall not be submitted to the legal voters of the school district, but the board of education shall notify the assessor and collector, by notice signed by the president and district clerk, of the amount needed for such purpose, and such amount shall be assessed, levied and collected at the same time and

in the same manner as other special school taxes are assessed, levied and collected.

Building plans and details.

129. The State Superintendent of Public Instruction shall procure architects' plans and specifications for school buildings, and full detail working plans therefor. In the preparation of such plans due regard shall be given to proper heating, lighting, ventilating and other hygienic requirements. Said plans and specifications shall be approved by the State Board of Education and shall be loaned to any district desiring to erect a new school building.

Approval of plans by state board.

130. In order that due care may be exercised in the heating, lighting, ventilation and other hygienic conditions of public school buildings hereafter to be erected, all plans and specifications for any such proposed school building shall be submitted to the State Board of Education for suggestion and criticism before the same shall be accepted by the board of education of the district in which it is proposed to erect such building.

Doors.

131. In any school-house of two or more stories in height, the doors leading from the class rooms to the corridors and from said corridors to the street or to the ground surrounding such school-house shall open outwardly. All swing-doors shall have plate-glass windows of suitable dimensions.

Requirements in erecting school-houses.

132. In order that the health, sight and comfort of the pupils may be properly protected all school houses hereafter erected shall comply with the following conditions:

I. Light shall be admitted from the left, or from the left and rear of class-rooms, and the total light area must, unless strengthened by the use of reflecting lenses, equal at least twenty per centum of floor space;

II. School-houses shall have in each class-room at least eighteen square feet of floor space and not less than two hundred cubic feet of air space per pupil. All school buildings shall have an approved system of ventilation by means of which each class-room shall be supplied with fresh air at the rate of not less than thirty cubic feet per minute for each pupil;

III. All ceilings shall be at least twelve feet in height;

IV. All stairs, except cellar stairs, shall be not less than four feet in width and shall have intermediate landings. The several flights of stairs shall be inclosed by brick walls or by partitions of slow burning construction, and without open well holes. The risers of stairs shall not exceed seven and

one-half inches in height, and the treads shall be at least ten inches in width, exclusive of the projecting nosings;

V. Every school-house having eight rooms shall have two flights of stairs of not less than four feet in width, or, in lieu thereof, one flight of stairs situated near the center of the building, not less than six feet in width;

VI. Every school building having more than eight and less than sixteen rooms, shall have two flights of stairs not less than five feet in width;

VII Every school-house having sixteen or more rooms shall have three flights of stairs, not less than four feet in width, or, in lieu thereof, two complete flights of stairs not less than six feet in width;

VIII. Every building more than one story in height shall have metal ceilings, wooden ceilings painted white or some light tint or plastered ceilings on metal lath.

## ARTICLE XI.

### UNION GRADED SCHOOLS.

Establishment of union graded schools.

133. Whenever the boards of education of two or more adjoining school districts shall deem it for the best interests of the children that said districts shall unite in establishing and maintaining a union graded school, each of said boards shall cause its secretary or district clerk to insert in the notices calling any annual or special meeting of the legal voters, a notice that the question of establishing such union-graded school will be submitted at such meeting. The legal voters shall vote by ballot, and at any such meeting the secretary thereof shall keep a poll-list of the legal voters voting on such question, and a tally-sheet of the ballots as counted by the tellers. Said ballots, poll-list and tally-sheet, which tally-sheet shall be signed by the chairman of the meeting and by said secretary, shall be by said secretary, within five days after the date of said meeting, transmitted to the County Superintendent of Schools in a sealed package endorsed with the name of the district, of the county in which it shall be situate, and the date of the meeting. Said secretary shall also transmit to said County Superintendent of Schools a certificate of the result of such vote signed by said chairman and secretary. In case the districts shall be situate in

Question submitted; election, how conducted.

Transmission of result.

different counties, said secretary shall transmit the ballots and other papers hereinbefore described to the County Superintendent of Schools of the county in which the district shall be situate, and shall transmit a duplicate of the certificate of the result of such vote to the County Superintendent of Schools of the county in which the other district or districts shall be situate. If the County Superintendent of Schools shall ascertain from such certificates that the total number of votes cast in each of said districts in favor of establishing such union graded school exceeds the total number of votes cast in each district against the same, he shall immediately notifiy each of the boards of education of the result of such vote.

Constitution of union school board.

134. Whenever two or more districts shall have voted to establish a union-graded school as provided in the preceding section, the board of education of such union-graded school shall be constituted as follows:

I. If two districts shall unite for the purpose aforesaid, the board of education of each of said districts shall appoint two of its members as members of the board of education of said union-graded school;

II. If three or more districts shall unite for the purpose aforesaid, the board of education of each of said districts shall appoint one of its members as aforesaid.

County superintendent notified of appointment of members.

135. Each board of education shall notify the County Superintendent of Schools of the names of the persons so appointed as aforesaid, and the persons so appointed shall continue to be members of the board of education of such union-graded school until the second Tuesday in April next after their terms of office as members of their respective boards of education shall have expired, and their successors shall be appointed on or before the first day of said April in like manner and for a like term. The members so appointed as aforesaid shall continue to act as members of the boards of education in their respective districts.

Removals and vacancies.

136. A member of a board of education of a union-graded school or the president or secretary thereof, may be removed in the same manner as is provided in this act for the removal of an officer or member of a board of education. Any vacancy in such board shall be filled by the board of education of the district which by reason of such vacancy has not its full representation on the board of education of such union-graded school.

Corporate name.

137. Each board of education appointed as provided in this article shall be a body corporate, and shall be called and known as "the board of education of the union-graded school of the school district of ———— (here insert the name of the districts), in the county of ————" (here insert the name of the county in which the school-house shall be located).

Organization.

138. The board of education of each union-graded school shall forthwith, after its first appointment, organize by the election of one of its members as president and a secretary, who shall serve until the second Tuesday in April next after their election, on which day and annually thereafter said board shall organize by the election of the officers aforesaid. Said board shall appoint a suitable person, not a member of said board, as custodian of school moneys of said union-graded school and shall fix his salary and term of office. Said custodian of school moneys shall give such bonds in such amounts and with such sureties as said board shall direct, but said bonds shall be for a sum not less than twice the amount annually apportioned to such school by the County Superintendent of Schools.

Powers of union-graded school boards.

139. The board of education of a union-graded school shall have power:

I. To purchase and improve school grounds, and to sell the same; to erect, lease, enlarge, improve, repair or furnish school buildings; to borrow money with or without mortgage and to raise money by taxation for any such purpose, or to pay debts incurred therefor, or for the current expenses of the schools; *provided*, that for any such acts it shall have the previous authority of a majority vote of the board of education of each of the districts uniting in establishing said union graded school;

Proviso.

II. To insure school buildings, furniture and other school property, and to receive, lease and hold in trust any and all real and personal property for the benefit of the school under its control;

III. To determine, subject to the approval of a majority of the board of education of each of the districts uniting in establishing such union graded school, the amount needed to purchase land for school purposes; to erect and furnish a suitable school-house, or to lease a school-house already erected, and for the current expenses of such school, in which term shall be included principals', teachers',

janitors' and medical inspectors' salaries, fuel, text-books, school supplies, flags, school libraries, salaries of secretary and custodian of school moneys, insurance and the incidental expenses of such school. The amount of money thus determined shall be certified by the secretary of said board to the assessors of the several taxing districts in which the school districts uniting as aforesaid shall be situate, and said assessors shall apportion said amount among said several taxing districts in the proportion that the ratables of each bear to the total ratables of all said taxing districts, and the amount thus apportioned to each taxing district shall be assessed, levied and collected in the same manner and at the same time as other school taxes shall be assessed, levied and collected therein, and shall be paid by the several collectors to the custodian of school moneys of such union-graded school on or before the fifth day of January next after the same shall become due and payable to said several collectors;

IV. To adopt an official seal by which all its official acts may be authenticated;

V. To appoint a supervising principal and fix his salary, which principal shall be also the supervising principal of the schools in the districts uniting in establishing such union-graded school. Such supervising principal shall hold a state or a first-grade county certificate.

Apportionment of moneys to union-graded schools.

140. In making the annual apportionment of school moneys, the County Superintendent of Schools shall make an apportionment to such union-graded school on the same basis and in the same manner as to the school districts in the county in which such union-graded school shall be situate. If the districts which shall have united in establishing such union-graded school shall be situate in different counties, the County Superintendent of Schools of each of such counties in making his annual apportionment of school moneys shall apportion to such union graded school three hundred dollars for the supervising principal and one hundred dollars for each teacher employed therein during the year preceding that for which said apportionment shall be made, and in addition thereto shall apportion an additional sum on the basis of the aggregate days attendance of all pupils, residents of such county who shall have attended such union-graded school during the year preceding that for which said apportionment shall be made.

Duties and penalties.

141. The board of education of a union-graded school shall have all the powers and duties and be subject to all the penalties of a board of education in a district situate in a municipality not divided into wards, so far as the same are not inconsistent with the provisions of this article.

Supervision.

142. Each union-graded school shall be under the supervision and control of the County Superintendent of Schools of the county in which the school-house shall be situate.

If necessary to raise money.

143. In case a board of education of a union graded school shall decide that it is necessary to raise money to purchase land for school purposes and for the erection and furnishing of a school house or for the purchase thereof by the issue of bonds, it shall notify the board of education of each of the districts which shall have united in establishing such union-graded school of the umount needed, the number of bonds to be issued, the denomination of such bonds, the maximum rate of interest thereon, and the time or times of payment. Each of such boards, upon receiving such notification, shall forthwith call a meeting of the legal voters of its district, and shall submit to said meeting the question of issuing such bonds as proposed by the board of education of such union graded school, and the district clerk of the board of education of each of said districts shall transmit to the board of education of such union-graded school certified copies of the record of the proceedings of the board of education and of the legal voters of said district thereon. If from said certified copies it shall appear that a majority of the legal voters present at such meeting in each of said districts shall have voted in favor of the issue of such bonds, the secretary of the board of education of such union graded school shall transmit such certified copies together with certified copies of the record of the proceedings of the board of education of such union graded school concerning the issue of such bonds, to the Attorney General for his approval of the legality of all said proceedings, and shall file duplicate certified copies of the record of all such proceedings with the State Superintendent of Public Instruction, and, upon the approval thereof by the Attorney-General, said bonds may be issued and sold by said board.

Question submitted to voters.

Approval of attorney-general.

Description of bonds.

144. Bonds authorized as provided in this article shall be issued in the corporate name of the board of education of the union-graded school; shall bear interest at a rate not exceeding six per centum per annum, payable semi annually;

shall be signed by the president of said board and attested by the secretary; shall bear the seal of said board, and shall have coupons attached for current payment of interest, which coupons shall be signed by the secretary, and shall be numbered to correspond to the bonds to which they shall be severally attached. Bonds so issued shall be numbered and a proper registry thereof kept by the secretary, and may be sold at public or private sale for the best obtainable price, but not less than par. Such bonds when issued shall be a lien upon the real and personal estates of the inhabitants of each of the districts which shall have united in establishing such union-graded school, as well as the property of each of said districts, and said estates and property shall be liable for the payment of the same.

Providing for interest and redemption.

145. Whenever bonds shall have been issued by the board of education of a union graded school, the secretary of such board shall, each and every year, certify to the assessors of the several taxing districts in which the several school districts which shall have united in establishing such union-graded school shall be situate, the amount which shall become due during such year for principal and interest of such bonds. The amount so certified shall be apportioned and assessed by said assessors in the same manner and in the same proportion as taxes for the current expenses of such union-graded school shall be apportioned and assessed, and the moneys so assessed shall be levied and collected by the collectors of the several taxing districts, and said collectors shall, on or before the fifth day of January next thereafter, pay the full amount so ordered to be assessed, levied and collected to the custodian of the school moneys of said union graded school, who shall, upon receipt of the orders of said board of education (which orders shall state at what bank said principal and interest are payable), deposit in such bank the sum of money necessary to pay said principal and interest as they shall become due and payable.

## ARTICLE XII.

### KINDERGARTENS.

Kindergartens.

146. The board of education of any school district may establish a kindergarten school or a kindergarten department

in any school under its control, and shall admit to such kindergarten school or department any child over the age of four and under the age of seven years who shall be a resident of the district; *provided*, that no child under the age of five years shall be admitted to any public school unless such school shall be a regularly organized kindergarten school or shall have a kindergarten department.

Proviso.

Teachers' special certificate.

147. Every teacher in a kindergarten school or department shall hold a special kindergarten certificate, issued either by the State Board of Examiners or the board of examiners of the county or school district in which he or she shall be teaching.

Expenses.

148. The expense of kindergarten schools or departments shall be paid out of any moneys available for the current expenses of the schools, and in the same manner and under the same restrictions as the expenses of the other schools or departments shall be paid.

## ARTICLE XIII.

### EVENING SCHOOLS.

Night schools.

149. The board of education of any school district may establish and maintain public evening schools for the instruction of persons over twelve years of age residents of the district, and unless such evening schools shall be maintained for a term of not less than four months in each year, each of said months to consist of at least sixteen evening sessions of at least two hours each, said district shall not be entitled to any apportionment on the basis of the number of teachers employed in such schools during the year preceding that for which the apportionment shall be made.

Expenses.

150. The expenses of evening schools shall be paid out of any moneys available for the current expenses of the schools, and in the same manner and under the same restrictions as the expenses of day schools shall be paid.

## ARTICLE XIV.

### TEXT-BOOKS AND SUPPLIES.

Furnishing books and supplies.

151. Text-books and school supplies shall be furnished free of cost for use by all pupils in the public schools. Every

school district shall raise and appropriate annually in the same manner as other school moneys shall be raised and appropriated in such district an amount sufficient to pay for such text books and supplies.

Rules regarding same.

152. Every board of education shall make rules for the safe keeping and proper care of text-books, and shall keep an account of all moneys expended by it for such text-books and supplies, and shall report the same in its annual financial statement.

School officers must not be interested therein.

153. It shall be unlawful for any County Superintendent of Schools, member of a board of education, teacher or any person officially connected with the public schools to be agent for, or to be in any way pecuniarily or beneficially interested in the sale of any text books, maps, charts, school apparatus or supplies of any kind or to receive compensation or reward of any kind for any such sale, or for unlawfully promoting or favoring the same. A violation of the provisions of this section shall be punishable by removal from office or by revocation of certificate to teach.

## ARTICLE XV.

### COMPULSORY EDUCATION.

Attendance between seven and twelve years of age.

154. Every parent, guardian or other person having control of a child between the ages of seven and twelve years, shall send such child to public day school each day while such school shall be in session, unless such child shall be excused from such attendance by the board of education of the school district in which such parent or guardian shall reside upon its being shown to the satisfaction of said board that the bodily or mental condition of such child is such as to prevent his or her attendance at school, or that such child is being taught in a private school or at home in such branches as are usually taught in public schools to children of his or her age, or for other good cause.

Attendance of children under fifteen years of age.

155. No child under the age of fifteen years shall be employ d by any person, company or corporation to labor in any business whatever, unless such child shall have attended within twelve months immediately preceding such employment some public or private school. Such attendance shall be for five days or four evenings every week during a period

of at least sixteen weeks which may be divided into two terms of eight consecutive weeks each, so far as the arrangement of school terms will permit.

Penalty for failure to comply.

156. In case any parent, guardian or other person having control of any child shall fail to comply with the provisions of this article, such parent, guardian or other person shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be liable to a fine of not less than one dollar nor more than twenty-five dollars for each offense, or to imprisonment for not less than five days nor more than three months, which said fine shall be paid to the custodian of the school moneys of the school district in which the offense shall have occurred for the use of the public schools therein. Such offense shall be prosecuted by the board of education of said school district before a judge of a city or municipal court, police justice, or a justice of the peace within whose jurisdiction said school district shall be situate.

Juvenile disorderly persons.

157. Every child between the ages of seven and fifteen years who shall be an habitual truant from school, or who shall habitually wander about the streets and public places during school hours having no business or lawful occupation, and any child who, while in attendance at any public school, shall be incorrigible, vicious or immoral in conduct shall be deemed a juvenile disorderly person and subject to the provisions of this article.

Truant officers.

158. The board of education of each school district may appoint, and may remove at pleasure, one or more persons to be designated as truant officers, and may fix their compensation, prescribe their duties not inconsistent with the provisions of this article, and shall make rules and regulations for the performance of such duties.

Police as truant officers.

159. The police authorities in any municipality having an organized police force shall, upon the written request of the board of education of the school district situate in such municipality, detail one or more members of said police force to act as truant officers. Any police officer so detailed shall have all the powers granted to truant officers under the provisions of this article as fully as if appointed as such truant officer by the board of education.

Power of arrest.

160. Any such truant officer may, within the school district for which he shall have been appointed, arrest without warrant any child between seven and fifteen years of age

found away from the home of such child during school hours, and who shall then be a truant from a school upon which he shall be lawfully required to attend.

Disposition of child arrested.

161. Such truant officer shall forthwith deliver a child so arrested either to the custody of the parents or guardian of such child, or to the teacher of the school from which such child shall be then a truant. In the case of an habitual and incorrigible truant, such officer may bring him or her before a judge of a city or municipal court, a police justice or a justice of the peace, within whose jurisdiction said school district shall be situate, for commitment by such judge or justice as hereinafter provided.

Report to school board.

162. Such truant officer shall report promptly every such arrest and the disposition by him made of such arrested child to the board of education of the school district where said child shall be lawfully required to attend school, or to such person as said board may direct.

Duties of truant officers.

163. Every such truant officer shall examine into cases of truancy, when requested so to do by the inspectors of factories and workshops, or by the board of education of the school district for which he shall have been appointed, and shall warn such truants, their parents or guardians, in writing, of the consequences of truancy if persisted in, and also shall notify the parent, guardian or other person having the legal control of any juvenile disorderly person, that the said person is not attending school, and shall require said parent, guardian or other person to cause said child to attend school within five days from said notice. Said parent, guardian or other person having the legal control of said child, shall cause said child to attend school within said named period. If said parent, guardian or other person having the legal control of said child shall refuse, fail or neglect to cause said child to attend school within said named period, said truant officer shall make or cause to be made a complaint against said parent, guardian or other person having the legal control of said child, to a judge of a city or municipal court, a police justice, or a justice of the peace within whose jurisdiction said school district shall be situate. For such refusal or neglect, and upon conviction thereof, said parent, guardian or other person shall be punished by a fine of not less than one dollar nor more than twenty-five dollars, or said judge or justice may, in his discretion, require the person so convicted to give a bond in the penal sum of one hundred dollars, with

Notify parents.

Penalty imposed.

New Jersey State Library

one or more sureties to be approved by said judge or justice, conditioned that said person so convicted shall cause said child under his or her legal control to attend school within five days thereafter, and to remain at school during the term prescribed by this article; *provided*, that if it shall be proven to the satisfaction of said judge or justice that said parent, guardian or other person is unable to cause said child to attend school, then said parent, guardian or other person shall be discharged, and said judge or justice shall thereupon sentence said child to a juvenile reformatory or to a truant school until said child shall arrive at the age of fifteen years unless sooner discharged by the board of control of said juvenile reformatory or parental school; *provided further*, that such sentence may be suspended in the discretion of said judge or justice for such time as said child shall regularly attend school and properly deport himself or herself therein; *and provided further*, that no child under the age of nine years shall be sent under the provisions of this article, to a juvenile reformatory.

Proviso.

Proviso.

Proviso.

Proceedings against parents, etc.

164. Every truant officer appointed under the provisions of this article shall institute or cause to be instituted proceedings against any parent, guardian or other person having legal control of any child, or against any person, company or corporation violating any of the provisions of this article.

Parental school.

165 The board of education of any school district may establish and maintain a school or schools, or may set apart separate rooms in public school buildings for the use, restraint, confinement and instruction of children between the ages of seven and fifteen years who shall be habitual truants from school, or who shall be habitually insubordinate or incorrigibly disorderly during their attendance upon such school. Such school or room shall be known as a parental school.

Compel attendance.

166. Said board of education may compel any such child to attend such parental school and, with the consent in writing of the parent, guardian or other person having legal control of such child may cause such child to be confined and maintained therein for such a period and under such rules and regulations as said board of education may prescribe.

If child fail to attend.

167. If any such child shall not attend such school, then he or she shall be proceeded against as a disorderly person as defined in this article.

Complaint and finding.

168. Said board of education or some person designated by it, or a truant officer appointed for said school district may make a complaint against such child as a disorderly person to a judge of a city or municipal court, a police justice, or to a justice of the peace within whose jurisdiction such school district shall be situate, and upon conviction thereof such child may be by said judge or justice sentenced to be confined and maintained in said parental school for a period not exceeding the remainder of the then current school year.

Parole.

169 Said board of education or the committing magistrate shall have authority in its or his discretion to parole at any time a truant so committed as aforesaid.

Parental school, how maintained.

170. Any parental school established under the provisions of this article shall be maintained as other public schools shall be maintained in the district in which it shall be situate under such rules and regulations as the board of education of such district may prescribe.

When children may be sent to parental school of adjoining district.

171. The board of education of a school district in which there shall be no parental school, may send children who shall be residents of such school district and who shall be habitual truants or insubordinate or incorrigible as defined in this article, to a parental school in an adjoining school district, by and with the consent of the board of education of the district in which said parental school shall be situate and upon such terms as said boards may agree upon or the magistrate committing such child may direct. Any expense incurred by a board of education under the provisions of this section may be paid out of any money raised by special district tax for the current expenses of the schools.

## ARTICLE XVI.

### CONDEMNATION OF LAND AND REAL ESTATE.

Condemnation proceedings when unable to agree with owners.

172. Whenever the board of education of a school district situate in a municipality divided into wards shall vote and determine, or whenever any school district situate in a municipality not divided into wards at its annual meeting, or at any special meeting called for that purpose by due and legal notice, by a majority vote of the qualified voters present at such meeting shall vote and determine that the purchase

and acquiring of any certain lands and real estate shall be necessary and desirable for the use of the public schools of such school district, and the board of education of any such district shall be unable to agree with the owner or owners of said lands and real estate for the purchase of the same, or for the price or compensation to be paid for such lands and real estate or any part thereof, such board of education may apply to a judge of the supreme court or to a judge of the circuit court in and for the county in which such land and real estate shall be situate, for the appointment of three commissioners to make an appraisement of the value of said lands, and of the damages which the owner or owners may suffer by reason of the taking and condemnation thereof.

Application.

Such application shall be made upon petition setting forth that said board of education has been unable to agree with the owner or owners for the purchase of such lands, or that the price demanded therefor is, in the judgment of said board, more than the market value thereof, and praying that said lands may be condemned, giving in said petition a description of the lands which it is desired shall be condemned for the purpose aforesaid, and thereupon said judge shall appoint as commissioners three suitable persons who shall be freeholders and residents of the county within which such application is made, to make 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.

Appointment of commissioners.

Duties of commissioners.

173. Such commissioners, when appointed, shall take an oath to execute faithfully and impartially the duties of their office, and shall forthwith proceed to estimate and determine the fair value of the lands and real estate so to be taken and condemned as aforesaid, and of the damages which the owner or owners thereof will suffer by reason of the taking thereof, first having given at least ten days' notice in writing to said owner or owners, either personally or by leaving the same at the place of abode of said owner or owners, of the time and place when and where they may be heard in relation to the matter. In case any owner shall be an infant, married woman, non compos mentis or absent from the county where such condemnation proceedings shall be taken, or be from any cause incapacitated to act in this behalf, then notice of the time and place and object of the said hearing shall be advertised, or other notice given as the judge may direct, and

Notice to owners.

said hearing or hearings may be adjourned from time to time at the discretion of said commissioners. As soon as they shall have determined upon said valuation they shall make, sign and acknowledge as though it were a deed of conveyance of real estate, a certificate thereof, and file the same in the office of the clerk of the county in which such lands and real estate shall be situate, which certificate shall be, by said clerk, recorded as a deed of conveyance of real estate. Immediately upon the payment to said owner or owners of the amount of said valuation, or in case he or they will not or cannot receive the same, upon deposit of the same in such bank, trust company or institution, or with the clerk of said court, as the judge may direct, the title to and right of possession of such property shall become vested in such board of education. If either party to said proceedings shall feel aggrieved by the proceedings and award of said commissioners, he, they or it may appeal therefrom by petition of appeal to the circuit court of the county at any time within sixty days after the filing of said certificate, and said court shall thereupon, upon an issue made up by said court upon five days' notice by either party, order a trial by jury to assess the value of said property and said damages, which trial shall be conducted in all respects as are other cases of trial by jury, and the final judgment of said court, upon the verdict rendered therein, shall be conclusive upon all parties as to said valuation and damages, and the amount already paid or deposited as aforesaid shall be increased or diminished accordingly.

Determination.

Payment for land condemned.

Appeal to circuit court.

174. The commissioners appointed by said judge shall receive such compensation for their services as said judge shall order and direct, and the same, as well as the other expenses incident to said condemnation proceedings shall be paid by the board of education of the school district in which the lands shall be situate. On appeal from the findings of said commissioners the successful party shall be entitled to costs as allowed in trials at common law.

Compensation of commissioners.

175. All reports of commissioners hereafter appointed by any judge to appraise the damages for the taking of lands or other property for the use of a school district shall be made or filed on or before a day to be fixed in the order of appointment, unless the judge shall by order extend the time therefor, in which case the report shall be made on or

Filing of reports.

before the day limited in said order, and every appeal from such report shall be taken within sixty days after the day thus fixed.

Notice of appeal.

176. Whenever an appeal shall be filed from an award of damages by commissioners heretofore or hereafter appointed in any proceedings for the taking of lands for the use of a school district, notice in writing of such appeal shall be given by the party appealing to the other party within ten days after the filing of the petition of appeal, by service of such notice upon each person interested personally or by leaving the same at his residence if he resides in the state, or by service upon his attorney, if any, who shall have appeared for him before the commissioners, or any other attorney authorized to appear for him. In case of a corporation, service may be made on its attorney or any officer or agent upon whom a summons in an action at law against the company may be lawfully served. Whenever it shall appear by affidavit that any person or corporation being a party to the proceedings is a non-resident of the state, or cannot be found therein to be served, notice shall be given in such manner as a judge of the court to which appeal shall be taken may direct. Said notice of appeal shall set forth that an appeal has been taken from the award of the commissioners, and shall specify the time and place where and when the appellant will apply to the court to which such appeal shall be taken, or any judge thereof, to frame the issues and to fix a day for the trial of the appeal, which time named for said application shall be not less than five nor more than ten days from the date of service of the notice, but the court or judge may by order change the time or place on the application of either party, and direct what notice of such change shall be given to the other party.

Notifying non-residents.

Contents of notice of appeal.

Hearing of appeal by court and jury.

177. After an appeal to any court from the award of commissioners appointed to assess the damages for the taking of lands or other property for the use of a school district by condemnation shall have been filed, and notice thereof shall have been given as above provided, the court to which such appeal shall be taken, or any judge thereof, on application of either party shall fix a day for the trial of the appeal, either during the term or vacation when such appeal shall be filed, or during the following term or vacation, which day so fixed shall be not less than twenty nor more

than forty days from the date of the order, and the court or judge shall at the same time make an order framing the issue between the parties, and directing a jury to be struck and a view of the premises and property to be had, and fixing a day and place for the striking of the jury for the trial of the appeal, which day shall be at least ten days before the day fixed for said trial. The filing of the order shall be notice to all parties of the day and place fixed thereby for the striking of the jury and for the trial, and the jury having been struck, and the jurors summoned as required by law, the cause shall be tried upon the day and at the place fixed unless, for good cause shown, the court shall adjourn the trial to another day which the court shall fix, in which case the court shall, in its discretion, either direct the same jurors to attend, or order another jury to be struck and summoned in like manner, and all parties shall take notice of the day and place fixed for the adjourned trial.

Orders of court respecting proceedings.

178. The court shall make such further orders and take such further proceedings as may be requisite according to the practice of the court and the several statutes regulating appeals and the trials thereof in condemnation cases, and may permit such amendments of the proceedings and pleas as may be reasonable and proper for the fair trial of the case, or for the promotion of the public purposes for which the power to condemn was conferred.

## ARTICLE XVII.

### SCHOOL FUND.

Trustees of school fund.

179. The Governor, the Attorney-General, the Secretary of State, the State Comptroller and the State Treasurer are hereby constituted a Board of Trustees of the Fund for the Support of Public Schools arising from appropriations heretofore made or which may hereafter be made by law, or which may arise from gift, grant, bequest or devise, which board shall be known as "The Trustees for the Support of Public Schools."

Secretary of board.

180. The Secretary of State shall be the Secretary of said board. He shall record in a book to be kept for that purpose the proceedings of said board and the accounts to be furnished by the State Treasurer as hereinafter directed.

Money derived from lands added to school fund.

181 All lands belonging to this state now or formerly lying under water are appropriated for the support of public schools, and all moneys hereafter received from the sales of such lands shall be paid to "The Trustees for the Support of Public Schools," and shall be invested by said board, and shall constitute a part of the permanent school fund of the state.

Income from leases part of fund.

182. All leases which have been heretofore made, or which shall be hereafter made of such lands, shall be held by "The Trustees for the Support of Public Schools" as a part of the principal of the school fund, and the income arising from said leases shall be a part of the income of said school fund.

Investment of school fund.

183. Moneys belonging to the school fund shall be invested by said board in the bonds of the several school districts of this state, or in the bonds of the United States, or of this state, or in the bonds of any county, city, town, township or borough of this state the total indebtedness of which shall not exceed in the aggregate fifteen per centum of the total assessable valuation of all taxable property therein, and the interest thereof shall be a part of the

Use of income.

income of said school fund. The income of said school fund shall be used for the support of public schools, the payment of the salaries of the County Superintendents of Schools, the payment of premiums and accrued interest on bonds purchased by the "Board of Trustees of the Fund for the Support of the Public Schools," and for no other

Annual accounting.

use or purpose whatsoever. An account of the management of said fund shall be laid before the Legislature with the annual statement of the State Treasurer's accounts. No compensation shall be paid to said trustees or treasurer for any services performed in pursuance of this article.

Not to loan on mortgages.

184. Said board shall not invest any part of the principal or interest of said fund in bonds secured by mortgage on lands except as hereinafter provided.

Foreclosure when interest in arrears.

185. Said board shall cause foreclosure proceedings to be commenced without delay whenever the interest on bonds secured by mortgage held by said board as part of the school fund shall remain unpaid for the space of six months;

Proviso.

*provided*, that whenever foreclosure proceedings shall have been commenced, said board may, in its discretion, discontinue the same upon the payment of accrued interest and the cost of such proceedings.

Purchase property at foreclosure sale.

186. Said board may bid for and purchase any lands and premises exposed to sale under the order and decree of any court for the payment and satisfaction of any mortgage incumbrance thereon held by said board, and may take and hold title to the lands and premises so purchased in and by its official name as a part of the principal of the school fund; *provided*, that said board shall not bid a higher price for such lands and premises than shall be sufficient to produce the amount due upon said mortgage incumbrance and costs. The taxed costs attending such proceedings and sale, if any, shall be paid by the State Treasurer on the warrant of the State Comptroller.

Proviso.

Sale of real estate belonging to fund.

187. All real estate now held by "The Trustees for the Support of Public Schools," and all real estate that may be hereafter acquired by them under foreclosure proceedings shall be sold, either at private or public sale, at such times and at such prices as will, in the judgment of said board, be for the best interest of the state. Said board may advertise such properties, either at private or public sale, in such manner as to it shall seem judicious, and the proceeds of such sale shall be paid into the school fund, and shall be invested by said board as other moneys of said fund shall be invested. Said board may loan to the purchaser of any said real estate, one-half of the amount of purchase money, the same to be secured by bond and mortgage on the premises so purchased.

Annual report to legislature concerning school fund.

188. The State Treasurer shall make annually to said board on the first day of the annual meeting of the Legislature, and at such other times as said board shall require, a statement of the school fund, containing an account of the securities belonging thereto with the dates of investment, their values, and the interest arising from each class of securities, together with an account of the moneys in the treasury belonging to said fund.

Apportionment of school fund.

189. There shall be annually apportioned and paid from the income of the school fund for the support of public schools two hundred thousand dollars. If the income of said fund shall not have been received in full, or shall be insufficient for such appropriation, the sum necessary to make up the deficiency shall be drawn from the State Treasury on the warrant of the State Comptroller, which sum so drawn as aforesaid shall be replaced from the income of said school fund as soon as the same shall have been received.

Deficiency, how provided for.

## ARTICLE XVIII.

### STATE SCHOOL TAX.

Apportionment among counties.

190. For the purpose of maintaining free public schools there shall be appropriated each year from any moneys in the State Treasury not otherwise appropriated such sum, not less than one hundred thousand dollars, as may be determined by the Legislature in the annual appropriation act; which sum shall be apportioned among and paid to the several counties in the proportion that the ratables of each of said counties shall bear to the total ratables of the state as exhibited by the latest abstract of ratables filed in the office of the State Comptroller.

State tax.

In addition to the amount so determined and appropriated, a state school tax shall be annually assessed, levied and collected upon the taxable real and personal property in the state, as exhibited by the latest abstract of ratables from the several counties made out by the several boards of assessors and filed in the office of the State Comptroller.

Amount.

Said tax shall be such an amount as will make, when added to the amount determined and appropriated as aforesaid, a sum equal to five dollars for each child in this state between the ages of five and eighteen years, as determined by the last published school census, which tax shall be assessed, levied and collected at the same time and in the same manner as other taxes shall be assessed, levied and collected. The State Comptroller shall apportion said tax among the several counties in proportion to the amount of taxable real and personal estate of said counties respectively as shown by the abstract of ratables as aforesaid, and

Comptroller transmit statement.

he shall transmit to the State Board of Education and to the County Collector of each county, on or before the first day of February in each year, a statement of the amount of said tax apportioned to and payable by said county, and said County Collector shall lay said statement before the board of assessors of the townships, cities, boroughs and wards within his county at their next annual meeting, and said board of assessors shall thereupon apportion said school tax as other taxes are apportioned, and the same shall be assessed, levied and collected according to law.

County collector to pay state treasurer.

191. Every County Collector shall pay to the State Treasurer the quota of the state school tax from his county within

twenty-five days after the same shall be due and payable to him by the several township, borough and city collectors and other officers authorized by law to collect said tax. In case any township, borough or city collector or other officer shall fail or neglect to pay to the County Collector the full amount of state school tax due from his taxing district within fifteen days after said tax shall have become due and payable to said County Collector, said County Collector shall give to the County Superintendent of Schools written notice of such failure or neglect, and said County Superintendent of Schools shall withhold from every school district in said taxing district, the full amount apportioned to it out of the reserve fund for the support of the school or schools situate within said taxing district, and said County Superintendent of Schools in making the next apportionment of school moneys, shall re-apportion the amount of the reserve fund so withheld among the several school districts in his county. Said County Superintendent of Schools shall also withhold from the custodian of the school moneys of any school district the order for the amount of money apportioned out of the state school tax to said district, until the township, borough or city collector or other officer authorized to collect taxes in the taxing district in which said school district shall be situate shall have paid to the County Collector the full amount of the state school tax due from said taxing district, and the township committee, common council or other body having the control of the finances of any township, city, incorporated town, borough or other municipality from which shall have been withheld as hereinbefore provided, the amount apportioned out of the reserve fund for the support of schools in any school district situate in such township, city, incorporated town, borough or other municipality, shall forthwith appropriate to said school district, out of any funds under its control, a sum equal to the amount so withheld, and in case there shall be no funds available for such purpose, such township committee, common council or other body having control of the finances of such municipality shall borrow and appropriate a sum sufficient for such purpose, and shall place the amount so borrowed in the next annual tax levy.

When tax due is not paid, retention of apportionment from reserve fund.

Retention of apportionment from state tax.

192. Ten per centum of the full amount of the state school tax annually raised shall be known as a reserve fund, and shall, on or before the fifteenth day of February in each

Apportionment of reserve fund.

year, be apportioned among the several counties by the State Board of Education equitably and justly according to its discretion. The State Superintendent of Public Instruction shall, on or before the fifteenth day of January next ensuing said apportionment, draw an order on the State Comptroller in favor of each County Collector for ninety per centum of the amount of state school tax paid by said County Collector to the State Treasurer, and said County Collector shall apply for and be entitled to receive the amount of said order as soon as said order shall be received by him. The State Superintendent of Public Instruction shall also draw his order in favor of each County Collector for such portion of the reserve fund as shall have been apportioned to his county as aforesaid, which order shall be payable when the total amount of said reserve fund shall have been received by the State Treasurer.

Comptroller's warrant in favor of county collector.

193. The State Comptroller shall draw his warrant on the State Treasurer in favor of the County Collector of each county for the portion of the income of the State School Fund of the state appropriation and state school tax to which said county shall be entitled, whenever such County Collector shall present orders for the same drawn by the State Superintendent of Public Instruction.

County collector to hold money in trust.

194. The County Collector of each county shall receive and hold in trust that part of the state appropriation and state school tax apportioned to his county, and shall pay the same to the custodians of the school moneys of the several school districts of his county on the orders of the County Superintendent of Schools.

Report of district boards to county superintendent.

195. The board of education of each school district shall, on or before the fifteenth day of March in each year, certify to the County Superintendent of Schools for the county in which such school district shall be situate, and on blanks furnished for that purpose by the State Superintendent of Public Instruction, the number of teachers who shall have been employed in the schools of such district for the full time the schools therein shall have been kept open during the then current school year, and the number of teachers who shall have been employed in said schools for a portion only of said year, but for a period of not less than four months, and said County Superintendent of Schools shall, on or before the first day of April in each year, apportion to the several school districts of said county the state school

moneys and the interest of the surplus revenue in the following manner:

I. He shall apportion to each district the sum of two hundred dollars for each teacher that shall have been employed in said district for the full time the schools therein shall have been kept open during the school year preceding that for which the apportionment shall be made; the sum of eighty dollars for each teacher that shall have been employed therein for a portion only of said year, but for a period of not less than four months; the sum of six hundred dollars to each district in which there shall have been employed a supervising principal who shall have devoted his entire time to the supervision of the schools in such district, but if two or more districts shall have united in employing a supervising principal as aforesaid the six hundred dollars apportioned for such principal shall be apportioned among said districts in the proportion that the number of teachers employed in each of said districts shall bear to the total number of teachers employed in all of the districts uniting in employing said supervising principal; *provided*, that in making such apportionment teachers employed in evening schools shall be regarded as employed for a portion of the year only, but no apportionment shall be made for teachers employed in an evening school unless the board of education of the school district in which such evening school shall have been maintained shall certify that said evening school has been maintained at least four months during the school year preceding that for which the apportionment shall be made, but if such teachers shall have been also employed in the day schools of the same district, the apportionment aforesaid shall be made for them in addition to any amount apportioned for them as teachers in such day schools; *provided further*, that if any board of education of any school district shall provide proper means for the transportation of pupils in accordance with the provisions contained in this act, the County Superintendent of Schools, in making his next apportionment and every apportionment thereafter shall apportion to such district the sum of two hundred dollars for each teacher whose services shall have been dispensed with by reason of substituting transportation for the services of such teacher as long as proper transportation shall be provided;

Apportionment of school moneys by county superintendent.

Proviso.

Proviso.

New Jersey State Library

Apportionment of balance.

II. He shall apportion to each school district the remainder of the school moneys belonging to said county on the basis of the last published school census.

Balance due district paid to county collector.

196. On or before the fifteenth day of September in each year the custodian of the school moneys of each school district shall pay to the County Collector the balance of moneys apportioned to said district by the County Superintendent of Schools, which may then be in his hands to the credit of said district, and shall report forthwith to the County Superintendent of Schools the amount thus paid over, and the County Collector shall, on or before the first day of October in each year, report to the County Superintendent of Schools of his county the amount of money received by him by virtue of the provisions of this section, and said County Superintendent of Schools shall thereupon re-apportion such amount among all the school districts in said county. The sum thus re-apportioned shall be paid immediately by the County Collector to the several custodians of the school moneys of said districts on the orders of the County Superintendent of Schools, and shall be available for the then current school year. The sum thus re-apportioned to any district shall be in addition to the sum apportioned to such district by the County Superintendent of Schools for said school year; *provided*, that the County Superintendent of Schools may, for good cause shown, allow any such balance to remain in the hands of the custodian of the school moneys of such district to the credit of such district, and such balance may thereafter be used and expended by the board of education of such school district for the purpose of paying teachers' salaries and fuel bills, or, by and with the written consent of the County Superintendent of Schools, for the improvement of school-houses and grounds, the purchase of school furniture, or for any other purpose connected with the schools of such district.

Re-apportionment of balances.

Proviso.

## ARTICLE XIX.

### DISTRICT TAX.

Districts may raise school moneys.

197. The legal voters of each school district situate in a township, city, incorporated town or borough not divided into wards may, at any annual or special meeting of said legal voters, by the vote of a majority of those present raise

by special district tax such sum or sums as a majority of said legal voters present at such meeting may agree upon for any or all of the following purposes: to enable the board of education to purchase land for school purposes; to build, enlarge, repair or furnish a school-house, or to pay a debt incurred therefor; for industrial schools, for manual training, and for the current expenses of the schools, in which term shall be included principals', teachers', janitors', and medical inspectors' salaries, fuel, text-books, school supplies, flags, transportation of pupils, tuition of pupils attending schools in other districts with the consent of the board of education, school libraries, compensation of the district clerk, of the custodian of the school moneys and of truant officers; truant schools, insurance and the incidental expenses of the schools. In case any money shall be ordered to be raised by special district tax, the district clerk shall make out and sign a certificate thereof, under oath or affirmation that the same is correct and true, and deliver the same to the assessor of the taxing district in which such school district shall be situate, and shall send a duplicate of said certificate to the County Superintendent of Schools. Said assessor shall assess on the inhabitants of the school district and their estates, and the taxable property therein, in the same manner as other taxes shall be assessed, and the collector of such taxing district shall levy and collect such sum of money as shall have been ordered to be raised by the legal voters in the manner aforesaid, and shall pay the same to the custodian of the school moneys of the school district as is in this act provided, and for collecting said tax, said collector, except such as receive a salary in lieu of fees, shall receive three-fourths of one per centum of the amount of said tax collected by him, said compensation to be paid by the township committee or other governing body of the municipality wherein said tax is collected. In case the full amount of the district school tax shall not have been collected, said collector shall pay to said custodian the full amount of said tax out of any moneys in his hands, except moneys received from the County Collector on the order of the County Superintendent of Schools, and any amount advanced as aforesaid shall be paid to said collector out of said district school tax when collected; *provided*, that when there shall be no funds in the hands of said collector available for such purpose, the township committee, common

Purposes for which money may be raised.

Clerk's certificate.

Assessments

Collections

In case full amount not collected.

Proviso.

council or other body having control of the finances of the municipality in which such school district shall be situate, shall borrow and appropiate a sum sufficient for such purpose; *provided further*, that when any meeting shall be held as aforesaid it shall not be lawful for such meeting to order a greater sum of money raised by special tax than shall have been mentioned and designated in the notices calling such meeting.

Proviso.

Vote by ballot.

198. At any annual or special meeting when money shall be ordered raised for school purposes by special district tax or by the issue of bonds the legal voters shall vote by ballot.

Election, how conducted.

The chairman of the meeting shall appoint two tellers who shall receive and count the ballots in his presence. The secretary of the meeting shall keep a poll list and shall record therein the name of each person voting, and shall also keep a tally-sheet of the votes as counted. The tally-sheet shall be signed by the chairman and tellers, and said tally-sheet, poll-list and ballots shall be placed by the secretary in a sealed package, indorsed with the name of the district, the name of the county in which the district shall be situate, and the date on which said election shall have been held,

Statement to county superintendent.

and said package, together with a statement of the results of such election, signed by the chairman and secretary, shall within five days after the date of said meeting be forwarded by said secretary to the County Superintendent of Schools, and the same shall be preserved by him for one year.

## ARTICLE XX.

### CUSTODIAN OF SCHOOL MONEYS.

Custodian of school moneys, duties, etc.

199. In each school district there shall be a custodian of school moneys who shall receive and hold in trust all school moneys belonging to such school district, whether received from the state appropriation, state school tax, district tax, appropriation, or from other sources, and shall pay out the same only on orders signed by the president and district clerk or secretary of the board of education. Each order shall specify the object for which it shall be given, and shall be made payable to the order of and shall be indorsed by the person entitled to receive the amount named therein. Said custodian shall pay over the balance of school funds

remaining in his hands to his successor in office. He shall keep in the book provided for that purpose a record of the sums received and paid out by him. At the close of the school year he shall transmit to the board of education of the district a report showing the amounts received and disbursed by him for school purposes during said year, and shall file a duplicate of such report with the County Superintendent of Schools.

Appointment and bond.

200. A board of education may appoint a suitable person, who may be a member of said board, as custodian of school moneys of said district, and may fix his salary and term of office. Such custodian shall give bonds for the faithful discharge of his duties, in such amounts and with such sureties as said board shall direct, but said bonds shall be for a sum not less than twice the amount apportioned to said district by the County Superintendent of Schools.

Township collector as custodian.

201. In any school district in which the board of education shall not have appointed a custodian of school moneys, the township collector, borough collector, city treasurer or other person designated by law as the custodian of the moneys belonging to the municipality in which such school district shall be situate, shall be the custodian of the school moneys of such district, and shall receive such compensation as the township committee, common council or other governing body of such municipality shall determine, which compensation shall be paid by said township committee, common council, or other governing body from the funds of the township, borough, city or other municipality, and the bonds given by said collector, treasurer or other person for the faithful performance of his duty as such officer, shall be held to cover and secure the faithful performance of his duty as custodian of school moneys and the bondsmen thereon shall be liable therefor. In case the term of office of any such township collector, borough collector, city treasurer or other person shall expire before the close of the school year, he shall remain and continue to be the custodian of school moneys until the close of the then current school year, and his bondsmen shall remain and be legally bound for the faithful performance of his duties as such custodian until the final settlement of his accounts. Nothing in this article shall be construed as giving to the township committee, common council or other governing body of any municipality any control over moneys belonging to the school district

Compensation.

To continue till close of school year.

Moneys held in trust.

in the hands of the custodian of the school moneys of said district, but said moneys shall be held by such custodian in trust, and shall be paid out by him only on orders legally issued and signed by the president and district clerk or secretary of the board of education. Any ordinance, by law or resolution of a township committee, common council or other governing body of any municipality attempting to control such moneys, or which shall in any way prevent the custodian of the school moneys of the school district from paying the orders of the board of education as and when they shall be presented for payment shall be absolutely void and of no effect.

Governing bodies no control over moneys so held.

When no custodian appointed, who to act.

202. Whenever in any school district there shall be no custodian of school moneys appointed by the board of education, and there shall be two or more collectors, treasurers or other persons entitled to be custodians of school moneys in such district, the collector, treasurer or other person residing in the municipality situate in such school district having the largest amount of taxable property shall be custodian of the school moneys of such school district.

When moneys paid to custodian.

203. The collector or treasurer of each municipality in which a school district shall be situate, shall pay to the custodian of the school moneys of such school district the amount ordered to be assessed, levied and collected in such municipality for the use of the public schools therein exclusive of the state school tax, on or before the fifth day of January next succeeding the assessment thereof.

Sinking fund for school bonds.

204. Whenever there shall have been established a sinking fund for the payment of school bonds the custodian of the moneys of the corporation which shall have issued such bonds shall be the custodian of the securities and moneys belonging to such fund, and the bondsmen on his bonds as such custodian shall be liable for the safe keeping of said fund.

School orders draw interest when no funds to pay same.

205. Whenever any order for payment of the current expenses of a public school shall be drawn and issued by any board of education on the custodian of the school moneys of such district, and there shall be no funds in the hands of such custodian to pay the same, such order shall bear legal interest until such time as said cu-todian shall have funds to pay the same, of which fact he shall give public notice, whereupon said interest shall cease.

Penalty for custodian not making report.

206. If any custodian of the school moneys of any school district shall fail to make his report to the County Superintendent of Schools on or before the first day of August in any year, he shall forfeit to said school district the sum of ten dollars for each day thereafter until his report shall be made. Said sum shall be sued for and collected by the district clerk or secretary of the board of education of said school district in any court of competent jurisdiction.

Payment of school moneys to custodian.

207. Upon the appointment in any school district of a custodian of school moneys under the provisions of this article, the township collector, city treasurer or other person then having the custody of the school moneys of such district, shall forthwith pay over to the custodian so appointed all moneys in his hands to the credit of such school district, and upon the receipt of such moneys the custodian of school moneys appointed as aforesaid shall give a receipt therefor to such township collector, city treasurer or other person, and such receipt shall be a full acquittance for the moneys so received.

## ARTICLE XXI.

### SCHOOL DISTRICT BONDS.

Districts may issue bonds.

208. The legal voters of any school district situate in a municipality not divided into wards, may, either at the annual meeting of said district or at a special meeting thereof called for that purpose, by the vote of a majority of those present authorize the board of education to issue bonds of the district for the purpose of purchasing land for school purposes, or building a school-house or school-houses, or making additions, alterations, repairs or improvements in or upon any school-house and the lands upon which the same shall be located, and of purchasing school furniture and other necessary equipment. Such bonds shall be issued in the corporate name of the district, for such sums and in such amounts and payable at such times as the legal voters so met shall direct, with interest at a rate not exceeding six per centum per annum payable half yearly. Said bonds shall be signed by the president of the board of education and attested by the district clerk, shall bear the seal of the district, and shall have coupons attached for current pay-

Description of bonds.

ment of interest, which coupons shall be signed by the district clerk and shall be numbered to correspond to the several bonds to which they shall be severally attached. Bonds so issued shall be numbered and a proper registry thereof shall be kept by the district clerk. Such bonds may be sold at public or private sale for the best obtainable price, but not less than par.

Renewal of school bonds.

209. Whenever bonds shall have been legally issued by any school district situate in a municipality not divided into wards, and the same shall be due and unpaid or outstanding, the board of education of such district, when authorized so to do by the legal voters thereof at an annual meeting of said district or at a special meeting thereof called to act thereon, shall have power to renew such outstanding bonds or any part thereof by the issuing of new bonds for that purpose, in the name and under the seal of said district. Such bonds shall be in the general form of the bonds theretofore issued by said district, shall be signed by the president of the board of education and attested by the district clerk, shall bear the seal of the district, shall bear interest at a rate not exceeding six per centum per annum, and shall be issued for such sums and in such amounts and payable at such times as the legal voters at such meeting shall direct. Such bonds shall have coupons attached for current payment of interest, which coupons shall be signed by the district clerk and shall be numbered to correspond to the several bonds to which they shall be severally attached. Bonds so issued shall be numbered and a proper registry thereof kept by said district clerk. They may be sold at public or private sale for the best obtainable price, but not less than par, and the money realized from such sale shall be applied to the taking up and cancellation of such outstanding bonds; or said renewal bonds may be exchanged for such outstanding bonds on an equal basis of principal and interest, and the bonds so redeemed shall be forthwith canceled by the board of education of said district.

Bonds a lien.

210. Bonds of any school district legally issued under the provisions of this article thall be a lien upon the real and personal estates of the inhabitants of the said district, as well as the property of said district, and said estates and property shall be liable for the payment of the same. Whenever bonds shall be authorized to be issued by any school district as aforesaid the district clerk shall transmit certified copies

of the record of the proceedings authorizing the issuing of such bonds to the Attorney-General for his approval of the legality of said proceedings, and duplicate copies of such record shall be filed with the State Superintendent of Public Instruction.

Notice to assessor.

211. Whenever a school district situate in a municipality not divided into wards shall have ordered and authorized the issue of bonds and the same shall have been issued, the district clerk shall, each and every year, issue to the assessor of the taxing district in which such school district shall be situate an order directing him to assess upon the inhabitants of said taxing district and their estates, and the taxable property therein, an amount sufficient to pay the bond or bonds maturing in such year, together with the interest accruing upon all the unpaid bonds of such district, which order so issued as aforesaid shall be duly executed by said assessor. The moneys so assessed shall be levied and collected by the collector of said taxing district who shall, on or before the fifth day of January next thereafter, pay the full amount so ordered to be assessed, levied and collected to the custodian of the school moneys of said school district, who shall, upon the receipt of the orders of the board of education, signed by the president and attested by the district clerk (which orders shall state at what bank the said principal and interest shall be payable), deposit in such bank the sum of money necessary to pay the principal and interest as they shall become due and payable.

Cancellation of bonds.

212. On the taking up of outstanding bonds, or on the payment of bonds of any school district, the board of education of such district shall forthwith cancel the same, and when so canceled they shall be deposited in the office of the State Superintendent of Public Instruction.

Report to state superintendent.

213. The district clerk or secretary of a board of education in any district in which there shall be any interest-bearing school debt shall, on or before the first day of August in each year, report to the State Superintendent of Public Instruction the amount of such debt then remaining unpaid, together with the rate of interest, the date or dates on which the bonds, notes or other evidences of indebtedness were issued, and the date or dates on which they will fall due.

## ARTICLE XXII.

### STATE NORMAL SCHOOL.

Free normal school.

214. A state normal school shall be maintained for the purpose of training and educating persons in the science of education and art of teaching. The name and title of said school shall be "The New Jersey State Normal School." Tuition in said school shall be free.

Supervision.

215. The State Board of Education shall have the control and care of the buildings and grounds owned and used by the state for a normal school and of the funds for the support thereof; shall appoint and remove the principal, teachers and other employes and shall fix their salaries; shall purchase and furnish text-books, apparatus and supplies for the use of the pupils; shall prescribe a course of study for the school; shall make rules for its management and shall grant diplomas.

Treasurer.

216. The State Board of Education shall appoint some suitable person treasurer of said school and shall fix his salary. All bills and charges for the maintenance of said school, except as hereinafter provided, shall be paid by said treasure, upon the certificate of said board.

Maintenance.

217. Said board shall order necessary repairs to the grounds, buildings, and furniture of said Normal School, and shall keep said buildings and furniture insured. The State Comptroller shall, upon the certificate of said board, draw warrants upon the State Treasurer for the payment of the costs thereof.

Pupils; number, admission, declaration.

218. Each county shall be entitled to at least six times as many pupils in the school as it shall have representatives in the Legislature. In case any county shall not have the full number of pupils to which it shall be entitled, pupils may be admitted from other counties. Pupils when admitted shall sign a declaration that they intend to teach in the public schools of this state for at least two years immediately after being graduated, unless excused temporarily by the State Board of Education, and that if they do not so teach they will refund to the state the cost of their education.

Model school.

219. The State Board of Education may maintain a model school under regular teachers, in which pupils of the

Normal School shall have the opportunity to observe and practise approved methods of instruction and discipline.

## ARTICLE XXIII.

### NEW JERSEY SCHOOL FOR THE DEAF.

Name.

220. A school shall be maintained for the purpose of training and educating deaf children. The name and title of said school shall be "The New Jersey School for the Deaf." Tuition in said school shall be free.

Tuition free.

Control; teachers, etc.

221. The State Board of Education shall have the control and care of the buildings and grounds owned and used by the state for a school for the deaf and the funds for the support thereof; shall appoint and remove a superintendent, teachers and other employes and shall fix their salaries; shall purchase furniture, text-books, school apparatus and other supplies; shall make rules and regulations for the government and management of said school and for the admission of pupils thereto.

Maintenance.

222. All improvements, additions and repairs to the buildings of said school and the furnishing thereof, shall be by contract, after due notice given and specifications furnished. The State Board of Education shall invite proposals twice in each year, at intervals of six months, for supplying said school with dry goods, wearing apparel, groceries, provisions, vegetables, fuel, illuminating material and all other articles the necessity of which it shall be practicable to determine as being needed for the then ensuing six months. The standard quality of such articles shall be determinded by the board, and standard samples of non-perishable articles shall be kept in the office of the superintendent for the inspection of bidders. The inviting of proposals shall be advertised for ten consecutive days in two daily newspapers published in the city of Trenton, which advertisement shall classify the articles which shall be grouped in each bid, and shall also state, as nearly as practicable, the quantity needed, and that said goods are to be delivered during the next ensuing six months as ordered by said superintendent. Said board shall award the contract to the lowest responsible bidder on each class or group of articles advertised for, and shall require contractors to enter into

Proposals invited.

Contract awarded.

suitable bonds for the faithful performance of said contracts; but said board shall have the right to reject any and all bids not considered by it to be in the interest of said school.

Who may be admitted.

223. Deaf persons of suitable age and capacity for instruction who shall be legal residents of this state and not over twenty-one years of age, shall be entitled to the privileges of the school for such a period of time, not exceeding fourteen years, as the State Board of Education shall determine; *provided*, that whenever more persons apply for admission at one time than can be properly accommodated in said school, said board shall so apportion the number received that each county shall be represented therein in the ratio of its deaf population to the total deaf population of the state. Application for admission into said school shall be made to the State Board of Education by a parent, guardian or friend of a proposed pupil in such manner as said board shall direct, but the board shall require such application to be accompanied by a certificate from the judge of the inferior court of common pleas or the county clerk of the county, the chosen freeholder or clerk of the township, the mayor or other executive officer of the city, borough or other municipality in which the applicant shall reside, setting forth that the applicant is a legal resident of the township, city, borough or other municipality claimed as his or her residence, and the age, circumstances and capacity of such proposed pupil, and the ability or inability of such proposed pupil or of his or her parent or guardian to pay any part of the expense of the care and maintenance of such proposed pupil. Whenever said board shall be satisfied that the resources of any person applying for admission to such school or being a pupil thereat, or those of his or her parent or guardian shall be sufficient to defray either the whole or a part of the expense of maintaining such pupil, said board may require such parent or guardian to pay either the whole or such portion of the annual expense of maintaining such pupil as it shall deem just and equitable.

Proviso.

Application.

Charges for pupils not indigent.

Treasurer.

224. The State Board of Education shall appoint some suitable person treasurer of said school and shall fix his salary. All bills and charges for the maintenance of said school shall be paid by said treasurer upon the certificate of said board.

## ARTICLE XXIV.

### MANUAL TRAINING AND INDUSTRIAL SCHOOL FOR COLORED YOUTH.

State board of education to have control.

225. The board of trustees of "The Manual Training and Industrial School for Colored Youth" (now located at Bordentown) as now constituted is hereby abolished, and said school shall be hereafter conducted and managed by the State Board of Education, which board shall have the full management and control thereof; shall have the care and charge of the buildings and property thereof; the application and expending of the funds provided or appropriated for the support thereof; the appointment and removal of a principal, teachers and other employes; the fixing and paying of their salaries; the power to prescribe the studies and exercises of said school and rules for its management, and for the admission of pupils thereto. Tuition in said school shall be free.

Tuition free.

Number of pupils.

226. Each county shall be entitled to as many pupils in said school as it shall have representatives in the Legislature, but in case any county shall not have in said school the full number of pupils to which it shall be entitled, pupils may be admitted from other counties.

Appropriation.

227. In lieu of all claims, rights and titles that the Manual Training and Industrial School for Colored Youth has or may hereafter have upon the annual appropriation coming to this state from Congress under the provisions of the supplement to the act of Congress of August thirteenth, one thousand eight hundred and ninety, a sum not to exceed five thousand dollars may be annually appropriated for the maintenance of said school out of any money in the state treasury not otherwise appropriated.

Treasurer.

228. The State Board of Education shall appoint some suitable person treasurer of said school and shall fix his salary.

## ARTICLE XXV.

### MANUAL TRAINING.

Appropriation.

229. Whenever in any school district there shall have been raised by special tax or by subscription or both a sum not less than five hundred dollars for the establishment in such district of a school or schools for industrial education or manual training, or for the purpose of adding industrial education or manual training to the course of study then pursued in the school or schools of such district, there shall be paid for such purpose to the custodian of the school moneys of said district, on the order of the State Superintendent of Public Instruction, an amount equal to that raised therein as aforesaid, which amount shall be paid by the State Treasurer on the warrant of the State Comptroller. Whenever such school or schools shall have been established in any district, or said industrial education or manual training shall have been added to the course of study in the school or schools of any district, there shall be paid to such district in like manner for the maintenance and support thereof a sum equal to that raised each year in the district for such purpose; *provided*, that the course of study in industrial education or manual training established under the provisions of this section shall be approved by the State Board of Education; *and provided further*, that the moneys appropriated by the state as aforesaid to any school district shall not exceed in any one year the sum of five thousand dollars. The custodian of the school moneys of the school district shall be the legal custodian of any and all funds subscribed, appropriated or raised for the purpose of carrying out the course of study contemplated by this section, and he shall keep a separate and distinct account thereof, and shall disburse said moneys on orders signed by the president and district clerk or secretary of the board of education.

Proviso.

Proviso.

Custodian of funds.

Additional managers.

230. In case the sum necessary as aforesaid to obtain the state appropriation or any part thereof shall have been raised by private subscription, the board of education of any school district in which there shall have been established a separate school for industrial education or manual training under the provisions of this article, may select from among the donors

of such sum not more than six persons to assist said board in the management of said school.

Special report.

231. The board of education of any school district receiving an appropriation from the state for the purpose mentioned in this article shall annually, on or before the first day of August, make a special report to the State Superintendent of Public Instruction in the manner and form prescribed by him.

## ARTICLE XXVI.

### SCHOOL LIBRARIES.

Library appropriation.

232. The State Comptroller shall draw his warrant on the State Treasurer upon the order of the State Superintendent of Public Instruction, and in favor of the custodian of the school moneys of a school district for the sum of twenty dollars for any public school situate in such district for which there shall have been raised by special district tax, subscription or entertainment a like sum to establish in such school a school library, or to procure books of reference, school apparatus or educational works of art; and the further sum of ten dollars annually upon a like order, upon condition that there shall have been raised by special district tax, subscription or entertainment a like sum for the maintenance of such library for such year.

Selection of books.

233. All selections of articles aforesaid purchased in part by state funds shall be approved by a committee of three persons, to be known as the school library committee, consisting of the County Superintendent of Schools, the principal of the school for which the purchases shall be made, and the president of the board of education of the district in which such school shall be situate. Such committee shall make all necessary rules and regulations for the purchase, management, use and safe-keeping of all books and apparatus purchased in part by state funds. In any school district situate in a municipality divided into wards, and having a superintendent of schools, said superintendent shall be a member of such committee instead of the County Superintendent of Schools.

Joint library.

234. In any school district in which there shall be more than one school-house, the school library committees of two

or more of such schools may consolidate and establish in one place the school libraries under their control, and said committees shall constitute a joint committee for the control and management of such consolidated library.

## ARTICLE XXVII.

### TEACHERS' LIBRARIES.

Appropriation for teachers' libraries.

235. Whenever in any county there shall have been raised by subscription a sum of money not less than one hundred dollars for the establishment of a library of pedagogical books for the use of the teachers of the public schools, the State Comptroller shall, upon the order of the State Superintendent of Public Instruction, draw his warrant on the State Treasurer in favor of the County Superintendent of Schools of said county for the sum of one hundred dollars for the benefit of such library, and annually thereafter there shall be paid on a like order a sum not less than fifty dollars nor more than one hundred dollars, upon condition that there shall have been raised by subscription a like sum for the maintenance of such library for such year.

Committee of selection.

236. The County Superintendent of Schools and three teachers of public schools in such county appointed by him, shall constitute a committee to select and purchase books and apparatus for such library, and to make rules and regulations for the management, use and safe keeping thereof.

## ARTICLE XXVIII.

### TEACHERS' RETIREMENT FUND.

Trustees of retirement fund; how composed, term, etc.

237. There shall be a board of trustees of the fund hereinafter mentioned to be known as "The Board of Trustees of the Teachers' Retirement Fund," which board shall be composed of such members as the Legislature shall from time to time prescribe; and, until changed by law, said board shall consist of the State Superintendent of Public Instruction, three members of the State Board of Education chosen by that body, and three members of the New Jersey State Teachers' Association upon whom this act shall have become

binding by its terms. Said last-mentioned three members shall be selected at the annual meeting of the New Jersey State Teachers' Association by those members of said association eligible to election hereunder. The terms of office of the members so chosen by the State Board of Education shall be co-extensive with their respective terms as members of such Board of Education, and the terms of office of those members elected by the members of the New Jersey State Teachers' Association hereinabove designated, shall be for three years and until their successors shall be elected. The members and officers of the Board of Trustees of the Teachers' Retirement Fund as now constituted shall continue in office for the full terms for which they have been severally elected.

Officers.

238. Said board of trustees shall elect one of its members president and one secretary, who shall hold office respectively until the next annual meeting of the board and until their successors shall be elected; *provided*, that the term of office of such president or secretary shall not extend beyond his term of office as member of said board of trustees. The annual meeting for the election of officers shall be held on the second Monday of September. Said board shall administer the fund hereinafter mentioned and order all payments therefrom according to the provisions of this article. Such portion of said fund as the board of trustees may, from time to time determine, may be invested either on bond and mortgage upon real estate situate within this state worth at least double the amount loaned thereon, or in any bonds of this state, or bonds of any of the counties or school districts of this state, or in any of the bonds of any city or other municipality of this state whose aggregate bonded indebtedness shall not exceed fifteen per centum of the amount of its taxable ratables. All moneys invested in any of the securities mentioned in this section shall be deemed to be part of the permanent principal of said fund, and the income arising from said moneys so invested, together with all moneys received as percentages of the salaries of teachers, and all moneys received by donation, legacy, gift, bequest, devise or otherwise, and which shall not be specifically directed to be made a part of the permanent principal of said fund, shall be available for the payment of annuities and the expenses connected with the management of said fund. All moneys received in payment of principal of bonds or other securities

Proviso.

Administration of fund.

held by said fund shall be re-invested and shall remain a part of said principal. Said board shall report annually to the State Board of Education at its meeting in October, the condition of said fund and the receipts and disbursements on account of the same, together with a list of the beneficiaries of said fund, and the amount paid to each of said beneficiaries. The fiscal year of said fund shall begin on the first day of July and shall end on the thirtieth day of June, and the report herein required shall be for such fiscal year.

Annual report.

Treasurer; duties, etc.

239. The State Treasurer shall be ex-officio treasurer of the fund hereinafter mentioned. He shall receive all moneys payable to said fund, and shall pay out the same only on warrants or orders of the board of trustees of said fund, which warrants or orders shall be signed by the president and secretary of said board, and all warrants or orders when so signed shall be full authority for and the acquittance of said treasurer for all payments from said fund. Said treasurer shall give receipts for all moneys received by him for said fund; shall keep full and correct accounts of the financial transactions connected with the said fund in proper books for that purpose, and shall make an annual report to the board of trustees at its meeting in September of the receipts and disbursements and other financial transactions connected with said fund.

Annuitants.

240. Whenever any teacher shall have taught in the public schools, or in any normal or reformatory school or in any other school of this state supported either wholly or in part by public moneys raised under the authority of any law of this state, for a period or periods aggregating twenty years or more, and shall have become incapacitated from performing the duties of a teacher, such teacher shall, at his or her request, and on the approval of the aforesaid board of trustees, be retired as a teacher, and shall thereafter receive an annuity out of the fund hereinafter mentioned equal to one-half of the average annual salary received by such teacher for the five years immediately preceding the time of retirement; *provided, however,* that no annuity shall be less than two hundred and fifty dollars nor more than six hundred dollars; *provided further,* that no teacher shall be retired under the provisions of this article unless he or she shall have first paid into said fund such sum as shall make his or her total payments into said fund equal to at least twenty per centum of his or her aver-

Proviso.

Proviso.

age annual salary for the five years immediately preceding the time of such retirement. The decision of the board of trustees of said fund upon any application for such annuity shall conclusively determine the right of the applicant thereto, and the payment of any such annuity shall be suspended whenever it shall appear to said board upon sufficient proof, that the annuitant is able to earn and has the opportunity to earn a sufficient livelihood, but such payment may be resumed whenever said board shall deem it proper so to do.

Decision of trustees conclusive.

241. All annuities payable under the provisions of this article shall be paid in quarterly installments on the last days of September, December, March and June, and all annuities granted shall date from the first day of the quarter next succeeding the dates of the granting of such annuities; but if the funds available for the payment of any installment shall not be sufficient to pay the aggregate of annuities payable under this article in any quarter, such annuities shall abate pro rata.

Payment of annuities.

242. Any teacher upon whom the provisions of this article shall have become binding, who shall have contributed to the fund hereinafter mentioned for five years or more, and who shall resign his or her position as teacher or shall be otherwise honorably retired from such position, except as hereinbefore provided, shall, upon application within three months after the date of such resignation or retirement be entitled to receive and shall receive one-half of the total amount paid by him or her into said fund without interest.

When one-half paid in may be returned.

243. The retirement fund herein provided for shall be made up as follows:

Retirement fund, how provided.

I. One per centum of the monthly salaries of all teachers upon whom this act shall have become binding by its terms who shall have been teaching ten years or less at the time of becoming members of said fund; two per centum of the monthly salaries of all such teachers who shall have been teaching more than ten years at the time of becoming members of said fund; *provided*, that no person who shall have been teaching more than fifteen years shall become a member of said fund unless he or she shall have passed a satisfactory medical examination under such rules as the board of trustees may prescribe; *and provided further*, that a teacher, now a member of said fund, shall not be required to pay more than one per centum of his or her monthly salary by reason of the fact that he or she has been teaching more

Proviso.

Proviso.

Reservation of percentage.

than ten years. The said per centum shall be reserved or deducted from each warrant or order for salary given to such teacher by the board of education or other officers as shall be required by law to give such warrants or orders to such teachers, and the said board of education or other officer shall, between the first and tenth days of each and every calendar month, draw their warrants for the amount so reserved and deducted during the preceding calendar month in favor of the township collector, city treasurer, or other custodian of the school moneys of the district or school in which such teachers shall be employed, and the said township collector, city treasurer or other custodian shall, immediately upon the receipt of such warrant or order, forward to the State Treasurer the amount of money named in such warrant or order, together with a list of the names of the said teachers;

II. One per centum of all annuities paid under the provisions of this article, which shall be deducted and withheld from each payment made to any annuitant;

III. All moneys and property received by donation, legacy, gift, bequest, devise or otherwise for or on account of said fund;

IV. All interest on investments and other moneys which may be duly and legally raised for the increase of said fund.

Powers of trustees.

244. Said board of trustees shall have power:

I. To subpœna witnesses and compel their attendance to testify before it in all matters relating to the operation of this article, and any member of said board may administer oaths or affirmations to such witnesses;

II. To fix the salary of the secretary of said board, and to make rules, not inconsistent with the laws of this state, for their own government and for carrying out of the provisions of this article;

III. To draw their warrants or orders upon the State Treasurer for the payment out of said found of all annuities and necessary expenses incurred in carrying out the provisions of this article, but the members of said board excepting the secretary, shall serve without compensation, but said members shall be paid the necessary expenses incurred by them as members of said board, which expenses shall be paid in the same manner as other payments shall be made from said fund;

IV. By the name of "The Board of Trustees of the Teachers' Retirement Fund" to sue and be sued, complain and defend in any court of law or equity;

V. To have, hold, purchase, sell, assign and transfer any of the securities in which any part of the said retirement fund may be invested.

Upon whom binding.

245. The provisions of this article shall be binding upon any teacher employed at the time of the passage of this act in any of the schools hereinabove mentioned, only in case he or she shall sign and deliver to the board of education, board of trustees or other body by whom he or she shall be employed, a notice in substantially the following form:

To the board of education of————

You are hereby notified that I desire to avail myself of the provisions of Article XXVIII of the act of the Legislature entitled "An act to establish a system of public instruction (Revision of nineteen hundred)," and that I do hereby agree to be bound thereby;

Dated———— ————; ———— ————;

A duplicate of said notice shall be sent by the teacher signing the same to the secretary of the Board of Trustees of the Teacher's Retirement Fund.

Who may take advantage of this act.

246. Any teacher who has heretofore signed and delivered the notice prescribed in an Act entitled "A Supplement to an Act entitled 'An Act to establish a system of Public Instruction'" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four, which supplement was passed March eleventh one thousand eight hundred and ninety-six or in an amendment thereto approved March twenty-fourth, one thousand eight hundred and ninety-nine, shall become bound by the provisions of this article and shall have its advantages and privileges without signing or delivering any other notice, and shall be deemed to have accepted the provisions of this article by receiving any sum of money as salary from which there shall have been made a deduction under and by virtue of the provisions of this article. Any person who is not now a teacher in any of the schools hereinabove mentioned may become bound by the provisions of this article, and have its advantages and privileges, by signing and delivering to the board of education or other body by whom he or she shall be employed a notice as prescribed in this article.

Notice of change of school.

247. Any teacher who shall have become bound by the provisions of this article, and who shall cease to teach in the district or school in which he or she was teaching at the time of signing and delivering the notice as provided in this article, and who shall be employed as a teacher in any other district or school, shall immediately give written notice to the board of education having control of the school in which he or she shall be teaching that he or she is a member of the Teachers' Retirement Fund, and said notice shall direct that the prescribed per centum of his or her salary be deducted and forwarded to the State Treasurer. Such teacher shall send one copy of said notice with his or her address to the secretary of the Board of Trustees of the Teachers' Retirement Fund, and another copy of said notice to the State Treasurer.

To whom act applies.

248. The provisions of this article shall apply to any principal or supervising principal who shall teach or be employed in the public schools of this state, or in any normal, model or reformatory school of this state, or in any other school of this state supported either wholly or in part by public moneys raised under the authority of any law of this state.

Reservation.

249. The Legislature hereby reserves the right to at any time alter, amend, modify or repeal this article.

## ARTICLE XXIX.

### SCHOOL CENSUS.

Annual school census.

250. There shall be taken in each school district during the month of May in each year on the blanks and in the manner prescribed by the State Superintendent of Public Instruction an exact census of all the children between the ages of five and eighteen years who shall be legal residents of such district, including children who shall be inmates of children's homes or other charitable institutions. All children who may be absent from home attending colleges, boarding-schools and private seminaries of learning shall be included in the census list of the district in which their parents or guardians shall reside, and shall not be included in the census list of the district where they may be attending such institutions of learning.

Enumerators.

251. Each board of education shall appoint, on or before the first day of May in each year, suitable persons to act as school census enumerators, but not more than one enumerator shall be appointed for each election district or precinct in the city, town, township or borough in which the school district shall be situated; *provided, however*, that in case any election district or precinct shall not lie wholly within the boundaries of a school district, the enumerator appointed for an election district or precinct lying wholly within said school district and adjoining the fractional portion of an election district or precinct lying within said school district, shall be appointed to make, in addition to making an enumeration of the children residing within the election district or precinct for which he shall have been appointed, an enumeration of the children residing in said fractional portion of the adjoining election district or precinct.

Proviso.

Report to state superintendent.

252. Each enumerator so appointed shall personally canvass the school district, or the portion thereof for which he shall have been appointed, and shall report to the State Superintendent of Public Instruction, on the blanks furnished for that purpose by said superintendent, on or before the tenth day of June next succeeding such enumeration. Said report shall be verified by the oath or affirmation of the enumerator that the same is correct and true to the best of his knowledge and belief. Said enumerator shall file a copy of said report with the board of education. For taking such census and making such reports the enumerator shall be entitled to such compensation, not exceeding five cents for the name of each child reported by him, as the board of education may allow, which compensation shall be paid by the custodian of the school moneys of the school district, on an order signed by the president and district clerk or secretary of the board of education, but such order shall not be issued in favor of any enumerator until he shall have presented a certificate from the State Superintendent of Public Instruction, stating the number of names for which said enumerator is entitled to compensation.

Compensation.

Correction of census.

253. When satisfactory evidence shall be presented to the State Superintendent of Public Instruction that the census of any district or of any portion thereof has been incorrectly taken or reported, or when he shall have reason to believe that said census is incorrect, he shall return the report to the enumerator for correction. Said enumerator shall within

When census may be retaken.

fifteen days after the return to him of such report, correct or verify the same, and within such period return said report to the State Superintendent of Public Instruction. If any enumerator shall neglect or refuse to make such correction as shall be necessary to secure an accurate census, the State Superintendent of Public Instruction shall designate a suitable person to act as enumerator in the place of the enumerator whose report shall have been found to be incorrect. The person so appointed shall within fifteen days after his appointment retake said census, and the said census so retaken, if approved by said State Superintendent of Public Instruction shall be deemed the census of such district, and shall be accepted in place and stead of the census so found to be incorrect. The person or persons appointed by the State Superintendent of Public Instruction shall receive such compensation as said state superintendent may deem proper, not exceeding five cents for the name of each child, which compensation, if the census taken by the enumerator or enumerators appointed by the board of education was incorrect, shall be paid by the custodian of the school moneys of the school district on an order signed by the president and district clerk, or secretary of the board of education, upon the presentation of a certificate from said State Superintendent of Public Instruction, stating the number of names for which said person is entitled to compensation; but if the census first taken shall be found to be correct, then and in that case the compensation for retaking the census shall be paid by the state treasurer on warrant of the state comptroller, on bills duly certified to him by the state superintendent of public instruction.

## ARTICLE XXX.

### MISCELLANEOUS.

Deductions for improper use of school money.

254. If the board of education of any school district shall use any of the school money received by it, except such as shall have been raised within the district, for any purpose other than the payment of teachers' salaries, fuel bills, the transportation of pupils and the tuition of pupils attending schools in adjoining districts, there shall be deducted by the County Superintendent of Schools from the next annual

apportionment to such district a sum equal to twice the amount thus used, and said County Superintendent of Schools shall apportion the money thus deducted among the other districts of the county; *provided*, that the State Superintendent of Public Instruction may remit such penalty. Proviso.

Appointment of medical inspector; duties.

255. Every board of education may employ a competent physician to be known as the Medical Inspector, fix his salary and define his duties. Said Medical Inspector shall visit the schools in the district in which he shall be employed at stated times to be determined by the board of education, and during such visits shall examine every pupil referred to him by a teacher. He shall at least once during each school year examine every pupil to learn whether any physical defect exists, and keep a record from year to year of the growth and development of such pupil, which record shall be the property of the board of education and shall be delivered by said Medical Inspector to his successor in office. Said Inspector shall lecture before the teachers at such times as may be designated by the board of education, instructing them concerning the methods employed to detect the first signs of communicable disease and the recognized measures for the promotion of health and prevention of disease. The board of education may appoint more than one Medical Inspector.

Display of flag.

256. Every board of education shall procure a United States flag, flag-staff and the appliances therefor for each school in the district, and shall display said flag upon or near the public school building during school hours and at such other times as said board may deem proper.

Appropriation of surplus revenue.

257. The several counties in this state shall appropriate the interest of the surplus revenue to the support of the public schools.

Teachers' institutes.

258. The State Superintendent of Public Instruction shall procure instructors and lecturers for teachers' institutes. To defray the expenses incurred in holding said institutes there shall be paid to him annually by the State Treasurer, upon the warrant of the State Comptroller, a sum not exceeding four thousand dollars. Said State Superintendent of Public Instruction shall make annually to the State Board of Education an itemized report of the expenses incurred in holding said teachers' institutes during the year for which said report shall be made.

Nature and effect of alcohol taught.

259. The nature of alcoholic drinks and narcotics and their effects upon the human system shall be taught in all schools supported wholly or in part by public moneys as thoroughly and in the same manner as other like branches shall be taught, by the use of graded text-books in the hands of the pupils when other branches shall be thus taught and orally only in the case of pupils unable to read. In the text-books on physiology and hygiene the space devoted to the consideration of the nature of alcoholic drinks and narcotics and their effects upon the human system shall be sufficient for a full and adequate treatment of the subject. The failure or refusal of any district to comply with the provisions of this section shall be sufficient cause for withholding from such district the state appropriation.

Examination.

260. No certificate shall be granted to any person to teach in the public schools, except to persons applying for special certificates to teach music, drawing, manual training or other subjects not included in the usual school curriculum, who shall not have passed a satisfactory examination in physiology and hygiene with special reference to the nature of alcoholic drinks and narcotics and their effects upon the human system.

Arbor day.

261. The day in each year known as Arbor Day shall be suitably observed in the public schools. The State Superintendent of Public Instruction shall from time to time prepare and issue to schools such circulars of information, advice and instruction with reference to the day as he may deem necessary.

Patriotic exercises.

262. In all public schools there shall be held on the last school day preceding the following holidays; namely, Lincoln's birthday, Washington's birthday, Decoration or Memorial Day and Thanksgiving day and on such other patriotic holidays as shall be established by law, appropriate exercises for the development of a higher spirit of patriotism.

Payment of judgment.

263. Whenever an execution shall be issued against the board of education of a school district or of a union graded school by any court authorized to issue the same, upon a judgment recovered either before or subsequent to the passage of this act, and there shall be found no property belonging to said school district or union-graded school sufficient to satisfy the same liable to be levied on, then the officer authorized to execute such process shall serve a certified copy of said execution upon the assessor or assessors of the taxing district

or districts in which said school district or union-graded school shall be situate, and also upon the collector or collectors of such taxing district or districts. Upon receipt of such copy or copies such assessor or assessors shall, at the time of the next regular assessment of school taxes, assess upon the inhabitants of said school district and their estates, and upon the taxable property therein, in addition to the regular school taxes, the amount due upon said execution, with interest thereon to the time when the same shall be paid to the officer serving such process and the collector or collectors shall levy and collect the same, and said amount, when collected, shall be a separate fund, and shall be paid over by said collector to the officer who shall have served said process.

Assessment and collection.

264. The school year shall begin on the first day of July and end on the thirtieth day of June.

School year.

265. No money shall be paid from the state treasury for any purpose named in this act unless an appropriation therefor shall have been made by the Legislature in the annual appropriation act.

Moneys must be specifically appropriated.

266. In any school district which is not situate wholly in a municipality divided into wards nor wholly in a municipality not divided into wards, members of the board of education shall be selected in the same manner in all respects as they are selected in said district at the time of the passage of this act, and moneys for the maintenance of public schools therein shall be ordered, assessed, levied and collected in the same manner as they are ordered, assessed, levied and collected therein at the time of the passage of this act.

Selection of trustees and raising of moneys in districts wholly or in part of municipality.

267. Whenever in this act the word "article" is used, it shall be construed as referring to the caption under which it is used.

"Article" construed.

268. All acts and parts of acts, general, special and local, so far as they are inconsistent with the provisions of this act are hereby repealed, and all school districts shall hereafter be governed solely by the provisions of this act.

Repealer.

Future government.

269. This act shall take effect immediately.

Approved March 23, 1900.

## CHAPTER 97.

An Act to annex to the city of Trenton, in the county of Mercer, a part of the township of Ewing in said county.

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

Part of Ewing township annexed to Trenton.

1. The part of the township of Ewing, in the county of Mercer, described as follows: Beginning in the middle of the channel of the Delaware river, at a point opposite the line dividing the city of Trenton from the township of Ewing, and running thence (1) northerly, along the said division line, to a stone for a corner in said line, near the southerly line of lands of the Delaware and Bound Brook Railroad Company; thence (2) southeasterly, still along the line dividing the city of Trenton from the township of Ewing, to a stone for a corner in said line, near the northerly line of Reservoir street; thence (3) still along said line dividing the city of Trenton from the township of Ewing, northeasterly, to a stone for a corner in said line, near the northerly line of Princeton avenue; thence (4) still along said line, dividing the city of Trenton from the township of Ewing, southeasterly, to a point in the centre line of the Delaware and Raritan canal; thence (5) northeasterly, along said line dividing the city of Trenton from the township of Ewing, and along the centre line of said canal, to a point for a corner in the aforesaid division line; thence (6) still along the line dividing the city of Trenton and the township of Lawrence from the township of Ewing, northwesterly, to a point in the centre line of Princeton avenue; thence (7) southwesterly, along the centre line of Princeton avenue, to a point in the centre line of East Trenton Railroad; thence (8) northwesterly, along the centre line of said railroad to a point in range with the centre line of Calhoun street; thence (9) southwesterly, along a prolongation of the center line of Calhoun street, and along the center line of Calhoun street, to a point in the centre line of Ingham avenue; thence (10) northwesterly, along the centre line of Ingham

avenue, to an angle in said avenue; thence (11) northeasterly, still along the centre line of Ingham avenue, to another angle in said avenue; thence (12) northwesterly, still along the centre line of said Ingham avenue, to a point in the Shabakong road, where the centre line of Parkway avenue intersects the said road; thence (13) still northwesterly, along the centre line of Parkway avenue, to a point in Pennington avenue, where the centre line of the Scotch road intersects said Pennington avenue; thence (14) still northwesterly, along the centre line of the Scotch road to a point opposite the centre line of Hillcrest avenue; thence (15) southwesterly, along the centre line of Hillcrest avenue, to a point in the centre line of the Delaware and Bound Brook Railroad; thence (16) northwesterly, along the centre line of said Delaware and Bound Brook Railroad, to a point in the westerly line of lands of the State Industrial School for Girls; thence (17) southerly, along the westerly line of lands of the said State Industrial School for Girls, to an angle; thence (18) westerly, along the northerly line of lands of the said State Industrial School for Girls, the several courses thereof, to a point in the easterly line of lands formerly of Charles L. Pearson; thence (19) southwesterly, along the line dividing lands formerly of Charles L. Pearson from lands of the State Industrial School for Girls, to a point in the northerly line of lands late of Horace A. Buttolph; thence (20) northwesterly, along the line dividing lands late of Charles L. Pearson from lands formerly of Horace A. Buttolph and lands of the New Jersey State Hospital, the several courses thereof, to the northeast corner of lands late of P. Houston Woodruff; thence (21) southwesterly, along the division line between lands late of the said P. Houston Woodruff and lands of the New Jersey State Hospital, the several courses thereof, to a point in the centre of the feeder of the Delaware and Raritan canal; thence (22) northwesterly, along the centre line of the feeder of the Delaware and Raritan canal, to a point in range with the westerly line of a tract of land lying south of said feeder, formerly owned by P. Houston Woodruff; thence (23) by a prolongation of said line, and along said westerly line of said tract of land late of said Woodruff, and continuing the same course to a point in the middle of the channel of the Delaware river; thence (24) southeasterly, along the middle of the channel of the Delaware river, the several courses

thereof, to the point of beginning, be and the same is hereby set off from said township of Ewing, in the county of Mercer, and annexed to and made part of the city of Trenton, in said county.

2. This act shall take effect on the first day of May next.

Approved March 23, 1900.

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## CHAPTER 98.

Further Supplement to an act entitled "An act concerning roads," approved April sixteenth, eighteen hundred and forty-six.

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

Highway must be kept clear of weeds, etc.

1. The owner or occupant of land abutting on any highway in any township in this state shall, during the month of September of each year, cut and remove all brush, briers and weeds growing in or upon such portion of such highway as his or her lands abut upon, and in case such owner or occupant shall fail to perform the duty imposed hereby, the township committee of the township in which such lands abut as aforesaid shall cause such work to be done and the owner of such lands shall pay the expense thereof, with costs, to be recovered in an action upon contract before any justice of the peace of the county at the suit of such township committee.

2. This act shall take effect immediately.

Approved March 23, 1900.

## CHAPTER 99.

An Act to authorize cities bordering on the Atlantic ocean to purchase the lands in any such city bordering on the ocean and adjacent lands thereto in such city for public purposes and to improve the same, and to issue bonds for such purposes.

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

Purchase land for public purposes.

1. That the common council or board of aldermen of any city in this state bordering upon or situated upon the Atlantic ocean shall have power to purchase or by condemnation acquire the lands in any such city bordering upon the ocean and adjacent thereto, situate in such city for public purposes and for places of resort for public health and for recreation and to improve the same; and for such purposes and in order to obtain the money necessary therefor, the common council or board of aldermen of any such city is hereby authorized to issue bonds to an amount not exceeding the sum of two hundred and fifty thousand dollars, which said bonds shall be signed by the mayor and shall be made payable within forty years from the date of their issue and shall bear interest at a rate not exceeding five per centum per annum, and shall be sold for not less than par; the bonds may be issued in such denominations and for such amounts, not exceeding said two hundred and fifty thousand dollars, as the said common council or board of aldermen deem necessary.

Bonds issued.

Public grounds commission established; terms, vacancies, report.

2. After said lands have been acquired by any such city as aforesaid for the purposes aforesaid, there shall be established a public grounds commission; the said public grounds commissioners shall be nominated and appointed by the mayor of said city, subject to the confirmation of the governing body thereof, and shall be composed of three resident freeholders of said city; the appointees to serve as members of said commission shall be appointed for terms of one, two

and three years respectively; and at the termination of the period for which each member is appointed his successor shall be appointed by said mayor for the term of three years; all vacancies shall be filled for the unexpired term only; said commissioners of public grounds shall serve without compensation, and shall report to the governing body of the city on the first day of April in each and every year, setting forth a full account of all their official transactions, and they shall also present, as a part of said annual report, a financial statement, showing the various sums of money received and expended on account of the property under their control, together with the sources from which said moneys are derived, and to what purposes they have been applied, and also showing the condition of the said property; said report shall be published in the month of April in each year in a newspaper published and circulating in said city.

Power.

3. Said commissioners of public grounds shall have full power to erect public buildings on said grounds and entire supervision and control of all parks and public places except the streets and avenues in said city, including all lands now owned by said city and the improvements thereon, or which may hereafter be acquired by purchase or condemnation for the uses aforesaid; and all improvements, alterations, repairs and expenditures made in or upon or on account of said parks, places and lands, shall be made, conducted and directed by the said public grounds commission, and said commission may employ such necessary agents and employes as may, in their judgment, be necessary for the proper care, management and improvement of said property; said public grounds commission shall receive and deposit with the treasurer of said city all moneys paid as rents, or otherwise, on account of said public parks, places or lands, upon the receipt thereof.

May rent, &c., property acquired.

4. For the purpose of paying the principal of said bonds, as the same shall fall due, and for the purpose of erecting, constructing and maintaining buildings, pavilions, roadways, walks, and for the general improvement of said public parks and places of public resort, said commissioners of such city are hereby authorized to lease, rent or hire, for any special term, not exceeding three years, any part of the property so acquired, for any purpose not inconsistent with the laws governing such city, as in their judgment may seem proper for the improvement of the place, and for such rental or return as they may deem for the best interest of said city;

that the money received for such leases and privileges shall first be applied in the payment of such necessary repairs and improvements in said public parks as the said commissioners may make upon such lands from time to time, and the balance shall be applied to the payment of the interest and principal of said bonds as they become due.

Provision for meeting bonds.

5. The governing board of such city shall place in the tax levy for said city, each year, the amount necessary to meet the balance of the yearly interest upon such bonds, and also the principal of all said bonds falling due within the year, if not provided for by the sinking fund, hereinafter mentioned, an amount equal to two per centum per annum of the principal of all outstanding bonds, which two per centum shall be held and invested by the sinking fund commission of said city for the redemption of the principal of said bonds, as they become due; said taxes to be assessed at the same time and collected in the same manner as other taxes for municipal purposes are or may be assessed and collected in said city.

Create sinking fund.

6. In case there shall be no general sinking fund in said city the governing body of said city may, by ordinance, create such commission, and define its powers and duties.

Repealed.

7. That all acts and parts of acts so far as they are inconsistent with the provisions of this act are hereby repealed, and that this act shall take effect immediately, but this act shall not be held or construed to repeal or affect any other act or acts giving authority to such cities to open and lay out public parks or places for public resort and recreation, and shall not affect any proceedings heretofore taken for such purposes.

Act how construed.

Approved March 23, 1900.

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## CHAPTER 100.

An Act to authorize cities to purchase a sewer system already in operation in any such city.

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

Sewage system may be purchased.

1. The common council or board of aldermen of any city in this state may purchase from a private individual or a

Bonds issued.

corporation a sewage system already built and established in any such city, and for that purpose may issue bonds in a sum not exceeding one hundred thousand dollars, which said bonds shall be signed by the mayor, shall be payable within forty years, bear interest at a rate not exceeding five per centum and be sold for not less than par; and the proceeds thereof shall be devoted to the purchase of such system and the rebuilding of the same and the extension thereof when deemed necessary; that said system, when so purchased and obtained by any such city, may be operated by the board of aldermen or common council thereof, and an annual rental or charge be charged to and paid by all persons whose premises are connected therewith may be fixed, and the same, if not paid within thirty days after the same shall become due, shall thereafter be a lien upon the premises as fully and to the same extent as taxes are now a lien in any such city, and the property may be sold at the same time and in the same manner as for such lien.

2 This act shall take effect immediately.

Approved March 23, 1900.

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## CHAPTER 101.

An Act entitled "A further supplement to 'An act relative to county lunatic asylums.'"

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

Section amended.

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

Amount paid by state treasurer for each patient.

1. The sum of two dollars per week for each county patient confined in any county lunatic asylum established by the board of chosen freeholders of such county, shall be paid by the state treasurer on the warrant of the comptroller, to the director of such board of chosen freeholders, upon a statement to be furnished by him giving the number of such county patients which may have been thus supported in said asylum during the preceding quarter, computing from the

first of January; *provided*, that any county which may have failed to present a claim for maintaining such patients at quarterly intervals as herein provided shall not be prejudiced by such delay in presenting its claim; *and provided further*, that the provisions of this act shall apply to any claim or claims now pending. Proviso. Proviso.

2. This act shall take effect immediately.

Passed March 23, 1900.

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## CHAPTER 102.

An Act to provide for the appointment of probation officers and to define their duties and powers.

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

1. The judges of the court of general quarter sessions of the peace in and for each county in this state are hereby authorized and empowered, if in their judgment the interests of justice will be promoted thereby, to appoint one officer to perform the duties of a probation officer, as hereinafter defined, and under the direction of said court; and in any county of the first or second classes the said court may, the consent of the board of chosen freeholders thereof having first been obtained by resolution, appoint as many assistant probation officers, not exceeding three, one of whom may be a woman, as may be needed to carry out the purposes of this act; each probation officer shall hold office during the pleasure of the court making the appointment Probation officers.

2. Each probation officer shall, in the execution of his official duties, have all the powers of a constable under the laws of this state; he shall keep a complete and accurate record of each case committed to his care or investigated by him in suitable books, to be provided by the board of chosen freeholders of the county for that purpose, which record shall be at all times open to the inspection of the court or any person appointed by the court for that purpose, as well as of all magistrates within the county, and the chief of police or other head officer of police of any city, Powers, duties, etc.

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town, township or borough within the county, unless otherwise ordered in any particular case or matter by the court appointing him.

Further duties.

3. The probation officer shall, whenever directed by the court, carefully inquire into the antecedents, character and offense of every person arrested for crime within the jurisdiction of the court appointing him; blanks for that purpose shall be prepared and filed in his office in each case for the use of the court and for reference.

Suspension of penalty.

4. In case the record of any person convicted of crime shall in the judgment of the court so justify, it shall be lawful for the court in which the conviction is had, instead of imposing the penalty provided by law for the offense, to suspend the imposition of the penalty, and to order the person so convicted to be placed upon probation under the care of such probation officer for such time and upon such conditions as the court in its order shall determine.

Rules and regulations.

5. It shall be the duty of the court to establish rules and regulations for the government of the probation officer and of convicted persons committed to the care of such probation officer, and to enforce the observance thereof by persons so convicted and committed to the care of the probation officer, by any process of law proper to be issued for the taking into custody or otherwise of any person after conviction of crime; and it shall be lawful for the court, at any time when it would appear that the interests of justice so require, to impose the penalty provided by law for the offense for which any person may be committed to the custody of the probation officer, and to direct that such person shall enter upon the sentence when so imposed.

Compensation.

6. The compensation of the probation officer in each county appointed under the provisions of this act shall be fixed by the court, and when so fixed, shall be paid by the county collector from the treasury of the county upon a voucher approved from time to time by a judge of said court; *provided, however*, that it shall be within the power of the board of chosen freeholders of any county of the first or second class to fix the compensation of such probation officer where more than one such probation officer shall be appointed in any such county under the provisions of this act.

Proviso.

Temporary probation officer.

7. In case of the absence or disqualification of any probation officer for any cause, any judge of said court may

appoint one of the constables of said court, or some other person, as a probation officer pro tempore, who shall receive as compensation for each day's services a sum equal to the rate per day of the salary of the probation officer; *provided*, that the compensation so paid for any excess over thirty days' absence of any probation officer in any one year shall be deducted from the salary of such probation officer. Proviso.

8. The actual expenses and disbursements incident to the proper performance of the duties of the probation officer shall be presented to the court in the form of an itemized voucher, and when the same shall be approved by the court the probation officer shall be reimbursed for the same from the treasury of the county. Reinbursements.

9. Any person convicted of crime and released upon probation who shall violate the condition of his probation or the rules and regulations governing the same, or who shall re-engage in criminal practices, or become abandoned to improper associations or a vicious life, may, by order of the court, be taken into custody and sentenced for his original offense, and in computing the period of his confinement, if imprisonment shall be imposed, the time between his release upon probation and his re-arrest shall not be reckoned as a part of the term; *provided, however*, that no person shall be so taken into custody or sentenced or re-sentenced under this act for any offense for which he may have been released upon probation after a period of three years has elapsed from the date of the original conviction. In case of violation of probation. Proviso.

10 This act shall take effect immediately.

Approved March 23, 1900.

## CHAPTER 103.

An Act to amend an act entitled "An act for the better regulation and control of the taking, planting and cultivating of oysters on lands lying under the tidal waters of Delaware bay and Maurice river cove, in the state of New Jersey," approved March twenty-fourth, one thousand eight hundred and ninety-nine.

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

Section amended.

1. Section twenty of the act entitled "An act for the better regulation and control of the taking, planting and cultivating of oysters on lands lying under the tidal waters of Delaware bay and Maurice river cove, in the state of New Jersey," approved March twenty-fourth, one thousand eight hundred and ninety-nine, is hereby amended so as to read as follows:

Unlawful to dredge, etc., upon staked beds without permission.

20. Any person, or persons, who shall hereafter dredge upon or throw, take or cast his oyster dredge, or any other instrument used for the purpose of catching oysters, upon any oyster bed or ground duly marked, buoyed, or staked up within the waters of the Delaware bay and Maurice river cove in this state, belonging to any other person, without the permission of the lessee or lessees thereof, shall be guilty of a misdemeanor and of the violation of the provision of this act.

2. This act shall take effect immediately.

Approved March 23, 1900.

## CHAPTER 104.

An Act to permit cities to have the streets thereof cleaned by contract.

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

1. The board of aldermen, common council or other governing body having control of the streets of any city of this state may enter into a contract for a term not exceeding one year to have the streets of such city cleaned by contract. May contract for cleaning streets.

2. This act shall take effect immediately.

Approved March 23, 1900.

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## CHAPTER 105.

An Act to extend the territorial boundaries of the borough of Sea Side Park, in the county of Ocean, by the annexation of a portion of the township of Berkeley in said county.

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

1. All that land and real estate situate, lying and being in the township of Berkeley, in the county of Ocean, bounded on the north by the centre line of Porter avenue, as laid down on the map of Berkeley Beach duly filed in the office of the county clerk of Ocean county on the tenth day of November, anno domini eighteen hundred and ninety-six, and on the south by the north line of said borough of Sea Side Park, on the east by the Atlantic ocean, and on the west by Barnegat bay, be separated from said township of Berkeley and annexed to the said borough of Sea Side Park, Portion of township of Berkeley annexed to Sea Side Park.

so that the same shall be hereafter a part of and within the territorial limits of said borough.

2. This act shall take effect immediately.

Approved March 23, 1900.

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## CHAPTER 106.

An Act to amend an act entitled "An act providing for the taxation of property in cities, villages, boroughs, townships or other municipal corporations in this state in cases where the assessor or assessors of the same have or may omit or neglect to assess the same for taxes, or have or may assess such property at too low a valuation, and the commissioners of appeal in cases of taxation have met and adjourned," approved March twenty-fourth, one thousand eight hundred and ninety.

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

Section amended.

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

Taxes a lien.

5. Any tax levied, assessed or imposed as aforesaid, shall be a lien upon the property upon which it is so assessed, levied or imposed, for the period for which the taxes of such city, village, borough, township or other municipal corporation are made a lien by the laws governing the same, and such tax may be collected and the payment thereof enforced in the manner provided by law for the collection and enforcement of taxes therein; and in case any such property has or may come into the hands of any executor, administrator or trustee after the time when the tax against such property might or should have been levied and assessed by the assessor of such municipality and before such tax is paid, he or they shall be liable for said tax, and the said tax shall be a first lien on the assets in his or their hands, and payment thereof shall be made from such assets to the collector, treasurer, comptroller or other official entitled to receive such tax

Tax on propety in hands of executor, etc.

on an order or decree of the orphans' court, which order or decree said court shall make forthwith, without awaiting the final settlement of any such estate, on petition of the city council, board of aldermen, township committee or other governing board of any municipality affected by this act, or the corporation attorney thereof on proofs that any such tax has been levied, assessed and imposed pursuant to the act aforesaid, and that the same remains wholly or in part unpaid, and that any personal property affected thereby has come to the hands of such executor, administrator or trustee, and he, she or they has or have assets in their hands and have failed or refused to pay the same or any part thereof; *provided*, that such executor, administrator or trustee shall have such reasonable notice of such application and of such order or decree as the said court may prescribe; and in case any such executor, administrator or trustee shall fail or refuse to comply with the terms of said order, he, she or they and their sureties shall be personally liable for the amount of said order or decree, to the extent of the assets in the hands of such executor, administrator or trustee which he refuses to apply toward paying or satisfying so far as possible such order or decree. Proviso.

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

3. This act shall take effect immediately.

Approved March 23, 1900.

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## CHAPTER 107.

A Further Supplement to an act entitled "An act concerning taxes," approved April fourteenth, eighteen hundred and forty-six.

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

1. Every person shall be assessed in the city, township or ward where he resides for all shares of the stock of any national bank in this state, and all shares of any bank or- Assessment of bank stock.

ganized under the laws of this state and subject to the provisions of "An act concerning banks and banking" (Revision of 1899), owned by him or in his possession or control as trustee, guardian, executor or administrator; and in case said owner, trustee, guardian, executor or administrator shall be a non-resident of this state then and in that case he shall be assessed for said shares in the city, township or ward where said bank is located, and the tax assessed against such non-resident stockholder shall be a lien upon his stock from the day designated by law for commencing the assessment, and said stock may be levied upon and sold by virtue of a tax warrant to be issued against such non-resident for that purpose; and moreover it shall be the duty of said bank, upon demand for that purpose made by the collector of taxes, to pay the amount of tax so assessed against such non-resident and to retain the amount so paid out of the dividends from time to time declared upon said shares, and said bank shall have a lien upon such non-resident's shares of stock for the amount of the tax so assessed and paid thereon until the same shall be repaid to said bank, which lien may be enforced by appropriate proceedings in the court of chancery; *provided, however*, that all real estate of any such bank shall be assessed to the said bank in the city, township or ward in which said real estate is located, in the same manner as the real estate of individuals, and the amount of said assessment shall be deducted from the assets of said bank in estimating the assessable value of the shares of stock of said bank.

In case of non-resident.

Proviso.

2. This act shall take effect immediately.

Approved March 23, 1900.

## CHAPTER 108.

A Supplement to an act entitled "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," approved March twenty-second, one thousand eight hundred and ninety-five.

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

Unlawful to hunt, etc., certain game while ground is covered with snow.

1. It shall be unlawful for any person or persons within this state to hunt, kill or destroy, or attempt to hunt, kill or destroy, any partridge, grouse, pheasant, quail, woodcock, rabbit or hare while the ground is covered with snow, or while the ground is so covered with snow that any such bird or animal may be tracked, or by tracking any such bird or animal in the snow, or to have in his or her possession any such bird or animal above mentioned that has been hunted, killed, destroyed or taken as aforesaid, under a penalty of twenty dollars for each bird or animal above mentioned so hunted, killed, destroyed or had in possession, to be recovered as are other fines and penalties for the violation of the act to which this is a supplement.

Repealer.

2. All acts and parts of acts contrary to the provisions of this act be and the same are hereby repealed.

3. This act shall take effect immediately.

Approved March 23, 1900.

## CHAPTER 109.

A Supplement to the act entitled "An act to provide an additional building and furnishing the same for the state industrial school for girls," approved March fifteenth, eighteen hundred and ninety-nine.

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

Section amended.

1. The second section of the act to which this act is a supplement is hereby amended to read as follows:

Built by contract.

2. The building authorized by the first section of this act shall be built by contract or otherwise, as the trustees of the state industrial school for girls shall deem for the best interest of the state, and the said trustees shall have power to employ architects, engineers, superintendents and mechanics as may be nece-sary, to advertise for proposals, to make a contract or contracts for the whole or any part of said work, and to incur all necessary expenses to carry out the provisions of this act, the cost and expenses incurred not to exceed

Proviso.

the sum of thirty thousand dollars; *provided, however*, that the plans and contracts for such improvement shall be first submitted to and be approved by the governor before any

Proviso.

work is done or expenses incurred; *and provided further*, that no money shall be drawn from the treasury for the purpose of this act until the same shall have been specifically appropriated according to law.

2. This act shall take effect immediately.

Approved March 22, 1900.

## CHAPTER 110.

A Supplement to an act entitled "An act concerning district courts" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight.

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

1. Section one of an act entitled "An act concerning district courts" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight, be and the same is hereby amended so as to read as follows: Section amended.

1. All district courts now constituted and established by, under or in pursuance of any law of this state, shall continue in existence under the provisions of this act, and there shall hereafter be district courts in the several cities of this state as follows: In cities having one hundred and fifty thousand inhabitants or over, two district courts, to be called respectively the first and second district courts of such cities; in cities having over seventeen thousand inhabitants and less than one hundred and fifty thousand inhabitants, one district court, to be called the district court of such city. District court in cities.

2. Section six of the act to which this is a supplement shall be amended to read as follows: Section amended.

6. The salaries of the judges of said courts shall be fixed as follows: in cities having one hundred thousand inhabitants or over, an annual salary of three thousand dollars; in cities having between thirty thousand and one hundred thousand inhabitants, an annual salary of two thousand five hundred dollars; in cities having between seventeen thousand and thirty thousand inhabitants, an annual salary of two thousand dollars. Salaries of judges.

3. Section eight of the act to which this is a supplement shall be amended to read as follows: Section amended.

8. The salary of the clerks of said courts shall be fixed as follows: In cities having over one hundred thousand inhabitants, an annual salary of fifteen hundred dollars; in cities having between thirty thousand and one hundred thousand Clerk's salary.

inhabitants, an annual salary of twelve hundred and fifty dollars; in cities having between seventeen thousand and thirty thousand inhabitants, an annual salary of nine hundred dollars, which salaries of such clerks shall be in lieu of all other fees whatsoever.

4. This act shall take effect immediately.

Approved March 23, 1900.

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## CHAPTER 111.

A Supplement to an act entitled "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," approved March twenty-second, one thousand eight hundred and ninety-five.

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

Section amended.

1. Section thirty-one of the act to which this is a supplement be and the same is hereby amended so as to read as follows:

Removal from state unlawful.

31. It shall be unlawful at all times to remove, or attempt to remove, from this state any ruffed grouse (frequently called partridge or pheasant), quail (frequently called partridge), hare (frequently called rabbit), English pheasant, woodcock or squirrel; *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; and any person, persons or corporation found guilty of the 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; *provided further*, that this act shall not apply to any such birds or game when killed upon any game preserve stocked by the owner thereof.

Proviso.

Proviso.

Repealer.

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

3. This act shall take effect immediately.

Approved March 23, 1900.

## CHAPTER 112.

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

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

Section amended.

1. Section sixty-six of the act entitled "An act relating to courts having criminal jurisdiction and regulating proceedings in criminal cases," approved June fourteenth, one thousand eight hundred and ninety-eight (Revision of one thousand eight hundred and ninety-eight), be amended so as to read as follows:

Imprisonment in county penitentiary.

66. Whenever any person under the age of twenty-one years shall be convicted in the courts of oyer and terminer, quarter sessions or special sessions of any offense punishable by imprisonment in the state prison, the court in which such conviction was had may, in its discretion, adjudge that such person be confined at hard labor in the penitentiary of the county in which such conviction was had, if there be one, instead of in the state prison; and in case there be no penitentiary in said county the court may, in its discretion, adjudge that such person so convicted be confined at hard labor in the penitentiary of any other county in which there may be one, instead of in the state prison, and in such case the clerk of the court in which such sentence was pronounced shall, within five days thereafter, deliver to the sheriff of his county a certified copy of the taxed bill of costs, and of the sentence, and thereupon the said sheriff or his lawful deputy shall, within fifteen days, transport such person to the penitentiary to which he was sentenced, where he shall be safely kept until the expiration of his term of imprisonment; the sheriff shall be entitled to receive the same compensation per mile for transporting such person to said penitentiary as is

Duty of sheriff.

allowed for transporting offenders to the state prison, which shall be paid by the collector of the county in which such person was sentenced, upon the certificate of the warden or other principal keeper of said penitentiary and the expense of keeping such person in said penitentiary, not to exceed one dollar per week, shall be paid to said warden or other principal keeper for the benefit of the county in which such penitentiary is located, by the collector of the county in which such sentence was pronounced upon the rendering to him of a bill for the same.

Expenses.

2. This act shall take effect immediately.

Approved March 23, 1900.

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## CHAPTER 113.

A Supplement to an act entitled "An act regulating fraternal beneficiary societies, orders or associations," approved March eleventh, one thousand eight hundred and ninety-three.

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

Change of corporate name.

1. It shall be lawful for any fraternal beneficiary society, order or association, as defined under and by virtue of the act approved March eleventh, one thousand eight hundred and ninety-three, to change its corporate name by a two-thirds vote of the members of the legislative or governing body of such society, order or association, who shall be present at a regular or special meeting called for that purpose; *provided*, that the society, order or association cause to be made and filed a certificate in writing in manner hereinafter mentioned; such certificate in writing shall set forth: first, the name of such society, order or association in use immediately preceding the vote and making and filing the said certificate; second, the name assumed to designate such society, order or association, and to be used in its business and dealings in the place and stead of the one referred to, in the last preceding paragraph, and which

Proviso.

Character of certificate.

said certificate shall be signed by the members of said legislative or governing body present at any regular or special meeting, and voting for said change, and filed in the office of the clerk of the county where the principal office or place of business of said society, order or association in this state shall be established; and after being so recorded, shall be filed in the office of the secretary of state; and to which certificate shall be affixed the affidavit of the secretary, or officer acting as secretary of such society, order or association, that the said certificate is made by the authority of the legislative or governing body of such society, order or association, as expressed by a two-thirds vote of the members of such legislative or governing body present at a regular or special meeting thereof, called for that purpose.

Certificate filed in office of secretary of state.

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

When change takes effect.

Liabilities not impaired.

3. This act shall take effect immediately.

Approved March 23, 1900.

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## CHAPTER 114.

An Act to amend an act entitled "An act to regulate elections" (Revision of 1898).

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

1. Section fifty-two of the act entitled "An act to regulate elections" (Revision of 1898), approved April fourth, one

Section amended.

thousand eight hundred and ninety-eight, be and the same is hereby amended so as to read as follows:

When question is submitted to people.

52. Whenever a question or proposition is to be submitted to the people of the state or any political division thereof at any election, such proposition or other question shall be printed upon the ballot beneath the list of candidates thereon with the word "for" and the word "against" printed above and immediately preceding such proposition; if the word "for" be marked off or defaced upon the ballot it shall be counted as a vote against the same; if the word "against" be marked off or defaced upon the ballot it shall be counted as a vote in favor thereof, and in case neither the word "for" nor the word "against" be marked off or defaced upon the ballot it shall not be counted as a vote either for or against such proposition.

2. This act shall take effect immediately.

Approved March 23, 1900.

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## CHAPTER 115.

A Supplement to an act entitled "An act concerning inns and taverns," approved April seventeenth, one thousand eight hundred and forty-six.

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

Section amended.

1. Section forty-five of the act entitled "An act concerning inns and taverns," approved April seventeenth, one thousand eight hundred and forty-six, be and the same is hereby amended to read as follows:

Who may recommend person for license.

45. The freeholders required to recommend to the courts suitable persons for license to keep inns and taverns, shall be such as shall not have recommended any other application for a license that has been granted under the second section of this act, in the same town, township, city or borough for the same year.

2. This act shall take effect immediately.

Approved March 23, 1900.

## CHAPTER 116.

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" (Revision one thousand eight hundred and ninety-eight).

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

Application of proceeds of sale to payment of mortgage.

1. Whenever any mortgagee or holder of any mortgage upon the real estate of any testator or intestate has heretofore filed a claim upon the debt secured by said mortgage with the executor or administrator of said testator or intestate, and the orphans' court has heretofore ordered the lands and premises covered by said mortgage to be sold free and clear of the incumbrance of said mortgage without at the same time ordering that the moneys arising from such sale should be first applied to the payment of the said mortgage debt, and the said lands and premises have actually been heretofore sold under said order, then and in any such case it shall be lawful for the said orphans' court, at any time before the distribution of the proceeds of said sale, to make an order that the money received from such sale shall be first applied to the payment of the said mortgage debt, and the balance, after paying the same, to be assets in the hands of said executor or administrator, provided the holder of the mortgage, upon receiving payment of such mortgage debt in pursuance of such sale, shall forthwith procure the said mortgage to be cancelled of record.

2. This act shall take effect immediately.

Approved March 23, 1900.

## CHAPTER 117.

A Supplement to 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.

Preamble.

WHEREAS, The present state house is not of sufficient size for the comfortable transaction of the public business, many of the departments being overcrowded, and the senate chamber being without suitable committee rooms, and other necessary conveniences, so that the public business is retarded and transacted with difficulty; therefore

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

Alterations to capitol.

1. The governor, treasurer and comptroller of this state, constituting the state house commission, are hereby authorized to provide a suitable chamber and committee rooms for the use of the senate of this state and to make such alterations and additions to the present capitol as they may deem necessary to furnish proper accommodations for the use of the state departments; *provided,* that the expense to be incurred in making such alterations and additions shall not exceed the sum that shall be appropriated by the legislature.

Proviso.

2. This act shall take effect immediately.

Approved March 23, 1900.

## CHAPTER 118.

A Supplement to an act entitled "An act for the punishment of crimes" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight.

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

1. Section 177 of the act to which this is a supplement be amended to read as follows: Section amended.

177. Any person who, acting as executor, administrator, assignee, trustee or guardian, appointed by any will, deed or other written instrument, or by the judgment, order or decree of any court in this state, shall willfully or fraudulently convert to his own use, or take, make away with, or secrete, with intent to convert to his own use, or shall fraudulently withhold any money, goods, property, rights in action, or other valuable security or effects whatever belonging to the estate or persons for whose benefit or in whose behalf such executor, administrator, assignee, trustee or guardian may have been appointed, and which shall have come into his possession or under his care and control by virtue of said trust, employment or office, shall be guilty of a misdemeanor. Withholding or converting trust funds a misdemeanor.

2. This act shall take effect immediately.

Approved March 23, 1900.

## CHAPTER 119.

An Act to authorize and empower municipalities governed by a board of commissioners or by an improvement commission, by ordinance to prohibit the erection of buildings of wood or other combustible materials, and to regulate and control the erection and construction of fire escapes.

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

Fire limits and fire-escapes.

1. It shall be lawful for the governing body of every municipality governed by a board of commissioners or by an improvement commission, from time to time, to pass, alter and repeal ordinances regulating and prohibiting, within certain limits, the building or erection of any dwelling-house, store, stable or other building, of wood or other combustible material, and to provide for the erection and construction of fire-escapes upon any building, and of what material, size and height such fire-escapes shall be, and under whose supervision the same shall be erected, and to authorize any municipal 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.

Penalty for non-compliance.

2. It shall be lawful to provide for the enforcement of the provisions of any ordinance passed as aforesaid, and to prescribe penalties of not exceeding fifty dollars for each offense, and a further penalty not exceeding twenty dollars for each day the provisions of any such ordinances are not complied with.

Notice given.

3. Before any ordinance or ordinances providing for the construction or erection of fire-escapes shall be enforced, or any penalty forfeited thereunder, notice thereof shall be given to the owner or owners, lessee or lessees, or other person having charge or control of any such building, which notice shall be served in such manner, and shall allow such

time for compliance, which shall not be less than thirty days, as shall be provided in and by any such ordinance.

4. All acts or parts of acts inconsistent herewith are hereby repealed. Repealer.

5. This act shall take effect immediately.

Approved March 23, 1900.

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## CHAPTER 120.

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

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

1. Section one hundred and twelve of the act to which this is a supplement be amended to read as follows: Section amended.

112. If any person hath been or shall be bound by recognizance to the state of New Jersey or to the governor for the use of the state, with condition for his appearance at the supreme court, court of oyer and terminer, court of quarter sessions, or court of special sessions to be held in and for any county within the state, and if such person hath not appeared or shall not appear agreeably to the condition of such recognizance, then the court in which such recognizor may be bound to appear may forfeit the same, and said court or the supreme court or the circuit court or court of common pleas of the respective county, upon such forfeited recognizance being certified into such court, shall be empowered and directed, on motion of the attorney-general, prosecutor of the pleas or attorney appointed by the court to prosecute the pleas in his absence, to award a writ of scire facias against the recognizors to show cause why judgment should not be entered against the recognizors and execution issue thereon; and if such recognizors shall appear at the return of such writ, and not show or allege any matter sufficient to discharge them from their recognizance, or the said writ having Recognizances, how prosecuted.

been published as prescribed by law, shall make default thereupon, judgment final shall be given against the said recognizors as in case of debt, and execution shall issue thereon accordingly; and in every action, suit or writ of scire facias against recognizors, costs shall be awarded and allowed.

Approved March 23, 1900.

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## CHAPTER 121.

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

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

Set-offs. 1. In suits for the foreclosure of mortgages, and in suits for the redemption of mortgaged property, all just set-offs shall be allowed in ascertaining the amount due upon any mortgage, whether the holder of such mortgage be a party complainant or defendant, in the same manner and to the same extent as the like set-offs are allowable in actions at law.

Approved March 23, 1900.

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## CHAPTER 122.

An Act to incorporate the borough of "Avon-by-the-Sea," in the county of Monmouth.

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

Corporate name. 1. The inhabitants of that portion of the county of Monmouth contained within the limits of the borough of Neptune

City, in the township of Neptune, hereinafter set forth, are constituted and declared to be a body politic and corporate in law by the name of "The Borough of Avon-by-the-Sea," and shall be governed by the general laws of this state relating to boroughs.

Boundaries.

2. The territorial limits of the said borough shall be as follows, to wit: Beginning at a large gray stone on the north side of Duck creek (now called Sylvan Lake), being the northeast corner of a tract now or formerly Edward Batchelor's land known as "The Swanton Tract"; thence extending westerly, along the northerly lines of the Swanton tract and in line of James A. Bradley's land, the several courses thereof, to a point at the intersection of the west line of the New York and Long Branch railroad; thence southerly, along the westerly line of the New York and Long Branch railroad to Shark river; thence down along said river to the inlet at the ocean; thence northerly, along the ocean to a point in southeast course from the aforesaid beginning corner; thence northwest, to the beginning point.

Election.

3. The first election of officers in and for the said borough of Avon-by-the-Sea shall be held therein within thirty days after the passage of this act, and notice thereof shall be given by the clerk of the municipality, of which the above-described territory formed a part at the time of the passage of this act; said notice shall be published in a newspaper, circulating in the territory hereinbefore described, for eight days prior to said election, and shall also be posted for the same length of time in five of the most public places therein, and the said election shall be held in the manner now required for the election of borough officials.

Notice.

4. This act shall take effect immediately.

Approved March 23, 1900.

## CHAPTER 123.

A Further Supplement to an act entitled "An act to authorize any city of this state to enter into contracts with railroad companies whose roads enter their corporate limits, to change or elevate their railroads, and when necessary for that purpose, to vacate, change the grade of, or alter the lines of any streets or highways therein," approved March nineteenth, one thousand eight hundred and seventy-four.

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

Bonds issued; their form, time, rate, &c.

1. Where any city of this state shall have entered or shall hereafter enter into contract with any railroad company for the location, re-location, change, alteration of grades, depression or elevation of its railroad, or any part thereof, within such city as provided in the act to which this is a supplement, such city shall provide the money necessary to do the work and make the payments required by such contract by the levy of a general tax for one or more years, or by the issue and sale of bonds of such city to run not exceeding forty years, at a rate of interest not exceeding five per centum per annum; such bonds to be of such form, terms and conditions as the board having control of the finances of such city may adopt, and such city shall have power, by annual taxation or otherwise, to provide a sinking fund for the retirement of said bonds.

Sinking fund.

2. This act shall take effect immediately.

Approved March 23, 1900.

## CHAPTER 124.

An Act to amend an act entitled "An act concerning corporations" (Revision of 1896), approved April twenty-first, eighteen hundred and ninety-six.

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

1. Section forty-three of an act entitled "An act concerning corporations" (Revision of 1896), approved April twenty-first, eighteen hundred and ninety-six, is hereby amended so as to read as follows: Section amended.

43. Every domestic corporation and every foreign corporation doing business within this state, shall file in the office of the secretary of state within thirty days after the first election of directors and officers and annually thereafter within thirty days after the time appointed for holding the annual election of directors, a report authenticated by the signatures of the president and one other officer, or by any two directors of the company, stating: Statement filed in office of secretary of state.

I. The name of the corporation;

II. The location (town or city, street and number, if number there be) of its registered office in this state, and the name of the agent upon whom process against the corporation may be served;

III. The character of its business;

IV. The amount of its authorized capital stock, if any, and the amount actually issued and outstanding;

V. The names and addresses of all the directors and officers of the company and when the term of office of each expires;

VI. The date appointed for the next annual meeting of the stockholders for the election of directors;

VII. Whether the name of such corporation has been at all times displayed at the entrance of its registered office in this state, and whether such corporation has kept at this registered office in this state a transfer book in which the transfers of stock are made, and a stock book containing the

names and addresses of the stockholders and the number of shares held by them respectively, open at all times to the examination of the stockholders as required by law; *provided, however*, that the requirement of this subdivision shall not apply to foreign corporations nor to any railroad or canal corporation; *and further provided*, that no part of this section shall apply to corporations as are now by law under the supervision of the department of banking and insurance; if such report is not so made and so filed the corporation shall forfeit to the state two hundred dollars, to be recovered with costs in an action of debt, to be prosecuted by the attorney-general, who shall prosecute such actions whenever it shall appear that this section has been violated; *and further provided*, if such report be not so made and filed, all of the directors of any such domestic corporation who shall willfully refuse to comply with the provisions hereof and who shall be in office during the default shall at the time appointed for the next election, and for a period of one year thereafter, be thereby rendered ineligible for election or appointment to any office in the company as directors or otherwise; no director shall be thus disqualified for the failure to make and file such report if he shall file with the secretary of state before the time appointed for holding the next election of directors after said default, a certificate stating that he has endeavored to have such report made and filed, but that the officers have neglected to make and file the same, and shall report the items required to be stated in such annual report so far as they are within his knowledge, or are obtainable from sources of such information open to him, verified by him to be true to the best of his knowledge, information and belief; the secretary of state shall upon application furnish blanks in proper form and shall safely keep in his office all such reports and shall prepare an alphabetical index thereof, which reports and index shall be open to the inspection of all persons at proper hours.

Proviso.

Proviso.

Proviso.

Failure to report.

2. In case any domestic corporation, or any foreign corporation authorized to transact business in this state, shall fail to file such report within the time required by this section, or in case the agent of any such corporation designated by any such corporation as the agent upon whom process against the corporation may be served shall die, or shall resign, or shall remove from the state, or such agent cannot with due diligence be found, it shall be lawful, while such

In absence of agent, process how served.

default continues, to serve process against any such corporation upon the secretary of state, and such service shall be as effective to all intents and purposes as if made upon the president or head officer of such corporation, and within two days after such service upon the secretary of state as aforesaid, it shall be the duty of the secretary of state to notify such corporation thereof by letter directed to such corporation at its registered office, in which letter shall be inclosed a copy of the process or other paper served, and it shall be the duty of the plaintiff in any action in which said process shall be issued to pay to the secretary of state, for the use of the state, the sum of three dollars, which said sum shall be taxed as a part of the taxable costs in said suit if the plaintiff prevails therein; the secretary of state shall keep a book to be called the "process book," in which shall be recorded alphabetically, by the name of the plaintiff and defendant therein, the title of all causes in which processes have been served upon him, the test of the process so served and the return day thereof, and the date and hour when such service was made.

Process book.

3. The terms "principal office," "principal office in this state" and "registered office," wherever used in this act, shall be construed as synonymous terms.

Certain terms construed.

4. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect May first, nineteen hundred.

Repealer.

Approved March 23, 1900.

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## CHAPTER 125.

An Act validating certain sales of lands, tenements, hereditaments or real estate, made under the order of and confirmed by any court of this state.

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

1. No sale of any lands, tenements, hereditaments or real estate heretofore made under the order of and confirmed by

Favor to advertise not to invalidate sale.

any court of this state, shall be invalidated by reason of any omission to advertise such sale, or any adjournment thereof, in the manner and for the length of time then required by law, or by reason of any other irregularity or default in such advertisement; but the purchaser of such lands, tenements, hereditaments or real estate, having paid the price thereof, and having received his or her deed therefor, and his or her heirs and assigns, shall be deemed to have as good and complete a title thereto as if such sale or adjournment had been in all particulars duly advertised.

2. This act shall take effect immediately.

Approved March 23, 1900.

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## CHAPTER 126.

Supplement to "An act concerning corporations" (Revision of 1896), approved April twenty-first, one thousand eight hundred and ninety-six.

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

Relative to dissolution of corporations.

1. Hereafter no corporation organized under any law of this state shall be dissolved by its stockholders until all taxes levied upon or assessed against such corporation by the state of New Jersey in accordance with the provisions of an act entitled "An act to provide for the imposition of state taxes upon certain corporations and for the collection thereof," approved April eighteenth, one thousand eight hundred and eighty-four, and all acts amendatory thereof or supplementary thereto, shall have been fully paid, and a certificate to that effect, signed by the comptroller of the treasury, shall have been annexed to and filed with the certificate of dissolution.

2. This act shall take effect immediately.

Approved March 23, 1900.

## CHAPTER 127.

An Act to define the language of certain acts relating to the publication of legal notices in newspapers.

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

Rates for legal advertising.

1. In all acts fixing the rate to be paid for legal advertising, the price fixed for "subsequent insertions" shall apply only to subsequent insertions in issues of consecutive weeks.

Repealer.

2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and this act shall be deemed and taken to be a public act, and shall take effect immediately.

Passed March 23, 1900.

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## CHAPTER 128.

A Further Supplement to an act entitled "A supplement to an act entitled 'An act to provide for the purchase of sites for 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, which supplement was approved March thirty-first, eighteen hundred and ninety-seven.

Preamble.

WHEREAS, The state military board, acting as the armory commission, entered into a contract with Enoch W. Hooper, of the city of Trenton, on July twenty-ninth,

eighteen hundred and ninety-seven, for the entire work of the erection and construction of an armory in the city of Newark; and the said Enoch W. Hooper, in order to raise the necessary funds to pay for labor and material necessarily used and employed in the erection and construction of said armory, from time to time raised the money for that purpose upon assignments of his bills against said commission for said work, together with the architect's certificates that the amounts of such bills were due to said Hooper, to sundry persons, who turned over and paid to him, or for his use, at his request, the several amounts called for by said bills and architect's certificates; *and whereas*, a further appropriation or appropriations remain to be made, which have been anticipated in whole or in part by the said Enoch W. Hooper, by assignments made by him to sundry persons of his bills against said commission for said work, together with the architect's certificates that the amounts of said bills were due, from which said persons he received the moneys called for in said assignments; therefore,

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

Future payments for work done on Newark armory.

1. Out of all appropriations hereafter to be made for the payment of the balance of the cost for erecting the said Newark Armory, the comptroller of the treasury shall draw his warrant on the state treasurer, and the state treasurer shall pay the same from time to time, in the several and respective amounts of said bills and architect's certificates for the labor and materials used and employed in the erection and construction of said armory, which have been or shall be approved by the state military board, acting as the armory commission, to the person or persons who shall be the then owners of said approved bills and architect's certificates, and who shall hold the same mediately or immediately by assignments from the said Enoch W. Hooper.

Repealer.

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

Approved March 23, 1900.

## CHAPTER 129.

A Supplement to an act entitled "An act to establish a village for epileptics," approved March twenty-sixth, one thousand eight hundred and ninety-eight.

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

Number of trustees.

1. Hereafter the number of trustees constituting the board of managers of the village for epileptics established under the act entitled "An act to establish a village for epileptics," approved March twenty-sixth, one thousand eight hundred and ninety-eight, shall be eight instead of six; the two additional trustees shall be of different political parties and shall be appointed as provided in the act to which this act is a supplement, and hereafter all appointments, except to fill vacancies in the said board, shall be for four years.

2. This act shall take effect immediately.

Approved March 23, 1900.

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## CHAPTER 130.

A Further Supplement to an act entitled "An act to provide for the imposition of state taxes upon certain corporations and for the collection thereof," approved April eighteenth, one thousand eight hundred and eighty-four.

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

Section amended.

1. The second section of said act be amended so as to read as follows:

Corporations failing to pay taxes, reported to governor.

2. On or before the first Monday in January in each year the comptroller shall report to the governor a list of all corporations which for two years next preceding such report

have failed, neglected or refused to pay the taxes assessed against them under any law of this state as above, and the governor shall forthwith issue his proclamation, declaring under this act of the legislature that the charters of these corporations are repealed.

Approved March 23, 1900.

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## CHAPTER 131.

An Act to amend an act entitled "A supplement to an act entitled 'An act relative to oaths and affidavits' (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four," which supplement was approved March twelfth, one thousand eight hundred and eighty.

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

Section amended.

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

Who authorized to take oaths, etc.

1. All oaths, affirmations and affidavits required to be made or taken by any statute of this state, or necessary or proper to be made, taken or used in any court of this state, or for any lawful purpose whatever, may be made and taken by and before any one of the following officers of this state, viz.: (a) the chancellor, or any judge of a court of record, (b) or any master in chancery, (c) or any justice of the peace, (d) or any mayor, recorder or alderman of any city or borough, or any supreme court commissioner, or the city clerk of any city, or the clerk or surrogate of any county, or the clerk of any court of record, or any notary public, or any commissioner of deeds; *provided*, that nothing herein contained shall apply to the official oath or affirmation required to be made or taken by any of the officers of this state, nor to any oath, affirmation or affidavit required to be made and taken in open court, nor to cases where it shall be necessary for the party making or procuring such oath, affirmation or

Proviso.

affidavit to give notice to any person interested, of the taking of such oath, affidavit or affirmation.

2. This act shall take effect immediately.

**Approved March 23, 1900.**

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## CHAPTER 132.

An Act to authorize and provide for the establishment and maintenance of hospitals for contagious diseases for cities in this state.

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

1. Whenever the board of health of any city of this state shall, by resolution, passed by the votes of a majority of the members thereof, declare that it is necessary to establish and maintain in and for such city a hospital which shall be devoted exclusively to the treatment and relief of persons suffering from contagious and infectious diseases, and setting forth the estimated cost thereof, a copy of the said resolution, certified under the hands of the president or chairman and secretary or clerk of such board or body, shall be forthwith transmitted to the common council, board of aldermen, or other board having charge and control of the finances of such city, and thereupon such financial board, by resolution, shall make an appropriation or appropriations as hereinafter mentioned; that is to say: in all cities having by the census last preceding the adoption of such resolution a population of not more than fifteen thousand, a sum not exceeding ten thousand dollars; in all cities having by such census a population exceeding fifteen thousand and not exceeding thirty thousand, a sum not exceeding the sum of twenty thousand dollars; in all cities having by such census a population exceeding thirty thousand and not exceeding one hundred thousand, a sum not exceeding the sum of fifty thousand dollars, and in all cities having by such census a population exceeding one hundred thousand, a sum not exceeding the sum of one hundred thousand dollars, nor

Establishment of hospital for contagious diseases.

Appropriation.

shall the minimum of such appropriations be less than one-fourth of the said amounts in each case respectively; for the purchase of lands, if required, and the erection and furnishing of a suitable building or buildings in and for such city by such board of health, and upon the adoption of such resolution by such financial board, such board shall from time to time issue bonds in the corporate name of such city for the amount so appropriated, which bonds shall be of such denomination as such financial board shall determine, and shall be made payable in not less than twenty nor more than thirty years; they shall bear interest at a rate not greater than four per centum per annum, which shall be payable semi-annually and may be registered or coupon bonds, or may be registered and coupon bonds combined, at the option of said financial board; they shall be sold at public or private sale, but not for less than par and accrued interest, and there shall be raised by tax in each year the interest on the whole amount of the bonds so issued, together with at least two per centum per annum of the principal of such bonds for a sinking fund, to be paid to the commissioners of the sinking fund of such city for the purpose of meeting the said bonds when they shall become due; there shall further be raised in each annual tax levy in any city for which such hospital is established an amount sufficient to provide for the support and maintenance of such hospital in that year; *provided, however,* that no city shall issue bonds under the provisions of this act where the amount of such bonds together with all other funded and floating indebtedness of such city then outstanding after deducting the available sinking funds thereof, shall exceed ten per centum of the valuation of the real and personal property of said city as assessed for municipal purposes for the year next prior to the incurring of such indebtedness.

Bonds issued.

Proviso.

Amount of bonds.

2. No city shall issue under the provisions of this act bonds in any amount exceeding in the aggregate the sum above limited by the population thereof; and the proceeds of such bonds, including the premiums, if any, shall be used only for the purposes of such hospital.

Site, plans, management.

3. The selection of a site for the said hospital building, the making and the approval of plans for the same, and the control and management of the said building, shall be vested in the board of health of the city for which the same is erected; but the title to the property purchased for such

Title in corporate name.

hospital shall be taken in the corporate name of the city for which the same is purchased, and the erection of the said hospital shall be under the control and direction of the common council, board of aldermen or other board having charge and control of the finances of such city, and it shall be the duty of such financial board to pay, out of the money raised for that purpose, the cost of such hospital site, and the cost of the erection and furnishing of such hospital; the board of health of any such city may, with the concurrence of the common council, board of aldermen, or other board having charge or control of the finances of such city, select and use as a site for such hospital, any property owned by such city wherever situated, the selection of such site by such board of health, and the concurrence by the common council, board of aldermen, or other board having the control of the finances of such city, to be manifested by resolution; the said hospital shall be used and devoted exclusively to and for the treatment of persons in such city suffering from contagious or infectious diseases, whether such persons shall or may be poor and indigent persons, or those who may be able to pay for the medical care, attendance and treatment which they may receive in such hospital, and for the disinfecting of clothing, bedding or other materials in which the germs of disease may or shall exist; *provided, however*, that persons suffering from contagious or infectious diseases living out of such city and in the county in which the same is situated may be sent for and received for treatment in such hospital by the board of health of such city in its discretion; the said board shall make reasonable charges against all persons received into such hospital for treatment who may be able to pay the same, and where poor and indigent persons are received into such hospital for treatment, from the corporate authorities of any of the municipalities of the county in which such city is situated, they shall be received and treated at the expense of such corporate authorities, who shall pay for such patients the same rates that are charged by such board of health against patients who are or may be able to pay for the treatment which they receive in such hospital; all sums received for patients treated in such hospital shall be used and applied for the maintenance and support of the same.

Use of hospital.

Proviso.

Reasonable charges.

Repealer.

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

Approved March 23, 1900.

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## CHAPTER 133.

Supplement to an act entitled "An act concerning townships (Revision of 1899)," approved March twenty-fourth, one thousand eight hundred and ninety-nine.

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

Public watering troughs.

1. The township committee of any township in this state may pay to any person or persons constructing and maintaining troughs supplied with running water along the road-

Payment.

side and easy of access to the traveling public the sum of three dollars for each trough so maintained and supplied, or to any person maintaining such trough, which may be supplied by a pump or well in the immediate vicinity, the sum of two dollars, but in no case shall there be maintained in any one year, or paid for, more than five of such troughs, nor shall any trough be maintained at public expense which may be used in connection with a public inn or tavern.

2. This act shall take effect immediately.

Approved March 23, 1900.

## CHAPTER 134.

An Act ratifying, confirming and validating contract or contracts heretofore made by municipalities of the state of New Jersey for the maintenance and repair of pavements upon streets, avenues and public places.

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

Contracts for keeping pavements in repair ratified.

1. In all municipalities, however created or governed, that have heretofore made and entered into contract or contracts with any person or corporation for the maintaining and keeping in good state of repair, for a period of not more than ten years, of pavements heretofore laid upon any streets, avenues and public places therein, in writing, under corporate seal and bond, such contracts are hereby ratified, confirmed and validated in all respects.

2. This act shall take effect immediately.

Approved March 23, 1900.

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## CHAPTER 135.

An Act to provide for the erection of two brick cottages, for water-supply and sewerage, and for the payment for the purchase of additional land for the New Jersey state village for epileptics.

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

Authorized to provide cottages, water-supply, etc.

1. The board of managers of the New Jersey state village for epileptics are hereby authorized to ereet on the grounds of the said village two brick cottages, to provide a water-

supply and sewerage system for said village and to pay for additional property, already purchased, adjoining said village.

Buildings erected by contract; architects, etc.

2. The buildings authorized by the first section of this act shall be built by contract or otherwise, as the board of managers of said village shall deem for the best interests of the state; said managers shall have power to employ architects, engineers, superintendents and mechanics as may be necessary, to advertise for proposals, to make a contract or contracts for the whole or any part of said work, and to incur the necessary expenses for the erection of said cottages, costs and expenses therefor not to exceed the sum of thirty-three thousand dollars; *provided, however*, that the plans and contracts for such cottages shall be first submitted to and approved by the governor before any work is done or expense incurred; payment for the purchase price of the property adjoining the epileptic village, already purchased, and authorized in the first section of this act, shall not exceed the sum of eight thousand dollars; the amount to be expended for the water-supply and sewerage system, authorized in the first section of this act, not to exceed the sum of two thousand dollars; *provided*, that no moneys shall be drawn from the treasury for the purposes of this act until the same shall have been specifically appropriated according to law.

Amount.

Proviso.

Proviso.

Report to legislature.

3. Said board of managers shall make to the legislature at its next session, and each succeeding session, until said objects mentioned in the preceding sections are completed, a full and detailed report of its proceedings and expenditures under this act, for this act is to take effect immediately.

Approved March 23, 1900.

## CHAPTER 136.

A Further Supplement to an act entitled "An act to provide for the regulation and incorporation of insurance companies" (Revision), approved April ninth, one thousand eight hundred and seventy-five.

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

Unlawful to require co-insurance.

1. It shall be unlawful for any fire insurance company doing business in this state to issue any policy or contract of insurance covering property in this state which shall contain any clause or provision requiring the assured to take out or maintain a larger amount of insurance than that expressed in such policy, nor in any way providing that the assured shall be liable as co-insurer with the company issuing the policy for any part of the loss or damage which may be caused by fire or lightning to the property described in such policy, and any such clause or provision shall be null and void and of no effect; *provided*, that it may be optional with the assured to accept a policy or contract of insurance containing a co-insurance clause or provision when a reduction in the rate for insurance on the property described in such policy is the consideration named in such clause, and when so accepted the co-insurance clause or provision shall be binding on the assured.

Proviso.

Approved March 23, 1900.

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## CHAPTER 137.

An Act concerning the solemnization of marriage.

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

Oath administered to persons applying to be married.

1. Any justice of the peace, minister of the gospel or other person having or pretending to have authority to join

persons together in the holy bands of matrimony, are hereby empowered to administer to any male or female applying to be married, or both, as the case may require, an oath or affirmation as to the residence of such party or parties, which oath or affirmation shall be entered upon the back of the certificate of marriage required by law to be made by the person solemnizing such marriage, and shall be his justification should the parties so married, or either of them, deceive him as to his or her place of residence.

2. This act shall take effect immediately.

Approved March 23, 1900.

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## CHAPTER 138.

A Supplement to an act entitled "An act to authorize the formation of traction companies for the construction and operation of street railways or railroads operated as street railways and to regulate the same," approved March fourteenth, one thousand eight hundred and ninety-three.

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

Merger of adjacent street railways.

1. Whenever a corporation formed under the provisions of the act to which this act is a supplement operating a street railway or street railways in this state shall own at least three-fourths of all the outstanding capital stock of any other corporation of this state owning or operating a street railway or street railways in this state, and the lines of street railways so owned or operated by such corporations shall be adjacent to each other or would if united form one continuous line or system, a merger of the property and franchises of the last-mentioned corporation into those of the first-mentioned corporation may be effected by a unanimous resolution of each of the boards of directors of such corporations; *provided*, that the holders of every share of the capital stock of the merging corporation not owned by the corporation with which such merger is to be effected shall consent to such resolution in writing.

Proviso.

2. Upon filing in the office of the secretary of state a certificate under the seals of such corporations attested by their respective presiding officers, setting forth the said resolution and accompanied by such consent in writing, the corporation whose stock is owned as aforesaid, and to the merger of which consent is so given with all its property, rights and franchises, shall be merged into and transferred to the corporation owning such stock, and thereafter the separate corporate existence of such merged corporation shall cease and determine (except as hereinafter provided), and all the property, rights and franchises of such merged company shall pass to, and be owned and possessed by, the corporation into which they are thus merged, and shall be enjoyed by it during the period of its corporate existence; *provided*, that all rights of creditors, and all liens upon the property of such merged corporation shall be preserved unimpaired, and such merged corporation may be deemed to continue in existence in order to preserve the same; and all debts, liabilities and duties of such merged corporation shall thenceforth attach to the corporation into which such merger has been made, and may be enforced against it to the same extent as if such debts, liabilities and duties had been incurred or contracted by it; and in every case of such merger the capital stock of the merged corporation shall become void, and the holders thereof shall surrender the same for cancellation.

When merger takes effect.

Proviso.

3. In case any corporation has been or shall be formed by the consolidation or merger of corporations under the provisions of the act to which this act is a supplement, such corporation so formed may file in the office of the secretary of state a certificate under its common seal, attested by the signature of its presiding officer, declaring its desire that the period of its existence shall be limited to the term to be specified therein, not to exceed the period of existence of one of the corporations so consolidated or merged, and thereafter all the rights, privileges and franchises of such corporation and of the several corporations so consolidated or merged, whether acquired by consolidation or merger or otherwise, shall be extended, and shall continue in accordance with such certificate for the term named therein.

Limit of existence.

Extension of rights, franchises, etc.

4. This act shall take effect immediately.

Approved March 23, 1900.

## CHAPTER 139.

A Supplement to an act entitled "An act for the better regulation and control of the taking, planting and cultivating of oysters on lands lying under the tidal waters of the Delaware bay and Maurice river cove, in the state of New Jersey," approved March twenty-fourth, eighteen hundred and ninety-nine.

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

Markers for oyster beds.

1. The state oyster commission appointed under the act to which this is a supplement, shall cause to be prepared official markers for all oyster grounds leased under the provisions of the act to which this is a supplement; such markers shall display the number of lease for the ground upon which the same is to be used and the number by which each ground is designated by the lease for the same; the size of such markers and material from which the same shall be made shall be determined by the said state oyster commission, and the oyster superintendent shall furnish to all applicants therefor as many of such official markers as shall be required to set up, and fasten at least one thereof to each corner of each ground leased to such applicant; such markers shall be furnished to all applicants therefor prior to the sixteenth day of April, in the year nineteen hundred, free of charge, and after that date the same shall be furnished to applicants at a price sufficient to fully defray all expenses of procuring and delivering such official markers to said lessee.

Price.

Markers must be maintained.

2. Every person, firm or corporation who shall have obtained a lease or leases for oyster grounds under the provisions of the act to which this is a supplement, shall, on or before the fifteenth day of April, in the year nineteen hundred, cause to be fixed and fastened in some secure manner on the corner stakes above high-water mark of each oyster ground for which such person, firm or corporation shall have obtained a lease from said state oyster commission, at least one of the

official markers of the description aforesaid, and shall keep and maintain the same, fixed and fastened above high-water mark as aforesaid at each corner of said oyster grounds, during the term of said lease and any renewal thereof; and if any lessee of any oyster ground aforesaid shall neglect or refuse to comply with the provisions of this section, said lessee or lessees shall, upon conviction thereof before any court of competent jurisdiction, be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, at the discretion of the court.

Penalty for neglect.

3. Every lessee of any oyster ground aforesaid who shall remove or suffer or permit any official marker to be removed from any corner of said oyster ground or grounds, or shall suffer or permit the corner or corners of said oyster ground or grounds from which the marker shall be removed, either with or without the said lessee's consent, to be and remain without an official marker of the description herein set forth and fastened as hereinbefore provided for, for the space of thirty days after said official marker has been placed in position by the lessee, shall be deemed guilty of a violation of this act and punished by a fine of not less than twenty-five dollars, nor more than one hundred dollars, at the discretion of the court, to be sued for and recovered in any court having competent jurisdiction thereof.

Penalty for removal of markers by lessee.

4. Any person or persons who shall willfully deface or remove any of the official markers herein provided for and fixed and fastened to or upon any oyster ground or grounds, shall be guilty of a misdemeanor.

Removal or defacement a misdemeanor.

5. It shall be unlawful for any person or persons to imitate or counterfeit the official marker provided for in this act or use the same knowing it to be imitated or counterfeited; any person violating the provisions of this section shall be deemed guilty of a felony and on conviction thereof shall be confined in the state's prison not less than one year nor more than three years.

Counterfeiting of marker a felony; penalty.

6. This act shall take effect immediately.

Approved March 23, 1900.

New Jersey State Library

## CHAPTER 140.

**An Act relating to the court of common pleas (Revision of 1900).**

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

Court of common pleas.

1. The court heretofore known as the inferior court of common pleas in each county shall hereafter be known as the court of common pleas, and shall consist of one judge specially appointed who shall be the president judge of said court, and the justice of the supreme court holding the circuit court therein, who shall be ex-officio a judge of said court, and either said judge or justice, or both, may hold the court of common pleas, the orphans' court, and the court of quarter sessions in and for such county.

Appointment of judges.

2. The judges of said court of common pleas in the respective counties shall be appointed by the governor, by and with the advice and consent of the senate, and shall hold office for the term of five years, beginning on the first day of April succeeding their appointment, and the judges now in office shall continue in office until the expiration of their respective terms; *provided,* that in case a vacancy occur by reason of death, resignation or otherwise, the vacancy shall be filled by appointment for the unexpired term only.

Proviso.

Powers and jurisdiction.

3. The judges of said court shall have and possess all the powers and jurisdiction heretofore vested in or exercised by said court or by any judge or judges thereof, whether conferred by statute or otherwise, and shall perform all the duties heretofore imposed upon or exercised by any such judge or judges.

Court of record, etc.

4. The court of common pleas shall be a court of record, with general jurisdiction over all suits and actions of a civil nature at law, irrespective of the amount in controversy, save only suits and actions wherein the title to real estate is in question; and the county clerks in and for the respective counties shall be the clerks of said court, and shall issue all process out of said court, which process shall be delivered to

Clerk and officer of court.

the sheriff of said county, and shall be by him served and returned under the same regulations and penalties, and with the same compensation as heretofore, and the said sheriff shall be the officer of said court, and exercise the same supervision and direction of all constables and subordinate officers attending said court as heretofore.

Adjournments.

5. It shall be lawful for the court of common pleas to adjourn over from any day in term to any subsequent day in the same term, whenever the convenience of the public and of the said court shall require such adjournment; and in case of such adjournment, all suits, process, orders, rules, recognizances and other proceedings pending in such court, shall be continued to the time to which such adjournment shall be made, without prejudice to any of the parties therein, and may then be proceeded in according to law, in the same manner as if such court had been adjourned from day to day.

Special terms.

6. The court of common pleas is authorized at any stated term of such court to order and appoint a special term to be holden at such time in the vacation between the stated terms as the court shall think fit; and, at such special term, to hear, try and determine appeals from the courts for the trial of small causes, and other actions in which no jury shall be demanded or required; and also at such special term to hear and determine motions, arguments upon matters of law, and such other matters as may be disposed of by said court without a jury.

When judge may preside in another county.

7. The judge of the court of common pleas in and for any county may, at the request of the judge of said court in and for any other county, preside during the absence or sickness or other inability of the judge making such request in the courts or in any of them for which the judge making such request was specially appointed.

Request, how made.

8. The request mentioned in the preceding section shall be in writing; and the judge to whom such request shall have been made, before presiding in the courts of any county other than that for which he was specially appointed, shall file such request in the office of the clerk of the county in which he shall have been so requested to preside.

Effect of so presiding.

9. When the judge of the court of common pleas in and for any county shall so preside in any other county, all proceedings and acts had and done before him and in the courts in which he shall so preside, shall be of the same validity,

force and effect as though the judge who made such request were himself present and presiding.

Provision in case of absence, etc.

10. In case of the absence, sickness or other disability of the judge of the court of common pleas in and for any county, the chief justice, or any associate justice of the supreme court, if he shall be unable to perform the duties himself, which he is hereby authorized to do, may designate and request the judge of the court of common pleas of any other county to perform the duties of such office, and the judge so designated shall have all the powers and perform all the duties of the judge in whose place he shall be designated and requested to preside, upon filing such designation and request in the office of the clerk of the county in which he shall have been so requested to preside; and in case of a vacancy in the office of judge of the court of common pleas in and for any county, the judge of the court of common pleas of any other county may be in like manner designated and requested to perform the duties of such office during the continuation of such vacancy or for any less time, and upon filing such designation and request as aforesaid the judge so designated shall have the same powers and perform the same duties, for the time being, as a regularly appointed judge of said court.

Duty of signing judgments and orders.

11. If the judge of any court of common pleas, by whom any judgment or order has been or shall be rendered, made or pronounced, or by whom any matter or cause has been or shall be heard and determined, or before whom any proceeding or proceedings have been or shall be taken and determined, has died or shall die, or has gone out of office or shall go out of office, and some other person has been or shall be appointed judge, before the judgment or order therein has been or shall have been signed, it shall be the duty of his successor in office, or the judge for the time being, to sign such judgment or order, and all judgments and orders so signed shall be as good and effectual in law, to all intents and purposes, as if the same had been duly signed by the judge of the said court when such judgment or order was rendered, made or pronounced.

Sergeant-at-arms.

12. In each county of the first class, the judge of the court of common pleas is hereby authorized to appoint a suitable person as sergeant-at-arms, to hold office during the pleasure of said judge, whose duty it shall be to attend said court during the several terms thereof, for which service

said sergeant-at-arms shall receive nine hundred dollars per annum, to be paid monthly by the county collector of said county, on the certificate of the judge of said court. Compensation.

13. The judge of the court of common pleas in any county shall, upon the request of an attorney-at-law employed in any suit originally begun in said court, call upon the stenographer of the circuit court to attend, either in person or by proxy, upon any such trial in said court, and exactly and truly take notes and record verbatim the evidence and proceedings of such trial, except the arguments of counsel, and, when requested, to make and furnish true reports thereof to the judge and to each party in said cause; *provided*, such request be made to said judge and filed with the clerk of such court at least one day previous to the day fixed for the trial. Stenographer. Proviso.

14. The compensation of such stenographer shall not exceed ten dollars per day, which sum, in cases originally commenced in said court, shall be paid by the board of chosen freeholders of the county wherein he is employed, upon the certificate of said judge, and such stenographer shall, before he enters upon his duties, be sworn in open court faithfully and honestly to perform the duties so imposed upon him; no compensation shall be paid to such stenographer except when actually engaged in the trial of a cause. Compensation.

15. It shall be lawful for the board of chosen freeholders of any county of the first class to provide for the judge of the court of common pleas a suitable room or chambers for the hearing of motions and ex parte matters at a place other than the court house, when in their judgment the interest and convenience of the public will be promoted thereby, and to cover the expense thereof in the same manner as other current expenses of the said board are provided for. Suitable quarters other than court-house.

16. The annual salary of the judges of said court in counties containing more than two hundred thousand inhabitants, shall be seven thousand five hundred dollars; in counties having between one hundred thousand and two hundred thousand inhabitants, five thousand dollars; in counties having between eighty thousand and one hundred thousand inhabitants, four thousand dollars; in counties having between seventy thousand and eighty thousand inhabitants, three thousand five hundred dollars; in counties having between forty-five thousand and seventy thousand inhabitants, three thousand dollars; in counties having between Judge's salary.

thirty-five thousand and forty-five thousand inhabitants, two thousand dollars; in counties having between twenty thousand and thirty-five thousand inhabitants, one thousand eight hundred dollars, and in counties having less than twenty thousand inhabitants, one thousand two 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 compensation whatsoever for the services of said judges in the courts of common pleas, orphans' courts, courts of oyer and terminer and quarter sessions; such salaries shall be determined and paid upon the basis of population shown by the latest state or national census promulgated, without regard to the date of appointment of such judge; *provided*, such judge shall consent thereto in writing filed in the office of the county clerk; and all fees which at any time heretofore were paid to or divided among the judges or paid to any judge of the court of common pleas are hereby abolished and shall not hereafter be taxed or collected.

How paid.

Proviso.

Fees abolished.

Additional salary to certain judges.

17. Whereas, The population of certain counties bordering on the Atlantic ocean is very largely increased during certain seasons of the year, thereby imposing upon the courts of such counties much additional labor; therefore, in the several counties bordering on the Atlantic ocean the judges of the court of common pleas, for their services in said several courts, shall be paid and receive in addition to the salary above specified such sum not exceeding twenty-five per centum of said salary as the justice of the supreme court presiding in the judicial district of which said county forms a part, shall, from time to time, in writing, signed by him and filed with the clerk of such county, certify to be fair and reasonable.

Where judges may practice.

18. The judges of the court of common pleas may practice as attorneys or counselors-at-law in any of the courts of this state, except in the courts of common pleas or any courts of inferior jurisdiction thereto; *provided*, that in any county now or hereafter having more than three hundred thousand inhabitants by any federal or state census, the judge of the court of common pleas in and for any such county shall not personally appear in the trial of any cause before a jury in any of the courts of the county in and for which he is such judge.

Proviso

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

Approved March 23, 1900.

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## CHAPTER 141.

An Act validating bonds heretofore issued and sold by cities, towns, boroughs, villages, townships and other municipal corporations of this state to raise money for the purchase of school sites and the erection thereon of school-houses and for the erection, enlargement or reconstruction of school-houses.

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

1. All bonds heretofore issued and sold by any city, town, borough, village, township or other municipal corporation of this state for the purpose of raising money for the purchase of school sites and the erection thereon of school-houses or for the erection, enlargement or reconstruction of school-houses are hereby validated and made legal obligations of the city, town, borough, village, township or other municipal corporation by which the same were issued, notwithstanding the law or laws authorizing the issue and sale of such bonds has or have been or may be adjudged unconstitutional. Legalizing issue of certain bonds

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

Passed March 23, 1900.

## CHAPTER 142.

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

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

Property taxed for advertising purposes.

1. It shall be lawful for the common council of any city governed by the provisions of this act to assess and collect whenever such common council shall deem it expedient, and to the best interest of and for the good of such city, one mill or any portion thereof on each dollar of the assessed valuation of the property rated and returned for taxation therein, as shown by the duplicate of assessments for the previous year, for the purpose of publicly advertising such city.

2. This act shall take effect immediately.

Approved March 23, 1900.

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## CHAPTER 143.

An Act to amend an act entitled "An act for the maintenance of bastard children (Revision of 1898)," approved June fourteenth, eighteen hundred and ninety-eight.

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

1. Section sixteen of the act, the title whereof is recited in the title to this act, be and the same is hereby amended so as to read as follows:

16. If the decision of such court is against the person so charged, he shall pay such costs and expenses as the court shall adjudge, to be paid by him forthwith, and shall enter into a bond to the state of New Jersey in such amount as the court shall order, with approved surety or sureties, with a condition similar in substance with the condition set forth in section nine of this act; if he shall neglect or refuse to pay such costs and expenses and execute such bond he shall be committed to the common jail of the county, there to remain until he shall pay the same and execute the bond aforesaid, or be discharged by said court in the manner hereinafter provided; and upon such payment of said costs and expenses and the execution of such new bond, or such commitment in default thereof, any bond he may have previously given pursuant to the ninth section of this act shall be cancelled by order of the court, and shall thereby become null and void.

Give bond for costs and expenses.

Failure to pay costs, etc.

2. This act shall take effect immediately.

Approved March 23, 1900.

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## CHAPTER 144.

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

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

1. Whenever any person shall be convicted of a misdemeanor, and shall be sentenced to pay a fine therefor, it shall be lawful for the court to permit the condemned to go at large, with or without bail, for a definite time, or until such fine is paid, and if before or at the end of such definite time such fine shall be paid, the bail, if any shall be taken, shall be discharged by the clerk upon the filing of a certificate signed by the sheriff certifying to the receipt thereof; and for filing said certificate and discharging such recogni-

Payment of fine.

zance of bail the clerk shall be entitled to receive a fee of twenty-five cents only.

In case of default.

2. If default shall be made in paying said fine, or fine and costs, or costs without fine, within the time so definitely fixed by the court, or within the time to which the court may, from time to time, extend it, then and in that case the court may order the defendant into custody to serve the sentence imposed, as if he had been originally committed at the time of the imposition thereof.

3. This act shall take effect immediately.

Approved March 23, 1900.

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## CHAPTER 145.

An Act to authorize the municipalities of this state to issue bonds for the purpose of enlarging school houses.

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

Bonds issued for purchasing lands, &c.

1. The board or body having charge and control of the finances of any municipality in this state, are hereby authorized to borrow the amount of money hereinafter named upon the bonds of such municipality, to purchase lands and enlarge school-houses and furnish the same in any such municipality; that the said bonds shall bear interest at a rate not exceeding four per centum per annum, and be payable within twenty years from the date of their issue, and be sold for not less than par, and the money arising from the sale of such bonds shall be placed to the credit of the board or body charged with the power and duty of acquiring lands and erecting school-houses and furnishing the same and expended for such purposes.

Amount issued.

2. The amount of which said board or body may borrow upon bonds as aforesaid and for the purposes aforesaid is as follows: In municipalities having a population not exceeding fifteen thousand, the amount of fifteen thousand dollars; in those having a population exceeding fifteen thousand and not exceeding thirty thousand, the sum of thirty thousand dollars; and those having a population of more than

thirty thousand and not exceeding one hundred thousand, the sum of one hundred thousand dollars.

Interest and redemption.

3. The governing board of such city shall place in the tax levy for said city, each year, the amount necessary to meet the yearly interest upon such bonds, and also an amount equal to four per centum per annum of the principal of all outstanding bonds, which four per centum shall be held and invested by the sinking fund commissioners of said city for the redemption of the principal of said bonds as they accrue; said taxes to be assessed at the same time and collected in the same manner as other taxes for municipal purposes are or may be assessed and collected in said city.

Referendum.

4. This act shall take effect immediately, but its provisions shall remain inoperative in any municipality unless and until it has been submitted to the voters thereof by the board or body having charge and control of the finances of any such municipality, and shall have been accepted by a majority of such voters; said board may submit said provisions at any regular or special election to be held in said municipality.

Approved March 23, 1900.

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## CHAPTER 146.

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

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

Certain omissions added to amount assessed.

1. In case any report of any commissioners of adjustment appointed under the act to which this act is supplementary

has been made or may hereafter be made wherein such commissioners have failed to include the cost and disbursement for making searches to ascertain the owners and lienors of the lands affected by such report or reports, it shall be lawful for the said commissioners to certify to the circuit court at any time before any such report is confirmed the actual disbursements for making each of such searches as were necessary or required to be made for the purposes aforesaid, which search fee, if approved by the court, shall be a lien upon the lands affected by such search, and shall be added to the amount of taxes assessed by said commissioners and collected in the same manner as the tax adjusted, determined and fixed by said commissioners in their report.

Owner, etc., may satisfy charges.

2. The owner or owners or lienor or lienors of any lands affected by the report or reports of said commissioners, may pay and satisfy the amount charged against any lot or parcel of land included in said report, with interest, and the costs, search fees, charges and disbursements incident to the adjustment of the same, at any time after such report is filed and before the same is confirmed, by paying the amount of such tax, charges, fees and disbursements to the county clerk, who shall thereupon enter a satisfaction of such tax and charges on the margin of such report, and remit the amount so collected to the collector of the municipality entitled to receive the same.

Cons deration of report, notwithstanding certain requirements are lacking.

3. On the return of the order to show cause mentioned in section three of the act to which this act is a supplement, in case it shall appear that a copy of such order has not been or could not be served as required by law on any of the owners or lienors of any of the lands affected by said reports, or that notice of such order has not been published against and mailed to any owner or lienor, the court shall proceed to consider and dispose of so much of said report as affects lands the owners and lienors whereof have been lawfully served with or notified of such order; and as to such part or portion of said report or reports the court shall proceed in the same manner as though all the owners and lienors had been duly served or noticed with the order aforesaid.

Effect of certiorari; deposit.

4. No certiorari shall issue to remove any of the proceedings had under, or under color of, this act or the act to which this act is a supplement, unless the owners or lienors shall first deposit with the clerk of the supreme court the

amount of the tax charged or assessed or attempted to be charged or assessed against the lands affected by such proceedings; and if, on the final determination of the cause, the certiorari shall be dismissed, or if it shall appear by the testimony and proceedings that the tax claimed to be due or any part thereof is actually unpaid and unsatisfied (which fact it shall be the duty of the supreme court to ascertain by depositions and other evidence and finally determine), whether the proceedings removed are regular or not, the said supreme court clerk shall forthwith pay to the collector or treasurer of the municipality wherein said lands are situate the amount of said tax so determined to be due by the supreme court; and otherwise said deposit shall be returned to the prosecutor of the said writ of certiorari on the order of the court.

Repealer.

5. All acts and parts of acts inconsistent herewith are hereby repealed.

6. This act shall take effect immediately.

Approved March 23, 1900.

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## CHAPTER 147.

An Act relative to the court of errors and appeals (Revision of 1900).

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

Time for holding court.

1. The court of errors and appeals may, from time to time, fix and change the times for holding the stated terms of said court; *provided,* at least three such terms shall be held annually.

Proviso.

Announced publicly.

2. No change in the time of holding said court shall become operative until the order therefor shall have been entered upon the minutes of the court, and publicly announced, at a regular term, prior to the change going into effect.

Schedule of sessions.

3. A schedule, showing the times and places for holding said court, may be printed annually, in the volume of the public laws.

Adjournments.

4. If a sufficient number of members to constitute the court shall not attend on the first day of the term, it shall be lawful for the members attending to adjourn from day to day until a sufficient number shall attend, or to adjourn till the next term, in which case the writs and processes then returnable, and all suits, pleadings and proceedings depending before the court, shall be continued of course till such subsequent term.

Presiding officer.

5. The chancellor, when present, shall be the president of the court; in case of his absence, the chief justice of the supreme court; and in case of his absence, the senior in office of the justices of the supreme court who may be present.

Oath.

6. The oath of office and of allegiance may be administered to the president by any member, and by the president to each of the other members of the court.

Vacancies.

7. When a vacancy happens in the office of any of the six appointed judges of the court, before his term of office as such judge has expired, his successor shall be appointed and hold for the unexpired term only.

Subordinate officers.

8. The court shall have power to appoint, from time to time, such subordinate officers as may be necessary for the convenient transaction of business, and to fix their compensation.

Compensation of special judges.

9. The compensation of the special judges of said court shall be severally the sum of twenty dollars per day for every day they shall respectively attend the court and also for every day (not exceeding fifteen days in any term of said court) while necessarily engaged in the examination of cases or in the writing of opinions under assignment of the court, such service to be certified by the president of said court, but they shall have no allowance for mileage for attending said court.

Compensation, how paid.

10. The compensation aforesaid shall be paid by the treasurer of the state, upon a certificate signed by the president of the court.

Reasons submitted.

11. The reasons to be assigned by the chancellor for his decree, and by the justices of the supreme court, or by the justice holding any circuit court, for their judgment, shall be submitted in writing before the argument of the appeal or writ of error, as the case may be.

Opinion given in writing.

12. On pronouncing any judgment, order or decree, either of affirmance or reversal, the opinion of this court, contain-

ing the reasons for such affirmance or reversal, shall be delivered in writing.

Writs and processes signed and tested.

13. Writs and processes issued out of this court shall be signed by the clerk and tested in the name of the president, and may be made returnable at any of the stated terms of the court, or at such time in vacation as the court may, by rule, from time to time prescribe.

Bringing writs of error.

14. Writs of error to remove final judgments in any circuit court, directly into this court, may be brought in the same manner and subject to the same rules as are now provided in case of a writ of error to the supreme court.

Awarding costs discretionary.

15. It shall be in the discretion of this court, in cases of appeal from a decree or order of the chancellor, to award costs or not.

On appeal, papers, etc., delivered to clerk of court.

16. In cases of appeal from a decree or order of the court of chancery, it shall be the duty of the clerk of the court of chancery to deliver to the clerk of this court all the pleadings, depositions, exhibits and papers which may have been filed in his office, relating to the cause in which the appeal hath been taken, and also the several orders and decree made in said cause, instead of a transcript of the proceedings, giving the said clerk of the court of chancery a receipt for the same; which papers shall be filed by the clerk of this court for the purpose of being used at the hearing of such appeal.

Return of papers.

17. When a cause hath been decided by final decree or order of this court, it shall be the duty of the clerk to return to the clerk of the court of chancery all the papers which have been received by him from the clerk of the court of chancery in such cause, for which he shall take a receipt, together with a copy of the order or decree of the court, which order or decree it shall be the duty of the court of chancery to carry into effect; and it shall be the duty of said clerks to file the said receipts in their respective offices, for the benefit of the parties interested in said papers.

Rules of practice, etc.

18. The court of errors and appeals shall and may, from time to time, make rules and regulations of practice, and alter, amend or revoke any rule of practice, so as to obviate doubts, advance justice, and expedite suits; *provided*, the same be not contrary to this act or any other statute of this state, the constitution of this state or of the United States.

Proviso.

Injunctions, etc. continued, orders made during vacation.

19. In case of an appeal from any order or decree of the chancellor, such judges of the court of errors and appeals, being justices of the supreme court, as may be appointed for

that purpose by the said court of errors and appeals (not exceeding three), may, in vacation, by order signed by them upon good cause shown, continue in its original force and effect any injunction or order of the chancellor which may have been dissolved or vacated or modified by him, and may also stay all the proceedings in the original suit until the next succeeding term of the court of errors and appeals, and may also make all necessary orders in the premises.

Repealer.

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

Approved March 23, 1900.

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## CHAPTER 148.

An Act respecting the prerogative court, and the power and authority of the ordinary (Revision of 1900).

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

Extent of authority of ordinary.

1. The authority of the ordinary shall extend only to the granting of probates of wills, letters of administration, letters of guardianship, and to the hearing and finally determining of all disputes that may arise thereon.

Probate of will.

2. Probate of any will shall not be granted by the ordinary, until proof be made to his satisfaction that no caveat against proving such will has been filed in the office of the surrogate of the county where the testator resided at the time of his death, or that notice has been given to all persons concerned of the application to the ordinary for such probate.

Prerogative court.

3. For the hearing and determination of all causes cognizable before the ordinary, he shall hold a prerogative court at each stated term of the court of chancery, and at such other times and at such place or places as he shall from time to time appoint, when he shall hear and finally determine all causes that shall come before him, either directly or by appeal, from any surrogate or from the orphans' court of any county.

Attendance of register.

4. The register of the prerogative court shall attend the sitting of the court at the stated terms, to register the decrees and proceedings of the court.

When assistance may be called.

5. It shall be lawful for the ordinary, in any case in which he may be interested, or may have been concerned for either party, or may have given an opinion as attorney, solicitor, or counsel for either party, or in any other case in which he may deem it expedient, to call to his assistance one or more of the justices of the supreme court, to sit and advise with him on the hearing or argument of such case, or of any motion touching the same, and by and with the advice of such justice or justices to make and pronounce such order, sentence or decree as shall be according to law and the rules and practice of the prerogative court.

Payment of costs.

6. The payment of costs when awarded by the prerogative court may be compelled in the same manner as the court of chancery is authorized to compel payment thereof.

Failure to obey order of court.

7. If any person shall neglect or refuse to obey any citation, or to perform any sentence or decree of the ordinary or judge of the prerogative court, it shall be lawful for such ordinary and such court to cause such person or persons, by process directed to any sheriff of any county of this state, to be taken and imprisoned until he shall obey the said citation, or perform the said sentence or decree; and every sheriff is hereby directed to cause all such process, to him at any time directed, to be duly executed, and to confine the person against whom such process shall be issued, as in excution, until he shall be delivered by due course of law; and if any sheriff shall neglect his duty therein, he shall be answerable to the party aggrieved in such manner as he would be answerable upon process of the like nature issuing out of the supreme court.

Duty of sheriff.

Certified copy as evidence.

8. The transcript of any will or testament registered or recorded in the prerogative office, duly certified by the register of the said office to be a true transcript, shall be received in evidence in any court of this state, and shall be as good and effectual in law as if the books in which the same are registered or recorded were then and there produced and proved.

Appeal may be taken.

9. All persons aggrieved by any order or decree of the prerogative court, may appeal from the same, or any part thereof, to the court of errors and appeals in the last resort in all causes, which appeal shall be taken within the same

time and prosecuted in the same manner in all respects as now provided by law for appeals from the court of chancery.

Duty of register.

10. It shall be the duty of the register of the prerogative court to record all wills, proofs, probate letters testamentary issued thereon and inventories hereafter proven, and in cases pending in the prerogative court or before the ordinary, and all accounts of executors, administrators, trustees and guardians, letters of guardianship and letters of administration hereafter issued, granted or allowed by the ordinary, and all orders, decrees, and other papers of a similar nature required by law to be recorded in the surrogates' offices of the respective counties; and for all official services as register of the prerogative court he shall be entitled to charge and receive, for the use of the state as provided by law, the same fees as are allowed by law to the surrogates of the several counties of this state for like services.

Commissions of register.

11. The register of the prerogative court shall be entitled to charge and receive, for the use of the state, on all moneys and securities deposited with him under any law of this state or the rules of the prerogative court, the same commissions as are allowed by law to the clerk in chancery for commissions on deposits.

Vice-ordinary.

12. There shall be a vice-ordinary, who shall be a counselor-at-law of at least ten years' standing, who shall be appointed by the ordinary from among the vice-chancellors of the court of chancery, and commissioned by the governor under the great seal of the state, and who shall continue in office during his term of office as vice-chancellor.

Reference to vice-ordinary.

13. The ordinary may refer to such vice-ordinary any cause or other matter which at any time may be pending in the prerogative court, to hear the same for the ordinary, and report thereon to him and advise what order or decree should be made therein; and any matter or cause in which the ordinary is interested may be so referred.

Taking of evidence by vice-ordinary.

14. When any cause or matter shall be so referred to such vice-ordinary it shall be lawful for him to take and hear the evidence of witnesses in said cause or matter, orally, in the same manner as evidence is taken and heard in the several courts of law in this state on trials before a jury; and if a report of the evidence so taken before him shall become necessary in the progress of said cause, for use on appeal from the order or decree of the ordinary, then the vice-ordinary shall settle and sign such report.

15. It shall be lawful for such vice ordinary to employ a competent stenographic reporter, for the same purposes that vice-chancellors are authorized by law to employ such reporters, and such stenographic reporter shall be compensated in the same manner and after the same rates that such stenographers are compensated for services rendered to vice-chancellors. Stenographer to vice-ordinary; compensation.

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

Approved March 23, 1900.

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## CHAPTER 149.

An Act relative to the supreme and circuit courts (Revision of 1900).

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

1. The supreme court shall consist of a chief justice and eight associate justices, and the justices now in office shall continue in office until the expiration of their respective terms. Supreme court.

2. The supreme court may, from time to time, fix and change the times for holding the stated terms of the supreme court, the several circuit courts, courts of oyer and terminer, courts of common pleas, courts of quarter sessions and orphans' court; *provided*, at least three such terms of each court shall be held annually. Time for holding court. Proviso.

3. No change in the time for holding said courts shall become operative until the order therefor shall have been entered upon the minutes of the supreme court, and publicly announced in the court whose terms are to be changed, at a regular term, prior to the change going into effect. Public announcement.

4. A schedule, showing the times and places for holding said courts, may be printed annually, in the volume of the public laws. Schedule.

5. All proceedings in the said several courts shall commence and be continued in conformity to the terms and times so established. Proceedings.

Assignments to judicial districts.

6. The justices of the supreme court shall assign one of their number to hold the courts in each of the judicial districts mentioned in this act.

Court, by whom held.

7. The supreme court may be held by the chief justice or any one of the said justices; and every day of each stated term, except Sunday, shall be a return day.

Hearing of common business.

8. It shall be lawful for the justices of the supreme court, at every term thereof, to designate in such way as to them may seem proper, one or more of their number to sit during term time in a separate apartment from that in which the regular term is held, for the purpose of hearing and deciding all such matters as by the rules of said court are or may be denominated common business, whose decisions and judgments shall be as good and effectual as if they had been rendered at the bar of said court.

Issues tried.

9. The chief justice or one of the justices of the supreme court, before whom the circuit court in the respective counties shall be held, shall try all issues which have been or shall be joined in the supreme court or in any other court and brought into the supreme court to be tried, and which are or may be triable in the said county.

Requirements.

10. The chief justice and every justice of the supreme court is authorized and required, at the said circuit court, to try such issues and take such inquests by default or otherwise as are or ought to be tried or taken in the said court, to record nonsuits and defaults, to take assizes and to do and execute all other matters and things which by law may or ought to be done respecting the premises.

Ordering of special circuit court.

11. The supreme court in term time, or any two justices thereof in vacation, whenever in their opinion the ends of justice and the public interest require it, may order a special circuit court to be holden in any county for the trial of any indictment or indictments for murder or manslaughter, which have been or may be removed into the supreme court, and which may require to be tried in the circuit court of such county; but such order shall designate the indictment or indictments to be tried at such special court, and whether to be tried by a jury or juries of the county in which such special court is to be held, or by a foreign jury or juries; and upon the service of a copy of such order upon the sheriff of said county, at least twenty five days before the time appointed for holding such special circuit, it shall be his duty to cause to be selected and to summon in the manner directed by law a

Sheriff's duty.

sufficient number of petit jurors to serve at such court, unless the indictment or indictments to be tried at such special court is or are to be tried by a foreign jury or juries; and all process of venire or subpœna made returnable thereat shall be as good and effectual as if the same were made returnable to a stated term of said court.

Of obtaining foreign juries and holding special term.

12. In cases arising under the last preceding section, foreign juries shall be obtained and special circuit courts held upon such terms and subject to such rules and regulations as the supreme court shall from time to time order and direct.

Judicial districts.

13. The state shall be divided into nine judicial districts; the first district shall include the counties of Cape May, Cumberland, Salem and Atlantic; the second, the counties of Gloucester, Camden and Burlington; the third, the counties of Mercer, Hunterdon and Warren; the fourth, the counties of Monmouth and Middlesex; the fifth, the counties of Morris, Sussex and Somerset; the sixth, the counties of Passaic and Bergen; the seventh, the county of Essex; the eighth, the county of Hudson, and the ninth, the counties of Union and Ocean.

Circuit court by whom held.

14. The circuit court in each of the counties of the several judicial districts shall be held by the justice to whom such district has been or shall hereafter be assigned by the justices of the supreme court; *provided*, that if from sickness or any other cause he shall be prevented from holding any of said courts in his district, the same may be held by any other of said justices; *and provided further*, that a new assignment may be made whenever the business of the courts may render it necessary.

Proviso.

Proviso.

Sergeants-at-arms.

15. The justices of the supreme court are hereby authorized to appoint two suitable persons as sergeants-at-arms and criers of said court, to hold their offices during the pleasure of said court, whose duty it shall be to attend said court during the several terms thereof, for which service they shall severally receive a salary of six hundred and fifty dollars per annum, to be paid by the treasurer on the warrant of the comptroller in equal monthly payments in full compensation for all services rendered, and said compensation shall be in lieu of all fees now provided for or allowed by law.

Compensation.

Sergeant-at-arms and crier in counties of first class; salary.

16. The justice of the supreme court to whom a judicial district has been or may be assigned, and which judicial district comprises a county of the first class, is authorized to appoint in his judicial district a suitable person as sergeant-

at-arms and also a suitable person as crier of the circuit court of said judicial district, to hold office during the pleasure of said justice, whose duty it shall be to attend daily upon the said courts in the county wherein appointed, during the several terms thereof, for which services the said sergeant-at-arms and said crier shall each receive an annual salary of nine hundred dollars in lieu of any per diem compensation, such annual salary to be paid monthly by the county collector; *provided*, the said justice may order and fix, in lieu of the annual salary herein provided for, for said sergeant-at-arms and crier, such per diem allowance, not exceeding five dollars per day, as shall appear to said justice to be fair and reasonable, which per diem allowance shall be made and taken in lieu of all fees, perquisites and allowances whatever.

Proviso.

Sergeant-at-arms in other counties; salary.

17. The justice of the supreme court to whom a judicial district has been or may be assigned embracing counties other than counties of the first class is authorized to appoint a suitable person as sergeant-at-arms of the courts within any such county having a population exceeding seventy thousand, who shall receive and be paid an annual salary of nine hundred dollars in lieu of any per diem compensation, such annual salary to be paid monthly by the county collector upon the certificate of the county clerk of such county, said sergeant-at-arms to hold office during the pleasure of said justice, whose duty it shall be to attend daily upon the said courts in the county wherein appointed during the several terms thereof.

Special sessions of supreme court.

18. The chief justice, with the assent of two of the associate justices, whenever in their opinion the ends of justice and the public interest require it, may, at any time, in vacation, order the supreme court to be convoked and held, upon a notice of the time fixed for the meeting of the court, served not less than two days prior thereto, on each member of the court.

Time and place of circuit court.

19. The circuit courts in and for the several counties of this state shall be held by one or more justices of the supreme court, at the times and places fixed by the supreme court for holding the same.

Judges of circuit courts.

20. The justices of the supreme court shall be judges of said circuit courts, and all writs and process issuing out of said circuit courts shall be tested in the name of one of the judges of said court, and be returnable therein; and the judgments entered in such circuit courts shall have the same

Effect of judgments.

force and effect, when properly entered and recorded, as the judgments of the courts of common pleas of the respective counties.

Rules of procedure in certain actions.

21. The said circuit courts, in all personal actions and causes originally commenced therein shall be regulated and governed in their proceedings by the same laws as the courts of common pleas now are; and in all real and mixed actions originally commenced, or personal actions removed therein, shall be regulated and governed in their proceedings, as near as may be, by the same laws as the supreme court now is.

Officers of circuit courts.

22. The sheriffs, coroners and constables of the several counties in this state, for the time being, shall be the ministerial officers of said circuit courts held within their respective counties, and shall execute all writs, precepts and process issuing out of said courts, and to them directed and delivered, and make true returns thereof, according to the command in the same.

Clerk of circuit court; fees and duties.

23. The clerks of the several courts of common pleas shall be the clerks of said circuit courts in their respective counties, and shall be entitled to the same fees and subject to the same pains and penalties as are by law prescribed in relation to the clerks of the courts of common pleas, except in real or mixed actions, and personal actions removed into said circuit courts, by certiorari; in which the said clerks shall perform the same duties and be entitled to the same fees as are by law prescribed and allowed to the clerk of the supreme court.

Absence of judge not to affect proceedings; adjournments.

24. If any justice of the supreme court, by whom any circuit court or court of oyer and terminer is to be held, shall be prevented from attending on the day and at the place, when and where any such court is to be commenced and held, or on any day in the term, no process returnable to, nor any recognizance entered into for the appearance of any person at such courts, respectively, nor any indictment, suit or other proceeding depending therein, shall be thereby abated, discontinued or avoided, but the same shall remain and be in full force, as if such justice had opened and attended such courts; and it shall be the duty of the clerk of the said courts to cause the same to be opened by proclamation, in the usual form; and in case one of the justices of the supreme court shall not attend during the day, then the clerk shall in like manner adjourn the said courts to the next day, and so from day to day, until one of the said justices shall be present, or until such courts shall be adjourned for the term, as here-

inafter is directed; which proceedings shall be regularly entered by the clerk in the minutes of the said courts.

Adjournment ordered by court of common pleas.

25. If the justice of the supreme court by whom any circuit court, or court of oyer and terminer is to be held, shall be prevented from attending on the day and at the place when and where any such court is commenced, or on any day during the term, the court of common pleas then and there held may order the clerk, instead of proceeding as is required by the preceding section, to adjourn said circuit court, and court of oyer and terminer, by proclamation, to any subsequent day that shall be requested by any justice of the supreme court in writing or otherwise, and to enter said adjournment in the minutes of said circuit court, and court of oyer and terminer; and all suits, indictments, processes, orders, rules, recognizances, returns of jurors and other proceedings pending in such courts shall be continued to the time to which such adjournment shall be made, without prejudice to any parties therein, and may then be proceeded in according to law in the same manner as if such courts had been regularly adjourned from day to day.

Adjournment to ensuing term.

26. If no justice of the supreme court shall attend before twelve o'clock on the third day of the term as fixed by law, or at the time to which the court may have been adjourned, then the clerk of the said court of oyer and terminer, and circuit court, shall cause the same, by proclamation in the usual manner, to be adjourned to meet according to law; and in such cases all suits, actions, indictments, rules and other proceedings pending in the said courts respectively, except such as may be tried in the court of quarter sessions, shall be continued and stand over to the next ensuing term of the said courts without predjudice to any of the parties.

Adjournment to subsequent day in same term.

27. The circuit court, or court of oyer and terminer, when sitting in and for any county in this state may be adjourned over from any one day in term to any subsequent day in the same term whenever the public convenience and that of the members of the court may require or justify such adjournment; and in case of such adjournment, all suits, indictments, processes, orders, rules, recognizances, and other proceedings pending in such courts, shall be continued to the time to which said adjournment shall be made, without prejudice to any of the parties therein, and may then be proceeded in according to law, in the same manner as might

have been done if such court or courts had been adjourned from day to day.

Inability of justice to continue; another justice may act.

28. In case the justice of the supreme court holding any circuit court, or court of oyer and terminer, shall be prevented from continuing to preside at such court until the business thereof shall be finished, then it shall and may be lawful for any other justice of the supreme court to take his place and to proceed with the business of the said courts, in the same manner as he might have done if he had been present and presiding at the commencement of the term.

In case no other justice can continue business, adjournment may be had.

29. If at any time during the session of any circuit court or court of oyer and terminer, the justice of the supreme court holding and presiding at such court or courts shall be prevented from continuing to hold such court or courts, and no other justice of the supreme court shall be at hand to proceed with the business pending in such court or courts, it shall be the duty of the clerk of such court or courts to enter an adjournment for the term, or to any subsequent day in the same term; and all suits, indictments and proceedings remaining undisposed of, in such court or courts, shall be continued and stand over to be tried and disposed of at the next succeeding term of such court or courts, or at the time to which said adjournment shall be made, without prejudice, except such indictments as may be triable in the court of quarter sessions, and which that court may thereupon proceed to try, if they think proper so to do, in the same manner as they might have done if a rule had been ordered by the court of oyer and terminer that the same should be handed down to the court of quarter sessions.

Special terms of circuit court or oyer and terminer.

30. The chief justice or any justice of the supreme court who shall hold any circuit court, or court of oyer and terminer in a county, whenever in his opinion the ends of justice and the public interest require it, may in term time of the courts in said county order a special term of said courts, or either of them, to be held therein for the trial of any causes or indictments then triable and remaining untried, which may require to be tried in either of said courts, before the next regular term thereof; and all suits, indictments, processes, orders, rules, recognizances and other proceedings pending in any of such courts shall be continued over to such special term, without prejudice to any of the parties therein, and may then be proceeded in according to law.

Attendance of petit jurors at special term.

31. The petit jurors summoned to attend at the regular term of such courts shall attend and serve at the special courts, unless another panel shall be ordered by the court to be drawn and summoned for that purpose, which may be done by the sheriff by an order of the court so directing, and filed at least ten days before the opening of such special term; and notice of such special term shall be published in one or more of the newspapers printed and circulated in the county, at least once a week, from the date of the order to the opening of the special term.

Returns, by whom made.

32. The sheriff or other officer of the county in which the said circuit court is to be held, shall make return to the said court of all writs and juries, with the panels and other matters relative to the same, legally arrayed and executed.

Justices as ex-officio judges.

33. The justices of the supreme court shall be ex-officio judges of the inferior court of common pleas and orphans' court and court of quarter sessions, of the several counties; and the justice holding the circuit court in any county shall preside when present in the court of common pleas and court of quarter sessions and orphans' court of said county.

Rules of practice.

34. The justices of the supreme court shall and may adopt and settle uniform rules of practice in all matters not regulated by law for the government of said circuit courts, and the same from time to time, alter, repeal and modify as occasion may require; *provided*, such rules are not contrary to the provisions of this act, the laws and constitution of this state or of the United States.

Proviso.

Attendance of constables; number and selection.

35. At least ten days before the commencement of each regular term of the circuit court to be holden in any county of the state, the sheriff of said county shall make out a list of constables, not exceeding ten in number, who shall attend as constables at the said next term of court in said county, and the said sheriff shall thereupon notify, by mail, each of said constables so selected, that he has been so selected to attend at said term; and if upon the first day of said term, or any day thereafter, any of said constables so selected shall for any reason fail to attend at said term, the judge of the court of common pleas shall, if the necessities of the business of the court require it, or the justice of the supreme court holding the circuit shall so request, direct, by writing under his hand, and filed with said clerk, that other constables of said county duly elected and qualified to act as such, of a number designated by said judge in said writing, shall serve at said term instead

of the constables originally selected and absent; and no constable of said county, except those selected and summoned, or selected to fill such vacancies, shall receive any compensation whatever for his attendance as a constable upon said court or at said term; *provided*, that in counties containing a population of at least one hundred and fifty thousand persons, it may be lawful to thus select and summon not exceeding fifteen constables, and in counties of a greater population one additional constable for each twenty thousand population may be summoned; *and provided further*, that if at any time the said judge shall deem the attendance of an additional number of constables desirable, or necessary for the proper transaction of the public business, he may by writing authorize the said sheriff to summon such additional constables.

Proviso.

Proviso.

36. If at any time during the said term it shall appear to said judge that the attendance of any of said constables so attending at said term may be dispensed with without detriment to the public business of said term, the said judge may forthwith discharge from further attendance such and so many of said constables as he may by order in writing direct.

Constables may be discharged from attendance.

37. The judge of any of the courts of common pleas is hereby required and empowered to hold any county circuit court when thereunto requested by the justice of the supreme court within whose district the said circuit court shall be, and while exercising such jurisdiction the said judge of the court of common pleas shall have and possess all the powers and authority with which in that respect the said justice of the supreme court is by the laws of this state invested.

County circuit court held by judge of common pleas.

38. Whenever a justice of the supreme court shall desire to make the requisition mentioned in the foregoing section, he shall cause a rule to that effect to be entered in the minutes of the appropriate circuit court; and the judge of the said court of common pleas called in shall, in addition to his regular salary, be entitled to the sum of twenty dollars per diem while so sitting in said circuit court, to be paid by the county to which the latter court appertains.

Rule entered.

Additional compensation.

39. There shall be appointed by the governor, by and with the advice and consent of the senate, three judges, each of whom shall be empowered to hold, in the absence of a justice of the supreme court, the circuit courts in the respective counties; *provided*, that the circuit court judges now in office shall continue in office until the expiration of their respective

Circuit court judges.

Proviso.

terms; and in like manner there shall be appointed successors to said judges respectively, when said offices or any of them shall become vacant by death, expiration of the official term of the incumbents, or otherwise; each of said judges shall hold his office for the term of seven years from the date of his commission and shall receive an annual salary of seven thousand five hundred dollars, payable monthly, in equal installments, by the treasurer of the state.

Power, dutes, etc., of said circuit court judges.

40. The said judges so appointed, and each of them, shall have the same authority, power and jurisdiction, by virtue of their said office, as is now vested by the common and statute law in the several justices of the supreme court by reason of their being judges of said circuit courts, and each of said judges is authorized to appoint a suitable person as sergeant-at-arms of the circuit court in any county of the first class, to hold office during the pleasure of said judge, whose duty it shall be to attend daily upon the said circuit court during the several terms thereof, for which services the said judge is authorized to order and fix a per diem allowance, not exceeding five dollars per day, as shall appear to said judge to be fair and reasonable; such per diem allowance shall be in lieu of all fees, perquisites and allowances whatever, and shall be paid monthly by the county collector upon the certificate of the clerk of said court, after the claim for the services so rendered, verified by the oath of the claimant, shall have been presented to such clerk; *provided*, where in any county of the first class there now is a duly designated sergeant-at arms, selected by the justice of the supreme court, who sits in the circuit court of such county, no further or other appointments shall be made.

Sergeant-at-arms, etc.

Proviso.

Disposition of supreme court issues.

41. The issues of the supreme court, when sent down for trial, may be disposed of by consent of the parties in the manner following, to wit: a jury being waived, the justice of the supreme court may refer the matter for trial to the judge holding the county circuit court, who shall thereupon proceed to try the cause, either with or without a jury, as the said parties may agree; and the result of said trial having been reported to the said justice, the same shall be received as conclusive evidence in the trial before him; and the supreme court shall be authorized to grant new trials in such procedures as in other cases.

Assignment of circuit judges.

42. The supreme court may from time to time assign and appoint any of said circuit court judges to hold such of the circuit courts as may be deemed expedient.

Proceedings in case of absence.

43. If it should happen that any of said circuit court judges shall be prevented from attending any of said courts at any time or times, or from continuing the business therein pending, the same proceedings and the same results shall ensue as now obtain by law in case of a like default on the part of a justice of the supreme court.

Oath.

44. Each of said judges shall, before he shall enter upon the duties of his said office, take and subscribe the following oath: I do solemnly promise and swear (or affirm) that I will administer justice without respect to persons, and faithfully and impartially perform all the duties incumbent on me as a judge of the circuit courts of the counties of this state according to the best of my ability and understanding, agreeably to the constitution and laws of the state of New Jersey, so help me God.

Sealing of bills of exceptions.

45. In all suits in the supreme court where issues have been or shall be referred by a justice of the supreme court for trial to the judge holding the circuit court of any county, and such issues have been or shall be tried before such circuit court, the judge of such circuit court shall settle and seal every bill of exceptions taken at such trial in the same manner as a justice of the supreme court would have done if such issues had been tried before him, and every such bill of exceptions when so sealed shall have the same force and effect as if sealed by a justice of the supreme court on the trial of issues before such justice.

Return, etc., of bill of exceptions.

46. Every such bill of exceptions shall be returned and filed with the writ of error and the record as in other cases, and errors may be assigned thereon, and the same practice shall be observed in the taking, settling and sealing every bill of exceptions on the trial of issues in the supreme court so referred to the judge of the circuit court as now prevails on the trial of issues in the supreme court before a justice of the supreme court.

List of causes may be printed.

47. Whenever the justice holding the circuit court in any county shall deem it proper and necessary that the list of causes noticed for trial at any of the regular terms of the said circuit courts and courts of common pleas shall be printed and published for the use of the said courts, he may order and direct the same to be done by the clerk of

the said courts and prescribe the form in which the same shall be printed, and direct the said clerk to advertise for one week in two newspapers of different political parties in the county for bids for said work for one year, and give said printing to the lowest bidder; and the expenses of the printing and publishing thereof shall be paid by the board of chosen freeholders of the county, upon the certificate of the justice holding said circuit that such printing has been done.

Suit pending in circuit court sent before court of common pleas.

48. When any suit is pending in the circuit court of any county, it shall be lawful for any justice of the supreme court presiding in that district, or for a circuit court judge holding such circuit court, to order the process, pleadings and other papers pertaining thereto to be delivered to the clerk of the court of common pleas of such county, who is hereby directed to file the same in his office, and to make an entry thereof in the minutes of said last named court; and thereupon said court of common pleas shall have authority to hear and decide said suit and to proceed therein, in like manner as if the same had been originally brought in said court; *provided*, that said justice of the supreme court or circuit judge may at any time by his order remand said suit into the circuit court from which it shall have been removed; and thereupon said process, pleadings, minute entries and other proceedings shall be returned to and filed in said circuit court, and said suit shall therein be proceeded with according to law.

Proviso.

Compensation of judge in suits so removed.

49. Every judge of the court of common pleas who shall preside at the trial of any of said suits so removed shall be entitled to receive, for each day so employed, the sum of twenty dollars, which shall be paid by the state treasurer upon the warrant of the comptroller and the certificate of the justice or judge so transferring said suit for trial in said court of common pleas.

Case of doubt argued before supreme court.

50. In any suit transferred from the circuit court to the court of common pleas by virtue of this act, the judge of said court of common pleas may, at his discretion, and upon such terms as he may think reasonable, direct any case of doubt or difficulty to be made and stated and certified by him to be argued at the bar of the supreme court, which court shall hear the same, and, after opinion given therein, shall certify the same to the said court of common pleas, which court shall render judgment thereon in conformity with such opinion.

51. In such cases so certified the same proceedings and practice shall be had thereon as is now had in cases certified from the circuit courts of this state to the supreme court. Proceedings in such cases.

52. Whenever an 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. Payment of extraordinary expenses.

STENOGRAPHERS.

53. The justice of the supreme court holding the circuit court in any county, whenever in his discretion it shall seem proper, may appoint for his circuit a competent stenographic reporter, whose duty it shall be to attend in person or by proxy the sessions of the circuit court, court of oyer and terminer, court of quarter sessions and court of special sessions, when requested by said justice or by the judge of such courts to do so, and exactly and truly take notes and record verbatim all the evidence and proceedings under the direction of said justice, or of the judge of the court in which such trial or proceeding may be had, except the arguments of counsel, and when requested so to do, to make and furnish true reports or transcripts thereof to said justice or judge, and to each party in the cause. Stenographer; duty, etc.

54. The compensation of such reporter for attending said courts shall be fixed by the justice appointing him, and shall not exceed ten dollars per day; *provided*, that when such reporter shall furnish, by request, a transcript of evidence and other proceedings, to a party in a cause, he shall be paid therefor by said party at a rate not to exceed ten cents for one hundred words; and for a transcript of the evidence and other proceedings furnished to the court by order of the court, said reporter shall be paid such sum as the said justice shall fix, which sum shall be paid by the county collector upon the certificate of said justice. Compensation. Proviso.

55. Said reporter shall be duly sworn in open court, faithfully to perform all the duties imposed upon him by law, and the justice holding said circuit may at any time remove any such reporter and appoint another reporter in his place. Oath; removal.

New Jersey State Library

Holding of court of common pleas not repealed.

56. Nothing in this act contained shall be construed to repeal any act which authorizes a judge of the court of common pleas in any county, sitting alone, in the absence of a justice of the supreme court, to constitute and hold the court of oyer and terminer in any county.

Repealer.

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

Approved March 23, 1900.

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## CHAPTER 150.

An Act concerning evidence (Revision of 1900).

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

### I. WITNESSES.

#### 1. COMPETENCY AND EXAMINATION OF.

Person convicted of crime as witness.

1. No person offered as a witness in any action or proceeding of a civil or criminal nature shall be excluded by reason of his having been convicted of crime, but such conviction may be shown on the cross examination of the witness, or, by the production of the record thereof, for the purpose of affecting his credit.

Party to suit called as witness by adverse party.

2. In all civil actions in any court of record, the parties thereto shall be admitted to be sworn and give evidence therein, when called as witnesses by the adverse party in such action; and when any party is called as a witness by the opposite party, he shall be subject to the same rules as to examination and cross-examination as other witnesses; *provided*, no party to a suit shall be compelled to be sworn or give evidence in any action brought to recover a penalty or to enforce a forfeiture; *and provided also*, this section shall not apply to suits for divorce.

Proviso.

Proviso.

Interest not to disqualify as witness.

3. No person shall be disqualified as a witness in any suit or proceedings at law or in equity by reason of his in-

terest in the event of the same as a party or otherwise, but such interest may be shown for the purpose of affecting his credit; *provided*, no party shall be sworn in any case when the opposite party is prohibited by any legal disability from being sworn as a witness. Proviso.

4. In all civil actions any party thereto may be sworn and examined as a witness, notwithstanding any party thereto may sue or be sued in a representative capacity; *provided*, this section shall not extend to permit testimony to be given by any party to the action as to any transaction with or statement by any testator or intestate represented in said action, unless the representative offers himself as a witness on his own behalf, and testifies to any transaction with or statement by his testator or intestate, in which event the other party may be a witness on his own behalf as to all transactions with or statements by such testator or intestate, which are pertinent to the issue. In civil actions who may witness. Proviso.

5. In any trial or inquiry in any suit, action or proceeding in any court, or before any person or committee having by law or consent of parties authority to examine witnesses or hear evidence, the husband or wife of any person interested therein as a party or otherwise shall be competent and compellable to give evidence the same as other witnesses, on behalf of any party to such suit, action or proceeding; *provided*, that nothing herein shall render any husband or wife competent or compellable to give evidence for or against the other in any action for criminal conversation, except to prove the fact of marriage, or to render any husband or wife competent or compellable to give evidence against the other in any criminal action or proceeding, except to prove the fact of marriage, and except as now otherwise provided by statute, or compellable in any action or proceeding for divorce on account of adultery to give evidence for the other, except to prove the fact of marriage, nor shall any husband or wife be compellable to disclose any confidential communication made by one to the other during the marriage. Testimony of husband or wife. Proviso.

6. The complainant or petitioner, in any action or proceeding of an equitable nature in any court, shall be a competent witness to disprove so much of the defendant's answer as may be responsive to the allegations contained in the bill of complaint or petition, and any defendant in any such Complainant as witness.

action or proceeding shall be a competent witness for or against any other defendant not jointly interested with him in the matter in controversy.

Interest of witness shown.

7. The interest of a witness in the event of the action or proceeding, or his conviction of a crime, may be proved by an examination of such witness or otherwise, and his answers upon such examination may be contradicted by other evidence.

Witness must testify.
Proviso.

8. A witness shall not be excused from answering any questions relevant and material to the issue; *provided*, the answers will not expose him to a criminal prosecution or penalty, or to a forfeiture of his estate.

Testimony by commission.

9. When a party to any civil action in any court of record shall be entitled by law to be examined as a witness in his own behalf, or to examine as a witness any adverse party therein, it shall be lawful to obtain such testimony by commission or examination de bene esse, or in any other way that other witnesses may be examined in such suits, and the attendance of such party may be compelled by the same process as is authorized in the case of other witnesses; *provided*, nothing in this section shall compel any party to be examined as a witness in any case where he can not now be compelled by law to be so examined.

Proviso.

Testimony of deceased party in new trial.

10. In case of a new trial of any civil action wherein the parties have been examined as witnesses, if either party shall have died since the former trial, and the action shall have been duly revived and proceeded with at the suit of or against the legal representatives of such deceased party, the surviving party and also such legal representative shall be competent witnesses on such new trial, and the testimony of such deceased party on the former trial of said action may also be proved and admitted on the new trial thereof.

Testimony of deceased witness in new trial.

11. In case of a new trial in any civil action wherein the testimony of any witness was taken stenographically by the official stenographer of the court in which the former trial was had, it shall be lawful on the new trial, if any witness who gave evidence on the former trial has since died, to prove and admit on the new trial the testimony given on the former trial by such deceased witness.

2. PROCESS FOR. PRIVILEGE.

Failure to appear when summoned; forfeiture; contempt.

12. If any person on whom lawful process shall have been duly served to testify, depose or give evidence concerning any cause or matter pending in any court, and to whom shall have been paid or tendered at the time of such service, fifty cents, if he is to attend in the county, and one dollar, if he is to attend out of the county, shall not appear according to the command of said process, having no lawful or reasonable excuse for such default, he shall, for every such offense, forfeit to the party aggrieved any sum not exceeding fifty dollars, to be ascertained and adjudged by the court in which he may be subpœnaed to attend, and shall also pay to the said party damages equivalent to the loss sustained by the want of his evidence, to be recovered by action of trespass on the case, with costs, and shall, in addition thereto, be punishable as for a contempt of the court out of which such process shall issue.

Subpœnas.

13. Every circuit court, court of oyer and terminer, court of common pleas, court of quarter sessions, court of special sessions and orphans' court is authorized to issue process of subpœna requiring the attendance of a witness who resides in any part of this state, out of the jurisdiction of the said court, to give evidence in any case or matter pending in the said court; and every person who shall be duly served with such subpœna shall attend at the time and place therein mentioned under the same penalties, and shall be liable to the same action which he would have incurred or have been liable to in case of non-attendance, if he had been within the jurisdiction of the said court at the time of the service of the said subpœna.

Privileges while answering subpœna.

14. Every witness shall be privileged from arrest in all civil actions, and no other, during his necessary attendance at any court or other place where his attendance shall have been required by subpœna previously and duly served, and in going to and returning from the same, allowing one day for every thirty miles from his place of residence; any arrest made in violation of the privilege in this section shall be a contempt of the court out of which the subpœna issued, and the said court, or any judge thereof, may by an order forthwith discharge such witness from arrest.

## II. Evidence In Particular Cases.

Defence in sealed instruments.

15. In every action upon a sealed instrument, and where a set-off is founded upon a sealed instrument, any party may plead and set up as a defence thereto fraud in the consideration of the contract upon which recovery is sought, or the want or failure of consideration, the same as if such instrument were not sealed.

Regarding suit upon foreign judgment.

16. In any suit upon a foreign judgment, or a judgment of any court out of this state, the defendant, or person sought to be affected by such judgment, may show that the defendant therein was not summoned, did not appear, or was not within the jurisdiction of such foreign court, notwithstanding it may be recited in the record of such proceedings that he was summoned or did appear, or was within the jurisdiction of such court; and such recital shall not conclude said defendant, or estop him from proving that the same is not true.

Omission of certain pleadings not conclusive evidence of devastavit.

17. The omission to plead plene administravit or plene administravit præter by executors or administators in actions brought against them in their representative capacity, shall not be held to be conclusive evidence of a devastavit; and in any action brought against them upon any judgment suggesting a devastavit, where such judgment was to be made and levied of the goods and chattels of the testator or intestate, executors or administrators may show that they have not eloigned, wasted and converted, and disposed of to their own use, said goods and chattels, and that they duly administered the estate of their testator or intestate, notwithstanding the omission by them to plead either of said pleas in the original action against them; *provided*, notice of their intention to offer such evidence be given to the plaintiff twenty days before the trial of the action upon such judgment.

Proviso.

Certain wording of deed interpreted.

18. In any suit to reform a deed of conveyance of land whether absolute or by way of mortgage, heretofore made or that may hereafter be made, if in such deed the estate be limited to the grantee, his successors and assigns forever, or to the grantee, his legal representatives and assigns forever, such limitation shall, in the absence of other words in the deed clearly indicating an intention to limit the estate to the life of the grantee, be considered as presumptive evidence that the grantor or grantors intended thereby to convey an

estate in fee simple in said lands, notwithstanding the omission of the word "heirs" from such deed.

Examination of persons injured.

19. On or before the trial of any action brought to recover damages for injury to the person, the court before whom such action is pending may from time to time on the application of any party therein, order and direct an examination of the person injured as to the injury complained of by a competent physician or physicians, surgeon or surgeons, in order to qualify the person or persons making such examination to testify in the said cause as to the nature, extent and probable duration of the injury complained of; and the court may in such order direct and determine the time and place of such examination; *provided*, this section shall not be construed to prevent any other person or physician from being called and examined as a witness as heretofore.

Proviso.

Genuineness of signature or writing.

20. In all cases where the genuineness of any signature or writing is in dispute, comparison of the disputed signature or writing with any writing proved to the satisfaction of the court to be genuine shall be permitted to be made by witnesses; and such writings and the testimony of witnesses respecting the same may be submitted to the court or jury as evidence of the genuineness or otherwise of the signature or writing in dispute; *provided, nevertheless*, that where the handwriting of any person is sought to be disproved by comparison with other writings made by him, not admissible in evidence in the cause for any other purpose, such writings, before they can be compared with the signature or writing in dispute, must, if sought to be used before the court or jury by the party in whose handwriting they are, be proved to have been written before any dispute arose as to the genuineness of the signature or writing in controversy.

Proviso.

Certificate of notary public in evidence.

21. The certificate of a notary public of this state, or of any other state or territory of the United States, under his hand and official seal accompanying any bill of exchange or promissory note which has been protested by such notary for non-acceptance or non-payment, shall be received in all the courts of this state as competent and conclusive evidence of the official character of said notary, and also of the facts therein certified as to the presentment and dishonor of such bill or note and of the time and manner of giving or sending notice of dishonor to the parties to such bill or note; *provided*, that the party offering the same shall have annexed a copy of such certificate to his declaration, demand or other

Proviso.

Proviso.

pleading; *provided, nevertheless*, that if the opposite party shall give notice with his plea or other pleading or when the action is brought in the court for the trial of small causes, by filing a notice of the return day of the summons or the day after, that he intends to dispute the fact of due presentment or notice of dishonor, then such certificate shall not be made evidence by this section, but the facts necessary to fix the liability of such party shall be established by proof as heretofore.

Certified copy of record of notary public conclusive evidence.

22. Whenever the register or other book of any notary public appointed and qualified under the laws of any state or territory of the United States containing a record of the official acts of such notary public by him done in pursuance of his office shall have been, or shall hereafter be, in pursuance of the law of such state or territory, by reason of the death, removal or other disability of such notary public, deposited in the office of the clerk, prothonotary or recorder of deeds of the city, town or county in which the said notary public resided at the time of his acting as such notary public, a copy of such record or of any part thereof respecting the protesting of any note or bill of exchange protested by such notary public, and the time when, place where and upon whom demand of acceptance or payment was made, with a copy of the notice of non-acceptance or non-payment (if a copy of such notice shall appear on said record), how the notice of non-acceptance or non-payment was served, and the time when, or if sent, in what manner, and the time when, and to whom, duly certified under the hand and seal of such clerk, prothonotary or recorder of deeds, or otherwise proved to be truly taken from said record, shall be held and received in all the courts of this state as conclusive evidence of the facts therein recited, and also of the official character of said notary public; and whenever it shall appear from such record that the said note or bill of exchange had been protested for want of acceptance or payment thereof, and that the said notary public making such protest had duly notified the drawer or indorsers, by mail, of the demand of payment or acceptance and refusal thereof, without specifying the names or the post-office address of such drawer or indorsers, the copy of such record certified or proved as aforesaid, shall be held and received in all the courts of this state as conclusive evidence that the drawer and indorsers of such note or bill of exchange were duly notified of such demand

and refusal; *provided*, that the party offering the same shall have annexed a copy of such record to his declaration or other pleading, or shall, at least twenty days before the trial of any cause where such record is to be offered in evidence, serve upon the opposite party or his attorney a notice that he intends to offer in evidence upon said trial such record or a copy thereof, setting forth the same; *and provided further*, that any party may contradict by other evidence any of the matters appearing upon the said record in all cases where such party shall give notice of his intention so to do within ten days after a service of the notice mentioned in the first proviso of this section. Proviso. Proviso.

23. In any prosecution for libel, it shall be lawful for the defendant, upon the trial of the cause, to give in evidence in his defense, the truth of the matter charged in the indictment, any law, usage or custom to the contrary notwithstanding. Defendant as witness in suit for libel.

24. The printed statute-books and pamphlet session laws of any of the United States or the territories thereof, printed and published by the direction or authority of such state or territory, shall be received as evidence of the public laws of such state or territory, in any court of this state; and the court may determine whether any book or pamphlet, offered as such, was so printed and published, either from inspection, or the knowledge of the judge or judges, or from testimony; and no error shall be assigned for the rejection of any book or pamphlet offered as such, unless it be proved on error that such book or pamphlet is received as a statute book or pamphlet containing the session laws of said state or territory, in the courts thereof; nor shall any error assigned for the admission of such book or pamphlet be sustained, unless it be shown in support thereof that the statute offered in evidence or some material part thereof was not in force in such state or territory at the time of the transaction or matter to which it was offered as pertinent or material. Statute-books and pamphlet laws as evidence.

25. The printed statute-books and pamphlet session laws or other laws of any foreign country or of any province or subdivision thereof, printed and published by the direction or authority of such foreign country, province or subdivision thereof, shall be received as evidence of the public statutes or laws of such foreign country, province or subdivision thereof in any and all courts of this state, and the court may determine whether any Statute-books and pamphlet laws of foreign countries as evidence.

such book or pamphlet offered in evidence was so printed or published, either from the inspection of such book, or the knowledge of the court, or from testimony in support thereof, and no error shall be assigned for the rejection of any such book or pamphlet so offered, unless it be proven on error that such book or pamphlet offered as such in evidence is what it purports to be; nor shall any error assigned for the admission of such book or pamphlet be sustained unless it be shown in support thereof that the statute or law offered in evidence or some material part thereof was not in force in such foreign country, province or subdivision thereof at the time of the transaction or matter to which it was offered as pertinent or material.

Judicial reports as evidence.

26. The reports of the judicial decisions of other states and countries may be judicially noticed by the courts of this state, as evidence of the common law of such states or countries and the judicial construction of the statutes, or laws thereof, and the usual printed books of such reports shall be plenary evidence of such decisions.

Public records of foreign states, etc., in evidence.

27. Any public record of any foreign state or territory, province, county or city, or of any court therein, or any copy thereof, which is admissible in such state, territory, province, county or city, or in any court therein, to prove the facts therein contained, shall be admitted in evidence in the courts of this state, and shall be evidence of the facts therein contained to the same extent as though the original papers, of which the record thereof is a copy, had been produced and proved; *provided*, that whenever a copy of such record shall be offered in evidence, the same shall not be admitted, unless the same shall have been first exemplified according to the acts of congress of the United States.

Proviso.

Transcripts of deaths, etc., as evidence.

28. All transcripts of returns of deaths, marriages and births made by any physician, clergyman or other person, according to law, to any county board of health or local board of health or officer of any municipality in this state, empowered by law to receive such returns, or transcripts of the record of such return recorded by such board or officer, and made as hereinafter directed, shall be received as legal evidence in any court in this state.

Transcript certified.

29. Such transcript shall be a copy of the return as originally made or a copy of the record thereof as recorded by the clerk or registrar of said board or other officer and shall be signed by said clerk or registrar or other officer and by

him certified to be a true copy of said return or record, and thereupon such certified transcript shall be received as prima facie evidence of the matters and facts therein stated.

## III. Inspection of Property.

Inspection of property in question may be authorized.

30. In any case in which it shall appear to the court or a judge, that an inspection or examination of any premises or chattels or other property in the possession or under the control of either party, in respect of which, or some right in, or injury from or to which the action shall be brought, would aid in ascertaining the truth of any matter in dispute between the parties in the action, it shall be lawful for the court or a judge to order that the party in whose possession, or under whose control such property shall be, shall permit an inspection and examination of the said premises or chattels, by the jury or by the opposite party, or by such persons as he shall name as witnesses, at such times and under such regulations as the court or judge may prescribe; which said inspection or examination may be ordered by the court or judge, either before or during the progress of the trial.

## IV. Depositions.

### I. of witnesses within the state.

Deposition de bene esse.

31. If any material witness in an action or suit of a civil nature, or any material witness for any defendant in any indictment pending in any of the courts of this state, be in this state, but is ancient or very infirm, or is sick, or is about to go out of this state, then the deposition of such witness may, at the option of either party, in such civil suit, or at the option of the defendant in such indictment, be taken de bene esse before any justice of the supreme court, or judge of the court of common pleas, or supreme court commissioner, or master in chancery; *provided*, that the officer before whom the deposition is to be taken shall cause notice to be given to the adverse party immediately, or at such short day as the case in the opinion of the said officer may require, to attend and be present at the taking thereof, and to put questions and cross-examine, if he shall think fit.

Proviso.

Witnesses compelled to appear in above instances.

32. Any material witness of the description aforesaid, being in this state, may be compelled to appear and be examined before any of the said officers, in the same manner and under the same penalties as if subpœnaed to appear and testify in the court wherein the said action or indictment is pending; and shall be allowed compensation for his time and attendance at the same rate as if he had personally appeared and given testimony in the cause before the court in which it is pending.

Taking of depositions, etc.

33. Every person deposing as aforesaid shall be sworn or affirmed to testify the whole truth, and shall subscribe the testimony by him given, after the same shall be reduced to writing, which shall be done only by the officer taking the deposition, or by the deponent in his presence; and the deposition so taken shall be retained by such officer until he deliver the same, together with a certificate of the reasons of its being taken, and of the notice, if any was given, to the adverse party, with his own hand to a judge or the clerk of the court for which it is taken, or the said deposition and certificate shall be by the said officer sealed up, directed and transmitted either by mail or private messenger, to such judge or clerk, who shall open and immediately file the same, in the office of the said clerk, there to remain as of record.

Sworn statement by person transmitting deposition.

34. The person by whom such deposition shall be transmitted to the judge or clerk, as authorized in the preceding section, shall make oath or affirmation that he received the same, sealed up, from the hands of the officer by whom it was taken, designating the time and place when and where received, and that the same has not been opened or altered since he so received it.

When testimony de bene esse may be taken.

35. No party to any civil cause shall be examined in his own behalf de bene esse under the provisions of this act, except upon the written consent of the attorneys of all the parties thereto, unless the court in which the action shall be pending or any judge thereof at chambers, shall upon the petition of the party applying therefor, upon notice to the other side, order in his discretion the examination of such party, nor shall any testimony of such party taken or to be taken de bene esse be used or read at the trial of said cause unless taken upon such order, except as hereinafter provided.

2. OF WITNESSES RESIDING OUT OF THE STATE.

Examination of witnesses outside state.

36. If a material witness in any action or proceeding of a civil nature, or a material witness for any defendant in any indictment pending in any of the courts of this state reside out of this state, it shall be lawful for the court in which such action or proceeding or indictment is pending, or for any judge thereof, in term or vacation, on affidavit or proof thereof to the satisfaction of the said court or judge, and on such terms as the court or judge may direct, to award and issue, under the seal of the court, a commission to such person or persons, as the court or judge may think fit, authorizing such person or persons, or any two or more of such persons, to examine de bene esse the said witness on oath or affirmation.

Witness' name and interrogatories.

37. The name of every witness to be examined by virtue of such commission shall be inserted in the said commission; and the interrogatories for the examination of such witness shall be drawn and signed by the parties or their attorneys or counsel in the cause in which the testimony is to be used, or such of them as shall request the said commission, and be approved of by the court or one of the judges thereof, and shall be annexed to the commission; and each party shall be at liberty, with the approbation of the said court or judge, to insert in the said interrogatories such questions as he may think proper or necessary.

Notice of application for commission.

38. A party intending to apply for a commission to examine a witness or witnesses in any cause shall give eight days' notice of such application, and of the name or names of the witness or witnesses to be examined, and of the place of his or their residence, and also of the name or names of the person or persons whom the party applying intends to nominate as commissioner or commissioners, and shall serve therewith a copy of the interrogatories intended to be annexed to the said commission, in order that the adverse party may examine the same and submit cross-interrogatories if he think proper; the notice mentioned in this section shall be served on the attorney or solicitor, when the party appears by attorney or solicitor.

Issuing of commission.

39. The issuing of the commission may be ordered and the interrogatories may be approved upon shorter notice than is directed by the foregoing section, by consent of parties, or

upon matter being made to appear to the said court or judge to excuse the want of full notice, and that shorter notice is necessary to prevent delay.

Oath of commissioner.

40. The commissioner or commissioners appointed under this act, or under the general power or authority of the court of chancery, or such of them as shall act, shall, before they enter upon their duties, take an oath or affirmation faithfully, fairly and impartially to execute the said commission, which oath or affirmation may be taken before any person lawfully authorized to administer an oath or affirmation in the state, territory or kingdom, where the said commissioner or commissioners reside or may be at the time.

Upon what examined.

41. The said commissioner or commissioners shall and may examine every witness named in the said commission, or such as can be met with, upon the interrogatories annexed to the said commission, on oath or affirmation, to be administered to each and every witness by the said commissioner or commissioners, and cause the examination of each witness to be reduced to writing and signed by such witness; and the said commissioner or commissioners shall also sign the same.

Evidence signed.

Forwarding of such examination.

42. The said commissioner or commissioners shall annex such examination to the said commission, and close the same up under the hand and seal of the said commissioner, or under the hands and seals of the said commissioners, or any two of them, and direct the same to the chancellor or judges of the court out of which the same issued, at the place of holding the said court; and may place the same in any post office, certifying thereon the time when, and the post office in which the same may be so placed; and the chancellor, or any one of the judges of the court out of which the said commission issued, or the clerk of the said court, may take the same out of the post office in which it may be found in this state, and open the same, and indorse thereon when and how he received it; and the said chancellor, judge or clerk shall immediately file the said commission and return in the office of the clerk of the court out of which the said commission issued, there to remain as a record.

Receipt of same.

Delivered in person.

43. If it shall be more convenient for the party in the said commission, his attorney or agent to receive the said commission and return closed up and directed as aforesaid, from the hands of the said commissioner or commissioners, it shall be lawful for him so to do, and he shall thereupon

deliver the same to the chancellor, or one of the judges or the clerk of the court, out of which the same issued, making oath or affirmation that he received the same sealed up from the hands of the said commissioner or commissioners, designating the time and place when and where received, and that the same has not been opened or altered since he received it; and the said chancellor, judge or clerk shall thereupon indorse and file the said commission and return, and the said affidavit, as directed in the preceding section of this act.

Commission to be executed outside United States.

44. Where a commission issued by virtue of this act shall be executed in any foreign state, nation or kingdom, such commission and the return thereto, closed up and directed as aforesaid, may be transmitted to the party on whose application such commission issued, his agent or attorney in the United States; and the person to whom the packet containing the said commission and return shall be transmitted as aforesaid, may deliver the same to the chancellor, or one of the judges, or the clerk of the court out of which the commission issued, making oath or affirmation when and how he received it, and that the same has not been opened or altered since he received it, and that he verily believes that it has not been opened or altered since it was closed up and sealed as aforesaid; and the said chancellor, judge or clerk, being satisfied that it has not been opened or altered since it was closed up and sealed as aforesaid, shall open the same, and indorse thereon when and how he received it, and shall immediately file the said commission and return and the said affidavit in the office of the clerk of the court out of which the said commission issued, there to remain as a record.

Testimony otherwise than by commission.

45. Any party in a civil cause or any defendant in any indictment desiring the testimony of any witness who resides out of this state may, instead of taking his testimony by commission, take the testimony of such witness de bene esse before any judge of any supreme, circuit or district court, or court of common pleas, of the state where such witness is, or before any commissioner of deeds appointed by the governor of this state, resident in the state where such witness is, or before a commissioner specially appointed for that purpose by the court in which such action is pending, or any judge thereof, or before a master in chancery of this state; *provided*, that notice in writing of the time and place of such examination and of the names of the witnesses to be examined shall be given to the adverse party, his attorney or solicitor, that he

Proviso.

may be present and put interrogatories if he shall see fit, which notice shall be served, allowing time for attendance after service not less than at the rate of one day (Sundays excluded) for every fifty miles of travel; *provided also*, that in all cases at least ten days' notice, exclusive of Sundays, shall be given; *and provided further*, that in cases where such testimony is desired to be taken of witnesses residing in any foreign state or kingdom, or in any state or territory of the United States, situate west of the Mississippi river, so many days' notice shall be given as shall be directed by the court in which said cause shall be pending, or any judge thereof, at chambers; the officer taking such testimony shall first take an oath or affirmation fairly and impartially to take the same, before some person authorized to administer an oath in the state, territory or kingdom where he shall reside; the testimony of such witness shall be taken on oath or affirmation, administered according to the law of this state, upon interrogatories to be then and there put by the parties, or any of them, or any person authorized in their behalf, and such interrogatories and the answers thereto shall be reduced to writing by the officer taking such testimony, and shall be subscribed in his presence by the deponent; and thereupon the same shall be certified, sealed up, indorsed, directed and forwarded, as is required in case of depositions taken under the thirty-sixth section of this act, or if the testimony of such witness be taken before a master in chancery, such testimony may be certified and delivered by the master taking the same to the clerk of the court in which such action is pending, or to any judge thereof.

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Proviso.

Testimony, how taken.

Forwarded.

Deposition of party to action who resides out of state.

46. The deposition of any party to any action in any of the courts of this state, who resides out of the state while such action is pending, may be taken by a commission or upon notice in the same manner and upon the same terms as provided in case of witnesses residing out of the state; and such deposition may be read and used upon the trial of such cause; it being the intention of this section to give the parties to actions who reside out of the state the same privilege to have their depositions taken out of the state as to other witnesses in such actions residing out of the state.

Courts to which this act applies.

47. The provisions of this act in relation to the examination of witnesses by depositions shall apply to any proceeding in the court of chancery, supreme court, circuit court, court of common pleas, or orphans' court, wherein the testimony of

witnesess may be required as the basis of judicial action by virtue of any statute or other law of this state.

Testimony taken by stenographer.

48. In all cases where the testimony of a witness de bene esse is taken upon notice, pursuant to the forty-fifth section of this act, it shall be lawful for the same to be taken by a stenographer, in the presence of the judge or commissioner named in the notice; *provided*, that before the taking of the same the stenographer shall be sworn by the said judge or commissioner to carefully, faithfully and impartially take said evidence and to make a true and correct transcript thereof, which oath shall be in writing and shall be attached to and be a part of the return of the judge or commissioner.

Proviso.

Documentary evidence.

49. Documentary evidence exhibited before any officer, commissioner or commissioners taking any deposition, or exhibits proved by any witness, may be annexed to and returned with the depositions of the witnesses so taken; or the said officer, commissioner or commissioners shall, if requested by the party exhibiting such documentary evidence or producing such exhibit, mark it as an exhibit in the suit, and return it to the party offering the same, and the same shall be received in evidence in all respects as if annexed to and returned with the said depositions.

Depositions may be returned to judge of circuit court.

50. Depositions taken by virtue of this act, in any cause in the supreme court, may be transmitted to the judge holding the circuit court of the county in which the venue is laid, or to the clerk of such circuit court, to be by him filed, instead of being filed in the office of the clerk of the supreme court.

Such examination or certified copy competent evidence.

51. The examination of any witness by commission or deposition taken, returned and filed, as provided for in this act, or a duly certified copy thereof, shall be as competent evidence in the cause in which it shall be taken as if such witness had been examined in open court, on the hearing or trial thereof, proof being first made to the satisfaction of the court that such witness resides, or is out of this state, or is dead, or by reason of age, sickness, or bodily infirmity is unable to attend the said court, and if the testimony be taken under the forty fifth section of this act, proof being made that notice of the taking thereof was given as therein prescribed.

Deposition may be excluded, etc.

52. Any deposition or examination taken under this act shall be subject to be excluded or overruled, wholly or in part, according to the opinion of the court, upon any objec-

tion taken to the competency of the witness, the materiality or competency of the evidence given, or the regularity of the questions put; but shall not be excluded for any irregularity or informality in taking or returning the same, if the court in which the same is offered shall be satisfied that the testimony of the witness has been fairly and truly taken and returned; and if such deposition or examination shall be admitted in evidence by the court, no exception shall be taken to the admission thereof, on the ground of any irregularity or informality in taking or returning the same.

Expense.

53. The party requiring such examination or deposition shall be at the sole expense thereof, and shall not have any allowance for the same in the taxation of costs.

Copies.

54. The parties to the action shall, at their respective costs and charges, be entitled to copies of such deposition, as soon as the same is filed in the clerk's office.

Not act as stay.

55. The taking out of a commission for the examination of witnesses shall not be a stay of proceedings in the action.

Typewritten copy.

56. Wherever it is provided in this act that a transcript of testimony taken de bene esse or by consent shall be made, such transcript may be made upon a typewriter.

DEPOSITIONS BY CONSENT.

Taking depositions de bene esse by consent.

57. It shall be lawful for the attorneys or solicitors of record in any civil action to stipulate in writing to take de bene esse, without order of the court in which such action is pending, the testimony of any party to such action, or of any witness therein, whether such party or witness reside or be within or without this state; such stipulation shall state the name and residence of the party or witness whose testimony is to be so taken, the time when and the place where and the officer before whom such testimony is to be taken, and whether such testimony may be taken stenographically; such stipulation may designate as the officer before whom such testimony shall be taken, any officer whom it would have been lawful for the court to designate for the purpose in a commission duly issued by the court on application therefor made as hereinbefore provided, to take de bene esse the testimony of such party or witness; and if it is stipulated to take such testimony stenographically, the name of the stenographer may be designated in such stipulation, or, if

Stipulation.

Stenographic notes.

not so designated, he shall be designated by said officer; such stipulation shall be filed with the clerk of the court in which such action is pending before such testimony is taken; said stenographer shall make two transcripts of such testimony which shall be subscribed and sworn to before the officer designated to take such testimony, and one transcript of such testimony so subscribed and sworn to shall be delivered to each party; either party may file the transcript of said testimony with the clerk of the court in which such action is pending, and thereupon either party may use the testimony so taken on the trial of said action in the same manner, and with the same force and effect as if said testimony had been taken under a commission duly issued by the court on application therefor made as hereinbefore provided to take de bene esse the testimony of such party or witness.

Transcripts.

Use of testimony so taken.

## V. Commissions Out of Courts of Other States.

58. In case a commission issued out of any court of the United States, or of any state or territory in the United States, shall be directed to any person or persons in this state, authorizing such person or persons to examine or take the deposition of any witness named in such commission, and the person to be examined under such commission shall refuse to attend and give testimony before such commissioner or commissioners, any justice of the supreme court of this state may, upon application made to him by or on behalf of such commissioner or commissioners, and upon proof being made of such refusal, make an order awarding process of subpœna out of the said court for such witness to appear and testify before such commissioner or commissioners; and, upon filing such order in the clerk's office of the said supreme court, it shall be the duty of the said clerk to issue process of subpœna under the seal of the said court, requiring such witness to appear and testify before such commissioner or commissioners.

Procuring of testimony from residents of this state by commission from other states.

Upon refusal, subpœna to be issued.

59. The process of subpœna authorized in the last preceding section shall be served in the same manner and be of the same force and effect as like process in any other case; and any person attending in pursuance of such subpœna shall be entitled to the same fees as witnesses in other cases; and any witnesses disobeying such process shall be subject to

Serving subpœna.

the same penalties as are provided for in cases pending in the supreme court of this state.

Procuring of testimony for use in civil action or proceedings pending.

60. In case of notice given or other proceeding taken for the purpose of examining or taking the deposition of any witness within this state, pursuant to the laws of the United States, to be used in any civil action or proceeding pending in any court of the United States, or pursuant to the laws of any other state or territory, to be used in any civil action or proceeding pending in any court of such state or territory, any justice of the supreme court of this state may, upon application made to him with proof by affidavit that the testimony of such witness is material to the applicant, make an order awarding process of subpœna out of the said court, for such witness to appear and testify in pursuance of such notice or other proceeding, and before such commissioner or person as shall be named in such order, and upon filing such order in the office of the clerk of the supreme court, it shall be the duty of the said clerk to issue process of subpœna, under the seal of the said court, requiring such witness to appear and testify accordingly, which shall be served in the same manner and be of the same force and effect as like process in any other case, and any person attending in pursuance of such subpœna shall be entitled to the same fees as witnesses in other cases, and any witness disobeying such process shall be subject to the same penalties as are provided for in cases pending in the supreme court of this state.

Order subpœna issued.

Fees and penalties.

## VII. Examinations Before Municipal Committees.

Committee to examine public officials.

61. Whenever the common council or other governing board or body of any municipality within this state shall have appointed a committee of members of their body upon any subject or matter within the jurisdiction of such common council or other governing board or body, or to examine any officer of the municipality or member of said council or other governing board or body, in relation to the discharge of his official duties or conduct, or concerning the possession or disposition by him, in his official capacity, of any property belonging to the said municipality, or to inspect or examine any book account, voucher or document in his possession or under his control as such officer, relating to the affairs or interests of such municipality such committee is hereby

authorized to issue a subpœna ad testificandum, or subpœna duces tecum, to any person within this state to appear before them to give testimony or information required for the purpose above mentioned; and any member of such committee is hereby authorized to administer oaths to all such witnesses as may appear or be brought before them; the subpœnas herein provided for may be served by any police officer or constable of the said municipality; and in case any person summoned shall refuse to obey such subpœna, or to give testimony, or to answer questions as required, or to produce any books, papers or documents as required, any justice of the supreme court of this state may, upon application made to him and upon proof being made of such refusal, make an order awarding process of subpœna, or subpœna duces tecum, out of the said court for such witness to appear and testify before such committee, and may make an order or orders that any party give testimony and answer questions as required, and produce books, papers or documents as required; and upon filing such order in the clerk's office of the said supreme court, it shall be the duty of the said clerk, under the seal of said court, to issue process of subpœna to appear before said committee at a time and place named therein, and so from day to day until the examination of such person shall be completed; and said subpœna may contain a direction that such witness bring with him to such examination any books, papers or documents therein mentioned, and it shall also be the duty of said clerk to issue, under the seal of said court, such other or further order in reference to the examination, appearance, production of books, papers or documents before said committee as said justice shall direct; and in case any person so summoned by subpœna issued by said clerk as aforesaid, not being the husband or wife of the person under investigation, shall refuse to obey such subpœna or any direction therein, or to give testimony, or to answer questions as required, or to produce any books, papers or documents as required; or in case any such person shall refuse to obey any order made by said justice as aforesaid, it shall be lawful for such committee, upon affidavits proving the facts, to apply to said justice of the supreme court for an attachment against such person as for a contempt; and it shall be the duty of such judge to hear such application, and if satisfactory proof be made of such refusal, to issue an attachment, directed to any constable or police officer

Subpœnas issued.

Oaths.

Failure to obey subpœna of committee.

Subpœna then issued by supreme court.

Refusal to obey a contempt.

Application for attachment heard.

of such municipality, for the arrest of such person, and, upon his being brought before him, to proceed to a hearing of the case; and the said judge shall have power to enforce, by imprisonment in the county jail, obedience to such subpœna, and the answering of any question that may be proper, and the production of any book, paper or document that the witness would be compelled to produce in a court of law, and also to compel such witness to pay the costs of the said proceeding, to be taxed by the judge; and any person who shall willfully and corruptly testify falsely to any material matter, upon oath or affirmation administered by any member of such committee, upon such investigation or inquiry, shall be guilty of perjury.

Penalty.

Testifying falsely, perjury.

Fees and mileage.

62. Witnesses subpœnaed by virtue of the preceding section shall be entitled to receive the like fees and mileage as witnesses in civil actions, to be paid out of the treasury of the municipality upon certificate of such committee.

Approved March 23, 1900.

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## CHAPTER 151.

An Act to repeal sundry acts relating to evidence.

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

Sundry acts repealed.

1. The several acts and parts of acts hereinafter stated and entitled as follows, to wit:

"An act concerning evidence" (Revision), approved March twenty-seventh, eighteen hundred and seventy-four;

"A supplement to an act entitled 'An act concerning evidence,' approved March twenty-seventh, one thousand eight hundred and seventy-four," which supplement was approved March ninth, eighteen hundred and seventy-seven;

"A supplement to an act entitled 'An act concerning evidence' (Revision), approved March twenty-seventh, eighteen hundred and seventy-four," which supplement was approved March ninth, eighteen hundred and seventy-seven;

"A supplement to an act entitled 'An act concerning evidence' (Revision), approved March twenty-seventh, anno domini one thousand eight hundred and seventy four," which

supplement was approved February twenty-fifth, eighteen hundred and eighty;

"A supplement to an act entitled 'An act concerning evidence' (Revision), approved March twenty-seventh, anno domini one thousand eight hundred and seventy-four," which supplement was approved February fifth, eighteen hundred and eighty-one;

"A supplement to an act entitled 'An act concerning evidence', approved March twenty-seventh, one thousand eight hundred and seventy-four," which supplement was approved February sixteenth, eighteen hundred and eighty-one;

"A further supplement to an act entitled 'An act concerning evidence' (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four," which supplement was approved March twenty-fourth, eighteen hundred and eighty-one;

"A supplement to an act entitled 'An act concerning evidence,' approved March twenty-seventh, one thousand eight hundred and seventy-four," which supplement was approved April eighth, eighteen hundred and eighty seven;

"A further supplement to an act entitled 'An act concerning evidence' (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four," which supplement was approved March twenty-first, eighteen hundred and eighty-eight;

"A supplement to an act entitled 'An act concerning evidence' (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four," which supplement was approved April eighth, eighteen hundred and ninety-two;

"A further supplement to an act entitled 'An act concerning evidence,' approved March twenty-seventh, one thousand eight hundred and seventy-four," which supplement was approved March first, eighteen hundred and ninety-three;

"A further supplement to an act entitled 'An act concerning evidence,' approved March twenty-seventh, one thousand eight hundred and seventy-four," which supplement was approved March first, eighteen hundred and ninety-three;

"A supplement to an act entitled 'An act concerning evidence,' approved March twenty-seventh, one thousand eight

hundred and seventy-four," which supplement was approved March tenth, eighteen hundred and ninety-three;

"A supplement to an act entitled 'An act concerning evidence,' approved March twenty-seventh, one thousand eight hundred and seventy-four," which supplement was approved March thirteenth, eighteen hundred and ninety-three;

"An act concerning the records of notary publics of other states and territories," approved March twenty-first, eighteen hundred and seventy-four;

"An act providing that any husband or wife may give evidence in their own behalf, or for or against each other, in proceedings for divorce on account of adultery," approved February sixteenth, eighteen hundred and eighty-one;

"A supplement to an act entitled 'An act concerning evidence' (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four," which supplement was approved May twelfth, eighteen hundred and ninety-six;

"A supplement to an act entitled 'An act concerning evidence,' approved March twenty-seventh, eighteen hundred and seventy-four," which supplement was approved April eighth, eighteen hundred and ninety-seven;

be and the same are hereby repealed.

Acts heretofore repealed not revived.

2. The repeal of the above stated acts or parts of acts shall not be construed to revive any act or any part of an act which may have been repealed by any of the acts hereby repealed.

Approved March 23, 1900.

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## CHAPTER 152.

An Act relating to the powers of trustees.

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

Property purchased by trustee at foreclosure sale, assets of trust estate.

1. In case any trustee has heretofore or shall hereafter become the purchaser of any land, tenements or hereditaments at a sale upon the foreclosure of any mortgage held by such trustee, such lands, tenements or hereditaments

shall be assets of the trust estate in his hands, and may be sold and conveyed by him without order of the court, and he shall receive, be accountable for and pay over the proceeds of such sale the same as the other assets of the trust estate in his hands.

Conveyance valid.

2. Any sale and conveyance heretofore made by any trustee under such circumstances, shall be deemed as valid and effectual in all respects as if made under an order of the court.

3. This act shall take effect immediately.

Approved March 23, 1900.

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## CHAPTER 153.

Supplement to an act entitled "An act for the punishment of crimes" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight.

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

Section amended.

1. The one hundred and fourth section of the act entitled "An act for the punishment of crimes" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight, is hereby amended so as to read as follows:

Injuring electric lines a misdemeanor.

104. Any person who shall willfully or maliciously cut, break, throw down, destroy, injure, or remove any battery, machinery, wire, cable, post, pole, or other matter or thing whatsoever being part of or being used or employed in or about any electric or magnetic telegraph or telephone, or any electric light plant, or in the working or operation thereof, which shall have been lawfully erected or legally authorized to be erected and maintained, or shall willfully or maliciously prevent or obstruct in any manner whatsoever the sending and conveyance or delivery of any communication by such telegraph or telephone, or the transmission of electrical energy by any such electric lighting company in a manner or by methods or means lawfully authorized, shall be guilty of a misdemeanor.

Approved March 23, 1900.

## CHAPTER 154.

An Act authorizing cities of the fourth class in this state to raise by taxation and expend annually a sum not exceeding five thousand dollars for music in their public buildings and pavilions.

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

Funds raised by taxation for public amusement.

1. It shall be lawful for all cities of the fourth class in this state to raise annually by taxation and expend a sum not exceeding five thousand dollars in each and every year, for the purpose of procuring a band of music for the entertainment of the public, in the public buildings and pavilions located on the beach strand or other public places of said cities.

2. This act shall take effect immediately.

Approved March 23, 1900.

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## CHAPTER 155.

An Act to amend an act entitled "An act giving the state commissioner of public roads a fixed salary instead of per diem pay, and limiting the expenses connected with the office," approved March twenty-fifth, one thousand eight hundred and ninety-six, and all amendments thereto.

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

Section amended.

1. The first section of said act shall be amended so as to read as follows:

Salary of state commissioner of roads, etc.

1. The annual salary of the state commissioner of public roads shall be twenty five hundred dollars, and he shall be

allowed the sum of fifteen hundred dollars per year, or so much thereof as shall be necessary, for clerk hire, attorney and consulting engineer fees, stationery and actual traveling expenses.

Allowance for assistant

2. He shall be allowed the sum of one thousand dollars per year for the employment of supervisor to assist him in supervising construction and performing such other duties as necessity may require.

Repealer.

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

Passed March 23, 1900.

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## CHAPTER 156.

An Act concerning the transportation of dead human bodies across or within this state.

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

Transportation of bodies in sealed caskets.

1. It shall not be lawful for any undertaker, or for any other person whomsoever, to convey, or aid in conveying, to any railroad, or to any common carrier, to be transported across or within this state, nor for any common carrier to accept for transportation or to transport across or within this state, any human body dead of small-pox, Asiatic cholera, yellow fever, typhus fever or bubonic plague, except the same be enclosed in a hermetically sealed casket, and except a license for such transportation be first obtained in writing from the board of health of the state of New Jersey or from an officer or inspector of said board; and any person violating this section shall be liable to a penalty of one hundred dollars.

Penalty.

Necessary certificates from physician and undertaker.

2. When any person or persons shall desire to transport by railroad or by any common carrier, across or within this state, the body of any person who shall have died within this state from any cause other than small-pox, Asiatic cholera, yellow fever, typhus fever or bubonic plague, it shall be the duly of such person or persons to obtain from

the physician who shall have attended the deceased person during his or her last sickness, or from some other practicing physician in good and regular standing, duplicate certificates of death, each of which shall be signed by said physician, and each of which shall set forth particularly, to the best of such physician's knowledge, the name of the deceased, the names and place of birth of his or her parents, and his or her age, sex, color, nativity, occupation, whether married or unmarried, widower or widow, last place of residence, duration of residence in New Jersey, place, cause, date and hour of death, and place of interment; such person or persons shall also obtain from the undertaker employed in such case duplicate certificates, each of which shall be signed by said undertaker, shall set forth that the body of the deceased person mentioned in the physician's certificate of death has been prepared by him for transportation in every particular as required for such cases by law and the rules of the board of health of the state of New Jersey, and shall contain an application for a permit to remove such body, stating the places from which and to which it is desired to convey the same, and the name of the person desired to accompany the body in its transit; any physician or undertaker who shall violate any of the provisions of this section by knowingly giving a false certificate shall be liable to a penalty of one hundred dollars.

Penalty for false certificate.

Registrar to issue transit permit.

3. Upon presenting to and filing with the registrar of vital statistics of the township, city or municipality within which the death shall have occurred, one of the duplicate certificates of death and one of the undertaker's certificates mentioned in the next preceding section, it shall be the duty of such registrar to issue a transit permit which shall set forth the facts contained in the physician's certificate of death and the undertaker's certificate, and shall set forth the places from which and to which the body may be transported, and the name of the person authorized to accompany the body in its transit; the registrar mentioned in this section shall, in every township, be the assessor, or in case of vacancy in his office or disability or absence, the township clerk; and in every city or other municipality such registrar shall be the registrar of vital statistics now provided by law, if any there be, and, if there be none, then the registrar mentioned in this section shall be the clerk of such city or municipality; any registrar who shall issue any

Who is registrar.

transit permit prior to the filing with him of a physician's certificate of death and an undertaker's certificate as aforesaid, shall be liable to a penalty of one hundred dollars. Penalty.

4. When any person or persons shall desire to transport, by railroad or by any common carrier, from any point without to any point within this state, or across this state, the body of any person who shall have died outside of this state from any cause, it shall be the duty of the undertaker or other person attending such body in its transit into or across this state, or shipping the same into or across this state, to bring with such body, or in case it be shipped by express to tack or otherwise attach to the outside of the box in which the body is encased, in such manner that the same may be removed therefrom without mutilation, a certificate of death made by the physician who attended such deceased person during his or her last sickness, or by some other practicing physician in good and regular standing, setting forth the particulars specified for physicians' certificates of death in the second section of this act in the case of persons dying within this state, and also a certificate from the undertaker of the form prescribed for undertakers' certificates in said section of this act; if no such certificate shall be brought with such body, or if the body be shipped by express and no such certificate be tacked or otherwise attached as aforesaid to the box in which the body is encased, then it shall be lawful for any railroad company or other common carrier to refuse to transport or to receive for transportation any such body until such certificates shall have been obtained; in any such case, however, if it be inconvenient to obtain a certificate of death from the physician who attended during his or her last sickness any deceased person who shall have died outside of this state, then any member, inspector or officer of any local board of health may, after due inquiry into the case, make a certificate of death in the form prescribed by the second section of this act and deliver the same to the person or persons applying therefor; and if there be no undertaker's certificate accompanying such body, and it be inconvenient to obtain the same, any member, inspector or officer of any local board of health, after personal examination of the box in which the body of the deceased person is encased, and being satisfied that the same may be transported across or within this state without hazard to the public health, may, in cases not provided for in the first section of this act, also grant a transit

Transportation of bodies within or across state.

Certificate of death.

In case no certificate.

permit for the transportation of such body across or within this state, naming the points from and to which such transportation may be made; in the case of any body transported into this state, for burial within this state, a certificate of death obtained in the manner in this section prescribed and the undertaker's certificate, or in lieu of such undertaker's certificate the transit permit issued in the manner in this section prescribed, shall be a sufficient permit for any burial intended to be made in any township of this state, and such certificate of death and undertaker's certificate or transit permit issued as aforesaid shall be transmitted by the undertaker or person acting as undertaker within five days after burial to the registrar of vital statistics for the township in which the burial is made; but if the burial be made in any city or other municipality, the said certificate of death and undertaker's certificate, or transit permit issued as aforesaid, shall be delivered to the registrar of such city or other municipality, and he shall thereupon issue a permit for such burial; in order to avoid delay in obtaining from the registrar of any city or other municipality of this state a permit for the burial of any person who shall have died outside of this state, a duplicate copy of the certificate of death, made and signed by any physician in this section authorized to make such certificate, and of the undertaker's certificate or the transit permit issued as aforesaid, may be forwarded in advance of the body to such registrar, upon the receipt of which such registrar may issue a permit for burial as aforesaid.

Burial permit.

To avoid delay.

Certificates forwarded to state bureau of vital statistics.

5. It shall be the duty of the registrar of vital statistics in every township, city or other municipality of this state, on or before the fifteenth day of each calendar month, to transmit by mail to the state bureau of vital statistics at Trenton, in an envelope marked "vital statistics," all the certificates of death and all the undertakers' certificates and transit permits filed with him during the preceding month, and duplicate copies of all transit permits and burial permits issued by him during such month, and upon presenting to the proper disbursing officer of the township, city or other municipality within which such registrar is an officer a statement of the number of certificates, transit permits and duplicates of transit and burial permits so transmitted, duly verified by his affidavit or affirmation, he shall be entitled to be paid out of the treasury of the township, city or other municipality, the

sum of ten cents for each certificate, permit and duplicate so transmitted; any registrar who shall refuse or neglect to transmit to said bureau all certificates and transit permits filed with him and duplicates of all transit and burial permits issued by him, as aforesaid, within the time hereinabove limited, shall be liable to a penalty of one hundred dollars.

Blanks prepared and distributed.

6. The state bureau of vital statistics shall cause to be prepared blank forms of physicians' certificates of death, undertakers' certificates and transit and burial permits, corresponding to the requirements of this act, which forms, together with such sections of this act and such instructions and explanations concerning this act as the said bureau may deem useful to persons having duties to perform under this act, shall be printed, supplied and distributed in the same manner as other blank forms are printed, supplied and distributed by said bureau.

Rules, etc.

7. The board of health of the state of New Jersey shall have power from time to time to make, alter and amend rules prescribing the manner in which human bodies, dead from any cause, and intended to be transported on any railroad or by any common carrier across or within this state, shall be disinfected, embalmed, enveloped or encased; *provided, however*, that all such rules shall be printed at the foot of, and referred to in, the blank forms of undertakers' certificates to be prepared as aforesaid.

Proviso.

Process issued upon complaint.

8. Every district court and every justice of the peace in any city or county and every police justice or recorder in any city is hereby empowered upon complaint under oath or affirmation made according to law that any person or persons has or have violated any of the provisions of this act to issue process, in the name of the board of health of the state of New Jersey, as plaintiff, for the use of the state of New Jersey if such suit shall be instituted by the said state board of health, or in the name of any local board of health of the township, city, borough, town or other local municipal government within whose limits the penalty may have been incurred as plaintiff for the use of said township, city, borough, town or other local municipal government if such suit shall be instituted by the said local board of health; said oath or affirmation, if made by any member, inspector or other officer of the state board of health or of any local board of health, may be upon information and belief; said process shall be in the nature of

Nature of process.

Endorsement.

Testimony heard and judgment given.

Form of judgment.

either a summons or warrant against the person or persons so charged; when in the nature of a warrant it shall be returnable forthwith, but before any warrant shall issue out of any district court, the judge thereof shall endorse upon the complaint an order in the following or similar words: "let a warrant issue in this case," to which said judge shall sign his name; and when in the nature of a summons, it shall be returnable in not less than one or more than ten entire days; such process shall state what section of the law is alleged to have been violated by the defendant or defendants; and on the return thereof or at any time to which the trial shall have been adjourned, the said district court, justice of the peace, police justice or recorder shall proceed to hear testimony, and to determine and to give judgment in the matter, without the filing of any pleadings, either for the plaintiff for the recovery of such penalty with cost, or for the defendant; such judgment shall be in the following or similar form: "State of New Jersey, county of ——— ss: Be it remembered that on this ——— day of ——— in the year of our lord nineteen hundred ———, at ——— in said county, C. D., defendant, was by the district court of the city of T. (or, by me, E. F., justice of the peace, police justice or recorder of the city of ———, or as the case may be) convicted of violating the ——— section of the act of the legislature of the state of New Jersey entitled 'An act concerning the transportation of dead human bodies across or within this state,' approved the ——— day of ——— A. D. nineteen hundred, in a summary proceeding at the suit of the board of health of the state of New Jersey (or, of the local board of health of the township of A, or as the case may be); and, further, that the witnesses in said proceeding who testified for the plaintiff were (name them), and the witnesses who testified for the defendant were (name them); wherefore, the said court (or, justice of the peace, police justice or recorder, as the case may be) doth hereby give judgment that the plaintiff recover of the defendant one hundred dollars, penalty, and ——— dollars, costs of this proceeding, and that execution do issue against the goods and chattels of said defendant for the amount of said penalty and costs, and for want of sufficient goods and chattels whereon to levy and make the same, to take the body of the defendant and convey him to the common jail of the county and deliver him to the keeper thereof, to be there confined

until the said penalty and costs be fully paid, or until he be thence delivered by due course of law." Said judgment shall be signed by the judge of the district court, justice of the peace, police justice or recorder giving the same; execution shall thereupon be granted by the court, justice of the peace, police justice or recorder giving the judgment, commanding the officer to whom the execution is delivered to levy and make the amount of the penalty and costs imposed by the judgment out of the goods and chattels of the defendant, and for want of sufficient goods and chattels whereon to levy and make the same, to take the body of the defendant and convey him to the common jail of the county and deliver him to the keeper thereof to be there confined until the said penalty and costs be fully paid, or until he be thence delivered by due course of law; *provided, however*, that no execution shall issue against the body of any female.

Execution.

Proviso.

9. The officers to serve and execute any process or execution issued as aforesaid shall be the constables of the county, which service and execution shall in all cases be made in the same manner and under the same liabilities that other processes and executions issued out of the district courts of this state are served and executed under and by virtue of the provisions of the act entitled "An act concerning district courts," approved June fourteenth, in the year eighteen hundred and ninety-eight; the costs taxable and recoverable in any case prosecuted as aforesaid shall be the costs allowed by the act last above mentioned in cases prosecuted in district courts; the penalty recovered in any such action shall be paid to the plaintiff therein and applied by such plaintiff to any purpose for which it may be legally authorized to expend money; the judge of the district court, justice of the peace, police justice or recorder before whom any case is prosecuted under the provisions of this section may adjourn the hearing thereof from time to time, not exceeding thirty days from the return day of the summons or warrant, and in any case where a warrant shall have been issued may require the defendant to enter into a bond with sufficient surety to the plaintiff in the penal sum of two hundred dollars, conditioned to appear at the time and place of the hearing or trial, and in default of such bond may commit the defendant to the common jail of the county, to be there detained until the hearing or trial of the complainant; and if any defendant shall fail to appear at the time and place to which the

Officers authorized to serve, &c., process.

Costs taxable.

Hearing may be adjourned.

Bond.

New Jersey State Library

hearing or trial shall be so adjourned, the bond shall be
Bond forfeited. delivered to the plaintiff, who may sue thereon and apply the moneys recovered in such suit to any purpose for which it may be legally authorized to expend money.

10. This act shall take effect on the first day of July, in the year of our Lord nineteen hundred.

Passed March 23, 1900.

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## CHAPTER 157.

An Act to validate and confirm the formation and incorporation of certain corporations organized or purporting to be organized under "An act to authorize and encourage the improvement of property in this state," approved April ninth, eighteen hundred and sixty seven, and confirming conveyances of land made to and by such corporations.

Preamble. WHEREAS, By the act entitled "An act relative to statutes" (Revision), approved March twenty-seventh, eighteen hundred and seventy-four, it was, amongst other things, provided, that from and after the first day of January, eighteen hundred and seventy-five, the act entitled "An act to authorize and encourage the improvement of property in this state," approved April ninth, eighteen hundred and sixty-seven, be repealed;

Preamble. AND WHEREAS, By the act entitled "A further act relative to statutes" (Revision), approved April ninth, eighteen hundred and seventy five, it was, amongst other things, provided, that from and after the first day of May, eighteen hundred and seventy-five, the said act entitled "An act to authorize and encourage the improvement of property in this state," approved April ninth, eighteen hundred and sixty-seven, be repealed;

Preamble. AND WHEREAS, Through inadvertence, a number of corporations were formed and incorporated under said act entitled "An act to authorize and encourage the improvement of property in this state," approved April ninth, eighteen hundred and sixty-seven, between the first days

of January and May, eighteen hundred and seventy-five; therefore,

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

Formation of certain corporations validated.

1. The formation and organization of all corporations organized or purporting to have been organized between the first days of January and May, eighteen hundred and seventy-five, under an act entitled "An act to authorize and encourage the improvement of property in this state," approved April ninth, eighteen hundred and sixty-seven, is hereby validated and confirmed, and all such corporations are hereby declared to be as valid and effectual in law as if the same had been formed and organized prior to said first day of January, eighteen hundred and seventy-five, any thing in any other law to the contrary notwithstanding.

All instruments valid.

2. All deeds, grants, sales, leases, assurances, mortgages, or other conveyances, heretofore or hereafter made to or by such corporations, whereby any lands, tenements or hereditaments whatsoever within this state have been or shall be granted, sold, assured, mortgaged, released or transferred, shall be, and are hereby declared, as good, valid and sufficient in the law to all intents, construction and purposes whatsoever, as if such corporations had been formed and organized prior to said first day of January, eighteen hundred and seventy-five.

3. This act shall take effect immediately.

Approved March 23, 1900.

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## CHAPTER 158.

A Supplement to an act entitled "An act concerning disorderly persons" (Revision), approved April ninth, eighteen hundred and seventy-five.

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

Throwing sticks, stones, etc., at cars, disorderly conduct.

1. Any person or persons who shall cast or throw any stick, stone, pebble, or other substance, or who shall shoot

from any air-gun, pistol or rifle any shot or ball at, against or into any trolley car, street railway car or steam railroad car; or who shall place any stick, stone or other substance upon any street railway track, trolley track or railroad track, with intent to injure any car or cars passing thereon or the passengers therein; or who shall unlawfully climb into or upon any coal car, either in motion or standing at any of the stations or depots of any railroad company in this state, and throw from the same any coal, or who shall take up from the tracks or alongside of the tracks any coal so thrown from said cars, shall be deemed a disorderly person, and upon conviction shall be punished as such, before any justice of the peace, police justice or city recorder in this state.

2. This act shall take effect immediately.

Approved March 23, 1900.

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## CHAPTER 159.

A Supplement to an act entitled "An act for the better regulation and control of the taking, planting and cultivating of oysters on lands lying under the tidal waters of the Delaware bay and Maurice river cove in the state of New Jersey," approved March twenty-fourth, eighteen hundred and ninety-nine.

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

Section amended.

1. Section fifteen of the act entitled "An act for the better regulation and control of the taking, planting and cultivating of oysters on lands lying under the tidal waters of Delaware bay and Maurice river cove, in the state of New Jersey," approved March twenty-fourth, eighteen hundred and ninety-nine, be and the same is hereby amended so as to read as follows:

Accounts kept and rendered.

15. The oyster superintendent shall keep an account of all fees and moneys received by him, pursuant to the provisions of this act, for the use of the state, and shall, on or before the tenth day of each month, make a full itemized statement and

return, verified by oath, to the comptroller, of all moneys collected or received as aforesaid, upon blanks containing a form of the said statement and oath, to be furnished to the oyster superintendent by the comptroller, and the said statements shall be filed in the office of the comptroller, there to remain as public records; said statement shall be audited forthwith by said comptroller, and on or before the fifteenth day each month the said oyster superintendent shall pay over the amount of such moneys received to the state treasurer; he shall also make detailed monthly reports, verified by oath, to the state oyster commission of the moneys collected or received by him; all bills incurred by the state oyster commission in carrying out the provisions of this act shall be certified by the state oyster commission to the state comptroller, monthly, for payment, and he shall draw his warrant on the state treasurer therefor; *provided, however,* such expenditure shall not exceed the amount received from the oyster superintendent as above provided; *provided further, however,* that any excess of such receipts over the expenditure for any fiscal year shall, for the purpose of this act, be accounted as the receipts of the next succeeding fiscal year; *provided further,* that the provisions of this section shall not apply to any money appropriated by the legislature for survey purposes

Monthly reports.

Proviso.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved March 23, 1900.

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## CHAPTER 160.

A Further Supplement to an act entitled "An act respecting constables," approved April sixteenth, one thousand eight hundred and forty-six.

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

1. There may be elected at the annual charter election in each of the wards of all cities of the third class of this state as many constables as will equal the number of justices of the peace to which such ward is entitled.

Number of constables.

Appointment by common council.

2. If at the charter election for the year one thousand nine hundred held in any ward of such cities of this state the legal voters thereof have failed to elect as many constables as will equal the number of justices of the peace to which such ward is entitled, then and in that event it may be lawful for the common council, board of aldermen or other governing body of such city to appoint as many constables for such ward as will equal the number of justices of the peace to which such ward is entitled; such constable or constables so appointed as aforesaid shall hold office until the next charter election of such city.

Repealer.

3. All acts or parts of acts, general or special, inconsistent with the provisions of this act, are hereby repealed.

4. This act shall take effect immediately.

Passed March 23, 1900.

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## CHAPTER 161.

An Act authorizing municipalities of this state to grant franchises for the erection, establishment, operation and maintenance within their corporate limits, for a term of years, of a crematory for the cremation and incineration of refuse, garbage, dead animals, night soil and other waste matters or substances.

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

Franchise for erecting crematory.

1. All municipalities of this state, however created or governed, shall have authority to grant to any person or corporation a franchise for the erection, establishment, operation and maintenance within their corporate limits for a term not exceeding twenty years of a crematory for the cremation and incineration of refuse, garbage, dead animals, night soil and other waste matters or substances; such franchises shall be granted by resolution upon such terms and conditions as to the governing body of said municipality may appear.

2. Said franchise shall not become operative in any respect until an acceptance in writing thereof shall have been filed by said person or corporation to whom said franchise may be granted, with the clerk of said municipality, which acceptance shall be filed within three months from the granting of said franchise. Acceptance necessary.

3. The powers and privileges herein conferred are in addition to and not in lieu of any of the powers and privileges conferred by any laws creating or affecting any of said municipalities. Additional powers granted municipality.

4. This act shall take effect immediately.

Approved March 23, 1900.

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## CHAPTER 162.

A Supplement to an act entitled "An act to provide for the appointment of commissioners for the promotion of uniformity of legislation in the United States," approved March twenty-second, one thousand eight hundred and ninety-five.

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

1. Upon the expiration of the term of office of any commissioner or of the commissioners appointed in pursuance of the act to which this is a supplement, the governor shall be and he is hereby authorized to appoint a successor or successors of such commissioner or commissioners, to hold office for the period of five years from the time of appointment. Appointment of successors.

2. This act shall take effect immediately.

Approved March 23, 1900.

## CHAPTER 163.

An Act to amend an act entitled "A general act relating to boroughs" (Revision 1897), approved April twenty-fourth, one thousand eight hundred and ninety-seven.

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

Section amended.

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

Collector: duties, etc

17. The collector shall possess and perform in each borough the like powers and duties possessed and performed by the collectors of the several townships in this state, and in addition thereto shall act as treasurer of said borough, and shall collect, have, hold and receive all moneys assessed or raised by taxation or assessment for any and all purposes within the borough, and also fees for licenses, fines, penalties and other moneys in any way belonging to the borough, which said taxes, assessments and moneys shall be held by said collector; all said moneys shall be paid out by him only upon a warrant ordered by council, signed by the mayor, attested by the borough clerk, which said warrant shall be numbered and be made payable to the order of the person entitled to receive the same, and shall state the fund against which drawn, and be dated the day upon which the same was ordered issued by the council; *provided*, that whenever a resolution directing the payment of bills and demands shall have been vetoed by the mayor and passed over said veto by a vote of two-thirds of all the councilmen, then a copy of said resolution, attested by the clerk, shall be a warrant to the collector to pay said bills and demands; *provided, however*, that it shall not be lawful for the council to order warrants drawn on the collector except at a regular meeting or an adjourned regular meeting; the collector shall enter in suitable books to be kept for the purpose the sums received by him each day for taxes, with the names of the persons on whose account the same shall be paid, shall keep a record and

Proviso.

Proviso.

account of the finances of the borough, and shall, on the Tuesday two weeks before the annual borough election, or when otherwise required by the council, make and furnish a report thereof, with a detailed and true statement of all moneys received by him, and of all moneys disbursed therefrom and for what purposes, from the commencement of his official year to the date of his report, or for such period as the council may require, and a list of delinquent taxpayers for the previous year, which report, with two copies of said statement and said list of delinquents, he shall file with the borough clerk at least twelve days before the annual borough election, or when otherwise required by the council.

Sub-section amended.

2. Subdivision two of section twenty-eight of the act to which this is an amendment be and the same is hereby amended so as to read as follows:

Appropriate moneys and fix penalties.

II. To appropriate from time to time the moneys raised for borough purposes, as hereinafter provided, or received from any other source, such sums as may be necessary for the proper carrying into effect of the provisions of this act; and in all cases where by the provisions of this act the council shall have authority to pass ordinances on any subject, they may prescribe a penalty or penalties for the violation thereof, either by imprisonment in the borough lock-up or county jail, as may be designated by the council, not exceeding ninety days, or by a fine not exceeding one hundred dollars, and imprisonment in the borough lock-up or county jail, as may be designated by the council, not exceeding ninety days, in default of the payment of such fine; and it shall be lawful for the council to authorize and empower the officer before whom any person or persons offending may be brought, on conviction, to impose any fine in the discretion of such officer, to the maximum fixed in such ordinance or to imprison for any term less than the term fixed therein.

Sub-section amended.

3. Subdivision one of section thirty-three of the aforesaid act be amended so as to read as follows:

Lay out, etc., streets, etc.

I. Lay out, open, widen, straighten, alter or vacate any street, avenue or section of the same (the word section in this paragraph to be understood as meaning a part of a street or avenue bounded by two cross streets or avenues or bounded at one end by a cross street or avenue, and at the other end by the borough line or other termination of such street or avenue within the borough), and to take and appropriate for

any of such purposes any lands and real estate, upon making compensation to the owner by purchase thereof at a price agreed upon, and where an agreement as to compensation cannot be made, by the payment of damages as hereinafter mentioned and provided.

Section amended.

4. Section fifty-two of said act be amended so as to read as follows:

Commissioners of assessment.

52. It shall be lawful to appoint three discreet persons, residents and freeholders of the borough, to be commissioners of assessment; said commissioners shall make all assessments in favor of the owner of lands or real estate damaged or taken, or upon the owner of any lands or real estate for benefits conferred by any general or local improvement; if any of the said commissioners shall be interested in the matter of any assessment, the council shall appoint some discreet and impartial freeholder or freeholders, resident in said borough, 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 the 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 borough is hereby authorized to administer; the term of said three commissioners of assessment shall be at the pleasure of the council, and may be terminated at any time by resolution passed by the majority vote of all the council at a regular meeting thereof.

5. This act shall take effect immediately.

Approved March 23, 1900.

## CHAPTER 164.

An Act to authorize any town in this state to acquire an interest in or the right to use any outlet sewer within its limits and providing for the payment of the costs of acquiring such interest or right, and for the issue of bonds to raise moneys required to make such payment.

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

Right to acquire interest in or use of outlet sewer.

1. It shall be lawful for the council or governing body of any town in this state in which shall be located an outlet sewer owned and controlled by individuals or corporations or both for their own use, to negotiate and agree with the owners of such outlet sewer for the purpose of acquiring an interest therein or for the right to connect therewith the drainage and sewerage system of such town or any part thereof and to agree with such owners respecting the compensation to be paid to them for such interest or right and the manner and method of paying the same, and the terms, conditions and restrictions to which such interest or right acquired shall be subject.

Bonds issued to pay amount agreed.

2. To enable the council or governing body of any such town to pay the compensation which may be agreed upon as aforesaid it shall be lawful for such council or governing body to issue and sell the bonds of the town in its corporate name in an amount not exceeding the amount of such compensation, which bonds shall be of such denominations, shall run for such period not exceeding twenty years, and shall bear such rate of interest not exceeding five per centum per annum as the said council or governing body may determine; said bonds shall not be sold for less than their par value; each of the bonds so to be issued shall have coupons attached for each half-year's interest, and shall provide for the conversion of the same into a registered bond at the option of the holder thereof; the interest on said bonds shall be raised annually by taxation in the same manner as annual taxes for

state and county purposes are levied in such town and by the same officers.

Assessment upon property benefited.

3. After the payment of the compensation aforesaid an assessment of the costs and expenses of acquiring the right or interest hereinabove provided for shall be made upon all the lands and real estate in such town which will in the judgment of the commissioners making the assessment be specially benefited by the right or interest so acquired, in proportion to the benefit received, and no lot or parcel of land shall be assessed for more than it is so specially benefited;

How made.

the assessment for special benefits herein provided for shall be made by the commissioners of assessment of the town, or if there be none by three commissioners appointed by the town council for that purpose, who, before entering upon the discharge of the duties of that office, shall make and file with the town clerk of the town an oath or affirmation that they will faithfully and to the best of their skill and ability perform the duties imposed upon them by law; the commissioners shall make a map showing each lot or parcel of land assessed, designating the same thereon by a number, and shall annex to their report a schedule setting forth each lot or parcel of land assessed, the name of the owner or owners thereof if the same can be ascertained, and the amount of the assessment thereon; the commissioners shall present their report, schedule and map to the council or govering body of the town, who shall thereupon designate a time and place when and where they will meet to consider all objections to the assessment that may be presented in writing; thereupon it shall become the duty of the town clerk to publish in the official newspaper or newspapers of the town, or, if there be none, in a newspaper published in the county and circulating in the town, for at least three weeks successively, at least once in each week, setting forth that the report, schedule and map of the commissioners have been filed in his office and that objections in writing may be filed with him, and specifying the time and place appointed for the hearing of objections in writing thereto by the council or governing body of the town; any person who shall own or be otherwise interested in any lot or parcel of land assessed may object in writing to the assessment;

Hearing of objections.

at the time and place so appointed the council or governing body of the town shall meet and shall consider and adjudicate all objections in writing that may be presented and shall either confirm the report, schedule,

map and assessment of the commissioners or correct and then confirm the same; in case the compensation paid by the town shall exceed the total amount assessed for special benefits the excess shall be assessed upon and be borne and paid by the town at large, and the amount of such excess (if any) shall be specified by the commissioners in their report.

Assessments a lien.

4. All assessments made and confirmed under the provisions of this act shall be and remain a lien upon the lands assessed to the same extent and of the same kind as other assessments for public improvements in such town are made or declared by law to be liens thereon, and shall bear the same penalties and may be collected and enforced in the same manner as is provided by law with respect to other assessments therein.

Application of moneys collected.

5. All sums collected for assessments made under this act and interest and penalties thereon, shall be held and used for and applied to the payment or redemption of bonds issued under this act, and shall not be used for any other purpose whatsoever until all of said bonds shall have been fully paid.

Repealer.

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

Approved March 23, 1900.

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## CHAPTER 165.

An Act to amend an act entitled "An act respecting the opening, widening, extending and otherwise improving of streets, avenues and public highways in cities of the first class in this state, and providing for the pavement of the same; and further providing, that the assessment upon property for special benefits shall be payable in full, or in installments, in the option of the property owner," approved March twenty-second, one thousand eight hundred and ninety-five.

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

Section amended.

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

Payment for real estate or easements.

5. 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 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, and in case the board or body having control of the streets and highways of any such city shall be of opinion that the whole cost of any improvement heretofore made under the provisions of the act of which this act is amendatory should be borne by the city at large, and shall so determine by resolution, and the board of finance or other body having charge and control of the finances of such city shall concur in said resolution and the mayor of such city shall approve of it, then it shall be lawful for said city to issue bonds to pay for such improvement,

Temporary bonds or improvement certificates issued.

Not taxable.

If total cost be borne by city.

which bonds shall be in such form as the board of finance or other body having charge and control of the finances of such city shall fix and determine, and shall bear interest at a rate not exceeding four per centum per annum, and shall be payable as such board of finance or other body having charge and control of the finances of such city may direct; *provided*, that said bonds shall not be sold for an amount less than their par value. Proviso.

2. This act shall take effect immediately.

Approved March 23, 1900.

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## CHAPTER 166.

An Act to provide for the dissolution of religious, charitable and educational corporations.

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

1. Whenever in the judgment of the board of trustees, directors, managers or other governing body of any religious, charitable or educational corporation created by or organized under any law of this state it shall be deemed advisable and for the benefit of said corporation that the same shall at any time be dissolved, it shall be lawful for such board of trustees, directors, managers or other governing body of such corporation in the name of said corporation, by petition setting forth the facts and circumstances of the case, to apply to the chancellor for a dissolution of said corporation and for the appointment of a receiver or trustee of its estate and effects; whereupon, the chancellor, being satisfied of the sufficiency of said application, shall order such reasonable notice thereof to be served or published as he may judge proper and the circumstances of the case may require, fixing a day, not less than thirty days distant, for the hearing upon the same, and if, upon inquiry into the matter, it shall be made to appear to the chancellor that such action may be taken without prejudice to the public welfare, and that it is advisable and best for said corporation that it should be dissolved, its affairs settled and its estate and

Dissolution of religious, etc., corporations.

Petition to chancellor.

Hearing.

effects divided and distributed among the stockholders, associate owners, creditors and others who may be entitled to the same, it shall be lawful for the chancellor to enter a decree to that effect, and to appoint a receiver or trustee with full power to demand, sue for, collect, receive and take into possession all the goods and chattels, rights and credits, moneys and effects, lands and tenements, books, papers, choses in action, bills, notes and property of every description belonging to said corporation at the time of said decree of appointment, and to sell, convey, or assign all the said real and personal estate; to pay into the court of chancery all the moneys and securities for money arising from such sales, or which may be collected by said receiver or trustee from time to time under the order of the said court of chancery, first deducting the costs of the proceedings in said court, and making to said receiver or trustee and to counsel such reasonable compensation as the chancellor may deem fit and proper.

Decree; appointment of receiver.

2. The said receiver or trustee shall be further clothed with all the powers conferred upon a receiver or trustee appointed under the act authorizing the appointment of a receiver or trustee in case of insolvent corporations; and it shall be lawful for the said court of chancery to make all necessary and proper orders and decrees to settle and wind up the affairs of said corporation, and to distribute its estate, property and effects, or the proceeds thereof, among those entitled to the same, and if, at the time of the final decree of distribution, the owners of any part of said property or effects remain unknown, such part, share or shares shall be retained in the court of chancery until the same shall be claimed by the rightful owner or owners thereof.

Power of receiver.

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

Repealer.

Approved March 23, 1900.

## CHAPTER 167.

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

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

1. Section one of an act entitled "An act to incorporate associations not for pecuniary profit," approved April twenty-first, one thousand eight hundred and ninety-eight, is amended so as to read as follows: Section amended.

1. Any five or more persons who shall desire to associate themselves for any lawful purposes other than for pecuniary profit, may make, sign and acknowledge before any person authorized to take the acknowledgment and proof of deeds in this state and file in the office of the secretary of state and record in the office of the clerk of the county in which the principal business of the corporation is to be conducted, a certificate in writing in which shall be stated the name or title by which such corporation is to be known in law, the purpose for which it is formed, the place where it is to be located, or its business conducted, the number of the trustees, which shall not be less than three, and the names of the trustees selected for the first year of its existence. Formation of association. File certificate. Statement.

2. This act shall take effect immediately.

Approved March 23, 1900.

New Jersey State Libra

## CHAPTER 168.

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

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

Width of tire.

1. The common council of all such cities shall in addition to the powers conferred upon them in and by section eighteen of said act, have the power and authority to pass all necessary ordinances requiring the use of tires, not more than four inches in width, upon all wagons or other vehicles weighing with or without loads fifteen hundred pounds or over, upon any of the macadamized public streets within the limits of said cities, and to enforce the observance of such ordinances by imposing a penalty for the violation thereof not exceeding twenty dollars for each offence; each day's use of such vehicle to be regarded as a distinct offence; *provided*, that no such ordinance shall take effect until six months after the passage and publication thereof in the manner provided in and by said act, and shall not be applicable to vehicles herein designated passing through the limits of such cities and not continuously used therein.

Penalty.

Proviso.

2. This act shall take effect immediately.

Passed March 23, 1900.

## CHAPTER 169.

An Act to establish the compensation to be paid to teachers and principals in the public schools, and to provide for the payment thereof.

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

Salaries of teachers.

1. Teachers hereafter employed in any graded school in this state supported in whole or in part by state moneys shall receive a salary proportioned to their experience and success in the municipality where they may be employed, such salary in the case of every teacher, whose experience and success have been properly certified to, to be not less than the amount provided for such teacher in the following schedule:

Assistant teachers in primary and grammar schools and kindergartens:

Less than two years' experience, four hundred and eight dollars per annum;

Two years' and less than three years' experience, four hundred and fifty-six dollars per annum;

Three years' and less than four years' experience, five hundred and four dollars per annum;

Four years' and less than five years' experience, five hundred and fifty-two dollars per annum;

Five years' and less than six years' experience, six hundred dollars per annum;

Six years' and less than seven years' experience, six hundred and forty-eight dollars per annum;

Seven years' and less than eight years' experience, six hundred and ninety-six dollars per annum;

Eight years' and less than nine years' experience, seven hundred and forty-four dollars per annum;

Nine years' and less than ten years' experience, seven hundred and ninety-two dollars per annum;

Ten years' and less than eleven years' experience, eight hundred and forty dollars per annum;

Eleven years' and less than twelve years' experience, eight hundred and eighty-eight dollars per annum;

Twelve years' experience and upwards, nine hundred and thirty-six dollars per annum;

Principals of schools containing grammar and primary departments:

Less than one year's experience as such principal, one thousand eight hundred dollars per annum;

One year's and less than two years' experience, one thousand nine hundred dollars per annum;

Two years' and less than three years' experience, two thousand dollars per annum;

Three years' and less than four years' experience, two thousand one hundred dollars per annum;

Four years' and less than five years' experience, two thousand two hundred dollars per annum;

Five years' and less than six years' experience, two thousand three hundred dollars per annum;

Six years' and less than seven years' experience, two thousand four hundred dollars per annum;

Seven years' experience and upwards, two thousand five hundred dollars per annum;

Principals of schools containing primary departments only:

Less than one year's experience as such principal, one thousand two hundred dollars per annum;

One year's and less than two years' experience, one thousand three hundred dollars per annum;

Two years' and less than three years' experience, one thousand four hundred dollars per annum;

Three years' and upwards, one thousand five hundred dollars per annum;

Principals of primary departments shall be paid at the same rate as principals of schools containing primary departments only;

Vice-principals, head assistants and first assistants of grammar and primary departments:

Less than one year's experience as such vice-principal, head assistant or first assistant, nine hundred and ninety-six dollars per annum;

One year's and less than two years' experience, one thousand and fifty-six dollars per annum;

Two years' and less than three years' experience, one thousand one hundred and sixteen dollars per annum;

Three years' experience and upwards, one thousand one hundred and seventy-six dollars per annum;

Assistant teachers in high schools, male assistants:

Less than one year's experience, one thousand five hundred dollars per annum;

One year's and less than two years' experience, one thousand six hundred dollars per annum, and for each year's experience thereafter at an additional salary of one hundred dollars per annum to not less than the sum of two thousand four hundred dollars per annum;

Female assistants in high schools:

Less than one year's experience, seven hundred dollars per annum, and for each year's experience thereafter, at an additional salary of one hundred dollars per annum, to not less than the sum of one thousand two hundred dollars per annum;

Vice-principals of high schools:

Less than one year's experience two thousand dollars per annum, and for each year's experience thereafter, at an additional salary of one hundred dollars per annum, to not less than two thousand five hundred dollars per annum;

Principals of high schools:

Less than one year's experience as such high school principal, two thousand five hundred dollars per annum;

One year's and less than two years' experience, two thousand six hundred dollars per annum;

Two years' and less than three years' experience, two thousand seven hundred dollars per annum;

Three years' and less than four years' experience, two thousand eight hundred dollars per annum;

Four years' and less than five years' experience, two thousand nine hundred dollars per annum;

Five years' experience and upwards, three thousand dollars per annum;

Model teachers in model departments of training schools for teachers:

In addition to the salaries herein provided for assistant teachers of primary and grammar schools, one hundred and fifty dollars, each, per annum;

Critic teachers of training schools for teachers:

Two hundred dollars, each, per annum, as extra compensation;

Principal of primary department of training schools for teachers:

Less than one year's experience, one thousand five hundred dollars per annum, and for each year's experience thereafter at an additional salary of one hundred dollars per annum, to not less than the sum of one thousand seven hundred dollars per annum;

Teacher of methods or supervisor of methods of training schools for teachers:

Less than one year's experience, one thousand five hundred dollars per annum, and for each year's experience thereafter, at an additional salary of one hundred dollars per annum, to not less than two thousand dollars per annum;

Principals of training schools for teachers:

Less than one year's experience, two thousand five hundred dollars per annum, and for each year's experience thereafter, at an additional salary of one hundred dollars per annum, to not less than three thousand dollars per annum;

Proviso. *provided*, that, if the annual salary of any teacher now employed in any graded school of any municipality is less than the amount required to be paid to such teacher by the preceding schedule, the salary of such teacher shall, if such teacher's experience is approved as successful, be increased by adding thereto annually, beginning with the first day of the fiscal year next succeeding the adoption of this act in the manner provided in section three of this act, a sum equal to the annual increase provided in the preceding schedule for the class to which such teacher belongs, until such teacher's salary shall be in accordance with the schedule; *and*

Proviso. *provided further*, that the annual salary paid to any principal or vice-principal hereafter appointed shall not exceed the annual salary paid at the time such appointment is made to principals and vice principals of the same class respectively, and that the salary of every such appointee shall, if the experience of such appointee proves to be successful, be increased annually by the amount and in the manner described in this section, until the salary of such appointee shall be in accordance with the preceding schedule.

Moneys, how raised. 2. The moneys necessary to pay said salaries shall be raised and appropriated in the same manner as other municipal expenditures are provided for.

3. The board of aldermen, or common council of any municipality of this state, may, by resolution, submit the question of the acceptance or rejection of this act to the voters of such city at any general or charter election to be held therein, whereof at least ten days' notice shall be given by public advertisement in two daily newspapers of this state, circulating in such municipality, and if a majority of those who shall vote for the acceptance or rejection thereof shall be in favor of the acceptance of this act, then this act shall go into effect at the commencement of the then next fiscal year in such municipality, and the grant of power herein made shall be deemed to be accepted by such municipality, and such municipality shall be bound by the terms of this act; persons entitled to vote at any election where this question is submitted to them shall express their assent or rejection of this act in the manner provided in "An act to regulate elections" (Revision of 1898); there shall be a canvass on return of the votes upon the question of acceptance or rejection of this act made by the election officers in the same way and manner as for officers voted for at such election, and if a majority of the ballots shall be found to be in favor of the acceptance of this act it shall then, but not otherwise, go into effect and be binding upon said municipality wherein such vote shall be taken. Referendum.

4. This act shall take effect immediately.

Passed March 23, 1900.

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## CHAPTER 170.

An Act supplementary and amendatory to an act entitled "An act concerning the appointment of certain officers in certain cities in this state and fixing their tenure of office," passed May eighth, one thousand eight hundred and ninety-four.

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

1. Section one of the act to which this is a supplement be amended so as to read as follows: Section amended.

Appointment of municipal officers.

1. In all cities of this state now or hereafter having within their territorial limits a population of not less than fifty thousand nor more than one hundred and twenty-five thousand inhabitants, the common council, board of aldermen or other governing board of such cities shall, at the regular meeting of such common council, board of aldermen or other governing body, preceding the expiration of the terms of the present city clerk, city comptroller, city treasurer, city counsel, receiver of taxes and assessments and clerk of the board of aldermen, city inspector of buildings, city engineer, city overseer of the poor, city street commissioner, and sealer of weights and measures, or at the time prescribed by the charter of any such city appoint a city clerk, city comptroller, city treasurer, city counsel (who shall be a counsellor-at-law), receiver of taxes and assessments and clerk of the board of aldermen, city inspector of buildings, city engineer, city overseer of the poor, city street commissioner, and sealer of weights and measures, in lieu of and to be substituted for, and to act in the place of, and who shall in each case respectively be invested with and shall perform all the powers and duties of any such officers by whatsoever title they may be designated now by law to act therein; and which said officers shall be appointed for the term of three years, or until their successors are appointed and qualified, and shall perform the same duties and receive the same emoluments as are now provided by existing laws, and the terms of the first officers appointed hereunder shall date from the time of the expiration of the terms of their predecessors, as specified under this act; and that such officers shall give bonds for the faithful discharge of their duties in such amounts as may now be required of such officers in such cities, and which said bonds shall be approved as to form by the city counsel of such city, and as to the sufficiency thereof by the said common council, board of aldermen, or other governing body thereof; any vacancy in either of the offices herein provided for shall be filled in the same manner, but for the unexpired term only; and all of such officers shall be sworn in as such officers are now sworn in each of said cities; and that the term of service of every such officer hereinbefore named, holding office in any such city, shall end on the appointment and qualification of their successors, as herein provided for; every such officer whose term of office shall so end shall immediately deliver up his office and all prop-

Term.

Duties and compensation.

Give bonds.

Vacancies.

erty, books and papers, matters and things whatsoever connected therewith to his said successor; *provided*, that in all cities as aforesaid in which by the provisions of the charter thereof the city treasurer and receiver of taxes and assessments is elected by popular vote, such city treasurer and receiver of taxes and assessments shall continue to be elected by popular vote, anything in this act contained to the contrary notwithstanding; and the term of such city treasurer and receiver of taxes and assessments shall commence as provided in such city charter. Proviso.

2. All acts and parts of acts, general and 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. Repealer.

Passed March 23, 1900.

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## CHAPTER 171.

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

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

1. Any sheriff, coroner, constable or special deputy who shall receive for execution any bench warrant, state warrant, capias ad testificandum, or other compulsory process whatever, issued by any court of record or justice of the peace of this state, shall be entitled to receive for mileage for every mile actually traveled in the execution thereof four cents, to be computed from the court house of said court or office of said justice, and also the like sum for each mile for any prisoner or witness taken by such officer by virtue of any such process when said officer is obliged to pay for the transportation of such prisoner or witness; said mileage to be paid from the same sources as the fees now allowed by law for executing any such process are paid. Mileage.

2. This act shall take effect immediately.

Approved March 23, 1900.

## CHAPTER 172.

An Act to provide in terms for cumulative voting in corporations issuing or authorized to issue shares of capital stock.

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

Cumulative voting.

1. The certificate of incorporation, original or amended, of any corporation now or hereafter organized under the laws of this state and thereunder issuing or authorized to issue shares of its capital stock, may provide that at all elections of directors, managers or trustees, each stockholder shall be entitled to as many votes as shall equal the number of his shares of stock multiplied by the number of directors, managers or trustees to be elected, and that he may cast all of such votes for a single director, manager or trustee or may distribute them among the number to be voted for, or any two or more of them as he may see fit, which right, when exercised, shall be termed cumulative voting.

Act, how construed.

2. This act shall not be construed as affecting in any wise the determination of whether or not the right of cumulative voting has been heretofore granted by implication or the right of cumulative voting, if any, granted specifically by special charter or certificate of incorporation.

Repealer.

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

Approved March 23, 1900.

## CHAPTER 173.

A Supplement to an act entitled "An act for the incorporation of cities, and providing for their officers, government and powers," approved March twenty-fourth, one thousand eight hundred and ninety-nine.

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

Payment of assessment benefits in installments.

1. In cities formed or established under the provisions of the act to which this act is a supplement, assessments hereafter made upon property specially benefited by the opening, widening or extension of any street, avenue or highway therein, or by the grading, flagging, curbing, guttering or paving of any street, avenue or highway therein, or by the construction of any trunk, main or lateral sewer in any street, avenue or highway therein, upon which the assessed property has or shall have a frontage, shall be payable in ten equal installments, the first at or before the expiration of two months from the date of the confirmation of the assessment, and the others in one, two, three, four, five, six, seven, eight and nine years after the date of such confirmation respectively; the first installment of any such assessment shall be one-tenth thereof and shall be payable without interest; the second and each subsequent installment shall be for a like amount, together with interest computed at the rate of five per centum per annum from the date of the confirmation of the assessment upon the unpaid balance of the assessment; the owner of the property so assessed for special benefits may, at his option, pay the whole of the assessment within one month from the date of its confirmation, without interest, or may pay the whole of the assessment or the balance thereof remaining unpaid at any time thereafter, with interest at the rate of five per centum per annum, instead of in installments as herein provided for; in case any installment of such assessment is not paid at the time when the same is due and payable, then interest upon such installment shall thereafter be computed at the rate of

Option of paying entire assessment.

Interest on unpaid installment.

seven per centum per annum; no property so assessed for special benefits shall be sold for or because of the non-payment of any such assessment or any installment thereof and no proceedings shall be taken to enforce the collection of any installment so due and unpaid until ten years from the date of confirmation of such assessment, at which time, however, it shall be the duty of the proper officers of the town to enforce the collection of any such assessment in the same manner as assessments are now enforceable for like public improvements in the town; it shall be the duty of the receiver of taxes, or other officer charged with the duty of collecting assessments in such cities, to set forth on each tax bill or notice hereafter served or given by him the amount of installments in arrears upon the property described in such tax bill or notice.

Collection of unpaid assessments.

Repealer.

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

Approved March 23, 1900.

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## CHAPTER 174.

An Act to protect bathers in the waters along the coast of this state.

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

Maintenance of safety lines on bathing grounds.

1. It shall be the duty of every person maintaining, as owner or lessee, any bathing-house or bathing establishment of any kind along the seashore of this state for the accommodation of persons, for pay, to provide, for the safety of such bathers, two lines of sound, serviceable and strong manila or hemp rope, not less than one inch in diameter, anchored at some point above high water, at the same distance apart as the line of bathing houses or space fronting on such beach occupied by him is in width, and from the two points at which such life lines are so anchored, such lines shall be made to extend as far into the surf as bathing is ordinarily safe and free from danger of drowning to

persons not expert in swimming, and at such points of safety such lines shall be anchored and buoyed; from the two points of such lines so extended, anchored and buoyed, a third line shall be extended, connecting the two extremities, and buoyed at such points as to be principally above the surface of the water, thereby enclosing a space within such lines and the beach within which bathing is believed to be safe; every such person maintaining such bathing-house or bathing establishment shall cause to be painted and put up in some prominent place upon the beach near such bath-house the following words: "Bathing beyond the lines dangerous"; such lines so placed, anchored and buoyed, and such notice so put up, shall continue and be so maintained by every such person during the entire season of surf bathing.

Public notice.

2. Every such person maintaining any such bath-house or bathing establishment shall also keep and provide in connection therewith, for the rescue of persons in danger of drowning, a surf-boat, not less than sixteen feet long, and equipped with two or more sets of oars and life-line and life-belts, and at least one ring-buoy or life-preserver, with half-inch cotton line, not less than five hundred feet in length, with suitable reel attached thereto, and at all such bathing establishments where there are equipments for two hundred bathers, said life-boat shall be stationed in the water, opposite the life-lines, manned and in readiness for use, during bathing hours; there shall also be at every public bathing establishment a bathing master, who shall be an expert swimmer, and be in constant and watchful attendance during bathing hours.

Life-boat.

Bathing master.

3. Any person violating the provisions of either of the foregoing sections shall forfeit and pay a penalty of five hundred dollars, to be recovered by any person who may sue for the same, and it shall be the duty of the sheriffs and constables of the several counties of this state abutting upon the sea-shore to see that in their respective counties the provisions of this act are enforced, and to bring suit for the recovery of the penalty herein provided, unless some other person has already brought suit for the same.

Penalty for violation.

4. A separate penalty may be recovered for each day that any person, subject to the provisions of this act, may violate any of the provisions of the same; but no penalty shall be recovered for any other violations thereof than shall have occurred during the days when the owner or lessee, or other

Additional penalty.

person maintaining the said bath-house or bathing establishment, shall have kept the same open for the use of the public, or for such persons as may be the guests of any hotel that such bathing establishment may be connected with; *provided, however*, that nothing in this act contained shall be held to apply to any bathing-house or bathing establishment in any city or municipality in which there is maintained at public expense a life-saving guard.

Proviso.

5. This act shall take effect immediately.

Approved March 23, 1900.

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## CHAPTER 175.

An Act to amend an act entitled "An act to amend an act entitled 'An act for the preservation of clams and oysters,' approved April fourteenth, one thousand eight hundred and forty-six," which amendatory act was approved March twenty-fourth, one thousand eight hundred and ninety-nine.

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

Section amended.

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

Taking of hard mud clams.

1. From and after the passage of this act it shall be unlawful for any person or persons to take from the natural beds beneath the waters of this state, by means of boats, tongs, dredges, rakes or otherwise, or to have in their possession, or to buy or sell, or to offer to buy or sell, any clams commonly called hard mud clams, the shells of which will measure less than one inch in width or thickness across the back or hinge; except said clams be taken beneath the waters of Atlantic county, in which case they shall not measure less than one and one-quarter inches in length; or to buy or sell, or to offer to buy or sell, any clams commonly called hard sand clams, the shells of which will measure less than one inch in width or thickness across

Exception.

the back or hinge; except said clams be taken beneath the waters of Atlantic county, in which case they shall not measure less than one and one quarter inches in length; or to buy or sell, or offer to buy or sell, any clams commonly called soft shell clams, the shells of which will measure less than two inches in length; and every person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, at the discretion of the justice of the peace before whom the case is brought, and in default of payment of the fine, the justice shall commit him to the county jail for a period of not less than ten days nor more than thirty days; one moiety of said fine (after deducting therefrom the fees of the justice, and of the officer making the arrest, which fees shall be the same as are allowed for issuing and serving warrant and holding examination or hearing in other causes), to be paid by said justice imposing and collecting the fine to the overseer of the poor, for the use of the poor of the township in which the offense shall have been committed, and the other half or moiety to be paid to the warden, constable or person who made the complaint.

Soft-shell clams.

Penalty.

Division of fine.

2. This act shall take effect immediately.

Passed March 23, 1900.

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## CHAPTER 176.

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" (Revision one thousand eight hundred and ninety-eight).

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

1. Whenever upon the settlement and allowance of the final or intermediate accounts of any administrator, it shall appear that he has in his hands as assets or part of the assets of the estate of which he is the administrator, any bonds,

Disposition of securities in settlements where there are children.

mortgages, stock shares, loans on personal security or other security which came to him as investments made by or belonging to his intestate, and there be minor child or children entitled to distribution of the balance shown by said account or accounts, or to some part thereof, it shall be lawful for such administrator to present a petition to the court by which he was appointed, or to the court by law authorized to pass on his accounts, setting forth the nature and amount of such bonds, mortgages, stock shares, loans on personal security or other securities, that have come to his hands, and pray the direction of the court as to the sale and conversion of such bonds, mortgages, stock shares, loans on personal security or other securities, or whether he shall distribute the same in kind, as near as may be, to the said minor child or children, through their guardian or guardians; and the said guardian or guardians, if any there be, may join in said petition and ask the direction of the court as to the acceptance of investments or securities, and thereupon the said court, upon the consideration of all the circumstances of the case and the evidence produced, may make such order either directing the sale or conversion of such securities or directing such administrator to distribute them in kind or authorizing and empowering said guardian or guardians to accept such portion thereof as would be equal in money to the amount of the distributative share or shares to which their ward or wards would be entitled thereunto, as in the judgment and discretion of the court will be most advantageous to the interest of the persons entitled to share in said fund; and any administrator or guardian applying as aforesaid and receiving such order and direction, shall, upon compliance therewith, be as fully exonerated and acquitted as if he or they had distributed said funds in money and invested the same in such loans and investments as are now authorized by existing laws relating to investments by executors, administrators with the will annexed, trustees and guardians; and such guardians shall not be accountable for any loss by reason of accepting such distribution upon the making of said order.

Petition to court.

Liability for loss removed.

2. This act shall take effect immediately.

Approved March 23, 1900.

## CHAPTER 177.

An Act to provide a uniform procedure for the enforcement of all laws relating to the taking of natural seed oysters and clams and the protection of the natural seed oyster grounds of this state and for the recovery of penalties for the violation thereof.

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

Laws for protection of seed, oysters and grounds to be enforced.

1. All laws, general and special, for the protection of natural seed oyster grounds, or in any manner prohibiting or regulating the taking or possession of natural seed oysters and clams, shall hereafter be enforced, and all penalties for violations thereof shall hereafter be recovered in accordance with the provisions of this act.

Who have jurisdiction.

2. Justices of the peace, district courts and police magistrates shall have jurisdiction to try and punish any person or persons, corporation or corporations, accused of violating any of the laws specified in the first section of this act, or any of the provisions thereof, and every penalty prescribed for such violation may be enforced and recovered before any justice of the peace, district court or police magistrate, either in the county where the offence is committed or where the offender is first apprehended or where he may reside.

Procedure.

3. Such justice of the peace, district court or police magistrate, upon receiving complaint in writing, duly verified, of the violation of any law specified in the first section of this act, or of any of the provisions thereof, is hereby authorized and required to issue a warrant, directed to any constable, police officer, oyster commissioner or their assistants, commanding him to cause the person or persons so complained of 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 such person or persons, and, upon conviction, shall impose upon the person or persons so convicted the penalty or penalties pre-

scribed, together with the costs of prosecution for such offence; and if any person or persons shall fail to pay the penalty or penalities so imposed, together with the costs of prosecution, the said justice, district court or police magistrate shall commit him or them to the common jail of the county where such conviction is had, for a period not exceeding ninety days, or until said penalty and costs are paid.

Arrest without warrant.

4. For the violation of any law specified in the first section of this act, or of any of the provisions thereof, done within the view of any constable, police officer, oyster commissioners or their assistants, 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, district court or police magistrate of the county wherein such arrest is made, and the justice, district court or police magistrate before whom such offender or offenders shall be taken is hereby authorized and required to hear and determine in a summary way the guilt or innocence of such person or persons, after receiving from the said officer a complaint in writing duly verified, setting forth the nature of the offence for which the said persons or persons was or were arrested.

Costs and fees.

5. In any action commenced under the provisions of this act the prevailing party shall recover costs against the other, and the same fees and costs shall be allowed therein as in trials before justices of the peace holding court for the trial of small causes.

Adjournment of hearing.

6. Any hearing to be held pursuant to this act may, for good cause shown, be adjourned for a period not exceeding thirty days from the return of any warrant of the time of appearance mentioned in any summons, or from the date of any arrest without warrant, as the case may be, but in case it shall be the duty of the justice, district court or police magistrate to detain the defendant or defendants in safe custody unless he or they shall enter into bond to the person making the complaint, with at least one surety, in double the amount of the penalty to be recovered, conditioned for his or their appearance on the day to which the hearing shall be adjourned, 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, provided no appeal therefrom be taken, and such bond, if forfeited, may be prosecuted by the person to whom it is given in any court of competent jurisdiction.

Disposition of moneys recovered.

7. All moneys recovered pursuant to the provisions of this act shall be paid in each case to the person making the complaint, who shall pay one-third thereof to the treasurer of the state for the use of the state, and one-third thereof in equal proportions to the persons furnishing the evidence necessary to secure a conviction.

Appeal may be taken.

8. Any party to any proceeding instituted under this act may appeal from the judgment or sentence of the justice, district court or police magistrate, to the court of common pleas of the county in which the said proceedings shall take place; *provided*, that the party appealing shall within ten days after the date of the said judgment serve a written notice of appeal upon the opposite party, pay the costs of such proceedings and deliver to the justice, district court or police magistrate a bond to the opposite party in double the amount of the judgment appealed from, with at least one sufficient surety, conditioned to prosecute the said appeal and to stand to and abide by such further order or judgment as may hereafter be made against said party.

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Papers, etc., sent to court of common pleas.

9. Whenever an appeal shall be taken as aforesaid, it shall be the duty of the justice, district court or police magistrate to send all papers, together with a transcript of the proceedings in the case, to the next court of common pleas of the said county, which court shall try and determine all such appeals in the same way and manner that appeals from the courts for the trial of small causes are now tried and determined, except that upon the trial of any such appeal no notice of the production of new evidence on behalf of either party shall be required.

Power and fees of oyster commissioners.

10 The duly appointed oyster commissioners or their assistants shall have the same power and be entitled to the same fees for the services of process in cases instituted under this act, as constables have and are entitled to receive in the courts for the trial of small causes.

Giving of evidence.

11. No person shall be excused from giving evidence in any action or proceedings taken or had under this act, on the ground that such evidence might tend to convict such witness, or render him liable to prosecution under this act, but such evidence shall not be received against such witness in any such prosecution.

Proceedings, etc , at any time.

12. Proceedings under this act may be instituted on any day of the week, and the institution of such proceedings on 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.

Proceedings brought in name of state, etc.

13. All proceedings for the recovery of penalties pursuant to the provisions of this act shall be entitled and shall run in the name of the state of New Jersey, with one of the oyster commissioners or their assistants or a police officer or a constable, and no proceedings shall be instituted by any person not a duly commissioned oyster commissioner or their assistants or a police officer or a constable of this state.

Penalty on second conviction.

14. In all cases where a person shall be convicted a second time, double the penalty prescribed shall be imposed upon such second conviction, and it is hereby made the duty of every person making the complaint pursuant to the provisions of this act, who has reason to believe that the accused has been previously convicted, to lay such information before the justice of the peace, district court or police magistrate, and produce such proof of the same as shall be admissible.

Repealer.

15. All acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed;

Proviso.

*provided*, that such repealer shall not be taken or construed to interfere with any prosecutions now pending or which may hereafter be begun for the violation heretofore of any such laws.

16. This act shall take effect immediately.

Approved March 23, 1900.

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## CHAPTER 178.

An Act concerning the military and naval forces (Revision of 1900).

### GENERAL.

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

Classes.

1. The military forces shall be of two classes, active and reserve.

Name; complement.

2. The active military and naval forces shall be known as National Guard, New Jersey, and shall consist of not more

than sixty companies of infantry (to be organized into regiments), two batteries of field artillery, one signal and telegraph corps, one hospital and ambulance corps, two troops of cavalry, and the naval reserve.

Ordered out in emergency.

3. The commander-in-chief may, in case of invasion or other emergency, order the national guard, or any part thereof, to march to any part of the state and continue in service so long as he may deem necessary, not exceeding three months.

Application by mayor or sheriff.

4. In case of breach of the peace, riot, tumult, or resistance to process, or apprehension of immediate danger thereof, in any city or county of the state, the mayor of such city, or the sheriff of such county, may make application to the commander-in-chief for the aid of the national guard.

ORGANIZATION.

Numbering.

5. Brigades, regiments, batteries and troops of cavalry shall be numbered by the commander-in-chief in such manner as he may think most likely to secure uniformity, and a record thereof shall be kept in the office of the adjutant-general.

Power of governor to make changes.

6. The brigades, regiments, troops, batteries and other organizations shall remain as now established, but the commander-in-chief may alter, divide, annex, consolidate, disband or reorganize them and create new organizations, whenever in his judgment the efficiency of the national guard will be thereby increased; and he may at any time change the organization of brigades, regiments, troops, batteries, and other organizations of the national guard, so as to conform to any organization, system of drill or instruction now or hereafter adopted for the army of the United States, or for any other reason which he may deem sufficient, and for that purpose may increase or diminish the number of officers and non-commissioned officers of any organization of the national guard at his discretion.

Governor's staff.

7. The governor, as commander-in-chief, shall have the following staff: one adjutant-general, with the rank of brigadier-general; one quartermaster-general, with the rank of colonel, who shall be commissary-general, paymaster-general, chief medical purveyor, medical store-keeper and chief of ordnance; one surgeon-general, with the rank of

colonel; one inspector-general, with the rank of colonel; one inspector-general of rifle practice, with the rank of colonel; one judge-advocate general, with the rank of colonel; six aides-de-camp, whose terms of service shall expire with that of the governor who shall have appointed them, one of whom may be appointed by the commander-in-chief as his personal aide, with the rank of major; the other five aides-de-camp shall be appointed by the commander-in-chief from the commissioned officers of the national guard, holding commissions on the active list, of a grade below that of colonel, and their appointment shall operate as a commission as aide de-camp, but shall not add to the actual grade of the officers so appointed; such aides-de camp shall not be relieved from duty with their respective organizations, except when actually on duty as aides-de-camp under the orders of the commander-in-chief.

Assistant staff officers.

8. There shall be commissioned an assistant adjutant-general, with the rank of lieutenant-colonel; one assistant quartermaster-general, with the rank of lieutenant-colonel; one assistant commissary-general, with the rank of major; one paymaster, with the rank of captain; one military storekeeper, with the rank of captain; one assistant surgeon-general, with the rank of lieutenant-colonel; one medical inspector, with the rank of major; two hospital and ambulance corps officers, with the rank of captain; two assistant inspectors-general, with the rank of lieutenant-colonel; and two assistant inspectors-general of rifle practice, with the rank of lieutenant-colonel; one standard-bearer to the commander-in-chief, with the rank of sergeant.

Division staff.

9. There shall be a major-general of division, whose staff shall be as follows: one assistant adjutant-general, with the rank of lieutenant-colonel; one surgeon, with the rank of lieutenant-colonel; one quartermaster and commissary, with the rank of major; one chief of artillery, with the rank of lieutenant-colonel; one judge-advocate, with the rank of major; three aides-de-camp, each with the rank of captain; and one standard-bearer and one bugler, each with the rank of sergeant.

Brigade staff.

10. There shall be one brigadier-general for each brigade, whose staff shall be as follows: one assistant adjutant-general, with the rank of major; one surgeon, with the rank of major; one quartermaster and commissary, with the rank of captain; one judge-advocate, with the rank of

captain; two aides de-camp, each with the rank of first lieutenant; one hospital steward, one standard-bearer and one bugler, each with the rank of sergeant.

Regimental officers.

11. In each regiment there shall be one colonel, one lieutenant-colonel, one major for each drill battalion constituting a part of the regiment, one adjutant, with the rank of captain, one quartermaster, with the rank of captain, who shall act as commissary of subsistence, one surgeon, with the rank of major, one chaplain, one inspector of rifle practice, with the rank of captain, one sergeant major, one quartermaster-sergeant, one commissary-sergeant, one chief musician, two principal musicians, two color-sergeants, one bugler, and for each drill battalion constituting a part of the regiment, one adjutant, with the rank of first lieutenant, one assistant surgeon, with the rank of first lieutenant, and one sergeant-major and one hospital steward.

Company officers.

12. In each company of infantry there shall be one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster-sergeant, one commissary sergeant, four sergeants, eight corporals, and sixty-six privates. The minimum strength of a company shall be fifty enlisted men.

Minimum strength of company.

Cadet corps.

13. The state military board may cause to be attached to any regiment a cadet corps, to be composed of young men between the ages of ten and sixteen years, for the purpose of instruction in military science and tactics, who shall be subject to such duties and requirements as may be imposed by the officers of the regiment appointed over them; *provided*, there shall not be more than one cadet corps in each brigade; but no cadet corps shall receive any of the moneys or emoluments allowed by law for companies of the national guard. Any regimental commander may, with the approval of the state military board, warrant a commandant of cadets, with the rank of captain, when the number of cadets attached to his regiment shall exceed fifty.

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Cavalry officers.

14. In each troop of cavalry there shall be one captain; one first lieutenant; one second lieutenant; one assistant surgeon, with the rank of first lieutenant, one hospital steward, one first sergeant, one quartermaster sergeant, one commissary sergeant, one guidon sergeant, one veterinary sergeant, four sergeants, eight corporals, four artificers, two trumpeters and not less than thirty nor more than fifty privates. The commanding officer shall be entitled to vote at

any election of a brigadier-general of the brigade to which the troop shall be attached.

Artillery officers.

15. Each battery of field artilley shall consist of one captain; one first lieutenant; two second lieutenants; one assistant surgeon, with the rank of first lieutenant; one first sergeant; one quartermaster sergeant; one commissary sergeant; one guidon sergeant; one veterinary sergeant; four sergeants; eight corporals; two artificers; two trumpeters; and not less than forty privates. The commanding officer shall be entitled to vote at any election of a brigadier-general of the brigade to which the battery shall be attached.

Signal and telegraph corps.

16. A signal and telegraph corps shall be attached to the headquarters of the division, and shall consist of one signal officer, with the rank of captain; one assistant signal officer, with the rank of first lieutenant; one assistant signal officer, with the rank of second lieutenant; one assistant surgeon, with the rank of first lieutenant; one first sergeant; one quartermaster sergeant; four sergeants; eight corporals; and not less than twenty-three nor more than forty-six enlisted men, as many of whom as practicable shall be telegraphers, electricians, civil engineers, linemen, mechanics and signal men.

Musicians.

17. The commanding officer of a regiment, troop or battery may organize a band of musicians and a drum, fife or bugle corps, to be under his direction and command, who shall be mustered into the service as members of the band and be subject to all the laws and regulations for the government of the national guard; and such commanding officer may disband such band, and drum, fife or bugle corps, and revoke the warrants of the officers thereof.

Commissions of regimental staff officers permanent.

18. Officers appointed upon the staff of the colonel of a regiment shall receive permanent commissions, as other officers of the national guard, and may be detailed to duty by the colonel in any of the companies of the regiment; the company officers, elected by the companies, may be detailed to staff duty by the commanding officer of the regiment; the commanding officers of companies, batteries and troops shall appoint from the sergeants elected by the companies, batteries and troops the first sergeant, the quartermaster sergeant and the commissary sergeant, and shall have power to return them to the rank of sergeants and appoint others in their place from among the sergeants; *provided*, that all sergeants elected by companies or troops shall have previously qualified as

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marksmen under orders for rifle practice, but the division commander may waive this requirement in any particular case.

Disbandment.

19. When any company, troop of cavalry, battery of artillery, signal and telegraph corps, hospital and ambulance corps, or regiment shall fall below the standard of numbers required by law, or shall be found guilty of mutinous conduct, or when the state military board shall decide by a vote of a majority of its members that any company, troop of cavalry, battery of artillery, signal and telegraph corps, hospital and ambulance corps, or regiment has ceased to be useful, or is detrimental to the service, the commander-in-chief may cause them to be disbanded or consolidated with other commands.

Company by-laws.

20. All companies and other organizations of the national guard shall have power to adopt by-laws for their internal government, to establish fines and penalties for violation of such by-laws and for derelictions of duty, and to provide for the qualifications and election of its members and for the expulsion of unworthy, unruly, derelict or insubordinate members upon conviction by court martial; such by-laws to be subject to the approval of the commanding officer of the regiment to which the company is attached, and in case of other organizations to be subject to the approval of the brigade commander, and such commander shall have power to annul or suspend the whole or any portion of such by-laws.

Term of enlistment.

21. The term of enlistment of men shall be five years; re enlistments may be for one year.

Honorable discharge.

22. Every officer of the national guard (upon the tender and acceptance of his resignation), and every non-commissioned officer, musician and private now enlisted or who shall hereafter enlist in the national guard, who shall have served faithfully therein for the term of five years or more and done sixty per centum of duty in each year, under orders, shall, at his request, receive an honorable discharge from the commander-in-chief, entitling him to exemption thereafter from jury duty and from all military duty, except in time of war or insurrection; *provided*, he shall be free from indebtedness to the state and the command to which he shall be attached, and from any charges preferred for violation of the laws, regulations and orders governing the national guard.

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APPOINTMENTS AND ELECTIONS.

Date of rank.

23. All officers hereafter appointed or elected shall take rank from the date of their appointment or election, and when two or more officers of the same grade shall be appointed or elected on the same date, their relative rank shall be determined by lot, to be drawn by them in the presence of the division, brigade or regimental commander.

Elections.

24. All elections shall be by ballot, on five days' notice of the time and place to all persons entitled to vote, and a majority of all the votes cast shall be necessary to a choice.

Commissions of general officers.

25. All general, field, line and staff officers elected or appointed, may be commissioned by the commander-in-chief, their commissions to be countersigned by the adjutant-general, and by him transmitted to the officer who held the election or made the appointment.

Commissions, when void.

26. Should any person elected or appointed neglect or refuse to appear before the examining board, or 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 endorsed thereon, and the election or appointment shall thereupon become void.

Warranted officers.

27. All non-commissioned officers shall receive warrants from their respective commanders on blanks to be furnished by the adjutant-general.

Officer's oath.

28. Every officer who may be appointed or elected and commissioned shall, previous to his entering on the execution of his office, give assurance of fidelity and attachment to the government of this state and of the United States by taking and subscribing the following oath or affirmation before a general or field officer: I, ——, do sincerely profess and swear (or affirm, as the case may be) that I do and will bear true faith and allegiance to the government established in this state, under the authority of the people, and to the government of the United States, and will, with integrity, execute the office of —— of the national guard of the state of New Jersey, according to the best of my ability, so help me God; and a certificate thereof shall be made upon the back of every commission by the officer before whom the said oath or affirmation shall have been taken and subscribed.

Filling office of brigadier-general.

29. Whenever the office of brigadier-general shall become vacant, the division commander shall give notice of an elec-

tion to be held to fill such vacancy, shall preside at the election, and shall immediately thereafter certify the result to the adjutant-general.

Election of colonel, etc.

30. Whenever the office of colonel, lieutenant-colonel, or major of a regiment shall become vacant, the commander of the brigade to which such regiment belongs shall give notice of, and preside at, the election, and certify the result to the adjutant-general.

Election of company officers.

31. Whenever the office of captain or lieutenant of a company shall become vacant, the commander of the regiment to which such company belongs shall give notice of, and preside at, the election, and certify the result to the adjutant-general.

Officer to preside at election.

32. If there shall be no officer qualified to hold an election as herein prescribed, the division commander shall issue his warrant to any officer whom he may select to hold such election, who shall give notice of, and conduct it, and shall certify the result to the adjutant-general.

In absence of officer.

33. If any officer, whose duty it is to hold an election, is prevented, by sickness or otherwise, from presiding at such election, he may order an officer of his command to perform said duty, but must certify the election himself.

APPOINTMENTS RETIREMENT, AND SUPERNUMERARY.

Retirement with brevet rank.

34. The governor and commander-in-chief may place any citizen of this state, who is a member of the national guard, and who shall have faithfully served as a commissioned officer therein for a period of more than twenty-five years, or who shall have become incapacitated by reason of military duty, upon the retired list, and, by and with the advice and consent of the senate, may confer upon him a brevet rank of not more than one grade higher than the highest rank held by him during his term of service.

Resignation.

35. If any commissioned officer wishes to resign, he shall make application in writing to the adjutant-general, through the proper channels, and if a sufficient reason for such resignation appears to each commanding officer to whom such application is presented, he shall certify his approval thereon and forward the same to the adjutant-general, who shall file it in his office, and issue an order announcing the acceptance of the resignation, and the commission shall thereupon be

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void; *provided*, that no commissioned officer who shall resign shall receive an honorable discharge from the service unless his account for public property shall have been settled at the quartermaster-general's office within ninety days from the date of the acceptance of his resignation.

Acceptance of another military office voids commission.

36. If any officer holding a commission in the national guard shall accept an appointment or election to another military or naval office in the service of this state, or of the United States, the commission which he shall hold at the time of such acceptance shall be void; *provided, however*, that such acceptance shall not vacate a brevet commission.

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Removal or absence voids commission.

37. If any officer remove out of this state, or be absent therefrom more than six months, notice thereof shall be forwarded through the proper channels to the adjutant-general, and his commission shall thereupon be declared void.

Officer placed on supernumerary list by disbandment.

38. If the command to which any officer belongs is disbanded, or ceases to exist, the office of such officer shall thereby expire, and he shall be placed on a supernumerary list by the adjutant-general, and may be detailed for duty at any time by the commander-in-chief.

## DEPARTMENTS.

### *Adjutant-General.*

Adjutant-general; duties.

39. The adjutant-general shall be chief of staff and shall distribute all orders from the commander-in-chief to the several commands; he shall attend at public reviews, if required, when the commander-in-chief shall review the national guard, or any part thereof; he shall obey all orders from the commander-in-chief for carrying into execution and perfecting the system of military discipline provided by this act; he shall furnish blank forms of the different returns that may be directed by the commander-in-chief, and explain the principles on which they shall be made; he shall make proper abstracts from the report of the inspector-general and present the same, with a report of the general condition of the national guard, and such recommendations as he may deem necessary to advance the discipline and to benefit the national guard, to the commander-in-chief, who is required to make report of the same to the legislature; he shall annually make a return of the national guard, as may be

required, to the president of the United States; and he shall keep a complete record of all orders issued by him, returns received, names of officers commissioned, with rank and command, and of every proceeding relative to the details of the military and naval forces ordered by the commander-in-chief upon requisition of the president or congress of the United States, in case of invasion or other emergency.

Assistant adjutant-general.

40. The assistant adjutant-general, in the absence of the adjutant-general from the capital of the state, or in case of his inability to perform all his duties, shall perform such duties or assist therein.

Bureau of enrollment and drafting.

41. There shall be in the adjutant-general's department a bureau of enrollment and drafting, under the assistant adjutant-general, who shall be chief of enrollment and drafting.

Further duties.

42. The assistant adjutant-general shall perform such other duties as may from time to time be prescribed by the adjutant-general.

Certificates of election forwarded to adjutant-general.

43. All certificates of election of officers shall be forwarded to the adjutant-general, through the military channels, to be entered of record before such officers shall be commissioned.

Seal; additional duties of adjutant-general.

44. The adjutant-general shall have an appropriate official seal, and affix an impression of the same to all certificates of record issuing from his office; he shall prepare from time to time, as may be necessary, with the approval of the commander-in-chief, a compilation of the laws governing the national guard, and print and issue as many copies thereof as may be required, and, when directed by the commander-in-chief, shall purchase such system of tactics, regulations, and other military books as may be necessary for the instruction of the national guard, which books shall be distributed as the property of the state, under proper regulations, through his office.

*Quartermaster-General.*

Issue of military equipment and stores.

45. The quartermaster-general shall issue to commandants or organizations of the national guard, within thirty days after the commissioning of such commandant, upon bond with sufficient security, the arms and equipments suited to such organizations; he shall issue, upon proper requisition, all arms, uniforms, equipments, camp equipage, transporta-

tion, subsistence, forage, and stores required for the state forces in time of peace, or when in actual service within the state; and he shall issue to each commissioned officer and non-commissioned officer who does not bear arms, upon bonded security, a rifle and revolver for use in rifle and revolver practice.

Military storekeeper.

46. The military storekeeper shall be responsible to the quartermaster-general for the safe-keeping and condition of the military stores at the state arsenal.

Returns required concerning state property.

47. The quartermaster-general shall require annual returns from the commandants of every uniformed organization, on or before the first day of October in each year, of the actual number, condition, and situation of the arms and accoutrements, the property of the state, in possession of each organization, and from time to time issue such orders and make such regulations as may be necessary and proper for the safe-keeping and return of the military property of the state wheresoever situated; he may, at his discretion, cancel the bond given by any officer of the national guard as security for arms and equipments, or other public military property, being first satisfied that such military property has been lost or destroyed by misadventure in the public service and without fraud or culpable negligence on the part of such officer or his sureties.

Cancel bond.

Payment for uniforms.

48. The cost of uniforms shall be paid by the treasurer, upon the warrant of the comptroller, upon notice from the quartermaster-general, on or before the first Monday in April of each year, of the sum charged against each organization for uniforms furnished during the year ending on that day, and one-fourth of the amount so reported shall be deducted from each of the two next succeeding appropriations for each organization so furnished.

Unserviceable stores, sale of.

49. Inspection and surveys of unserviceable stores shall be made by such officer or officers as may be appointed for that purpose by the commander-in-chief, and stores found unsuitable for the public service shall be sold by the quartermaster-general under such regulations as may be approved by the commander-in chief; and the quartermaster-general may, upon the approval of the commander-in-chief, apply to the payment of expenses and the purchase of ordnance and ordnance stores, camp and garrison equipage and other military stores, repairs at the state arsenal, and improvements and expenses of the state camp-grounds, such moneys as may

Application of moneys received from sale or camp ground.

be derived from sales of obsolete or unserviceable military stores, ammunition, settlements of accounts of officers and others, and proceeds from sales of hay, farm implements, live stock and pasturage at the state camp-grounds; and such receipts and expenditures shall appear in the annual report of the quartermaster-general and vouchers of disbursement filed with the comptroller of the treasury.

Orders pertaining to quartermaster-general's department.

50. The commander-in-chief may, upon the recommendation of the quartermaster-general or otherwise, issue such orders from time to time as may be necessary or desirable for the more efficient conduct of the quartermaster-general's department, provided they shall not be inconsistent with any of the provisions of this act.

Annual report to governor.

51. The quartermaster general shall make an annual report to the governor and commander-in-chief of the operations of his department for the year, giving the number and condition of all arms, equipments, and other military property of the state.

Purveyor of medical supplies.

52. The quartermaster-general shall act as chief medical purveyor and storekeeper; he shall issue medical supplies only upon requisitions regularly forwarded and approved, with the approval of the surgeon-general; and he shall purchase, with the approval of the commander-in-chief, only such medical supplies as the surgeon general shall select and approve.

Bond of paymaster.

53. The paymaster shall, before entering upon the duties of his office, give bond to the state, with sufficient sureties to be approved by the comptroller of the treasury, in the sum of five thousand dollars, conditioned for the faithful performance of his duties, and shall take and subscribe the following oath or affirmation:

Oath.

I, ————, do swear (or affirm) that I will, to the utmost of my knowledge and ability, honestly and faithfully perform the duties of paymaster of the national guard, so help me God; which oath (or affirmation) the comptroller shall administer and indorse on the said bond, and shall file the said bond in his office; he shall account from time to time for all moneys and returns by him received, and produce orders for any disbursements he may have made, to the quartermaster-general of the state, or to such other officer or officers as may be provided by order of the commander-in-chief.

Accountings.

Disposition of funds belonging to disbanded organization.

54. Whenever any regiment or other organization of the national guard shall have been disbanded by order of the commander-in-chief, the commanding officer thereof shall turn over to the paymaster all moneys remaining in his hands; and the paymaster shall collect and receive all moneys which were due and payable to such regiment or organization previous to such disbandment, or which would have become due on account of existing detached companies of such regiment or organizations, if such regiment or organizations had not been disbanded, out of which moneys such paymaster shall pay, subject to the approval of the quartermaster-general, such just debts of such disbanded regiment or organizations as may be presented for payment within three months after such disbandment, and the necessary expenses of the companies of such regiment or organization while remaining detached; and whenever any of the said companies shall be assigned to any regiment or organization, he shall pay to the commanding officer of such regiment or organization, a pro rata amount of the moneys remaining in his hands at the time of such assignment, to be expended by said commanding officer as provided by law for moneys received from the state treasury on account of companies.

PAY OF OFFICERS AND MEN.

Pay.

55. When any portion of the national guard shall be ordered by the division commander, with the approval of the commander-in-chief, to attend an encampment, or for active duty, there shall be paid to such officers and enlisted men as shall be present for duty under such order, in addition to the allowance of rations, the following sums each, for each day actually on duty: to all enlisted musicians and privates, one dollar and fifty cents; to all corporals, one dollar and fifty cents; to all company sergeants below first sergeant, one dollar and seventy-five cents; to all first sergeants and non-commissioned staff officers two dollars; to all commissioned officers below the rank of captain, except when said officers are in command of companies, two dollars and fifty cents; to all captains and officers commanding companies, three dollars; to all field officers below the rank of colonel, except when in command of a regiment or battalion, four dollars; to all commanding officers of regiments or

battalions, five dollars; to all brigadier-generals, six dollars; to all staff officers, except adjutant, the same pay and allowance as are allowed to officers of equal grade in line; all mounted officers and all members of any troop or battery, mounted and equipped, shall be paid two dollars per day for each horse actually used by them.

INSPECTOR-GENERAL.

Duties of inspector-general.

56. The inspector-general shall, on or before the tenth day of November in each year, make a report of the condition of the national guard to the adjutant-general, as of the thirty-first day of October next preceding, and shall forward one copy of all inspections made to the office of the adjutant-general, and one copy to the headquarters of division of the national guard within sixty days after such inspection; he shall, on or before the first day of April, in each year, see that each command is furnished with muster and inspection rolls in sufficient quantities to make out triplicate returns; and he shall exercise a comprehensive observation and personal supervision over all that pertains to the efficiency of the national guard, the condition and state of supplies of all kinds, and of arms and equipments, the state military property, the expenditure of moneys in the service of the national guard, and the conduct, discipline and efficiency of officers and troops; he shall be under the orders of the commander-in-chief, through the adjutant-general, and such duties or services as may be required by the division commander outside the regular line of duties prescribed for the inspector-general shall be performed by the inspector-general upon the orders of the division commander, approved by the commander-in-chief.

Semi annual inspections.

57. Semi-annual inspections of troops and armories shall be made immediately after the close of the drill season in April, and prior to the taking up of a new drill season in October.

Inspection of stores at arsenal.

58. The inspection of general stores, camp equipage and other military property, in the general arsenal and storehouse at Trenton, shall be made at the convenience of the inspector-general.

Inspection of arms, etc.

59. The inspector general, or an assistant inspector-general, shall, once in each year, attend the brigade and regimental

reviews, parades and musters of the respective brigades and regiments of the national guard, and inspect their arms, ammunition and accoutrements.

Company inspection.

60. The annual inspection of each company of the national guard shall be made by the inspector general, or an assistant inspector general, between the first day of May and the thirty-first day of May in each year, at which inspection there shall be furnished by each company commandant to the inspecting officer muster rolls in triplicate of the company, which rolls shall have indorsed thereon a certificate of the commanding officer of the average number present at all company drills and parades throughout the year, and which muster rolls shall then be examined by the inspecting officer and by him certified.

Special inspections.

61. The division commander may order a special inspection of each company of the national guard at such time and place as he may deem proper, and the returns thereof shall be made in the manner and form now prescribed.

RETURNS.

Quarterly returns by commanding officers.

62. All commanding officers of companies, regiments, brigades, division and other organizations shall make a quarterly return on the last day of March, June, September and December in each year to the adjutant-general, through the proper channels, showing the strength of their commands, changes by gain or loss therein, and the number and condition of the uniforms, arms and equipments received and accounted for.

Consolidated returns.

63. Regimental, brigade and division commanders shall make a consolidated return of their commands from said quarterly returns, and forward such return, within twenty days thereafter, to the adjutant-general.

INSPECTOR-GENERAL OF RIFLE PRACTICE.

Duty of inspector-general of rifle practice.

64. The inspector-general of rifle practice shall have charge of the general instruction of the national guard in the use of such arms as may from time to time be provided by the state for their use, in order to increase their skill and efficiency, and shall, on or before the tenth day of

November in each year, report to the adjutant-general the result of the year's practice as of the thirty-first day of October next preceding.

Use of private rifle ranges; prizes; rifle team.

65. The commander-in-chief may contract with any association in this state having a military rifle range, for the use of such range by the national guard for its perfection in rifle practice; he may, upon the recommendation of the inspector-general of rifle practice, offer prizes for skill in marksmanship among the members of the national guard; and he may organize a team of men from the national guard to compete for excellence in rifle practice, either within or without the state.

SURGEON-GENERAL.

Duty of surgeon-general.

66. The surgeon-general shall submit annually to the commander in-chief a report of the medical department, and such report shall be published with that of the adjutant-general; he shall have charge and general supervision of the medical department of the state forces, and shall issue from time to time such regulations, subject to the approval of the commander-in-chief, as may be necessary; he shall, when required, examine the location of all camps or stations, to see that they are established in proper places, and are properly laid out and conducted with reference to the health and comfort of the troops, or he may detail an officer for that purpose; and he shall establish a medical bureau, in which all papers and transactions of his department, and all statistics and available information concerning the health and comfort of the troops in camp and in the field, shall be preserved for the use and guidance of the medical staff, which he shall deliver to his successor.

Part of medical department.

67. All surgeons, assistant surgeons and hospital stewards, commissioned as officers of the national guard, with specified rank, shall constitute a part of the medical department of the national guard; the hospital and ambulance corps shall be under the direction and control of the surgeon-general, but may be detailed or assigned to duty in connection with any organization, or organizations, of the national guard by the commander-in-chief, or division commander, when it shall be under the military direction of the commanding officer of the organization or organizations to which the said corps, or a part thereof, shall be assigned, and all persons

connected with this corps shall be members of the national guard and entitled to all the rights and privileges thereof.

Regulations.

68. 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 government, discipline and equipment of said corps.

MEDICAL DEPARTMENT.

Examination for appointment to medical department.

69. All candidates for appointment as medical officers in the national guard shall be examined as to their ability to discharge, in a satisfactory manner, all the duties of surgeon, assistant surgeon or hospital steward, and the surgeon-general shall have the charge and regulation of such examination, and no person shall be commissioned or warranted without undergoing such examination; the morals, habits, physical and mental qualifications, general aptitude for military service, and any physical or mental infirmity that will interfere with the proper and efficient discharge of a medical officer's duty, shall be subjects for careful consideration; the approval or disapproval of the surgeon-general must in all cases be noted on the certificate of a candidate for appointment or promotion, and no medical officer shall be commissioned or warranted without the approval of the surgeon-general.

Assignment to special duty.

70. Assignments or details of medical officers for any special duty, or for any duty outside of the commands in which they are commissioned or warranted, shall be made only upon the request or approval of the surgeon-general.

JUDGE-ADVOCATE GENERAL.

Duty of judge-advocate general.

71. The judge-advocate general shall have the supervision, care and management of all things relating to the administration of justice in the military and naval forces; he shall act as judge-advocate at all courts-martial where the public interests require his attendance; he shall, when required so to do by the commander-in-chief, report his opinion on any question of military law; he shall, from time to time, prepare and submit rules, regulations, forms and precedents not inconsistent with this act, for the use of

military courts, which, upon approval of the commander-in-chief, shall be published in orders by the adjutant-general and distributed to commissioned officers, from and after the publication of which they shall be binding upon the national guard; and he shall, on or before the first day of November in each year, make a report to the adjutant-general.

COURT OF INQUIRY AND COURTS-MARTIAL.

Courts of inquiry.

72. Courts of inquiry may be ordered by the commander-in-chief or division commander, shall consist of one or three officers, and shall have the same powers, jurisdiction, procedure and immunities as are provided by the laws, army regulations and usages of the United States for like courts in the United States army.

Courts-martial.

73. The commander-in-chief, and division, brigade, regimental commanders and commanders of other organizations (for the trial of accused persons in their respective organizations) may order courts-martial.

Garrison courts-martial.

74. Commanders of division, brigades, regiments, posts or camps, where troops consist of different organizations, in active service, may order garrison courts-martial for the trial of offenders within their respective commands.

When governor to order courts-martial.

75. General courts-martial, for the trial of officers above the rank of colonel, shall be ordered by the commander-in-chief, and for the trial of all other officers shall be ordered by the division commander.

Summary courts-martial.

76. Summary courts-martial may be ordered by regimental or company commanders for the trial of non-commissioned officers, musicians and privates in their respective commands.

Members not proceeded against.

77. No action shall be maintained against any member of a court-martial, or officer or agent acting under its authority, for anything done, or caused to be done, by them in pursuance of the powers, privileges and duties herein granted and imposed.

Offense outlawed.

78. No person shall be convicted of any offense committed more than two years before complaint is made.

Oath of members of court-martial.

79. Before the trial of any cause the judge advocate shall administer to the president and each of the members of the court-martial, or court of inquiry, the following oath or affirmation:

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

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

Subpœnas.

80. The president of every court-martial, both before and after he shall be sworn, or the judge-advocate, if required, shall issue all subpœnas for witnesses on behalf of the state, and, on application, on behalf of the accused, and may direct any company commander to cause them to be served; and such company commander shall cause them to be served accordingly.

Serving of processes, etc., by first sergeant.

81. It shall be the duty of the first sergeant, or acting first sergeant, of any company, when required, to serve all court-martial process, or notices, on members of their respective companies, which shall be served in the same manner as notices for drills, parades and meetings are required to be served; and all sheriffs, jailors, constables and other ministerial officers are required to serve any process issued by any court-martial, or the president or judge advocate thereof, to compel witnesses to attend and testify.

Penalty for disobeying subpœna.

82. Any person who shall, without reasonable excuse, disobey any subpœna duly served upon him, personally, shall, upon conviction thereof in a court of competent criminal jurisdiction, be subject to a fine of not less than ten nor more than fifty dollars, with or without costs, in the discretion of the court; and it shall be the duty of the prosecutor of the pleas in and for the county in which the court martial or court of inquiry shall sit, to prosecute such delinquent, upon the complaint of the president or judge-advocate of such court-martial or court of inquiry.

When arrest may be ordered.

83. Whenever it shall appear, upon oath, to the satisfaction of any court martial or court of inquiry, that any person duly subpœnaed to appear before it is a material witness and has wilfully disobeyed such subpœna, the court-martial or court of inquiry, or the president thereof, may issue a warrant for the arrest of such delinquent, directed to any sheriff, constable or other ministerial officer of any county, who shall execute the same by taking such delinquent into custody and bringing him before such court-martial or court of inquiry, forthwith.

Perjury.

84. Any person who shall wilfully swear falsely before any court martial or court of inquiry, shall be guilty of perjury, and on conviction thereof in any court of competent jurisdiction, shall suffer the pains and penalties provided by the laws of this state to be inflicted upon those guilty of perjury.

Counsel for accused.

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

Trial may proceed in absence of accused.

86. If any officer, non-commissioned officer, musician or private shall neglect, after notification, to appear and make defense, the court may proceed in his absence, and, if found guilty of the charges, he shall be sentenced accordingly.

Stenographer.

87. A stenographer, or other reporter, appointed by the judge-advocate, shall attend all general courts martial and courts of inquiry, and shall truly record, verbatim, all the testimony given on the trials therein, and shall deliver the same, typewritten, to the judge-advocate at the close of the trial; and before the trial of any cause, the president of the court shall administer an oath or affirmation to such reporter that he will faithfully perform his duties as reporter for said court.

Pay and expense.

88. Officers composing courts-martial, and the judge-advocate, shall receive from the state their necessary expenses in going to and returning from the place of trial, and the

pay allowed to them by law, according to their rank, for active service.

Witness fees, etc.

89. Fees of witnesses and for service of subpœnas and other process issued by a court-martial, or court of inquiry, shall be the same as those for like services in courts of common law, and shall be paid by the state upon being certified by the president of such court.

Sentences upon officers.

90. If any officer shall be found guilty of the offense or neglect charged against him, the court may sentence him to be cashiered, suspended or reprimanded, or recommend his dishonorable dismissal from the service, as the court shall adjudge.

Penalties imposed upon others.

91. Courts-martial may, upon conviction of any non-commissioned officer, musician or private, impose a fine, not exceeding twenty-five dollars for each offense, reprimand, reduce to the ranks, imprison for a specified term, suspend, recommend dishonorable dismissal from the service, or inflict such other punishment as they may deem proper, and may cause such sentence to be executed; *provided*, such punishment shall not exceed that provided by the laws and army regulations of the United States for like offenses, and like courts in the United States army.

Proviso.

Copy forwarded to judge-advocate general.

92. All judges-advocate, and officers who by detail act as such, shall forward to the judge-advocate general a copy of the entire proceedings of any court martial or court of inquiry at which they shall officially act, including a copy of the order convening the court, the evidence, the findings, the sentence, and the order approving or disapproving the same.

Courts martial governed by laws, etc., of United States.

93. The appointment, composition, organization, jurisdiction, procedure, records, reviews, powers, duties and privileges of military or naval courts-martial and courts of inquiry, except as now or hereafter specifically provided, shall be governed by the laws, regulations, articles of war, forms, precedents and military usages of the army and navy of the United States respectively, so far as the same may be applicable.

## DELINQUENCY COURTS FOR ENLISTED MEN.

Delinquency court.

94. A delinquency court for the trial of enlisted men may be constituted, shall consist of one commissioned officer, and shall have jurisdiction over the following offenses:

Offenses enumerated.

(1) Absence from, or tardiness in attending, any drill, parade, encampment, meeting for instruction, or other duty ordered by competent authority, without proper excuse;

(2) Disobedience of standing orders;

(3) Neglecting to take proper care of, or wilfully injuring or destroying, any arms, equipments or military property.

Infliction of fines.

95. The court may inflict fines as follows: (1) For absence from, or tardiness in attending, any drill, parade, encampment, meeting for instruction, or other duty ordered by competent authority, without proper excuse, a fine of not less than one nor more than five dollars for each day or part of a day, of such absence or tardiness; (2) for any other offense, a fine not exceeding ten dollars, and in addition a sum equal to the value of any property lost or destroyed, which shall be assessed by the court.

Court, how appointed.

96. The commanding officer of each regiment shall appoint the court for the regiment, and the commanding officer of each brigade shall appoint the court for the other organizations of the brigade.

Fines returned to delinquency court; sentence.

97. Fines for offenses against the by-laws, rules and regulations of, or non-payment of dues to, any company or organization, not exceeding in amount twenty-five dollars, may be returned to a delinquency court by an officer of such organization, together with a copy of such by-laws, rules and regulations; the court may sentence the persons so returned to pay such fines and dues, and enforce such sentence in the same manner as a fine for a military offense, and, when collected, they shall be paid to the treasurer, or financial secretary of the organization of which the person owing the same was a member.

Oath.

98. Every member of a delinquency court shall take an oath that he will well and truly try and determine, according to the evidence, all matters brought before such court.

Summoning of delinquents.

99. The delinquency court shall designate and direct a fit person or persons to summon all delinquents to appear before the court; service of the summons shall be made by delivering to each delinquent a copy thereof, or by leaving a copy at his last known place of abode or business, or, in towns or cities in which there is a postal delivery, by mailing to him a copy directed to his last known place of abode or business.

Appeals

100. An appeal from any finding or sentence may be taken to the officer who ordered the court or his successor in command.

New Jersey State Library

Payment of fines.

101. Fines may be paid to the court, or a marshal thereof, and the fact of such payment shall be entered in the records of the court.

Fines paid into county treasury.

102. All fines and penalties imposed by a delinquency court upon any of the enlisted men of the national guard shall be paid by the officer collecting the same into the treasury of the county within which the organization of which the person paying the same is a member is located, within fifteen days after the collection thereof; the treasurer of such county, or, if there be no treasurer, the county collector, shall thereupon report the amount thereof, designating the organization to which it belongs, to the quartermaster-general.

Same paid to quartermaster-general.

103. The amount of fines and penalties so collected shall be paid by the county officer receiving the same, to the quartermaster-general, who shall divide the moneys received among the organizations upon whose members the fines were imposed.

Neglect to pay fines.

104. Enlisted men fined by a delinquency court who shall refuse or neglect to pay such fine within thirty days after the same shall have been imposed, may be dishonorably discharged from the service upon the recommendation of the officer ordering the court, without allowance for time served, and shall thereby be disqualified from service in the national guard for a period of five years.

Warrant may issue.

105. For the purpose of collecting any unpaid fines or penalties imposed the delinquency court shall issue to a marshal or marshals of said court, a warrant or warrants, within twenty days after the expiration of the time limited for the taking an appeal from such fine or penalty, unless an appeal has been taken, in which event he shall issue the same within twenty days after the appeal shall have been disposed of and he shall have been so notified by the reviewing officer, such warrants to be returnable and returned within forty days after their receipt, by the officer executing them, and may be renewed in the same manner as executions from courts for the trial of small causes may by law be renewed. No property shall be exempt from the collection of such fines and penalties.

Marshals; bond, duties.

106. The delinquency court may appoint, by warrant, and at any time remove, one or more marshals, each of whom shall execute a bond to the state in the penal sum of five hundred dollars, with sufficient sureties, to be approved by the court appointing him for the faithful performance of his duties and the prompt payment of all moneys collected

by him; each marshal shall perform the usual duties of such marshals, and shall execute any process or other mandate issued by the court, and perform all acts and duties incidental thereto; a bond given as herein provided may be prosecuted for breach of its conditions by a judge-advocate in the name of the state, and all moneys recovered shall be paid to the military fund of the organization or organizations injured.

Attendance may be compelled.

107. Every delinquency court shall have power to compel by subpœna the attendance of witnesses, both civilian and military, and the production of books, papers and documents, and to punish for contempt; any person disobeying a subpœna, without sufficient excuse, shall forfeit to the state the sum of twenty-five dollars, and a judge-advocate may sue for and recover such penalty in an action of debt in the name of the state, in any court of competent jurisdiction; moneys so recovered shall be paid to the quartermaster-general, to be applied as hereinbefore provided.

BOARDS.

State military board.

108. There shall be a board of officers to be known as the state military board, to consist of the adjutant-general, quartermaster-general, and the division and brigade commanders; they shall from time to time prepare and submit rules and regulations, forms and precedents, for the use and government of the national guard, which, upon the approval of the commander-in-chief, shall be published in orders by the adjutant-general, and distributed to commissioned officers, from and after which publication they shall be binding upon the national guard.

Head of department may be present.

109. Whenever rules and regulations, forms and precedents, or other subjects concerning the departments of the inspector-general, inspector-general of rifle practice, surgeon-general, judge-advocate general, or the naval reserve, shall be considered by the state military board, the head of the department to which such subject refers shall be entitled to be present.

Armory board.

110. The state military board shall be the armory board, with full charge of armories.

Board of examination for field officers.

111. The division commander shall appoint three experienced officers, not below the rank of lieutenant-colonel, who shall constitute a board for the examination of all field

officers, and officers of separate organizations hereafter elected, and may order before such board for examination as to physical ability, moral character, capacity, attainments, efficiency and general fitness for the service, any officer in commission in the national guard; the board shall report to the division commander, who, on adverse report of the board, shall report to the commander-in-chief by whom a vacancy may be declared; and if any officer shall refuse to report himself, when directed, before the board, on report of the division commander, the commander-in-chief may, by order, declare his commission vacant.

Board of examination for company officers.

112. The brigadier-general of each brigade shall appoint three experienced officers of his command, not below the rank of major, who shall constitute a board for the examination of all company officers who may hereafter be elected, and the report of the board shall in each case accompany the certificate of election when forwarded from brigade headquarters; any line officer once examined by the board shall be deemed qualified without further examination for promotion to any other office in the company or other organization.

Regimental board.

113. There shall be a regimental board in each regiment, to consist of all the commissioned officers of the regiment, to be presided over by the senior officer present, and the board may adopt by-laws for its government, exercise a supervision over the uniforming and equipping of the members of the regiment, and perform such other duties as may properly come within their province, subject to the approval of the regimental commander.

## SCHOOL FOR OFFICERS.

Schools of instruction.

114. The commander-in-chief may appoint a board of officers, whose duty it shall be to assemble at the various armories from time to time, and establish schools of instruction for officers of the national guard.

## UNIFORMS, ARMS AND EQUIPMENTS.

Uniform supplied.

115. The regimental board shall supply to each soldier, upon enlistment, one uniform complete, and in addition thereto may, if the trousers so issued shall be destroyed,

issue to him an additional pair of trousers; if during his term of enlistment the uniform is destroyed or injured, the value thereof shall be deducted from whatever pay the soldier may receive from the state for encampment or for other duty; any soldier shall be permitted to purchase any portion of the uniform or equipments from the quartermaster-general at contract rates.

Uniforms for non-commissioned staff.

116. Whenever the regulation uniforms adopted by the state have been, or may hereafter be, furnished to any command of the national guard, as many thereof as may be required for the non-commissioned staff of any regiment, or other organization, shall be issued to and charged against the account of the quartermaster of such regiment, and shall be paid for in the same manner as prescribed by law for companies.

Arms, uniforms, etc., exempt from civil process.

117. The uniforms, arms, equipments, and other military property of the national guard or its members, shall be exempt from every process of law, except such as may be issued in pursuance of the sentence of a court-martial.

Suitable armory must be provided.

118. Every uniformed command, before being furnished with arms and equipments, shall provide itself with a suitable armory or place of deposit, within the bounds of the command, wherein the arms and equipments furnished by the state shall be carefully kept for the use of such command, for military purposes only, and shall not be loaned or hired out, nor used for any other purpose whatsoever.

Equipments left at armory.

119. The uniforms and equipments to be issued to each company or other organization shall be left at the armory for safe keeping, and whoever shall sell or dispose of any such uniform or equipments, or shall refuse to deliver up the same, after demand therefor, to the quartermaster or acting quartermaster of the regiment to which the company shall be attached, or to the commanding officers of such other organizations, or shall secrete or remove any such uniform or equipments with intent to sell or dispose thereof, without the written consent of the regimental board to which the company shall be attached, or such commanding officers shall be deemed guilty of a misdemeanor, and on conviction thereof in a court of competent jurisdiction shall be punished by imprisonment in the county jail for not less than two nor more than six months, or by a fine of not more than one hundred dollars, nor less than fifty dollars, or both fine and imprisonment, in the discretion of the court.

Penalty for unlawful disposition of equipment.

Right to seize property.

120. The commanding officer of a company, or the quartermaster or acting quartermaster of any regiment, upon the order of the commandant of the regiment to which he may be attached, shall have power to seize upon and hold, as the property of the regimental board, any uniforms or equipments which are the property of the regimental board of the regiment to which such company commandant, quartermaster or acting quartermaster shall be attached; and like powers are hereby conferred upon the commanding officers thereof as to the property of such other organizations; and it shall be the duty of any justice of the peace of this state, on complaint, on oath, to him made by any such company commandant, regimental quartermaster or acting quartermaster, that any uniform or equipments are unlawfully withheld from him, by any person or persons therein named, in the county in which said justice has jurisdiction, and that the same are believed to be in any particular place, to be specified in the complaint, to issue to a constable of said county his warrant, in the nature of a search-warrant, for said uniform or equipments, which warrant shall be executed in the same manner as a search-warrant, and the officer to whom the same is directed shall have the same power and authority in executing the same that he would have in executing a search-warrant, and on finding said uniform or uniforms or equipments, he shall deliver the same to the officer making complaint.

Search-warrant.

Unlawful retention of military property; complaint to court of common pleas.

121. Whenever the quartermaster-general, or any military officer of this state, charged with the care and responsibility of public property, who shall have given bond for the safe keeping and return of the same, shall, by petition, verified by his oath or affirmation, represent to any court of common pleas, that a certain person, whom he shall name in such petition, resident in said county, has in his possession, and illegally detains, any arm or arms, article or articles of clothing or equipments, the property of this state, describing the same generally, for the safe keeping and return of which such person has not given bond, after demand made for the same by the said military officer, or by any person by him duly authorized to receive the same, upon filing said petition, it shall be lawful for the said court to make an order requiring the person complained against to deliver up such property to the said military officer by such short day as said court shall appoint, or to show cause on that day, before said

court, why the same should not be delivered up, a copy of which order, certified by the clerk of said court, shall be served on said delinquent personally, at least two entire days before the day of hearing, or left at his last known residence or place of abode at least four entire days before the day of hearing, which service may be made by any constable of the county.

Attachment for contempt may issue.

122. If the person complained against shall not deliver up said arm or arms, article or articles of clothing and equipments in said petition named, on or before the day of hearing, or show good cause to the contrary, on due proof by affidavit of the service of a copy of said order according to law, it shall be lawful for the said court to issue forthwith an attachment for contempt against said person, and he shall be held as in contempt, and dealt with accordingly, until he shall comply with the order of the court, or deliver up said arm or arms, article or articles of clothing or equipments to the military officer filing the petition, or to the sheriff of the county for him, and pay the reasonable costs of such proceeding, to be taxed by the court, for the use of the county.

Jury may be demanded.

123. If the person so complained against shall, at any time before the day of hearing, demand a trial by jury, it shall be the duty of said court to issue a venire facias to the sheriff of the county, to summon a jury of twelve men, competent as jurymen according to law, to be and appear before said court at such time as shall be expressed in such writ, to make a jury for the trial of the complaint; if the verdict of the jury shall be against the party complained against, and if he shall fail within a reasonable time, to be fixed by the court, to deliver the property and pay the costs as aforesaid, he shall be deemed in contempt, and proceeded against as prescribed in the preceding section.

Proceedings conducted by prosecutor of the pleas.

124. The proceedings shall be conducted by the prosecutor of the pleas of the county where the petition is filed, and the costs shall be paid in the first instance by the sheriff of the county in which the complaint is made.

Uniform property of regiment.

125. The regulation uniform adopted by this state, when issued to any member of the national guard, shall be held to be the property of the regiment, or other organization to which he belongs, during the existence of such regiment, or other organization, but upon the disbandment thereof shall become the property of the state.

APPROPRIATIONS.

Appropriation for headquarters.

126. An appropriation of five hundred dollars each shall be made annually for the expenses of division and brigade headquarters, three hundred dollars for each battalion headquarters of the naval reserve and five hundred dollars for each regiment for expenses incident to the regimental organization, which shall be paid to the division, brigade, naval reserve and regimental commanders respectively, on the first Monday of April in each year.

Allowances to various organizations.

127. There shall be paid on the first Monday in April of each year for the purpose of procuring drill-rooms or armories, for the purchase of uniforms and to defray other expenses incident to the existence of each regiment, or companies attached thereto, or other organizations, the following sums respectively: To the surgeon-general, one thousand dollars for the use of the medical department and the hospital and ambulance corps; to the commanding officer of the signal and telegraph corps, one thousand dollars for the use of said corps; to each regimental commander, a sum equal to five hundred dollars for each company in his regiment; to the commanding officer of each battery, seven hundred and fifty dollars; and to the commanding officer of each troop of cavalry, one thousand dollars; to be expended by the board of officers of the respective commands, subject to the approval of the commanding officer.

Allowance to naval reserve.

128. In lieu of company allowances, each battalion of the naval reserve shall receive annually the sum of fifteen hundred dollars, to be paid at the same time and in the same manner as the allowance for military companies in the national guard.

Moneys, how distributed.

129. The money appropriated for the objects specified in sections one hundred and twenty-seven, one hundred and twenty-eight and one hundred and twenty-nine, shall be paid by the comptroller to the paymaster-general, and by him paid to the heads of the departments, and the commanding officers of the several regiments and other organizations entitled thereto.

PARADES AND DRILLS.

Parades.

130. Every company of the national guard shall be paraded at least four times in every year, and one of said parades shall be by brigade, when approved by the commander-in-chief.

Right of way.

131. When any portion of the national guard shall parade, according to law, it shall have the right of way through any street or highway through which it may pass, subject to the provisions of an act entitled "An act to regulate processions and parades in cities of the first and second class in this state," approved May 12, 1890.

Transportation.

132. When any portion of the national guard shall be ordered to parade as required by law, transportation shall be furnished by the quartermaster-general upon the requisition of the commanding officer thereof, approved by the brigade division commanders.

Notification of members.

133. The first sergeant, or acting first sergeant, of each company shall notify every member thereof of any parade ordered in pursuance of this act, by a written or printed notice to be left at the residence or place of business of such member, or sent by mail, at least two days before the time specified for such parade.

Roll call and returns.

134. At the time and place of meeting named in said orders, the first sergeant shall call the roll of the company, and shall make a true list of all present or absent at each roll call, and if the company be part of any regiment or brigade, then the commandment of the company shall make copies of the return of the sergeant, and certify and forward the same to the commandant of the regiment or brigade.

Duty of adjutants.

135. Adjutants shall in like manner, by service of written or printed notice or by mail, three days prior to the day fixed for parade, notify commissioned officers, call the roll of officers, and make return to the commanding officers in cases of regimental or brigade parade.

Battalion drills.

136. Any regiment of the national guard, the constituent companies whereof are stationed in different cities, towns, or villages, may be assembled for instruction and drills in the school of the battalion six times in each year; and it shall be the duty of the quartermaster-general, upon requisition of the commandant of any regiment, to furnish transportation for the various companies thereof, to and from the place of

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rendezvous; *provided*, that no regiment shall be thus assembled except upon the written approval of the brigade commander.

Order for encampment.

137. Any portion of the national guard may be ordered by the division commander, with the approval of the commander-in-chief, to attend an encampment, at such time and place and for such period as he may appoint.

ARMORIES.

Control of armories.

138. The control of all armories shall be vested in the commanding officer of the organizations using them, subject to the superior control of the commander of the brigade to which the organization is attached, the division commander and the state military board.

Exempt from taxation.

139. Any building, real estate or personal property used solely by any regiment or other organization of the national guard for military purposes and purchased or erected at public expense, shall be exempt from taxation.

EXEMPTIONS.

Exemptions during term of service.

140. Every member of the national guard shall be exempt from jury duty, poll and military tax, and from state, county and municipal tax upon five hundred dollars' worth of his personal or real property during the period of his service.

List of members furnished by captain.

141. The captain of every company shall, on or before the first day of May in each year, deliver to the assessor, board of assessors, or other taxing officer or officers of any city, town, borough, township, or other municipality, and to the sheriff of the county wherein any of the members of such company reside, a written statement, under oath, of the names and residences of all the members of such company residing in any such city, town, borough, township, county or other municipality; the certificate of any commissioned officer under his hand shall be sufficient to entitle him to the exemption allowed by this act.

Freedom from arrest &c.

142. No member of the national guard shall be arrested on any civil process on any day appointed by lawful authority for exercise, parade or other military duty, nor shall any

arms or accoutrements of a member of the national guard be levied on or sold by virtue of any execution or other process.

## NAVAL RESERVE.

Naval reserve, how constituted.

143. The commander-in-chief may 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 battalions thereof, organized as herein provided, 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 forces 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 naval reserve or any battalion thereof, whenever in his judgment the efficiency of the service will thereby be increased.

Complement of officers and men.

144. The complement allowed each naval battalion shall be twenty-one officers and two hundred and fifty-two chief petty officers, petty officers and enlisted men as follows: One commander to command the battalion, one lieutenant-commander as executive officer, who shall be second in command, one lieutenant as navigating officer, who shall be third in command, one lieutenant as chief engineer, one chaplain, with the relative rank of lieutenant, two lieutenants, as watch and division officers, one passed assistant paymaster, with relative rank of lieutenant, one passed assistant surgeon, with relative rank of lieutenant, one lieutenant (junior grade) as signal officer and aide, two lieutenants (junior grade) as watch and division officers, one lieutenant (junior grade) as passed assistant engineer, four ensigns as junior watch officers, two ensigns as assistant engineers, one assistant paymaster, with relative rank of ensign, one assistant surgeon, with relative rank of ensign, one chief master-at-arms, one chief boatswain's mate, one chief gunner's mate, one chief quartermaster, three chief machinists, one chief carpenter's mate, one chief electrician, three chief yeomen, one hospital steward, two boatswain's mates, first class, one gunner's mate, first class, two quartermasters, first class, one machinist, first class, one boiler-maker, one coppersmith, two blacksmiths, one plumber and fitter, one sail-maker's mate, three water-tenders, one

electrician, first class, two yeomen, first class, two boatswain's mates, second class, two gunner's mates, second class, two quartermasters, second class, one machinist, second class, six oilers, one carpenter's mate, second class, two electricians, second class, one master-at-arms, third class, seven coxswains, one painter, one hospital apprentice, first class, forty-eight seamen, fifteen firemen, first class, forty-eight ordinary seamen, fifteen firemen, second class, two shipwrights, three buglers, one hospital apprentice, second class, forty-eight landsmen, fifteen coal passers; *provided*, that when the enlisted strength of a battalion of the naval reserve shall be less than one hundred men, such command shall not be entitled to state allowance, and may be disbanded by order of the commander-in chief.

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Mess-men.

145. The commanding officer of each naval battalion shall have the power to enlist, for temporary service, such men in the mess-men branch as may from time to time be necessary, and to discharge men so enlisted.

Officers, how chosen.

146. The commander, lieutenant-commander and navigator shall be chosen by the commissioned officers of their respective naval battalions, the chief engineer, chaplain, passed assistant paymaster, passed assistant surgeon, signal officer and aide, assistant paymaster and assistant surgeon shall be appointed by the commander; the watch officers shall be chosen by the petty officers and enlisted men of the deck force; the engineer officers (other than the chief engineer) shall be chosen by the petty officers and enlisted men of the engineer force; chief petty officers and petty officers shall be appointed and rated by the commander; *provided*, that every officer elected or appointed to commissioned rank shall be examined as to his qualifications and fitness by a board of officers to be appointed by the captain and all returns of election or appointments shall bear the certificate of such board that the persons named therein have passed a satisfactory examination.

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Battalions, how organized.

147. The battalions of the naval reserve shall be organized in conformity with the requirements of naval service and in the same manner that the ship's companies of United States naval vessels are organized; the commander shall prepare the necessary watch, quarter and station bills and assign the officers and men to ship divisions, gun divisions, powder and torpedo divisions, navigators division, engineer sections and to special details, and shall organize his com-

mand as a landing force of infantry and artillery for service ashore.

Duty; pay.

148. The naval reserve shall perform duty afloat in each year and for periods not exceeding two weeks in any one year, and whenever a vessel of the United States is available for instruction such duty shall be performed thereon; the officers and enlisted men of the naval reserve shall receive the same pay for active duty as is allowed to officers and enlisted men of the same relative rank and ratings in the military service of the national guard.

Regulations of United States applicable as far as possible.

149. The organization, discipline, government and duties of officers and enlisted men of the naval reserve shall be as prescribed by the regulations for the government of the navy of the United States as far as the same may be made applicable and when not in conflict with this act, and all matters not otherwise provided for in this act or by the regulations, shall be decided by the custom and usage of the United States navy or of the national guard, as found applicable.

Commandant and staff.

150. The naval reserve shall be commanded by a captain, who shall be elected by the commissioned officers of the naval reserve, and he shall have power to appoint a staff, to consist of an aide and a paymaster, each of the grade of lieutenant; *provided*, that if at any time the strength of the naval reserve shall fall below the limit of two battalions, the captain and his staff may be placed on a supernumerary list by order of the commander-in-chief.

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Uniform.

151. The uniform of the naval reserve and the insignia and designation of grade and rank shall be as prescribed for the navy of the United States, except that officers shall have the state coat of arms superimposed upon collar and cap devices and upon shoulder straps and epaulettes, and the cap ribbon of the men shall have the name of the ship to which they are attached, with the addition of the letters "N. R. N. J."; the relative rank of officers and men of the military and naval forces shall be same as the relative rank of officers and men of the army and navy of the United States.

Laws applicable.

152. All general laws relating to and governing the national guard shall apply to the naval reserve, except as herein otherwise provided.

Form civil organizations.

153. The members of the deck force of each battalion may form themselves into two or more civil organizations, and the members of the engineer force of each battalion may form themselves into a civil organization and adopt by-laws

in the same manner, with the same powers and subject to the same limitations as prescribed for regimental or company organizations of similar character in the military forces of the national guard.

Captain to whom report.

154. The captain commanding the naval reserve shall report directly to the division commander; he may order before an examining board of three officers, to be appointed by him, any officer in commission in the naval reserve for determination as to his mental, moral and physical qualifications and fitness for the service, and, on adverse report of the board, the commander-in-chief is authorized and empowered to declare a vacancy.

"Armories."

155. 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, and the word "armories" as used or applied to the laws relative to the New Jersey naval reserve, shall be held to include vessels while used only for the purpose of instruction, drill or defense.

RESERVE MILITIA.

Reserve militia, how constituted.

156. In addition to the national guard, the commander-in-chief may, at his discretion, cause an enrollment of all able-bodied male inhabitants between the ages of eighteen and forty-five years to be made, who shall constitute the reserve militia; and for that purpose he may appoint and commission a chief of enrollment and drafting, with the rank of lieutenant-colonel, and a county commissioner of enrollment and drafting in each county, with the rank of captain.

Chief of enrollment.

Assistants.

157. The chief commissioner may appoint such deputies, aids and assistants of inferior rank to the officers whose aids and assistants they are, as the commander-in-chief may authorize.

Enrollment, how made.

158. The chief commissioner and county commissioner shall, upon being commissioned, proceed forthwith to make enrollment under such rules and regulations as may be prescribed or approved by the commander-in-chief.

Groupings, residence, etc.

159. The enrollment shall be so conducted that any companies, troops or batteries to be organized therefrom shall, so far as practicable, be made up of persons living in the same neighborhood, reference being had to convenience of rendezvous; and in addition to such other particulars as may

be prescribed by order or regulation, such enrollment shall state upon what road or highway, and between what roads and highways, such persons reside, if they reside in a rural district; if they reside in a city, in what ward or precinct, and if they reside in a village, it shall be so noted.

Lists, &c., copied.

160. All assessors, county clerks, election officers and other clerks or officers shall allow enrolling officers to examine and copy their tax and assessment rolls, jury lists or poll lists, and all tavern keepers and hotel keepers, keepers of boarding-houses, persons having boarders or lodgers in their families, and any master or mistress of any dwelling-house shall, upon the application of any officer authorized to make such enrollment, give information of the names of all persons residing or lodging in such house liable to be enrolled, and all such other proper information concerning such persons as such officer may demand.

Court of exemption.

161. The inferior court of common pleas for each county shall constitute a court of exemption, to hear and determine applications for exemption, and the commander-in-chief shall appoint a surgeon or surgeons, resident in the county, to attend at such court of exemption, to whom shall be referred for examination and report all persons claiming exemption on account of physical or mental disability.

Consolidated enrollment.

162. The consolidated enrollment for each county, when corrected as to exemptions, shall be filed with the county clerk and a duplicate thereof transmitted to the chief of enrollment and drafting.

Refusal, etc., to aid enrollment.

163. If any person of whom information is required by the enrolling or drafting officer, in order to enable such officer to comply with the provisions of this act, shall refuse to give such information, or shall give false information, or if any person shall refuse to give his own name or proper information in respect to himself, or if he shall give a false name or false information in respect to himself, or shall otherwise obstruct or delay by force or otherwise, or harm any such officer while in the performance of his duty, such person shall be deemed guilty of obstruction of legal process, and be subject to like punishment or penalty as is prescribed for like offenses in obstructing or opposing any sheriff, constable, other ministerial officer or judicial process.

MISCELLANEOUS.

Laws, etc., applicable.

164. The laws, regulations, articles of war, forms, precedents and usages relating to and governing the army and navy respectively of the United States, shall apply to and govern the active military and naval forces respectively of this state, except where herein or hereafter otherwise provided.

Present commissions not affected.

165. This act shall not terminate the commission, reduce the rank or vacate the office of any officer now in commission.

Repealer.

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

Approved March 23, 1900.

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## CHAPTER 179.

An Act to repeal sundry acts relating to the national guard, naval reserve and reserve militia.

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

Acts repealed.

1. The following acts are hereby repealed, that is to say:

"An act for the organization of the national guard of the state of New Jersey," approved March ninth, eighteen hundred and sixty-nine, and the acts amendatory thereof and supplemental thereto, approved March first, eighteen hundred and seventy, April fourth, eighteen hundred and seventy-one, March fifteenth, eighteen hundred and seventy-two, March twenty-first, eighteen hundred and seventy-two, February seventeenth, eighteen hundred and seventy-three, March fifth, eighteen hundred and seventy-three, April third, eighteen hundred and seventy-three, April fourth, eighteen hundred and seventy-three, March twenty-sixth, eighteen hundred and seventy-four, March twenty-seventh, eighteen hundred and seventy-four, April eighth, eighteen hundred and seventy-five, March thirtieth, eighteen hundred and seventy-six, April twenty-first, eighteen hundred and seventy-six, March

ninth, eighteen hundred and seventy-seven, March fifteenth, eighteen hundred and seventy-eight, March twenty-ninth, eighteen hundred and seventy-eight, March fourteenth, eighteen hundred and seventy-nine, March tenth, eighteen hundred and eighty, March twelfth, eighteen hundred and eighty, March second, eighteen hundred and eighty-one, March eighteenth, eighteen hundred and eighty-one, March thirty-first, eighteen hundred and eighty-two, March fourteenth, eighteen hundred and eighty-three, March twenty-third, eighteen hundred and eighty-three, March fifth, eighteen hundred and eighty-four, March sixth, eighteen hundred and eighty-four, April twenty-ninth, eighteen hundred and eighty-four, March ninth, eighteen hundred and eighty-five, April seventeenth, eighteen hundred and eighty-five, April sixth, eighteen hundred and eighty-six, April twelfth, eighteen hundred and eighty-six; the two supplements approved May eleventh, eighteen hundred and eighty-six, and May twenty-fifth, eighteen hundred and eighty-six; the two supplements approved April twenty-first, eighteen hundred and eighty-seven, and April twenty-third, eighteen hundred and eighty-eight; March fourth, eighteen hundred and eighty-nine, May ninth, eighteen hundred and eighty-nine, March eighteenth, eighteen hundred and ninety, May twelfth, eighteen hundred and ninety, June nineteenth, eighteen hundred and ninety, April fourteenth, eighteen hundred and ninety one, March twenty-eighth, eighteen hundred and ninety-two, March thirtieth, eighteen hundred and ninety-two, April eighth, eighteen hundred and ninety-two, March seventeenth, eighteen hundred and ninety-three, March twenty-eighth, eighteen hundred and ninety-three, April twenty-fourth, eighteen hundred and ninety-four, May fourteenth, eighteen hundred and ninety-four; the supplement and amendment both approved May fifteenth, eighteen hundred and ninety-four; May sixteenth, eighteen hundred and ninety-four, March fourteenth, eighteen hundred and ninety-five, March twenty-second, eighteen hundred and ninety-five; the two supplements and one amendment, all approved March twenty-eighth, eighteen hundred and ninety-five;

"An act for the more efficient organization of the militia," approved April sixth, eighteen hundred and sixty-five, and the supplement thereto, approved March eighteenth, eighteen hundred and sixty-eight;

"An act concerning the loan of military property," approved March twenty-third, eighteen hundred and eighty-three;

"An act to provide for the storage of military stores and equipments in the possession of companies B, C and D of the sixth regiment infantry, second brigade, national guard of the state of New Jersey," passed April fifteenth, eighteen hundred and eighty-four;

"An act for the establishment and government of a naval reserve of New Jersey," approved February twelfth, eighteen hundred and ninety-five, and the supplement thereto, approved February twentieth, eighteen hundred and ninety-five;

"A supplement to an act entitled 'An act for the organization of the national guard of New Jersey,' approved March ninth, one thousand eight hundred and sixty-nine, and the various supplements thereto," which supplement was approved March third, eighteen hundred and ninety-six;

"A supplement to an act entitled 'An act for the establishment and government of a naval reserve in New Jersey,' approved February twelfth, one thousand eight hundred and ninety-five," which supplement was approved February twenty-third, eighteen hundred and ninety eight.

Acts not revived nor rights impaired.

2. This repealer shall not revive any act heretofore repealed, and shall not affect, impair, limit, disturb, annul or take away any vested right, privilege, power or office or anything done under the acts hereby repealed, or any of them.

3. This act shall take effect immediately.

Approved March 23, 1900.

## CHAPTER 180.

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

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

Salary of adjutant-general and quartermaster-general.

1. The adjutant-general and quartermaster-general shall each receive a salary at the rate of twenty-five hundred dollars per annum, payable monthly, and no fees.

Repealer.

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

Approved March 23, 1900.

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## CHAPTER 181.

An Act to amend an act entitled "An act concerning veteran associations," approved February twenty-seventh, one thousand eight hundred and seventy-nine.

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

Section amended.

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

Loan of military stores to veteran associations.

1. Whenever any lawfully-organized association of veterans of the civil war, from this state, or any lawfully-organized association of veterans of the Spanish-American war, or the war in the Philippine Islands, from this state, shall apply to the governor for the temporary loan of camp and garrison equipage, ordnance or other military stores, for

any purpose whatsoever not in conflict or violation of the peace of the laws of this state, or the laws of the United States, the governor shall examine into such application, and upon finding it a just and proper demand he shall have the power to order and authorize the issue of the stores asked for in the application; *provided, however*, the applicants be required to furnish good and sufficient bonds for the value of the stores issued, which bonds shall first be approved by the governor, and to remain on file in the office of the quartermaster-general of the state.

Proviso.

Approved March 23, 1900.

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## CHAPTER 182.

An Act to annex to the city of Trenton a part of the township of Hamilton.

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

Boundaries of portion of Hamilton township annexed to Trenton.

1. The part of the township of Hamilton, in the county of Mercer, described as follows: Beginning at the intersection of the centre lines of Chambers and Liberty streets, and running thence (1) southwesterly by the centre line of Liberty street to the line dividing the city of Trenton from the township of Hamilton; thence (2) southerly by said division line to the centre line of Lalor street; thence (3) easterly by the centre line of Lalor street to the centre of Broad street; thence (4) southeasterly by the centre line of Broad street to a point opposite the centre of Cedar street; thence (5) northeasterly by the centre line of Cedar street to the centre of Chambers street; thence (6) northwesterly by the centre line of Chambers street to the centre line of Liberty street and the point of beginning, be and the same is hereby set off from said township of Hamilton, in the county of Mercer, and annexed to and made part of the city of Trenton, in said county.

2. This act shall take effect on the first day of May next.

Approved March 23, 1900.

## CHAPTER 183.

An Act respecting juvenile offenders.

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

Commitment of vagrant or incorrigible children to public institutions.

1. When any boy or girl under the age of eighteen years shall hereafter be brought before the court of general quarter sessions of the peace, or the court of special sessions, either upon indictment or complaint, or upon the recommendation of a grand jury, or by his or her parents or guardians, or either of them, charged with being a vagrant or incorrigible, or with any crime, in any county in this state in which there is now established or in which there may be hereafter established any public institution for the care, custody, instruction and reform of juvenile offenders, whether such institution be established and maintained by such county, or by any city, town, township, borough or other municipality in such county, it shall be lawful for such court to commit such boy or girl to such public institution for the term and under the conditions hereinafter set forth.

Procedure.

2. When any boy or girl as aforesaid shall be brought before the court of quarter sessions, or the court of special sessions as aforesaid, in any county of this state, and it is the opinion of said court that said boy or girl is a fit and proper subject for the discipline of a public institution as mentioned in the first section of this act, it shall be lawful for such court to enter a judgment, decree or order to that effect upon the records of said court, and shall, on written consent therefor being given by the public body or board having the control and management of such public institution, issue a summons to the father of such boy or girl, if he is living and resident in said county, and if not, then to the mother of said boy or girl, if she be living and so resident; and if there is no father or mother of said boy or girl so resident, then to the lawful guardian of said boy or girl, if any there be so resident, or if there be no lawful guardian so resident, then to the person with whom said boy or girl claims to

reside, or to the person with whom such testimony as may be taken in the matter shall show that he or she resides in such county, or if there be no such person within said county with whom such boy or girl statedly resides, then to some suitable person resident in such county (whom the said court shall appoint to act in behalf of said boy or girl), requiring him or her in said summons to appear before said court at a time and place to be stated therein, to show cause, if any there be, why said boy or girl shall not be committed to such public institution, and the said court shall cause a written notice of the pendency of such complaint or proceedings to be given to the mayor or other chief executive officer of the municipality wherein such boy or girl or his or her said father, mother or guardian resides as aforesaid.

Hearing.

3. At the time mentioned in said summons the said court shall (unless the circumstances of the case call for an adjournment, which the court is hereby authorized to grant) proceed to examine the boy or girl, and any party appearing in answer to the summons, and to hear such testimony bearing upon the case as may be produced; and if the complaint is sustained, and it appears to said court that said boy or girl is a fit subject for the discipline of such public institution as aforesaid, and that his or her moral welfare, and the good of society, require that such boy or girl should be sent thereto, said court shall commit said boy or girl to such public institution as herein mentioned, by warrant, in substance as follows:

Form of commitment.

State of New Jersey, } ss.
———County. }

To (A. B.) one of the constables of the———, in the county of———, and state of New Jersey:

You are hereby commanded to take charge of (C. D.) a boy (or girl), under the age of eighteen years, to wit, of the age of———years, as near as can be ascertained, who, at the time of his (or her) arrest, resided at———, in said county, and who has been proved to me to be a fit subject for the discipline, care and instruction of the (state name of public institution), and deliver said (C. D.) without delay to the superintendent or chief official of said institution, or other person in charge thereof, at the place where the same is established; and for so doing this shall be your sufficient warrant.

Given under my hand and seal at———, in the said county, this———day of———, in the year (and so forth).

(Signed by the judge of such court.) [L. S.]

No variance from said form shall be deemed material if it sufficiently appear, upon the face of said warrant, that the boy or girl is committed by said court in the exercise of the powers given by this act; the said court shall certify in said warrant the place in which the boy or girl resided at the time of his or her arrest, also the age of said boy or girl, as near as the same can be ascertained, and such certificate shall, for the purposes of this act, be conclusive evidence of the place of residence and age of the said boy or girl; the said court shall also transmit to the superintendent of such public institution with said warrant, by the officer serving it, a statement of the substance of the complaint, together with such other particulars concerning said boy or girl as the said court may deem necessary; and every constable of such county shall have full power and authority in executing any warrant issued to him, or placed in his hands in pursuance of this act, to take and convey any boy or girl placed in his charge, under such warrant for the delivery to the superintendent or other person in charge of such institution, into or through any county other than the county in which such warrant or commitment shall issue, to the place where such institution may be located.

Information furnished institution.

Authority of constable.

4. Any summons for appearance before said courts as aforesaid shall be served by a constable by delivering an attested copy of the same personally to the party to whom it is addressed, or by leaving it with some person above the age of fourteen years, at the place of residence or business of such party; and said constable shall immediately make return to such court of the time and manner of such execution or service.

Serving of summons.

5. If the court before whom any boy or girl shall be brought as aforesaid is of opinion that said boy or girl, though guilty, is not a fit subject to be committed to such an institution as herein mentioned, then such court shall make such other disposition of such boy or girl as the authority vested in such court by law will permit under the circumstances of the case; and if in any case, on examination by such court as aforesaid, it shall be proven that the boy or girl complained of has a father, or mother, or guardian, in some place other than the county where such proceedings

Discretion of court.

are taken, said court may in its discretion, with the written consent of the body or board having the control and management of such institution, commit such boy or girl to such institution, and send notice, by mail or otherwise, to said father, mother or guardian, or direct said boy or girl to be sent at once to said father, mother or guardian, being governed always by the distance said boy or girl would have to be sent, and by all the circumstances relating to each particular case, and the actual expense thereof shall be paid by the said county upon the certificate of the judge of said court.

Period of commitment.

6. Every boy and girl so committed to such institution may be there kept, disciplined, instructed, employed and governed under the direction of the governing body or board of such institution until, in case it be a boy, he arrives at the age of twenty-one years, or until, in case it be a girl, she reaches the age of twenty-one years, unless he or she is bound out, or discharged as reformed, or otherwise legally discharged; *provided*, that the governing body or board of such institution may in their discretion release or discharge any boy or girl from said institution at any time, or may deliver to a magistrate any boy or girl in said institution who may prove incorrigible, or whose presence may be manifestly dangerous and detrimental to the morals of such institution, to be dealt with according to law.

Proviso.

Cost of maintenance.

7. When the public institution to which such boy or girl shall be committed as aforesaid is established and maintained by any city, town, township, borough or other municipality, and the boy or girl committed thereto or his or her parents is or are non-residents of such city, town, township, borough or other municipality, then and in such case the cost and expense of the maintenance and support of such boy or girl by such public institution shall be paid during the whole period of the commitment, or while such boy or girl remains in such public institution, by the municipality in which such boy or girl or his or her parents shall reside at the date of such commitment, and authority for such payment by any such municipality is hereby fully given, and the sum so to be paid is hereby fixed at two hundred dollars per annum, or a pro rata rate for any part of a year; said compensation shall be paid by such municipality to the public body or board having the control and management of such public

institution, from time to time, upon demand of such body or board.

Liability of party to municipality.

8. Every boy and girl so committed to such institution as aforesaid shall be personally liable to the municipality wherein he or she resides at the time of commitment, for his or her maintenance at and by the institution to which he or she may be so committed as aforesaid, and for all necessary expenses incurred in such institution in his or her behalf; and the parent, guardian or relative or other person bound by law to provide for and support said boy or girl, shall be liable for and pay to the municipality paying such institution the cost and expense of the maintenance of such boy or girl herein provided, for the amount of such cost of maintenance and all of said necessary expense; and whenever the governing body or board of the municipality so paying such cost and expense of maintenance shall so direct, suit may be brought in any court having cognizance in the premises, in the name of such municipality, against such parent, guardian, relative or other person, for the recovery of the cost of such maintenance, and of all of said necessary expenses, with the costs of suit; *provided*, that the said governing body or board of such municipality may in their discretion remit such liability or any part thereof.

Proviso.

Privileges and regulations.

9. The boys and girls committed to any public institution by authority of the provisions of this act shall possess and enjoy the same rights, advantages and attention and be subject to the same restrictions, regulations and conditions of government as other boys and girls committed or received into such institutions pursuant to the provisions of any law of this state, provided the same are not inconsistent with the provisions of this act.

Repealer.

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

**Approved March 23, 1900.**

## CHAPTER 184.

An Act to regulate the custody of county jails and of the prisoners therein.

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

Custodian of jails.

1. The sheriff in each of the counties of this state having a population of less than one hundred and twenty-five thousand inhabitants shall have the custody, rule, keeping and charge of the county jail or jails, and of all prisoners therein, and shall be responsible for the conduct of any keeper whom he shall appoint for the same.

Appointment of warden suspended.

2. When the sheriff of the county shall take the custody, rule, keeping and charge of the county jail or jails within such county, the authority of the board of chosen freeholders of such county to appoint a jailer, warden or keeper of such county jail or jails shall be suspended so long as such sheriff shall keep the custody thereof, and of the prisoners therein; *provided, however*, that nothing in this act contained shall terminate the office of any jailer, warden or keeper appointed or elected previous to the passage of this act.

Proviso.

Sheriff may resign custody of jail to freeholders.

3. The sheriff of the county may by a written notice direct the board of chosen freeholders of such county to take and have the custody, rule, keeping and charge of the county jail or jails, and of the prisoners therein, and thereupon said board of chosen freeholders shall appoint a jailer or warden, and such keepers as may be necessary, and said board of chosen freeholders and such jailer or warden shall, in receiving, and in their custody and discharge of prisoners, and in their treatment and maintenance of such prisoners, be subject to all laws and regulations to which sheriffs and their jailers are subject.

Repealer.

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

Approved March 23, 1900.

## CHAPTER 185.

An Act for the better preservation of the oyster industry in the creeks and rivers along the shores of Delaware bay and Maurice river cove and the tide waters of the Atlantic seaboard of the state of New Jersey.

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

License to gather seed oysters.

1. All persons residents of this state desiring to engage in the gathering of seed oysters with hand-tongs or patent tongs, shall first obtain a license from the New Jersey oyster and shell commission, and shall pay for the same the sum of two dollars and fifty cents for each and every license so granted, provided that no person without a license shall gather more than two bushels in any one day; each license so granted shall be for one year from the date of issue and shall be under the hand and seal of a member of the above-named commission; each license so granted shall be numbered, and the person receiving such license shall receive with it a number which shall correspond with the number of his license, which number shall be displayed on the port side of his boat at the bow, and each license so granted shall state the name and residence of the person to whom said license is granted, a record of which shall be kept by the commission.

Granting of license.

2. The commissioners are hereby authorized to grant said license to any applicant upon presentation of satisfactory evidence of citizenship of this state, and the payment of two dollars and fifty cents, granting to him the privilege of tonging for oysters upon any natural oyster-seed ground of this state, except such as may be occupied by the state for the purpose of propagation.

Treasurer; duties, etc.

3. The commission shall elect one of their number treasurer, who, before entering upon the duties of his office, shall give bond in the sum of three thousand dollars for the faithful performance of his duties, said bond to be approved by

the said commission; it shall be the duty of the treasurer to supervise the granting of all licenses and receive from the several commissioners at the end of each month all moneys collected by them, paying the same to the treasurer of the state at the end of each quarter; twenty per centum of which shall be available for the payment of all bills incurred in issuing licenses, to be paid by the state treasurer upon warrant of the comptroller, the comptroller being hereby authorized to issue such warrant upon presentation of bills duly verified by oath or affirmation.

Taking of oysters by dredge, etc., at certain beds unlawful.

4. It shall be unlawful for any person or persons to use, or cause to be used, any dredge, drag, scrape or other instruments except hand-tongs or patent tongs for the purpose of catching oysters from the following named beds, creeks and rivers of the state of New Jersey, along the shore of Delaware bay, viz.: Elder Point beds, Andrews' ditch beds, East Point beds, the High beds, Pepper beds, Dividing creek beds, Oronoken beds, Nantuxet creek beds, Beach creek beds, Goshen creek, Dennis creek, East creek, West creek, Dividing creek, Oronoken creek, Straight creek, Fishing creek, Oyster creek, Fortescue creek, Beadon's creek, Sow and Pigs creek, Dare's creek, Padget's creek, Nantuxet creek, Cedar creek, Back creek, Middle Marsh creek, Stow creek, Nantuxet beds at the mouth of Nantuxet creek, Back creek beds at the mouth of Back creek, and Cohansey beds at the mouth of Cohansey river, and Maurice river and Cohansey river and the tide-waters of the Atlantic seaboard of the state of New Jersey, and that any person or persons violating any of the provisions of this section of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding two hundred dollars, or imprisonment in the county jail for a period not exceeding six months, or both, at the discretion of the court; and shall furthermore forfeit the boat used for such unlawful purposes, together with her appliances and appurtenances thereunto belonging; said boat, her appliances and appurtenances, to be advertised for thirty days by a commissioner of the district wherein the arrest and seizure of said boat, her appliances and appurtenances, were made, and sold by him to the highest bidder at public sale, and the proceeds of said sale to be divided, one-half thereof to go to the treasurer of the state for the use of the state, and the

Penalty for violation.

other one-half in equal proportions to the persons furnishing the evidence necessary to secure a conviction.

Oysters, where culled.

5. All oysters taken from the tide-waters of this state mentioned in section four of this act shall be culled in the creeks, rivers or on the beds where caught, and the shells and trash shall be thrown below low-water mark in said creeks, rivers or on the beds where the oysters were caught.

Planting of oysters below tide-waters in certain districts for private use unlawful.

6. It shall be unlawful for any person or persons, corporation or corporations, to grow or plant oysters for their own private use, to the exclusion of the inhabitants of this state, upon any lands that lie below the tide-waters of any of the creeks, beds or rivers of the state of New Jersey, upon the shore of the Delaware bay, named in section four of this act; that any person or persons, corporation or corporations, violating any of the provisions of this section of this act shall be deemed guilty of a misdemeanor, and upon a conviction thereof shall be liable to a fine of not exceeding two hundred dollars or imprisonment in the county jail for a period of six months, or both, at the discretion of the court, and the fine when so recovered shall be paid one-half to the treasurer of the state for the use of the state, and the other one-half in equal proportions to the persons furnishing the necessary evidence to secure a conviction.

Penalty.

Penalty of violations of certain sections.

7. Any person or persons violating any of the provisions of sections one, two, three and five of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of fifty dollars or imprisonment in any county jail for a period of three months, or both, at the discretion of the court.

Repealer.

8. All acts and parts of acts inconsistent with this act shall be and the same are in so far hereby repealed.

Approved March 23, 1900.

## CHAPTER 186.

An Act authorizing the cancellation of taxes, assessments, water rents or other municipal liens against lands belonging to the state of New Jersey or the commissioners of the sinking fund.

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

Cancellation of taxes for municipal purposes assessed against state.

1. The common council, township committee or other governing body of any municipality of this state is hereby authorized to cancel and satisfy any tax, assessment for street improvement, water rent or other municipal lien which has been or may hereafter be levied on or assessed against lands belonging to the state of New Jersey or the commissioners of the sinking fund thereof, whether the same has or has not been adjusted pursuant to the provisions of chapter one hundred and twelve of the laws of one thousand eight hundred and eighty-six and the various supplements thereto.

Repealer.

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

Approved March 23, 1900.

## CHAPTER 187.

An Act to amend an act entitled "Supplement to an act entitled 'An act to authorize the formation of traction companies for the construction and operation of street railways or railroads operated as street railways, and to regulate the same,' approved March fourteenth, one thousand eight hundred and ninety-three."

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

1. Section twelve of the act entitled "An act to authorize the formation of traction companies for the construction and operation of street railways or railroads operated as street railways, and to regulate the same," approved March fourteenth, one thousand eight hundred and ninety-three, shall be and the same is hereby amended so as to read as follows: Section amended.

12. The treasurer of New Jersey shall hold the said sum of twenty-five thousand dollars with which any corporation organized under this act shall commence business, and so paid to the treasurer as hereinbefore provided, subject to be repaid to the directors or treasurer of said company when it shall be proven to his satisfaction that the said company has expended an amount equal to or in excess of twenty-five thousand dollars in the accomplishment of the aims and purposes named in the certificate of incorporation of such company; and in case such company shall not acquire a right to construct a street railroad within one year after the time of depositing said sum of twenty-five thousand dollars as aforesaid, the said treasurer shall, upon being satisfied of that fact, refund the said sum of money to the directors or treasurer of the company, and thereupon all rights of such company to priority of application for location of tracks, if any, shall cease and determine. Retention of certain deposit. Amount returned if franchise not secured.

2. This act shall take effect immediately.

Approved March 23, 1900.

## CHAPTER 188.

An Act concerning justices of the peace.

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

Issuing of summons or taking fees when interested unlawful.

1. It shall not be lawful for any justice of the peace to issue any summons, writ of attachment or other process for or on behalf of any person for whom he is agent or attorney in fact, nor to take any fee or reward for any such service or for receiving and paying over any moneys paid to him by any defendant in any suit instituted in any court for the trial of small causes holden before such justice, or for writing out or preparing or assisting in preparing or writing out any state of demand, bill of particulars, set-off or counter claim or affidavit, plea of title, or other paper necessary or proper to be made use of in the progress of any suit or proceeding in said court, except such as are now allowed by law.

Penalty for violation.

2. Any justice of the peace violating the provisions of this act or any of them, shall be liable to a penalty of twenty-five dollars, to be sued for and recovered in any court of competent jurisdiction, by any person who may sue for the same.

Approved March 23, 1900.

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## CHAPTER 189.

An Act respecting the term of office of the collectors of taxes, town assessors and town clerks in towns.

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

Term of office of town officers.

1. The term of office of the collectors of taxes, town assessors and town clerks heretofore or hereafter elected in all

towns of this state, whether created by any general or special law, shall be for the period of three years from the time of such their election.

2. This act shall take effect immediately.

Approved March 23, 1900.

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## CHAPTER 190.

An Act to establish and regulate the state home for girls (Revision of 1900).

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

Name.

1. The institution known as the state industrial school for girls, established by the act of April fourth, eighteen hundred and seventy-one, and the various supplements thereto, shall hereafter be known as "the state home for girls."

Corporate name; purpose.

2. The trustees of said institution appointed as hereinafter provided shall be a corporation by the name of "the trustees of the state home for girls," for the purpose of taking and holding to themselves and their successors, in trust for the state, any grant or devise of lands, and any donation or bequest of money or other personal property, made for the use of said institution, and for the purpose of preserving and investing the same or the proceeds thereof in good securities, with all the powers necessary to carry said purposes into effect.

Power and authority to fulfill contracts.

3. The said "the trustees of the state home for girls" shall have full power and authority to fulfill and carry out all lawful contracts, agreements and obligations heretofore made and entered into by the trustees of the corporation known as "the trustees of the New Jersey state industrial school for girls," and all such contracts, agreements and obligations shall survive to and be vested in the said "the trustees of the state home for girls," and all rights, credits and property, both real and personal, now belonging to or vested in or under the charge and control of the said "the trustees of the New Jersey state industrial

school for girls," shall survive to and belong to and be vested in and become under the charge and control of the said "the trustees of the state home for girls," as fully and to the same extent as the same now belong to, are vested in or are under the charge and control of the said "the trustees of the New Jersey state industrial school for girls."

TRUSTEES, THEIR POWERS AND DUTIES.

Trustees; term and vacancies.

4. There shall be nine trustees of said home, five of whom shall be men and four of whom shall be women, who shall be appointed by the governor, within thirty days after the passage of this act, as follows: Three for the term of one year, three for the term of two years, and three for the term of three years; and hereafter they shall be appointed by the governor with the advice and consent of the senate as follows: Three each year for the term of three years; the governor shall have power in his discretion to remove from office a trustee, and in case of a vacancy from death, resignation, removal from office or otherwise, the appointment shall be for the unexpired term only.

Organization; officers.

5. The trustees first appointed shall within ten days after their appointment, and thereafter annually, meet at the home and organize by electing one of their own number as president; they shall also elect a treasurer, who shall give a bond to the state in the sum of ten thousand dollars, with sureties satisfactory to the trustees, conditioned for the faithful performance of his duties, which bonds shall be filed in the office of the treasurer of the state, and a secretary who shall keep full and permanent records of all the proceedings and acts of said trustees; they shall receive no compensation for their services, but shall be paid their actual expenses incurred in the discharge of their official duties; they shall have power to expend not to exceed six hundred dollars annually as compensation for their secretary and treasurer.

Compensation.

Continuation of present trustees.

6. The trustees and lady managers of said institution now in office shall continue to serve as such, and shall possess the same powers and discharge the same duties as are now conferred and imposed by law upon the trustees and lady managers, until the organization of the trustees appointed under this act, when and whereupon their respective terms of office

shall terminate and all their powers and duties as trustees and lady managers of said institution shall cease and terminate.

When term of present officers expires.

7. Thirty days after the first organization of the trustees appointed under this act, the term of office or employment of all officers and employes of the home shall terminate, and their successors shall be appointed by the trustees; *provided*, the trustees may, in their discretion, re-appoint any such officer or employe.

Proviso.

Power and duties of trustees.

8. The trustees shall have power to enact by-laws for their own government and shall have charge and control of the general interests of the institution; they shall see that its affairs are conducted in accordance with the requirements of the legislature and the by-laws, and that strict discipline is maintained therein; they shall prescribe rules and make orders relative to the care, government and discipline of the inmates of the home and define the duties of the officers in relation thereto; they shall provide employment and instruction for the inmates, and bind them out, discharge or parole or remand them, as herein provided; they shall appoint and prescribe the duties and fix the salaries of a superintendent, a physician, and such officers and teachers as in their judgment the wants of the institution may require, and have power to remove the same; they shall exercise a vigilant supervision over the institution, its officers and inmates; the by-laws may be amended by the assent of five trustees, at a legal meeting.

Instruction.

9. The trustees shall cause the girls under their charge to be instructed in such branches of useful knowledge as are adapted to their age and capacity, and in some regular course of labor, either mechanical, manufacturing, horticultural or a combination of these as is best suited to their age, strength, disposition and capacity, and in such other arts or trades as may seem best adapted to secure the reformation and future benefit of the girls; they shall also cause said girls to be given moral instruction.

Indentures.

10. The trustees may bind out girls committed to the home as apprentices or servants until they become twenty-one years of age, or for any less time; stipulating in the indentures for the needful amount of school learning, and from time to time as the rightful guardians of the girls, ascertaining whether the duties and obligations of the master or mistress are faithfully performed, and if not,

applying the proper remedy, and such other conditions as to them may seem best; in binding out girls they shall have scrupulous regard to the religious and moral character of those to whom they are to be bound.

Visitations of trustees.

11. One or more of the trustees shall visit the home at least once in every two weeks, at which time the girls shall be examined in the school-room and at their work, and the register shall be inspected; a record shall be kept of these visits in the books of the superintendent; the trustees shall meet at the home at least once a month; once in every three months the home, in all its departments, shall be thoroughly examined by them, and a report thereof signed; they shall prepare an annual report of the condition of the institution on or before the thirty-first of October in every year, which, together with a full report of the superintendent, and a list of the salaried officers and their salaries, with an inventory of the value of the live stock and other personal property of the state in the buildings or on the farm, shall be laid before the governor to be by him presented to the legislature.

Annual report.

Quarterly report.

12. The trustees shall make and submit a report to the governor at the expiration of every three months, dating from the first of each year, showing the average number of girls maintained in the home during such period, which said report shall be duly certified by the president and attested by the secretary of the board; and the funds appropriated by the state for the maintenance of said home shall be paid to the treasurer of the trustees quarterly, in such sums as shall be considered necessary by the trustees and approved by the governor, such sum not to exceed for any quarter the maximum sum of forty five dollars for each girl maintained in said home, based on the average number of inmates for the last preceding quarter.

Maximum allowance per girl.

## POWERS AND DUTIES OF THE SUPERINTENDENT.

Superintendent's duties.

13. The superintendent, subject to the rules and orders of the trustees, with such subordinate officers as the trustees may appoint, shall have the charge and custody of the girls, and shall, under the direction of the trustees, discipline, govern, instruct, employ and endeavor to reform the inmates in such manner as, while preserving their health, will secure

the formation, as far as possible, of moral, religious and industrious habits, and qualify them for regular trades and employments.

Bond; records, accountings, etc.

14. He shall, before entering upon his duties, give a bond to the state, with sureties satisfactory to the trustees, in the sum of two thousand dollars, conditioned that he shall faithfully perform all his duties, and account for all money received by him and property under his control as superintendent, which bond shall be filed in the office of the treasurer of the state; he shall have charge of all the property of the institution, within the precincts thereof; he shall keep in suitable books complete accounts of all his receipts and expenditures, and of all property entrusted to him, showing the income and expenses of the institution; and he shall account, in such manner as the trustees may require, for all money received by him; his books and all documents relating to the home shall at all times be open to the inspection of the trustees, who shall, at least once in every six months, carefully examine the books and accounts, and the vouchers and documents connected therewith, and make a record thereof; he shall keep a register containing the name, age, and circumstances connected with the early history of each girl, a statement as to her physical condition on her entering the home, as the same shall be certified to him by the physician, who shall examine each girl on her entering the home and from time to time thereafter, and shall add such facts as come to his knowledge, relating to her history, while at the institution and after leaving it.

Quarterly report to judges.

15. It shall be the duty of the superintendent to make out and send quarterly to each of the justices of the supreme court, and to the respective judges of the inferior courts of common pleas, a statement showing the capacity of the home, the number of inmates, and such other information as may direct the justices and judges in making commitments, so that the home may not be crowded beyond its means of accommodation.

Power of arrest.

16. The superintendent shall have the power to arrest, without warrant, in any place within the state, any girl committed to said home who shall leave the same without first obtaining a legal discharge therefrom, and convey her back to said home; and he may, whenever he shall deem it necessary, appoint in writing any of the subordinate officers or

employes of said home, as special officers to seek after and to arrest girls who may have escaped from said home, which special officer shall have the same powers in that respect as are given to the superintendent.

Duty of constables and police.

17. It shall be the duty of every constable or police officer to assist said superintendent or other person designated by him for that purpose to arrest any girl who may escape from said home, and it shall be lawful for any constable, police officer or other person without warrant to arrest any girl wno may escape from said home and to return her thereto.

COMMITMENTS AND DISCHARGES.

Length of commitment; discharges and paroles.

18. Every commitment to the said home shall be until the girl attains the age of twenty-one years, and no longer; but the trustees, in their discretion, may at any time discharge as reformed a girl from said home as a reward of good conduct upon satisfactory evidence of her reformation; or they may parole any girl in the custody of her parents, guardian, or any fit person designated by them, under such conditions as they may think proper; every girl so paroled shall be liable at any time to be taken back to said home if the conditions of her parole are violated, or if in the judgment of the trustees for any cause her welfare shall so require.

Commitment to home after sentence.

19. In case any girl under the age of sixteen years shall have been sentenced, after conviction in any court, to imprisonment in the jail, or in the state prison, it shall be lawful for any justice of the supreme court, or judge of the inferior court of common pleas, on complaint of any citizen, to institute a summary examination, and if he shall be satisfied that said girl is a suitable subject for said home, to commit her thereto by warrant, as in other cases provided.

Commitment instead of sentencing.

20. When a girl under the age of sixteen years shall, in the court of quarter sessions, or court of special sessions, be found guilty of any crime, except murder, it shall be lawful for the said court, instead of entering judgment and pronouncing sentence according to law, to cause an order to be entered in the minutes that said girl be committed to the said home, and thereupon the court may commit her thereto by warrant, as in other cases provided.

Warrant of commitment.

21. Every warrant for the commitment of a girl to said home shall be in substance as follows, viz.:

"To A. B. (sheriff, constable, or police officer as the case may be).

You are hereby commanded to take C. D., a girl under the age of sixteen years, to wit: of the age ——— as near as can be ascertained, who at the time of her arrest resided in ———, and who has been proved to me to be a fit subject for the care, discipline and instruction of the state home for girls, in that she ——— (stating cause of her commitment) and deliver said girl without delay to the superintendent of the said home, or other person in charge thereof, at the place where the same is established, and for so doing this shall be your sufficient warrant; dated this ——— day of ———, 19—, in the county of ——— in the state of New Jersey," but no variance from said form shall be deemed material if it sufficiently appears upon the face thereof that the girl is committed in the exercise of powers given by this act, and every such warrant shall be executed within five days from the date thereof.

Statement made in warrant.

22. Every justice of the supreme court and every judge of the inferior court of common pleas who shall commit a girl to said home shall state in the warrant the place in which the girl resided at the time of her arrest, and her age as near as can be ascertained; and such statement, for the purpose of this act shall be conclusive evidence of her residence and age; in the warrant the justice or judge shall also state the nature of the complaint against the girl, together with such other particulars concerning the girl as the justice or judge is able to ascertain.

Decline to receive girl.

23. The trustees of said home may decline to receive a girl committed to said home by a warrant which does not state the place of residence of the girl at the time of her arrest, her age as near as can be ascertained, and the nature of the complaint against her.

Release for physical reasons.

24. When the trustees shall become satisfied that any girl committed to the home is unfitted by physical weakness or disease or mental imbecility for the instruction, discipline and care of the institution, they may release her under such conditions as they may deem necessary to promote her welfare.

Liability for maintenance.

25. Every girl committed to the said home shall be personally liable for her own maintenance and all necessary expenses incurred therein on her behalf; and the parent, guardian or relative, who would have been bound by law to

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provide for and support her if she had not been sent to the said home, shall be liable to pay for such maintenance and necessary expenses, and, if the trustees shall so order, the same may be sued for and recovered in the name of the superintendent of said home in any court having cognizance thereof; *provided*, the trustees may in their discretion remit such liability or any part thereof; *provided, also*, all moneys so received or collected shall be paid into the state treasury.

Proviso.

Proviso.

How long to remain

26. Every girl committed to said home shall be there kept and governed according to the provisions of this act until she arrives at the age of twenty-one, unless she is bound out, paroled or discharged as reformed, or otherwise legally discharged; the discharge of a girl as reformed, or her arriving at the age of twenty one years, shall be a full release from all the penalties, liabilities and disabilities created or incurred by her commitment to said home, and no girl who has been discharged from said home as reformed, or by reason of her arriving at the age of twenty-one years, shall thereafter be prosecuted or punished for any crime with which she was charged at the time of her commitment to said home.

Effect of discharge.

PROCEDURE FOR COMMITMENT.

Procedure upon arrest.

27. When a girl under the age of sixteen years shall be arrested upon complaint of any crime (excepting murder or manslaughter), or of being habitually vagrant, or habitually truant, it shall be lawful for the magistrate before whom she shall be taken, after examination, if in his judgment said girl is a fit subject for the said home, to commit her to the jail of the county or city where the charge shall be made, and forthwith to certify and send a copy of the complaint and commitment to a justice of the supreme court or a judge of the inferior court of common pleas; *provided*, that no girl under the age of ten years shall for any cause under any of the provisions of this act be committed to said home.

Proviso.

Warrant and order issued by judge.

28. The said justice or judge, upon receiving said copies of the complaint and commitment, or upon his own information of such complaint or commitment, shall and may issue a warrant to a sheriff, constable or other officer to bring said girl before him, and also an order to the parent or guardian of said girl, or such person as may have her in

charge, or with whom she has last resided, or one known to be nearly related to her, or if she be alone and friendless, then to such person as said justice or judge may appoint to act as guardian ad litem, requiring him or her to appear at a time and place stated in said order, to show cause why said girl should not be committed to the said home for reformation and instruction, and in the meantime such justice or judge shall make such disposition of said girl as to him shall seem best.

Service of order.

29. The said order shall be served by the sheriff, a constable or police officer, by delivering a copy thereof personally to the party to whom it is addressed, or leaving it with some person of full age at the place of residence or business of said party, and immediate return shall be made to said justice or judge under oath of the time and manner of such service.

Hearing.

30. At the time and place mentioned in said order, or the time and place to which the hearing may be adjourned, if the parent or guardian to whom said order may be addressed shall appear, then, in his or her presence, or if he or she shall fail to appear, then, in the presence of some suitable person whom the said justice or judge shall appoint as guardian ad litem, it shall and may be lawful for said justice or judge to proceed to take the voluntary examination of said girl, and to hear the statements of the party appearing for her, and such testimony in relation to the case as may be produced, and if upon such examination and hearing the said justice or judge shall be satisfied that the girl has committed a crime, or is habitually vagrant, or habitually truant, and is a fit subject for the said home, he may commit her to said home by warrant as herein provided.

Decision.

If discharged.

31. If the justice or judge aforesaid is of the opinion the girl is not a fit subject for the home he shall discharge her, unless she is charged with a crime, in which case he shall remand her to the custody of the keeper of the jail of the county or city, to be dealt with according to law; but in case said girl shall be subsequently convicted on said charge of crime, said justice or judge may in his discretion commit said girl to said home under the provisions of the twentieth section of this act.

Action upon complaint of parent or guardian.

32. If any parent or guardian shall make complaint to a justice of the supreme court or to a judge of the inferior

court of common pleas that any girl under the age of sixteen years, the daughter or ward of such parent or guardian, is habitually truant, or habitually vagrant, or incorrigible, it shall be lawful for said justice or judge to issue a warrant to the sheriff, a constable or police officer, to cause said girl to be brought before him at such time and place as he may appoint, when and where said justice or judge shall examine the parties, and if in his judgment the girl is habitually truant, or habitually vagrant, or incorrigible, and is a fit subject for the said home, he may issue a warrant with the consent of the said parent or guardian endorsed thereon, committing said girl to said home; *provided*, security for the payment of the expenses of said complaint and commitment and of carrying said girl to the home, at the rates herein prescribed in other cases, and the expenses of board at such home may, in the discretion of the said justice or judge, be required of the said parent or guardian; and the justice or judge shall at the time of the examination make inquiry as to the ability of the parent or guardian to pay such expenses and endorse on the warrant of commitment a statement of his finding in that regard.

Proviso.

When complaint comes before grand jury.

33. Whenever a complaint charging a girl under the age of sixteen years with crime shall come before the grand jury of any county, or an allegation of crime shall be made against such a girl in the court of special sessions, it shall be the duty of the prosecutor of the pleas of such county to examine into the condition and circumstances of such girl, and if in his judgment she is a fit subject for said home, he shall, before an indictment is found or a trial had in said court of special sessions, certify the facts to the justice of the supreme court, or the judge of the inferior court of common pleas, with such recommendation as to him shall seem proper, and thereupon said justice or judge may, in his discretion, upon like procedure as in cases where a copy of a complaint and commitment is sent him by a magistrate, if in his judgment said girl is a fit subject for said home, commit her thereto by warrant as in other cases, and in such case no indictment shall be found or other proceedings taken against said girl, except as herein otherwise provided.

FEES AND COSTS.

34. For making copies of a complaint and commitment under section thirty-two every magistrate shall be entitled to the same fees as are allowed by law for the original complaint and commitment; all officers serving process under this act shall be entitled to the same fees, which shall be paid in the same manner as for like services in criminal cases; the sheriff, constable or officer executing a warrant committing a girl to the said home shall be entitled to a fee of five dollars, besides the necessary traveling expenses for himself and girl, to be taxed by said justice or judge; and other fees shall be the same as are allowed for similar services in the court of quarter sessions, all of which fees shall be paid as in criminal causes in the county where such services are rendered. Fees allowed.

DISORDERLY PERSONS. POWER TO ARREST.

35. The said home and the premises connected therewith shall be deemed and held to be a public place, and a public school, within the intent and meaning of an act entitled "An act concerning disorderly persons" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight, and the supplements thereto, and any person, not an inmate of said home, who shall while at said home or on the premises connected therewith violate any of the provisions of said act as to public places or public schools, or shall wilfully act in opposition to the rules and discipline of said home, shall be deemed and adjudged a disorderly person and be punished accordingly; and the superintendent of said home and such employees thereof as the trustees shall by resolution designate for that purpose shall have full power and authority to arrest without warrant any person violating the provisions of this section, and to proceed against such person according to law. Premises a public place. Arrest of disorderly persons.

36. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed; and no proceeding for the commitment of any girl to said school shall abate by Repealer. Proceedings not abated.

reason of the passage of this act, but every such proceeding shall proceed under the provisions of this act.

37. This act shall take effect immediately.

Approved March 23, 1900.

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## CHAPTER 191.

An Act to repeal sundry acts relating to the state industrial school for girls.

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

Acts repealed.

1. The several acts relating to the state industrial school for girls, hereinafter stated and entitled as follows, viz.:

"An act to establish a state industrial school for girls," approved April fourth, eighteen hundred and seventy-one;

"A supplement to an act entitled 'An act to establish a state industrial school for girls,' approved April fourth eighteen hundred and seventy-one," which supplement was approved March fifth, eighteen hundred and seventy-two;

"A supplement to an act entitled 'An act to establish a state industrial school for girls,' approved April fourth, one thousand eight hundred and seventy-one," which supplement was approved April third, eighteen hundred and seventy-three;

"A supplement to the act establishing the state industrial school for girls," approved March second, eighteen hundred and seventy-seven;

"Supplement to an act to establish a state industrial school for girls, approved April fourth, one thousand eight hundred and seventy-one," which supplement was approved March eighteenth, eighteen hundred and eighty-one;

"A further supplement to an act to establish a state industrial school for girls, approved April fourth, one thousand eight hundred and seventy-one," which supplement was approved March ninth, eighteen hundred and eighty-five;

"A supplement to an act entitled 'An act to establish a state industrial school for girls (Revision),' approved April

fourth, one thousand eight hundred and seventy-one," which supplement was approved April fourth, eighteen hundred and eighty-five;

"Supplement to an act entitled 'An act to establish a state industrial school for girls,' approved April fourth, one thousand eight hundred and seventy-one," which supplement was approved April eighteenth, eighteen hundred and eighty-nine;

"An act entitled 'An act to provide for the reformation of wayward girls,' approved March thirtieth, eighteen hundred and eighty-eight;"

"A supplement to an act entitled 'An act to establish a state industrial school for girls,' approved April fourth, one thousand eight hundred and seventy-one," which supplement was approved March fifteenth, eighteen hundred and ninety-three;

"An act for the support of the state industrial school for girls," approved March thirty-first, eighteen hundred and ninety;

"A supplement to an act entitled 'An act to establish a state industrial school for girls,' approved April fourth, eighteen hundred and seventy-one," which supplement was approved April ninth, eighteen hundred and seventy-five; be and the same are hereby repealed.

Acts formerly repealed not revived nor proceedings or commitments abated.

2. The repeal of the above-stated acts shall not be construed to revive any act or part of an act which may have been repealed by any of the acts hereby repealed, and no proceeding for the commitment of any girl to said school shall abate by reason of the repeal of said acts, but the same shall proceed as if this act had not been passed, nor shall the repeal of said acts be held to abate any commitment to said school heretofore made, but the same shall remain in full force and effect the same as if this act had not been passed.

3. This act shall take effect immediately.

Approved March 23, 1900.

## CHAPTER 192.

An Act to repeal sundry acts relating to the New Jersey state reform school for boys.

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

Acts repealed.

1. The several acts relating to the New Jersey state reform school for boys, hereinafter stated and entitled as follows, viz.:

"An act to establish and organize the state reform school for juvenile offenders," approved April sixth, eighteen hundred and sixty-five;

"A supplement to the act entitled 'An act to establish and organize the state reform school for juvenile offenders,' approved April sixth eighteen hundred and sixty-five," which supplement was approved April thirteenth, eighteen hundred and sixty-seven, except in so far as said statute is by law made applicable to the state industrial school for girls;

"A further supplement to the act entitled 'An act to establish and organize the state reform school,' approved April sixth, eighteen hundred and sixty-five," which supplement was approved April second, eighteen hundred and sixty-eight, except in so far as said statute is by law made applicable to the state industrial school for girls;

"An act for the support of the state reform school for boys," approved March twenty-seventh, eighteen hundred and seventy-two;

"A supplement to the act for the establishment of a reform farm school for juvenile delinquents, passed April sixth, eighteen hundred and sixty-five," which supplement was approved April fifth, eighteen hundred and seventy-six;

"A supplement to the act to establish and organize the state reform school for juvenile offenders, approved April sixth, one thousand eight hundred and sixty-five," which supplement was approved March sixth, eighteen hundred and seventy-seven;

"An act for the support of the New Jersey state reform school for boys," approved March thirty-first, eighteen hundred and eighty-two;

"A supplement to an act entitled 'An act for the support of the New Jersey state reform school for boys,' approved March thirty-first, eighteen hundred and eighty-two," which supplement was approved May fifth, eighteen hundred and eighty-four;

"An act to amend an act entitled 'A supplement to an act entitled "An act for the support of the New Jersey state reform school for boys," approved March thirty-first, eighteen hundred and eighty-two, which said supplement was approved May fifth, eighteen hundred and eighty-four,'" which amendatory act was approved March thirty-first, eighteen hundred and eighty-five;

"A supplement to an act entitled 'An act to establish and organize the state reform school for juvenile offenders' (Revision), approved April sixth, one thousand eight hundred and sixty-five," which supplement was passed April fourth, eighteen hundred and eighty-five;

"An act relative to the state reform school for boys," approved April twenty-eighth, eighteen hundred and eighty-six;

"An act providing for appropriations for the New Jersey state reform school for boys," approved March twenty-fourth, eighteen hundred and eighty-seven;

"An act relative to the state reform school for boys," approved February twenty-second, eighteen hundred and eighty-eight;

"A further supplement to an act entitled 'An act to establish and organize the state reform school for juvenile offenders,' approved April sixth, one thousand eight hundred and sixty-five," which supplement was approved March twenty-third, eighteen hundred and eighty-eight;

"An act to amend the first section of a supplement to 'An act to establish and organize the state reform school for juvenile offenders,' approved April sixth, one thousand eight hundred and sixty-five, which supplement was approved April second, one thousand eight hundred and sixty-eight," which amendatory act was approved April third, eighteen hundred and eighty-eight;

"A further supplement to an act entitled 'An act to establish and organize the state reform school for juvenile offend-

ers,' approved April sixth, one thousand eight hundred and sixty-five," which supplement was approved April sixteenth, eighteen hundred and eighty-nine;

"A supplement to the act entitled 'An act to establish and organize the state reform school for juvenile offenders,' approved April sixth, one thousand eight hundred and sixty-five," which supplement was approved April eighteenth, eighteen hundred and eighty-nine;

"A further supplement to the act entitled 'An act to establish and organize the state reform school for juvenile offenders,' approved April sixth, one thousand eight hundred and sixty-five," which supplement was approved May twenty-third, eighteen hundred and ninety;

"A further supplement to an act entitled 'An act to establish and organize the state reform school for juvenile offenders,' approved April sixth, one thousand eight hundred and sixty-five," which supplement was approved April seventeenth, eighteen hundred and ninety-one;

"An act to amend an act entitled 'An act to amend an act entitled "An act for the support of the New Jersey state reform school for boys," approved March thirty-first, eighteen hundred and eighty-two, which last amending act was approved March thirty first, eighteen hundred and eighty-five,'" which amendatory act was approved March sixteenth, eighteen hundred and ninety-three;

"A further supplement to act entitled 'An act to establish and organize the state reform school for juvenile offenders,' approved April sixth, one thousand eight hundred and sixty-five," which supplement was passed May twenty-fifth, eighteen hundred and ninety-four";

be and the same are hereby repealed.

Acts formerly repealed not revived, nor any proceedings or commitments abated.

2. The repeal of the above stated acts shall not be construed to revive any act or part of an act which may have been repealed by any of the acts hereby repealed, and no proceeding for the commitment of any boy to said school shall abate by reason of the repeal of said acts, but the same shall proceed as if this act had not been passed, nor shall the repeal of said acts be held to abate any commitment to said school heretofore made, but the same shall remain in full force and effect the same as if this act had not been passed.

3. This act shall take effect immediately.

Approved March 23, 1900.

## CHAPTER 193.

An Act to authorize towns, villages and incorporated districts governed by a board of commissioners to purchase lands and erect thereon buildings for housing and protecting apparatus for the suppression of fires and for other municipal uses, and to provide for the payment thereof.

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

Authorizing purchase of lands, etc., for public purposes.

1. It shall be lawful for any town, village or incorporated district in this state which has been incorporated under any general or special law of this state where the powers granted have been vested in a board of commissioners having among other powers the control and management of the apparatus for the extinguishment of fires, for the board of commissioners to purchase lands and erect buildings thereon suitable and proper for the use of the fire department and of said board of commissioners as may be necessary in the transaction of the public business; *provided*, the aggregate cost of such land and buildings shall not exceed fifteen thousand dollars.

Proviso.

Bonds issued.

2. To provide money to carry this act into effect, the board of commissioners of any such town, village or incorporated district shall have power to issue bonds of such town, village or incorporated district to an amount not exceeding fifteen thousand dollars, having not more than fifteen years to run, and bearing interest at a rate not to exceed five per centum per annum, and to pledge the faith, credit and property of the said town, village or incorporated district for the payment of the principal and interest thereon.

Providing for interest and redemption.

3. In all towns, villages and incorporated districts where the taxes are levied and assessed by the township assessor and collector for the purposes of such town, village or incorporated district, the board of commissioners shall annually, on or before the first day of August in each year, by resolution, direct its presiding officer to certify to the assessor of

the township a statement in writing setting forth the amount required to be paid by such town, village or incorporated district in the next succeeding fiscal year to meet the interest on said bonds, and the principal of any that may mature during said year, and upon receipt of such certificate the said assessor shall assess such amount against the real and personal estate within the limits of such town, village or incorporated district in the same manner that the general township taxes are levied and collected, and the same when levied and assessed shall be collected by the township collector, and paid over to the treasurer of the board of commissioners, who shall apply the same exclusively to the payment of the said interest and principal.

Referendum.

4. The board of commissioners of any town, village or incorporated district in this state shall, by resolution, submit the question of the acceptance or rejection of this act to the vote of any such town, village or incorporated district at a special election to be held for that purpose, whereof at least ten days' previous notice shall be given by publication in at least one of the newspapers circulating in such town, village or incorporated district; the resolution shall fix the time and place for holding such election, and the board of commissioners shall appoint inspectors of the election, who shall hold the same as provided by said resolution, and return the result thereof to the said board; each ballot deposited by those who favor the acceptance of this act shall contain the words, "fire department act accepted," written or printed thereon, and those opposed shall deposit a ballot with the words "fire department act rejected," printed or written thereon, and if the majority of the ballots so cast shall be found to be for the acceptance of this act, it shall then go into effect, and not otherwise; only those persons who are qualified to vote at the annual election for the board of commissioners for such town, village or incorporated district shall be qualified to vote at the election provided for in this act.

5. This act shall take effect immediately.

Approved March 23, 1900.

## CHAPTER 194.

An Act to amend "An act to provide for the organization of the New Jersey home for disabled soldiers, sailors, marines and their wives," approved April twentieth, eighteen hundred and ninety-eight.

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

1. Section three of the aforesaid act shall be amended so as to read as follows: Section amended.

3. The government of the said home shall be vested in the said board of managers, who shall have the general direction and control of all the property and concerns of the institution and make by-laws, rules and regulations for the management of the same, and determine the compensation, duties and term of services of its officers and of other persons employed therein, subject to the approval of the governor; the said managers shall receive no compensation for their services as such, but their actual traveling expenses shall be paid to them by the treasurer of the home under such rules and regulations as the state board shall prescribe; and no judge, court or clerk shall receive any compensation for any service done under this act; and it shall be the duty of the said board of managers to take all necessary measures to secure to inmates a suitable and comfortable home, with clothing and subsistence, and necessary medical and surgical attendance; and the expenses thereof, not exceeding the sum of ten thousand dollars in any one year, shall be paid by the state treasurer, on the warrant of the comptroller, to the treasurer of the said home; and they may take and hold in trust for the state any grant, lease or demise of land, and any donation or bequest of any money or chattels for the use of said home. Government. Compensation. Duty of managers. Expenses.

2. Section four of said act shall be amended so as to read as follows: Section amended.

4. The board of managers shall appoint, subject to the approval of the governor, a commandant of the said home, Officers.

an adjutant, a chaplain, a treasurer and such other officers and assistants in attendance as may be necessary and proper; the said commandant shall enter into bond to the board of managers for the faithful performance of the duties of his office, in such sum and with such sureties as the said board shall approve; and the treasurer of said home shall enter into bond to the state for the faithful performance of the duties of his office, in such sum and with such sureties as the governor of the state shall approve; and any officer, assistant or attendant shall be subject to removal by resolution of the said board.

Section amended.

3. Section six of said act shall be amended so as to read as follows:

Duties of commandant.

6. The commandant shall purchase all necessary clothing, provisions and other supplies necessary for said home, subject to the approval of the said board, in accordance with the rules and regulations; he shall be responsible for the accounts of the said home, and of all the receipts and disbursements to the board of managers of said home, and shall be paid upon their approval by the treasurer of the said home, under such rules and regulations as the said board of managers may prescribe; and all purchases for the use of the said home shall be made for cash, and not on credit or trust, and a voucher for every purchase shall be taken, duly filled up at the time it is taken, and an abstract of the vouchers, verified on oath or affirmation, and the voucher taken and filled up at the time of its date, shall be presented with the accounts of the said commandant; and the said commandant shall at all times reside at the said home, as the said managers shall direct.

Section amended.

4. Section seven of the aforesaid act shall be amended so as to read as follows:

Terms of admission.

7. No person shall be admitted into the said home as a patient except upon the certificate of a judge of the court of common pleas, upon proof made to his satisfaction by the testimony in writing of a respectable physician, and other evidence that the applicant has been a soldier in the army of the United States or a sailor or marine in the navy of the United States, and been honorably discharged from such service; that he is disabled from a wound or wounds, or from sickness or other disability; that he is necessitous and has not the ability to procure the means sufficient for his comfortable support and necessary care and attendance;

that he is now and has been a resident of this state at least two years immediately succeeding the date of his application for admission, which proof shall accompany the said certificate; and the said applicant for admission shall, with the certificate of the judge, present to the commandant a statement in writing, signed by himself, setting forth his name in full, the place of his nativity and of his residence at the time of making such application and at the time of entering the service, his age and occupation, the company and regiment or vessel in which he served, and also the consent and agreement of himself and wife to transfer to the state, for use in payment of the appropriation for the home, fifty per centum of any quarterly pension to which he or she may be entitled from the United States during the time he or she shall be a patient at the said home, and that he or she will execute any necessary power and voucher for recovering the same; and further, that he or she will conduct themselves properly and submit to the rules, regulations and discipline of the said home, and that the said soldier's, sailor's or marine's wife was married to him at least twenty-five years prior to the date of his application for admission into the home.

Relative to pensions.

5. Section nine of said act shall be amended so as to read as follows:

Section amended.

9. The salaries and allowances to the officers of the said home shall be paid by the treasurer of the said home, under such rules and regulations as said board of managers may prescribe.

Payment of salaries.

6. This act shall take effect immediately.

Approved March 23, 1900.

## CHAPTER 195.

An Act for the taxation of all the property and franchises of persons, copartnerships, associations or corporations using or occupying public streets, highways, roads or other public places, except municipal and corporations taxable under the act entitled "An act for the taxation of railroad and canal property," approved April tenth, one thousand eight hundred and eighty-four, or any of the supplements or amendments thereto.

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

All property and franchises subject to taxation.

1. All the property, real and personal, and franchises of all persons, copartnership, associations or corporations other than municipal or corporations taxable under the act entitled 'An act for the taxation of railroad and canal property," approved April tenth, one thousand eight hundred and eighty-four, or any of the supplements or amendments thereto, which have acquired or may hereafter acquire authority or permission from the state or from any taxing district thereof, and have or may hereafter have the right to use or occupy and occupying the streets, highways, roads, lanes or public places in this state, shall hereafter be valued, assessed and taxed as hereinafter provided.

Assessors' duties.

2. The respective assessors or officers, having like powers and duties to perform, in each taxing district in this state, shall each year ascertain the value of such property located in, upon or under any public street, highway, road, lane or other public place in each taxing district, and the value of the property not so located; when so ascertained, all such property shall be assessed and taxed at local rates, as now provided by law, and all proceedings for appeal, review and collection now available shall remain applicable.

Assessors' return to state board of assessors.

3. The officers, whose duty it is to make the assessment in each taxing district, shall annually make a return, certified in writing, on or before the third Tuesday of September,

of the valuation of all property assessed under the provisions of this act which is located in, upon or under any street, highway, road, lane or other public place in such taxing district, together with the names of the owners and those operating the same, and file the same in the office of the state board of assessors.

Corporations, etc., shall make return to state board.

4. All such persons, copartnerships, associations or corporations, subject to taxation under the provisions of this act, shall, on or before the first Tuesday in May in each year, return to the state board of assessors a statement showing the gross receipts of their business in the state of New Jersey for the year ending December thirty-first next preceding; any oil or pipe-line company having part of its transportation line in this state and part thereof in another state or states shall make a report showing its gross receipts for transportation of oil or petroleum on its whole line, together with the statement of the length of its whole line and the length of its line in this state along any street, highway, road, lane or other public place, and the franchise tax of such oil or pipe-line company for business so done in this state shall be upon such proportion of its gross receipts as the length of its line in this state along any street, highway, road, lane or other public place, bears to the length of its whole line; all of such statements or reports shall be subscribed and sworn to by the person, copartners or the president or other chief officer of each association or corporation; any person, copartnership association or corporation willfully neglecting or refusing to make such annual statement or report shall forfeit as a penalty for such neglect or refusal not more than five thousand dollars, to be assessed by a jury, for each offense, to be recovered in any proper form of action in the supreme court of this state in the name of the state, and when collected shall be paid into the state treasury; it shall be the duty of the state board of assessors to certify any such default to the attorney-general of the state, who thereupon shall prosecute an action at law for such penalty; any person who shall falsely make any oath required to be made under this act shall be deemed guilty of perjury and, on conviction thereof, liable to all the penalties prescribed by law therefor.

Return made by pipe-line.

Penalty for neglect.

Franchise tax.

5. An annual franchise tax of two per centum upon the annual gross receipts, as aforesaid, shall be assessed upon all persons, copartnerships, associations or corporations taxable under this act.

Apportionment of franchise tax.

6. The state board of assessors shall annually ascertain and apportion the franchise tax to the various taxing districts in proportion to the value of the property located in, upon or under any public street, road, highway, lane or other public place therein as shown by the statements so filed with said board; the amount of the franchise tax shall be certified in writing to the respective assessors of taxes or officers having like powers and duties to perform, on or before the third Tuesday of October in each year; *provided*, that no change in the apportionment of the franchise tax shall be made in case the valuation of any property is reduced after the return is filed as provided in section three; the assessors or officers shall, within five days after being so notified of such franchise tax, deliver or cause to be delivered to each person, copartnership, association or corporation taxable under the provisions of this act, and to the collector of taxes of such taxing district, a statement in writing showing the amount of such franchise tax so ascertained, which shall become due at the time and place when and where other taxes are due and payable in such taxing district, and the tax shall be and remain a first lien on the property and assets of such person, copartnership, association or corporation, until paid with interest and penalty thereon, and shall be collected in the same manner that other taxes are collected, and the same proceedings now available for the collection of other taxes shall remain applicable to the collection of the franchise tax.

Proviso.

Present payments remain in force.

7. All money now payable by any person, copartnership, association or corporation to any taxing district for its exclusive use pursuant to any contract, agreement, resolution or ordinance (except money expended for paving or repairing any street, highway or other public place, or taxes upon property real and personal), shall be paid notwithstanding this act, and when paid shall be considered a payment on account of, or in full, as the case may be, for the franchise tax to be apportioned according to the provisions hereof; if the amount so payable is greater than the amount of the franchise tax to be so apportioned, such payment shall be in lieu thereof; and if less, the difference in amount shall be payable as herein provided.

Franchise tax in lieu of all other franchise taxes.

8. The franchise taxes imposed by this act shall be in lieu of all other franchise taxes now assessed against the persons, copartnership, associations or corporations, subject to the

provisions of this act and their property; this act shall not be construed to apply to any corporation which has not hitherto or may not hereafter exercise any municipal franchise.

Act, how construed.

9. None of the provisions of this act shall be construed as in any wise to alter, impair or repeal any of the provisions of an act entitled "An act for the taxation of railroad and canal property," approved April tenth, one thousand eight hundred and eighty-four, or any of the supplements or amendments thereto, nor shall any corporation taxable under said act and the supplements and amendments thereto be taxable under this act; if any provision of this act shall, for any reason, be held to be unconstitutional or invalid it shall not affect the other provisions of this act or any of them.

10. This act shall take effect on the first day of January, one thousand nine hundred and one.

Approved March 23, 1900.

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## JOINT RESOLUTION NO. 1.

Joint Resolution in relation to medals for soldiers and sailors, residents of New Jersey during the Spanish-American war, one thousand eight hundred and ninety-eight.

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

Medals for volunteers in United States forces.

1. The governor be and he is hereby authorized to issue and present a medal of the same kind and description as was prepared and presented to each of the honorably discharged officers and men of the New Jersey volunteers in the Spanish-American war, one thousand eight hundred and ninety-eight, to each of the officers and men at that time residents of this state, who served in the land or naval forces of the United States in said war, to commemorate their services to their country during this eventful period, the cost not to exceed fifteen hundred dollars; *provided*, that this resolution shall not apply to officers and men of the New Jersey volunteers

Proviso.

who have received or are entitled to receive such medals under the terms of a joint resolution entitled "Joint resolution in relation to medals for the New Jersey volunteers during the Spanish-American war, one thousand eight hundred and ninety-eight," approved March twenty-second, one thousand eight hundred and ninety-nine.

Approved March 23, 1900.

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## JOINT RESOLUTION No. 2.

Joint Resolution relating to the elimination from the list of securities belonging to the state fund of the "certificate of stock of the centennial international exposition of eighteen hundred and seventy-six;" also "bonds of the several counties of the state for the surplus revenue of the United States."

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

Certain securities stricken from list.

1. The state treasurer be and is hereby authorized and directed to hereafter eliminate from the list of securities belonging to the state fund, the item of "certificate of stock of the centennial international exposition of eighteen hundred and seventy-six," for the sum of seventy-four thousand one hundred and sixteen dollars and sixty-seven cents; also "bonds of the several counties of this state for the surplus revenue of the United States," for the sum of seven hundred and sixty-four thousand six hundred and seventy dollars and forty-four cents.

2. This joint resolution shall take effect immediately.

Approved March 23, 1900.

## CHAPTER 196.

An Act to defray the incidental expenses of the legislature of New Jersey for the session of one thousand nine hundred.

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

1. It shall be lawful for the treasurer of the state of New Jersey to pay, upon the warrant of the comptroller, to the several persons hereinafter named, the following amounts, that is to say: Treasurer authorized to pay certain amounts.

Item No. 1. To each clergyman for opening sessions of the senate and house of assembly with prayer, during session one thousand nine hundred, ten dollars, $10 00

Item No. 2. To each officer of the senate and house of assembly of the session one thousand eight hundred and ninety-nine, who was present and rendered services in opening the session of one thousand nine hundred, ten dollars, $10 00

Item No. 3. To Mrs. Elizabeth Kucker, for washing towels for senate and house of assembly, sixty-five dollars, $65 00

Item No. 4. To John C. Rankin Company, for bill files, printing names of members and attaching labels, minute files for the house, pass bill files for the house of assembly, session of one thousand nine hundred, seven hundred and forty-two and ninety one-hundredths dollars, $742 90

Item No. 5. To John C. Rankin Company, for stationery, house of assembly, session of one thousand nine hundred, six hundred and sixty-four and ten one-hundredths dollars, $664 10

Item No. 6. To John L. Murphy Publishing Company, for stationery and supplies furnished the speaker of the house of assembly,

session of one thousand nine hundred, seventy-nine and ninety-one one-hundredths dollars, $79 91

Item No. 7. To John L. Murphy Publishing Company, for stationery furnished assembly committees for session of one thousand nine hundred, twenty-nine dollars, $29 00

Item No. 8. To the John L. Murphy Publishing Company, for furnishing stationery and supplies to Charles H. Folwell, supervisor of bills of the house of assembly, session of one thousand nine hundred, eighteen and forty one-hundredths dollars, $18 40

Item No. 9. To the John L. Murphy Publishing Company, for furnishing stationery and supplies to James Parker, clerk of the house of assembly, session one thousand nine hundred, forty-nine and twenty one hundredths dollars, $49 20

Item No. 10. To MacCrellish & Quigley, for books and calendars furnished house of assembly, session one thousand nine hundred, one hundred and fifteen and fifty-five one-hundredths dollars, $115 55

Item No. 11. To the John L. Murphy Publishing Company, for supplies furnished Frank Tantum, sergeant-at-arms to house of assembly, session one thousand nine hundred, seventy-nine and sixty-five one-hundredths dollars, $79 65

Item No. 12. To George Powell, for stationery furnished committee, session of one thousand nine hundred, sixty-four dollars, $64 00

Item No. 13. To L. N. Clayton, for furnishing toilet supplies to Frank Tantum, sergeant at-arms of the house of assembly, session of one thousand nine hundred, three hundred and sixty-three and thirty-five one-hundredths dollars, $363 35

Item No. 14. To the widow of George Werrer, late head page of the house of assembly, the balance of salary which would have been due at the end of the session of one thousand nine hundred, two hundred dollars, $200 00

Item No. 15. To John Oestrich, for services as assistant head page of the house of assembly, session of one thousand nine hundred, one hundred dollars, $100 00

Item No. 16. To John Heck, for services as keeper of the gentlemen's gallery of the house of assembly, session of one thousand nine hundred, three hundred and fifty dollars, $350 00

Item No. 17. To George Higgins, for services as keeper of the ladies' gallery of the house of assembly, session of one thousand nine hundred, three hundred and fifty dollars, $350 00

Item No. 18. Harry Harris, for services as clerk to committee on corporations of the house of assembly, session of one thousand nine hundred, three hundred dollars, $300 00

Item No. 19. To J. L. Hendricks, for furnishing and engrossing oaths of senators and members of house of assembly and officers of the legislature, session of one thousand nine hundred, fifty dollars, $50 00

Item No. 20. To Charles B. Duncan, for stationery furnished officers and members of house of assembly, as per contract, session of one thousand nine hundred, seven hundred and five dollars, $705 00

Item No. 21. To Harry A. Ashmore, for furnishing chestnut case, embalming and delivery of remains of George Werrer, at Newark, thirty and ninety one-hundredths dollars, $30 90

Item No. 22. To T. F. Fitzgerald, for furnishing twenty-five extra copies of the legislative manual to Frank Tantum, sergeant-at-arms, for members of assembly, session of one thousand nine hundred, twenty-five dollars, $25 00

Item No. 23. To Christopher O'Brien, for services as assistant to the clerk of the house of assembly, and clerk to the committee on incidental expenses, session of one thousand nine hundred, five hundred dollars, $500 00

Item No. 24. To William H. Jones, for services as coat-room keeper of senate, for the

session of one thousand nine hundred, three hundred and fifty dollars, $350 00

Item No. 25. To William Joynes, for services as coat-room keeper of the senate, for the session of one thousand nine hundred, three hundred and fifty dollars, $350 00

Item No. 26. To C. Willard Voorhies, for services as clerk to committee on appropriations of the senate, for the session of one thousand nine hundred, three hundred and fifty dollars, $350 00

Item No. 27. To Victor Carlson, for services as clerk to senate committee on municipal corporations, session of one thousand nine hundred, three hundred and fifty dollars, $350 00

Item No. 28. To Gandy S. Robinson, for services as clerk to senate committee on judiciary, session of one thousand nine hundred, three hundred and fifty dollars, $350 00

Item No. 29. To Palmer H. Charlock, for services as clerk to senate committee on boroughs and townships, session of one thousand nine hundred, three hundred and fifty dollars, $350 00

Item No. 30. To L. N. Clayton, for furnishing toilet supplies to John T. Garwood, sergeant-at-arms of the senate, for the session of one thousand nine hundred, one hundred and forty and thirty-five one-hundredths dollars, $140 35

Item No. 31. To the John L. Murphy Publishing Company, for stationery and supplies furnished the senate for the session of one thousand nine hundred, six hundred and ninety-eight and eighty-eight one-hundredths dollars, $698 88

Item No. 32. To the John L. Murphy Publishing Company, for stationery furnished Jesse R. Salmon, supervisor of bills for senate, session one thousand nine hundred, one hundred and sixty-six and fifty-five one-hundredths dollars, $166 55

Item No. 33. To MacCrellish & Quigley, for books, calendars and minute files furnished the senate for the session of one thousand

nine hundred, two hundred and eighty-nine and sixty-seven one hundredths dollars, $289 67

Item No. 34. To Mahlon Pitney (chairman), for amount expenses incurred for the joint memorial service for the late vice-president Hobart, six hundred and thirty-two and twenty-two one-hundredths dollars, $632 22

Item No. 35. To Wycoff, Seamans & Benedict, for one No. six pica typewriter furnished for speaker and members of the house of assembly for session of one thousand nine hundred, ninety dollars, $90 00

Item No. 36. To MacCrellish & Quigley, for labels and supplies furnished George Powell, bill clerk for house of assembly, session of one thousand nine hundred, twelve and twenty-five one-hundredths dollars, $12 25

Item No. 37. To John J. Matthews, for furnishing one hundred and fifty copies of members' pocket calendars for the senate and house of assembly, session one thousand nine hundred, one hundred and fifty dollars, $150 00

2. This act shall take effect immediately.

Approved March 23, 1900.

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## CHAPTER 197.

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

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

1. The following sums, or so much thereof as may be necessary, be and they are hereby appropriated out of the state fund for the several purposes herein specified, and for

Supplementary appropriations.

supplying deficiencies in former appropriations for the fiscal year ending October thirty-first, one thousand nine hundred:

1.

TRANSPORTATION OF PRISONERS.

Transporting prisoners.

For compensation for the sheriffs of this state, for transporting offenders to the county penitentiaries, pursuant to section sixty-six of chapter two hundred and thirty-seven of the laws of one thousand eight hundred and ninety-eight, five hundred dollars.

2.

FEEBLE-MINDED.

Feeble-minded.

For the Pennsylvania Training School for Feeble-Minded Children at Elwyn, Pennsylvania, for maintenance of feeble-minded persons, inhabitants of this state, from January first, one thousand eight hundred and ninety-eight, to January first, one thousand nine hundred, four thousand eight hundred and eighty-five dollars and eighty-nine cents.

3.

OFFICE OF THE SECRETARY OF STATE.

Secretary of state.

For additional compensation for clerical service in the office of the secretary of state, twelve hundred dollars.

For two thousand copies of the corporation laws, one thousand dollars.

For the preservation of the early records of this state, in the office of the secretary of state, six hundred dollars.

4.

STATE TRAVELING LIBRARIES.

Traveling libraries.

For additional allowance for the board of commissioners of the state library, five hundred dollars, pursuant to chap-

ter one hundred and seventy-five of the laws of one thousand eight hundred and ninety-eight.

5.

COURT OF ERRORS AND APPEALS.

For additional compensation for judges of the court of errors and appeals, two thousand dollars. Court of errors and appeals.

6.

COURT OF PARDONS.

For additional compensation for subordinate officers, one hundred dollars. Court of pardons.

7.

PENSIONS.

For additional allowance for traveling expenses incurred in examining pension claims of New Jersey volunteers in the civil war, two hundred dollars; Pensions.

For additional amount required to pay pensions, pursuant to various act relative thereto, eleven hundred and twenty-three dollars;

To William H. Skirm, guardian of the late captain William H. Hemsing, the sum of thirty dollars per month, as a pension, from October 15th, 1898, to August 17th, 1899, pursuant to chapter one hundred and fifty-eight of the laws of one thousand eight hundred and ninety-nine, three hundred and two dollars.

8.

DEPARTMENT OF BANKING AND INSURANCE.

For additional compensation for assistants in the department of banking and insurance, thirteen hundred dollars; Banking and insurance.

For additional allowance for blanks and stationery for use in the department of banking and insurance, five hundred dollars;

For additional allowance for postage, expressage and other incidental expenses for the department of banking and insurance, seven hundred and fifty dollars;

For compensation of building and loan association examiners, seven thousand dollars;

For actual and necessary travelling and incidental personal expenses of building and loan association examiners, four thousand two hundred dollars;

For necessary appraisals of real estate and all other incidental expenses in connection with examinations of building and loan associations, eight hundred and seventy-five dollars.

9.

SUPREME COURT.

Supreme court.

For additional expenses incurred by the order of the supreme court, pursuant to chapter one hundred and fifty-nine of the laws of eighteen hundred and ninety-five, five thousand dollars.

10.

NATIONAL GUARD.

National guard.

For additional allowance for transportation for battalion drills, inspections, and parades and pay of brigade inspectors, one thousand dollars.

To Alexander C. Oliphant, colonel and inspector division staff national guard, New Jersey, for services for temporary duty on the personal staff of the commander-in chief at camp Voorhees, Sea Girt, New Jersey, for the months of July, August and September and to October eighth, one thousand eight hundred and ninety-eight, inclusive, nine hundred and fifty-two dollars and seventy-eight cents;

For payment of bills incurred in connection with the raising, equipping and generally maintaining the volunteer troops from this state for the United States army, in the war with Spain, one thousand three hundred and seven dollars

and forty-two cents, which sum has been allowed by the United States and returned to the state treasury.

11.

COUNTY LUNATIC ASYLUMS.

County asylums

For additional allowance for the support of county patients in the county lunatic asylums, namely:

In the Essex county lunatic asylum, eight thousand dollars;

In the Hudson county lunatic asylum, four thousand dollars;

In the Camden county lunatic asylum, two thousand dollars;

In the Cumberland county lunatic asylum, six thousand dollars;

In the Salem county lunatic asylum, three hundred dollars;

In the Atlantic county lunatic asylum, five hundred dollars.

12.

STATE PRISON.

State prison.

For additional allowance for furniture, appliances and repairs of state prison, eight thousand dollars;

For additional compensation for the deputy keepers and employees, six thousand dollars.

13.

RIPARIAN COMMISSION.

Riparian commission.

For additional allowance for expenses incurred in the prosecution of the work of the commissioners, one thousand dollars;

For the riparian commissioners for expenses for examination and report of the condition of the monuments marking the boundary line between the states of New York and New

Jersey, pursuant to chapter one hundred and seventy of the laws of one thousand eight hundred and ninety-one, three hundred dollars.

14.

STATE BOARD OF AGRICULTURE.

Board of agriculture.

For additional allowance for the state board of agriculture for the purpose of carrying out the provisions of an act to prevent the introduction into and the spread of injurious insects in New Jersey, to provide a method for compelling their destruction, to create the office of state entomologist, to authorize inspection of nurseries and to provide for certificates of inspection, five hundred dollars.

15.

TUBERCULOSIS COMMISSION.

Tuberculosis commission.

For additional allowance for expenses and payments by the state tuberculosis commission, pursuant to chapter one hundred and eighty-one of the laws of one thousand eight hundred and ninety-nine, five hundred dollars.

16.

BRADLEY'S NEW JERSEY CITATIONS.

Bradley's citations.

To Soney & Sage for two hundred copies of Bradley's New Jersey citations, pursuant to an act passed at the present session of the legislature, one thousand five hundred dollars.

17.

OFFICE OF THE COMPTROLLER.

Comptroller.

For additional allowance for postage, expressage and other incidental expenses for the comptroller's office, one hundred dollars.

18.

STATE BOARD OF HEALTH.

Board of health.

For additional allowance for clerical assistance in the office of the state board of health, one hundred and forty dollars.

19.

OFFICE OF CLERK IN CHANCERY.

Clerk in chancery.

For additional allowance for postage, expressage and other incidental expenses for the office of clerk in chancery, two hundred dollars.

20.

LAW AND EQUITY REPORTS.

Law reports.

For additional allowance for the publication of the law reports, one thousand dollars.

21.

ADJUTANT-GENERAL'S DEPARTMENT.

Adjutant-general.

For additional salary for the adjutant-general, seven hundred and ninety dollars, or so much thereof as may be necessary, when authorized by enactment of the present legislature;

For additional allowance for revised compilation of the roster of officers and men of New Jersey in the revolutionary war, one thousand dollars.

22.

AGRICULTURAL EXPERIMENT STATION.

Experiment station.

For allowance for new boiler in state building, six hundred dollars.

23.

Presentation to Admiral Sampson.

For expenses incurred in connection with the presentation of a sword to Admiral William T. Sampson, October twenty-fifth, one thousand eight hundred and ninety-nine, three hundred and two dollars and fifty cents.

24.

Hays and Lambert, for legal services.

To Hays & Lambert for legal services and expenses in prosecuting a suit instituted by the department of banking and insurance against John P. Hickman, of New Brunswick, for violating the insurance laws, six hundred and twelve dollars and sixty-six cents.

25.

INDUSTRIAL SCHOOL FOR GIRLS.

Girls' industrial school.

For additional allowance for the trustees of the New Jersey state industrial school for girls, for the support of and necessary repairs to the school, one thousand five hundred dollars;

For additional allowance for the trustees and lady managers of said school for expenses incurred in the discharge of their duties, pursuant to chapter four hundred and twenty-eight of the laws of one thousand eight hundred and seventy-one, two hundred dollars;

For the trustees of the New Jersey state industrial school for girls, for an additional building and furnishing the same for the accommodation of the inmates of said school, fifteen thousand dollars; *provided*, such sum shall be authorized by enactment of the present legislature.

Proviso.

26.

Horticultural society.

To the treasurer of the New Jersey state horticultural society, the sum of four hundred dollars.

27.

STATE SEWERAGE COMMISSION.

For salaries of commissioners from May first, one thousand eight hundred and ninety-nine, to November first, one thousand nine hundred, eight thousand nine hundred and fifty-eight dollars and thirty cents; Sewerage commission.

For salary of secretary, from January first to November first, one thousand nine hundred, six hundred and twenty-five dollars;

For rent and necessary expenses of the commissioners, two thousand five hundred dollars; *provided*, said expenses are approved by the governor. Proviso.

28.

STATE HOSPITAL AT MORRIS PLAINS.

For plumbing, fourth wings in old hospital, eighteen thousand five hundred dollars; Morristown asylum.

For equipping tunnel, five thousand dollars;

For lamps and combination fixtures in new building, three thousand seven hundred and fifty dollars;

For steam pipe through tunnel, cross steam connections and feed water heater, three thousand four hundred dollars;

For elevators for new building, nine thousand dollars;

For amount of power-house appropriation lapsed in the year one thousand eight hundred and ninety-nine, one thousand four hundred and seventy-five dollars;

For architects' fees on new building and power-house, two thousand two hundred and fifteen dollars;

For water mains for fire purposes, storm drains and plumbing in servants' quarters and north and south wings in new building, seven thousand five hundred and fifty dollars;

For carpenter and mason work and painting in new building, three thousand seven hundred and eighty-nine dollars.

29.

STATE OYSTER COMMISSION.

Oyster commission

For additional allowance for the better regulation and control of the taking, planting and cultivating of oysters on lands lying under the tidal waters of the Delaware bay and Maurice river cove, in the state of New Jersey, pursuant to chapter one hundred and ninety-four, of the laws of one thousand eight hundred and ninety-nine, ten thousand four hundred and ten dollars and forty-four cents;

For expenses incurred for making survey of the grounds of the Delaware bay and Maurice river cove, twelve thousand dollars; *provided*, that the commissioners shall advertise for proposals for making and completing said survey and that no plans shall be adopted or contracts awarded for this object without the approval of the governor.

Proviso.

30.

COMMISSIONS.

Revision of statutes.

For expenses incurred by the various commissions appointed by the governor to revise the general statutes of this state, two hundred and fifty dollars; *provided*, said expenses are approved by the governor.

Proviso.

31.

Reimburse B. F. Lee.

For amount to reimburse Benjamin F. Lee, late clerk of the supreme court, for blank-books purchased by him for use in the office of clerk of the supreme court for indices and left by him at the close of his term, one hundred and sixty-one dollars.

32.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

Superintendent of public instruction.

For additional allowance for stationery and blanks, one thousand dollars.

33.

HOME FOR FEEBLE-MINDED WOMEN AT VINELAND.

Home for feeble-minded women.

For new building at home for feeble-minded women at Vineland, eight thousand dollars;

For establishing a system of sewerage at the home, two thousand dollars; the plans, specifications and contracts to be approved by the governor.

34.

NEW JERSEY HOME FOR DISABLED SOLDIERS, SAILORS, MARINES AND THEIR WIVES.

Soldiers' home at Vineland.

For improvements at the home for disabled soldiers, sailors, marines, and their wives at Vineland; that is to say.

For new floors throughout the building, two thousand eight hundred dollars;

For new steps and porches, four thousand two hundred dollars;

For laundry machinery, engine and boiler, three thousand five hundred dollars;

For furniture, two thousand five hundred dollars. The plans, specifications and contracts to be approved by the governor.

35.

PALISADES.

Palisade Park.

For expenses incurred by the commissioners of the palisades inter-state park, while in the discharge of their duties, two thousand five hundred dollars; *provided*, such sum shall be authorized by enactment of the present legislature, said expenses to be approved by the governor.

Proviso.

36.

AGRICULTURAL EXPERIMENT STATION.

Expense incurred by experiment station.

For expenses incurred by the New Jersey agricultural experiment station in carrying out the provisions of "An act concerning the regulation of the sale of concentrated commercial feeding stuffs," two hundred and fifty dollars; *provided*, such sum shall be authorized by enactment of the present legislature.

Proviso.

37.

INDUSTRIAL EDUCATION.

Manual training.

For additional allowance for payments to schools established for industrial education, pursuant to chapter one hundred and sixty-four of the laws of one thousand eight hundred and eighty-one, one thousand dollars.

38.

FARNUM PREPARATORY SCHOOL.

Farnum school.

For repairs to the Farnum preparatory school at Beverly, three hundred dollars.

39.

BUREAU OF STATISTICS.

Bureau of statistics.

For additional allowance for the current expenses of the bureau of statistics, five hundred dollars.

40.

RAHWAY REFORMATORY.

Reformatory.

For the Rahway reformatory, pursuant to chapter three hundred and fifty-seven of the laws of one thousand eight

hundred and ninety-five, the sum of twenty thousand dollars for furnishing, and also the sum of ten thousand dollars for a sewerage system; provided a practical scheme can be devised and completed for the above-named sum, plans to be approved by the governor before awarding contract.

41.

STATE BOARD OF CHILDREN'S GUARDIANS.

Children's guardians.

To the state board of children's guardians for expenses pursuant to chapter one hundred and sixty-five of the laws of one thousand eight hundred and ninety-nine, two thousand eight hundred and nineteen dollars and fifty-six cents.

42.

COURT OF ERRORS AND APPEALS.

Additional to court of errors and appeals.

Proviso.

For additional allowance for compensation of judges of the court of errors and appeals, two thousand one hundred and sixty dollars; *provided*, such sum shall be authorized by enactment of the present legislature.

43.

REFORM SCHOOL FOR BOYS.

Boys' reform school.

To the trustees of said school, for the purpose of erecting a building in which to establish trade schools, five thousand dollars; which sum is hereby transferred from the appropriation of sixty-two thousand dollars for the trustees of the reform school for boys in the act to which this act is a supplement.

44.

STATE HOUSE COMMISSION.

State House commission.

For the governor, treasurer and comptroller, constituting the state house commission, to make such alterations and

additions to the present capitol as they may deem necessary to furnish proper accommodations for the use of the state departments, forty-six thousand dollars; *provided*, such sum shall be authorized by enactment of the present legislature.

Proviso.

45.

VILLAGE FOR EPILEPTICS.

Epileptics.

For the erection of two brick cottages, fifteen thousand dollars;

For the purchase of two farms adjoining the property already purchased, sixteen thousand dollars;

For furniture, fixtures, lighting and heating, one thousand dollars;

For water-supply, sewerage and survey, two thousand five hundred dollars;

For live stock, implements and tools, one thousand five hundred dollars;

For repairs to buildings, one thousand dollars.

46.

SPANISH-AMERICAN WAR.

Soldiers' medals.

For the governor, to carry out the provisions of senate joint resolution number one, in relation to medals for soldiers and sailors, residents of New Jersey during the Spanish-American war, one thousand five hundred dollars; *provided*, such sum shall be authorized by passage of said joint resolution.

Proviso.

47.

PUBLIC ROADS.

Road Commissioner.

For additional salary for state commissioner of public roads, six hundred and five dollars;

For compensation of supervisor, six hundred and five dollars, or so much thereof of such sums as may be necessary, when authorized by enactment of the present legislature.

48.

QUARTERMASTER-GENERAL'S DEPARTMENT.

For additional salary for the quartermaster-general, seven hundred and ninety dollars, or so much thereof as may be necessary, when authorized by enactment of the present legislature. Quartermaster-general.

49.

DAIRY COMMISSIONERS.

For additional allowance for blanks and stationery and for the actual necessary expenses of the dairy commissioner in enforcing the laws relating to milk, oleomargarine, foods and drugs, and in performing all other duties charged upon him by law, one thousand five hundred dollars. Dairy commissioner.

50.

LEGISLATURE.

For additional allowance 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, three thousand seven hundred dollars. Legislature.

51.

For the expenses of the assembly committee of investigation appointed February twenty first, nineteen hundred, three thousand dollars, or so much thereof as may be necessary, when authorized by enactment of the present legislature. Girls' school investigation.

52.

NAVAL RESERVE.

For pay of officers and men, battalion of the east, while on cruise, two thousand five hundred dollars. Naval reserve.

53.

Transfer, bureau of statistics.

The unexpended balance of the appropriation for the salary of the secretary of the bureau of statistics in the act to which this act is a supplement is hereby transferred to the account for the compensation for the deputy chief of the bureau of statistics.

54.

Treasurer.

For additional compensation for clerical services in the office of the treasurer, including assistants, employed in the management of the sinking fund, five hundred dollars; *provided*, such sum shall be authorized by enactment of the present legislature.

Proviso.

2. This act shall take effect immediately.

Approved March 23, 1900.

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## CHAPTER 198.

An Act making appropriations for the support of the state government and for several public purposes for the fiscal year ending October thirty-first, one thousand nine hundred and one.

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

Annual appropriations.

1. The following sums, or so much thereof as may be necessary, be and they are hereby appropriated out of the state fund for the respective public officers and for the several purposes herein specified, for the fiscal year ending on the thirty-first day of October, in the year one thousand nine hundred and one, namely:

1.

EXECUTIVE DEPARTMENT.

Executive department.

For the governor, for salary, ten thousand dollars;

For the private secretary of the governor, for salary, two thousand dollars;

For compensation for assistants in the executive department, two thousand five hundred dollars;

For blanks and stationery for the use of the executive department, three hundred dollars;

For postage, expressage and other incidental expenses for the executive department, eight hundred and fifty dollars.

2.

OFFICE OF THE COMPTROLLER.

Comptroller.

For the comptroller, for salary, six thousand dollars;

For the first assistant in the comptroller's office, for salary, twenty-five hundred dollars;

For compensation for other clerical service in the comptroller's office, four thousand dollars;

For blanks and stationery for use in the office of the comptroller, five hundred dollars;

For postage, expressage and other incidental expenses for the comptroller's office, eight hundred dollars.

3.

OFFICE OF THE TREASURER.

Treasurer.

For the treasurer, for salary, six thousand dollars;

For compensation for clerical services in the office of the treasurer, including assistants employed in the management of the sinking fund, fifty-nine hundred dollars;

For additional compensation for clerical services in the office of the treasurer, including assistants employed in the management of the sinking fund, one thousand dollars, provided such sum shall be authorized by an act of the legislature;

Proviso.

For blanks and stationery for use in the office of the treasurer, four hundred and fifty dollars;

For postage, expressage and other incidental expenses for the office of the treasurer, six hundred and fifty dollars.

4.

OFFICE OF THE SECRETARY OF STATE.

Secretary of state.

For the secretary of state, for salary, six thousand dollars;

For the assistant secretary of state, for salary, three thousand dollars;

For compensation for all clerical services in the office of secretary of state, ten thousand nine hundred and sixty dollars;

For additional compensation for all clerical services in the office of the secretary of state, one thousand two hundred and ninety dollars;

For postage, expressage and other incidental expenses for the office of secretary of state, one thousand six hundred dollars;

For blanks and stationery for use in the office of the secretary of state, four thousand seven hundred and fifty dollars;

For compiling and indexing the election laws, two hundred and fifty dollars.

5.

ATTORNEY-GENERAL'S DEPARTMENT.

Attorney-general.

For the attorney-general, for salary, seven thousand dollars;

For compensation and expenses of assistants employed by the attorney-general, seventy-three hundred dollars;

For blanks and stationery for use in the office of the attorney-general, four hundred dollars;

For postage expressage and other incidental expenses for the attorney general's department, seven hundred dollars;

For master's fees for taking affidavits for the attorney-general's office, which shall include all such service required for the year, one hundred dollars;

For the contingent fund, to be expended only with the approval of the governor and comptroller, for the fees of assistant attorneys and counsel in litigations which may arise under chapter one hundred and fifty-nine of the laws of one thousand eight hundred and eighty-four and chapter two hundred and eight of the laws of one thonsand eight hundred and eighty-eight, in the enforcement of corporate taxation, twenty-five hundred dollars.

6.

STATE BOARD OF ASSESSORS.

Board of assessors.

For the members of the state board of assessors, for salaries, ten thousand dollars;

For secretary of the state board of assessors, for salary, twenty-five hundred dollars;

For compensation for clerical service in the office of the state board of assessors, forty-five hundred dollars;

For blanks and stationery for use in the office of the state board of assessors, five hundred dollars;

For postage, expressage and other incidental expenses for the state board of assessors, seven hundred and fifty dollars;

For compensation of local assessors and witnesses, and compensation and expenses of surveyors, pursuant to chapter one hundred and one of the laws of one thousand eight hundred and eighty-four, five thousand dollars.

7.

DEPARTMENT OF BANKING AND INSURANCE.

Banking and insurance.

For the commissioner of banking and insurance, for salary, four thousand dollars;

For the deputy commissioner of banking and insurance, for salary, twenty-five hundred dollars;

For compensation for assistants in the department of banking and insurance, forty-seven hundred and eighty dollars;

For additional compensation for assistants in the department of banking and insurance, two thousand three hundred and twenty dollars;

For blanks and stationery for use in the department of banking and insurance, eighteen hundred dollars;

For postage, expressage and other incidental expenses for the department of banking and insurance, fifteen hundred dollars;

For compensation of building and loan association examiners, twelve thousand dollars;

For actual and necessary traveling and incidental personal expenses of building and loan association examiners, seven thousand two hundred dollars;

For necessary appraisals of real estate and all other incidental expenses in connection with examinations of building and loan associations, one thousand five hundred dollars.

8.

STATE BOARD OF TAXATION.

Board of taxation.

For the members of the state board of taxation, for salaries, ten thousand dollars;

For assistants in the office of the state board of taxation, two thousand nine hundred and seventy dollars;

For blanks and stationery for use in the office of the state board of taxation, one hundred and fifty dollars;

For postage, expressage and other incidental expenses for the office of state board of taxation, five hundred dollars.

9.

STATE LIBRARY.

Library.

For the librarian, for salary, two thousand dollars;

For compensation for assistants in the state library, two thousand one hundred dollars;

For the repair, preservation and purchase of useful books for the state library, three thousand dollars;

For blanks, stationery, postage, expressage and other incidental expenses for the state library, five hundred dollars.

STATE TRAVELING LIBRARIES.

For the board of commissioners of the state library, one thousand dollars, pursuant to chapter one hundred and seventy-five of the laws of one thousand eight hundred and ninety-eight. Traveling libraries.

10.

STATE BOARD OF HEALTH.

For the state board of health, pursuant to the provisions of chapter sixty-eight, laws of one thousand eight hundred and eighty-seven, six thousand dollars; Board of health.

For compensation to the secretary of said board, pursuant to said chapter, twenty-five hundred dollars;

For expenses to be incurred pursuant to chapter two hundred and twenty five, laws of one thousand eight hundred and eighty-six, fifteen hundred dollars;

For blanks and stationery for use in office of state board of health, twelve hundred dollars;

For maintenance of the bacteriological laboratory, three thousand dollars;

For legal expenses incurred by the state board of health, one thousand dollars;

For postage required in sending to the physicians of this state the annual report of the state board of health and of the bureau of vital statistics, two hundred and twenty-five dollars;

For additional clerical assistance in the office of the state board of health, one thousand two hundred dollars;

For additional allowance for clerical assistance in the office of the state board of health, two hundred and forty dollars.

11.

BUREAU OF STATISTICS.

For the chief of the bureau of statistics, for salary, twenty-five hundred dollars; Bureau of statistics.

For the deputy chief of the bureau of statistics, for salary, fifteen hundred dollars;

For the current expenses of the bureau of statistics, six thousand dollars;

For blanks and stationery for use in the office of the bureau of statistics, three hundred dollars.

12.

STATE DAIRY COMMISSIONER.

Dairy commissioner.

For the commissioner, for salary, two thousand dollars;

For blanks and stationery and for the actual necessary expenses of the dairy commissioner in enforcing the laws relating to milk, oleomargarine, foods and drugs, and in performing all other duties charged upon him by law, ten thousand dollars.

13.

STATE HOUSE COMMISSION.

State house commission.

For the governor, treasurer and comptroller, for the care and safe keeping of the state capitol, the property therein and adjacent public grounds, and for expenses to be incurred in carrying out the provisions of chapter three hundred and thirty-nine of the laws of one thousand eight hundred and ninety-four, fifty-five thousand dollars;

For the governor, treasurer and comptroller, to be expended for supervising services in carrying out the provisions of chapter four hundred and thirteen of the laws of one thousand eight hundred and ninety-five, five hundred dollars.

14.

STATE MUSEUM.

Museum.

For curator, for salary, fifteen hundred dollars;

For the commission to acquire new material for the museum and for blanks, stationery and other incidental expenses, five hundred dollars.

15.

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.

16.

SUPREME COURT.

Supreme court.

For the chief justice and associate justices of the supreme court, for salaries, eighty-two thousand dollars;

For the judges of the circuit courts, appointed pursuant to chapter seventy-eight, laws of one thousand eight hundred and ninety-three, for salaries, twenty-two thousand five hundred dollars;

For compensation of sergeants-at-arms and criers, one thousand three hundred dollars;

For the payment of expenses incurred by the order of the supreme court, pursuant to chapter one hundred and fifty-nine of the laws of eighteen hundred and ninety-five, two thousand dollars;

For the revision and publication of the rules of the supreme court, one thousand dollars.

17.

OFFICE OF CLERK OF THE SUPREME COURT.

Clerk of supreme court.

For the clerk of the supreme court, for salary, six thousand dollars;

For compensation for clerical service in the office of the clerk of the supreme court, fifteen thousand dollars;

For blanks and stationery for use in the office of the clerk of the supreme court, twelve hundred and fifty dollars;

For postage, expressage and other incidental expenses for the office of the clerk of the supreme court, thirteen hundred dollars.

18.

COURT OF CHANCERY.

Court of chancery.

For the chancellor, for salary, ten thousand dollars;

For the vice-chancellors, for salaries, forty-five thousand dollars;

For compensation of sergeants-at-arms, thirty five hundred dollars;

For compensation of stenographers, seven thousand five hundred dollars;

For compensation and allowance of advisory masters, three thousand dollars;

For rent of rooms in Camden, Jersey City and Newark, for the use of chancellor, vice-chancellors and advisory masters, forty-five hundred dollars;

For miscellaneous expenses in connection with such rooms, two hundred dollars.

19.

OFFICE OF CLERK IN CHANCERY.

Clerk in chancery.

For the clerk in chancery, for salary, six thousand dollars;

For compensation for clerical service in the office of the clerk in chancery, twenty-four thousand five hundred dollars;

For blanks and stationery for use in the office of the clerk in chancery, one thousand eight hundred dollars;

For postage, expressage and other incidental expenses for the office of the clerk in chancery, fourteen hundred dollars.

20.

COURT OF ERRORS AND APPEALS.

Court of errors and appeals.

For compensation of judges of the court of errors and appeals, ten thousand dollars;

For additional allowance for compensation of judges of the court of errors and appeals, three thousand two hundred and forty dollars; *provided*, such sum shall be authorized by enactment of the legislature; Proviso.

For compensation of officers of the court of errors and appeals, five hundred and twenty-five dollars;

For furnishing printed or typewritten copies of draft opinions under the direction of the presiding judge, five hundred dollars.

21.

COURT OF PARDONS.

For per diem allowance and mileage for judges of court of pardons, twenty-five hundred dollars; Court of pardons.

For compensation of subordinate officers, three hundred dollars.

22.

LAW AND EQUITY REPORTS.

For the publication of the chancery reports, three thousand five hundred dollars; Law reports.

For the publication of the law reports, four thousand dollars;

For salary of chancery reporter, five hundred dollars;

For salary of supreme court reporter, five hundred dollars;

For binding chancery and law reports, twelve hundred dollars.

23.

NATIONAL GUARD.

For expenses for division, brigade and regimental headquarters, thirty-five hundred dollars; National guard.

For allowances for two gatling-gun companies, fifteen hundred dollars;

For allowances to two cavalry troops, two thousand dollars;

For allowances to companies of the national guard, at the rate of five hundred dollars each, twenty-four thousand dollars;

For hospital and ambulance corps, one thousand dollars;

For transportation for battalion drills, inspections, parades and miscellaneous service, and pay of brigade inspectors, four thousand dollars;

For compensation of officers and employes and expenses incurred in connection with rifle range and practice, ten thousand dollars;

For pay of officers and enlisted men and expenses incurred in connection with the annual encampment, thirty-five thousand dollars;

For compensation of superintendent and employes and for forage, fuel and maintenance of the state camp grounds, seven thousand dollars;

For expenses, repairs, water and maintenance of the state arsenal, two thousand dollars;

For expenses of military boards and courts-martial, five hundred dollars;

For military expenses incident to the signal and telegraph corps, pursuant to chapter three hundred and sixty-nine of the laws of one thousand eight hundred and ninety five, six hundred dollars;

For transportation of disabled soldiers to the home at Kearny, fifty dollars;

For maintaining, heating and lighting the armories in Jersey City, Camden and Newark, the sum of four thousand dollars for each armory, twelve thousand dollars;

For maintaining, heating and lighting the armory in the city of Paterson, fifteen hundred dollars;

For pay and expenses of officer detailed from United States army for military instruction to officers and enlisted men of the national guard, six hundred dollars;

For insuring regimental armories, state military property and buildings at state camp grounds at Sea Girt, three thousand dollars;

For ordnance stores, uniforms, camp and garrison equipage, quartermaster's stores, miscellaneous supplies and freight and express charges, twelve thousand dollars.

NAVAL RESERVE.

Battalion of the west, for allowance for two divisions, at the rate of five hundred dollars each, one thousand dollars; Naval reserve.

For battalion headquarters, three hundred dollars;

For pay of ship keeper, maintenance and expenses, four thousand five hundred dollars;

Battalion of the east, for allowance for two divisions, at the rate of five hundred dollars each, one thousand dollars;

For battalion headquarters, three hundred dollars;

For pay of ship-keeper, maintenance and expenses, six thousand dollars.

24.

ADJUTANT-GENERAL'S DEPARTMENT.

For the adjutant-general, for salary, one thousand two hundred dollars; Adjutant-general.

For additional salary for the adjutant-general, one thousand three hundred dollars; *provided*, such sum shall be authorized by an act of the legislature; Proviso.

For compensation for clerical service in the adjutant-general's office, four thousand dollars;

For blanks and stationery for use in the adjutant-general's office, eleven hundred dollars;

For postage, expressage and other incidental expenses for the adjutant-general's office, five hundred dollars;

For revised compilation of the roster of officers and men of New Jersey in the revolutionary war, five hundred dollars.

25.

QUARTERMASTER-GENERAL'S DEPARTMENT.

For the quartermaster-general, for salary, twelve hundred dollars; Quartermaster-general.

For additional salary for the quartermaster-general, one thousand three hundred dollars; *provided*, such sum shall be authorized by an act of the legislature; Proviso.

For compensation for assistants in the department of the quartermaster-general, eighty-seven hundred dollars;

For blanks and stationery for use in the quartermaster-general's department, two hundred dollars;

For postage, expressage and other incidental expenses for the quartermaster-general's department, two hundred and fifty dollars.

26.

MONMOUTH BATTLE MONUMENT.

Monmouth monument.

For the commission having in charge the Monmouth battle monument and grounds, pursuant to chapter one hundred and eighteen of the laws of one thousand eight hundred and eighty-six, five hundred dollars.

27.

TRENTON BATTLE MONUMENT.

Trenton monument

For the Trenton battle monument association, for the purpose of keeping said property in good condition and repair, five hundred dollars.

28.

PENSIONS.

Pensions.

For amount required to pay pensions, pursuant to various acts relative thereto, four thousand three hundred and eighty-four dollars;

For traveling expenses incurred in examining pension claims of New Jersey volunteers in the civil war, five hundred dollars.

29.

HOME FOR DISABLED SOLDIERS.

Soldiers' home.

For support of the New Jersey home for disabled soldiers and for the chaplain thereof, twenty-two thousand five hundred dollars.

30.

SOLDIERS' STATE PAY.

For claims of volunteers in the civil war, for state pay, pursuant to chapter thirteen of the laws of one thousand eight hundred and sixty-one, one hundred dollars. Soldiers' pay.

31.

WASHINGTON ASSOCIATION OF NEW JERSEY.

For trustees of the Washington association of New Jersey, twenty-five hundred dollars. Washington association.

32.

STATE BOARD OF AGRICULTURE.

For the state board of agriculture, six thousand dollars; Board of agriculture.

For the state board of agriculture for the purpose of carrying out the provisions of an act to prevent the introduction into and the spread of injurious insects in New Jersey, to provide a method for compelling their destruction, to create the office of state entomologist, to authorize inspection of nurseries and to provide for certificates of inspection, one thousand dollars.

33.

TUBERCULOSIS COMMISSION.

For expenses and payments by the state tuberculosis commission, pursuant to chapter one hundred and forty-eight of the laws of one thousand eight hundred and ninety-eight, ten thousand dollars; Tuberculosis commission.

For expenses and payments by the state tuberculosis commission, pursuant to chapter one hundred and eighty-one of the laws of one thousand eight hundred and ninety-nine, five hundred dollars.

34.

AGRICULTURAL EXPERIMENT STATION.

Experiment station.

For salaries and expenses of the agricultural experiment station, fifteen thousand dollars;

For printing bulletins of the agricultural experiment station, one thousand dollars.

35.

BOARD OF VISITORS TO THE AGRICULTURAL COLLEGE OF NEW JERSEY.

Board of visitors to agricultural college.

For the board of visitors to the agricultural college of New Jersey, for personal expenses incurred pursuant to chapter three hundred and sixty-five of the laws of one thousand eight hundred and seventy-three, fifty dollars;

For advertising pursuant to chapter nine of the laws of one thousand eight hundred and seventy-nine, ninety dollars.

36.

STATE HOSPITALS.

Asylums.

For traveling expenses of managers, four hundred dollars;

For expenses in transferring insane convicts, two hundred dollars;

For medical examination of insane convicts, three hundred dollars.

STATE HOSPITAL AT TRENTON.

At Trenton.

For maintenance of county patients, fifty thousand dollars;

For support and clothing of insane convicts, at the rate of five dollars per week for each insane convict, eight thousand dollars;

For support of indigent patients, at the rate of three dollars per week, and cost of clothing, six thousand dollars;

For salaries of officers, twelve thousand dollars;
For appraisement of personal property, seventy-five dollars.

37.

STATE HOSPITAL AT MORRIS PLAINS.

At Morris Plains.

For maintenance of county patients, fifty thousand dollars;
For support and clothing of insane convicts, at the rate of five dollars per week for each insane convict, fifteen thousand dollars;
For support of indigent patients, at the rate of three dollars per week, and cost of clothing, fifteen thousand dollars;
For salaries of officers, twelve thousand six hundred dollars;
For appraisement of personal property, seventy-five dollars.

38.

COUNTY LUNATIC ASYLUM.

County asylums

For the support of county patients in Essex county lunatic asylum, ninety thousand dollars;
In the Hudson county lunatic asylum, sixty thousand dollars;
In the Camden county lunatic asylum, twenty thousand dollars;
In the Burlington county lunatic asylum, five thousand two hundred dollars;
In the Passaic county lunatic asylum, forty-two hundred dollars;
In the Gloucester county lunatic asylum, fifteen hundred dollars;
In the Cumberland county lunatic asylum, twelve thousand dollars;
In the Salem county lunatic asylum, fifteen hundred dollars;
In the Atlantic county lunatic asylum, five thousand five hundred dollars.

39.

STATE PRISON.

Prison.

For maintenance of convicts, ninety thousand dollars;

For furniture, appliances and repairs of state prison, ten thousand dollars;

For the principal keeper, for salary, three thousand five hundred dollars;

For the supervisor, for salary, three thousand dollars;

For the deputy keepers and employes, for salaries, eighty-four thousand dollars;

For additional allowance for salaries of deputy keepers and employes, six thousand dollars;

For the six inspectors, for salaries, three thousand dollars;

For the keeper, for payments to discharged convicts, three thousand dollars;

For teacher and moral instructor to the convicts in the state prison, pursuant to section seven, chapter one hundred and fifty-five of the laws of one thousand eight hundred and seventy-six, for salary, one thousand dollars.

40.

REFORM SCHOOL FOR BOYS.

Boys' reform school.

For the trustees of the New Jersey state reform school for boys, pursuant to chapter one hundred and ninety-five of the laws of one thousand eight hundred and ninety-three, sixty-two thousand dollars;

For the trustees of said school, for expenses incurred by them in the discharge of their duties, pursuant to chapter four hundred and seventy-nine of the laws of one thousand eight hundred and sixty-five, two hundred and fifty dollars.

41.

INDUSTRIAL SCHOOL FOR GIRLS.

Girls' industrial school.

For the trustees of the New Jersey state industrial school for girls, for the support of and necessary repairs to the

school, pursuant to chapter eighty-six of the laws of one thousand eight hundred and ninety, twenty-three thousand dollars;

For the trustees and lady managers of said school, for expenses incurred in the discharge of their duties, pursuant to chapter four hundred and twenty-eight of the laws of one thousand eight hundred and seventy-one, three hundred dollars;

For the trustees of the New Jersey state industrial school for girls, for the completion of an additional building and furnishing the same for the accommodation of the inmates of said school, ten thousand dollars; *provided*, such sum shall be authorized by an act of the legislature. Proviso.

42.

STATE BOARD OF ARBITRATION.

For the members of the board of arbitration, for salaries, six thousand dollars; Arbitration.

For the secretary of the state board of arbitration, for salary, two hundred dollars;

For blanks, stationery and other incidentals for use in the office of the state board of arbitration, fifty dollars.

43.

BOARD OF FISH AND GAME COMMISSIONERS.

For the fish and game wardens, including the fish and game protector, for compensation, fifteen thousand six hundred dollars; Fish and game.

For expenses of the fish and game wardens and fish and game protector, five thousand one hundred dollars;

For the purpose of stocking the waters of the state with food-fishes and for defraying the cost of maintaining a hatchery and for the protection and propagation of birds and game animals within this state, two thousand five hundred dollars;

For expenses of the fish and game commissioners, eight hundred dollars.

44.

BLIND AND FEEBLE-MINDED.

Blind and feeble-minded.

For clothing, maintenance, support and instruction of the blind persons, inhabitants of this state, eleven thousand dollars;

For clothing, maintenance, support and instruction of the feeble-minded persons, inhabitants of this state, forty-seven thousand five hundred dollars;

For maintenance, support and instruction of feeble-minded women, twenty thousand dollars.

45.

FACTORIES AND WORKSHOPS.

Factories.

For the inspector and six deputy inspectors of factories and workshops, for salaries, pursuant to chapter one hundred and eight, laws of one thousand eight hundred and eighty-nine, eighty-five hundred dollars;

For the necessary expenses incurred by the inspector and his deputies in the discharge of their duties, pursuant to said law, two thousand dollars.

46.

STATE CHARITIES AID ASSOCIATION.

Charities aid associations.

For expenses of the association, six hundred dollars.

47.

STATE HORTICULTURAL SOCIETY.

Horticultural society.

To the treasurer of the New Jersey state horticultural society, the sum of four hundred dollars.

48.

SINKING FUND ACCOUNT.

For the state treasurer for "sinking fund account," for payment of interest on war debt falling due January first and July first, one thousand nine hundred and one, four thousand two hundred and sixty dollars; Sinking fund.

For the state treasurer for expenses in foreclosure and other necessary legal proceedings relative to sinking fund account, five hundred dollars.

49.

ADVERTISING.

For advertising proclamations issued by the governor, notices of the attorney-general in relation to delinquent miscellaneous corporations, and notices of the comptroller in regard to public printing, et cetera, two thousand five hundred dollars. Advertising.

50.

PRINTING.

For printing and binding public documents, thirty thousand dollars; Printing.

For compensation of an expert printer for services in preparation of specifications for bids, supervision of work, examination of bills, and such other duties as may by law be imposed upon him, six hundred dollars;

For preparing index of session laws, one hundred dollars;

For printing and circulation of the laws, nine thousand dollars.

51.

PUBLIC ROADS.

For public roads, pursuant to the provisions of chapter forty-three of the laws of one thousand eight hundred and ninety-nine, one hundred and fifty thousand dollars; Roads.

New Jersey State Library

For the state commissioner of public roads, for salary, fifteen hundred dollars;

For compensation of supervisor for assisting the state commissioner of public roads in supervising, construction, and performing such other duties as necessity may require, one thousand dollars, provided such sum shall be authorized by an act of the legislature.

Proviso.

For additional salary for the state commissioner of public roads, one thousand dollars, provided such sum shall be authorized by an act of the legislature;

For expenses for clerk hire, attorney and consulting engineer, fees, stationery and actual traveling expenses, one thousand five hundred dollars.

52.

OYSTER COMMISSION.

Oyster commission.

To promote the propagation and growth of seed oysters and to protect the natural oyster-seed grounds of this state, ten thousand dollars;

For the preservation of clams, pursuant to chapter three hundred and fourteen of the laws of one thousand eight hundred and ninety-five, two thousand dollars.

53.

LEGISLATURE.

Legislature.

For compensation of senators and members of the general assembly, forty thousand eight hundred and thirty-three dollars and thirty-two cents;

For compensation of officers and employes of the legislature, thirty thousand one hundred and fifty dollars;

For stationery for use of the legislative session, pursuant to chapter two hundred and eight of the laws of one thousand eight hundred and sixty-eight, five hundred dollars;

For manuals of the legislature of New Jersey, pursuant to chapter eighteen of the laws of one thousand eight hundred and ninety-one, two thousand dollars;

For indexing the journal of the senate and minutes of the executive sessions and the minutes of the house of assembly, and other incidental and contingent expenses of the legislature, sixty-seven hundred dollars;

For toilet and other necessary supplies for use at the legislative session, to be furnished by the state house commission, seven hundred dollars.

54.

COLLATERAL INHERITANCE TAX.

Inheritance tax.

For surrogates' fees, appraisers' compensation and expenses, legal and other disbursements, pursuant to chapter two hundred and ten of the laws of one thousand eight hundred and ninety-four, ten thousand dollars.

55.

INSURANCE.

Insurance.

For insurance upon state house and contents thereof, three thousand five hundred dollars.

56.

REFUNDING TAXES ON EXEMPTED MISCELLANEOUS CORPORATIONS.

Refunding taxes.

For taxes improperly levied upon exempted corporations and to be refunded pursuant to law, five hundred dollars.

57.

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.

58.

BODIES THROWN UPON SHORES OF THE STATE BY SHIPWRECK.

Shipwrecked bodies.

For expenses incurred in viewing bodies cast upon shores by shipwreck, one hundred dollars.

59.

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.

60.

AGRICULTURAL COLLEGE FUND.

Agricultural college.

To the treasurer of Rutgers college, for interest on forty-eight thousand dollars, certificate of indebtedness of the state of New Jersey due January first and July first, one thouand nine hundred and one, pursuant to the provisions of chapter one hundred and thirty-five of the laws of one thousand eight hundred and ninety-six, two thousand four hundred dollars.

61.

PRESERVATION OF RECORDS.

Archives.

For the purpose of publishing the early records of this state, known as "New Jersey Archives," three thousand five hundred dollars.

62.

RIPARIAN COMMISSION.

Riparian commission.

For salaries of riparian commissioners, six thousand dollars;

For expenses incurred in the prosecution of the work of the commissioners, six thousand dollars.

63.

OBSTRUCTIONS TO NAVIGATION.

Removing obstructions.

For expenses incurred in removing any boat, barge or scow stranded or sunk in any of the navigable rivers of this state, five hundred dollars.

64.

MANUAL TRAINING AND INDUSTRIAL SCHOOL AT BORDENTOWN.

Bordentown school.

For maintenance of the manual training and industrial school at Bordentown, pursuant to the provisions of chapter fifty-three of the laws of one thousand eight hundred and ninety-seven, five thousand dollars.

65.

DEAF-MUTES.

Deaf-mute school.

For the trustees of the New Jersey school for deaf-mutes, for the teaching, maintenance and clothing of pupils taught therein, for purchase and repair of furniture, school apparatus and other appliances, for making needed improvements and repairs in the buildings and grounds, for insurance thereof, and for maintaining the system of manual and industrial education in said school, forty-three thousand dollars.

66.

STATE NORMAL SCHOOL.

Normal school.

For the support of the state normal school, forty-six thousand dollars;

For necessary repairs to the grounds, buildings and furniture, and for keeping the same insured, four thousand dollars.

67.

FREE SCHOOL LIBRARIES.

School libraries. For the formation of libraries in the free public schools of the state, five thousand five hundred dollars.

68.

FARNUM PREPARATORY SCHOOL.

Farnum school. For the support of the Farnum preparatory school at Beverly, twelve hundred dollars.

69.

INDUSTRIAL EDUCATION.

Industrial education. For payments to schools established for industrial education, pursuant to chapter one hundred and sixty-four of the laws of one thousand eight hundred and eighty-one, ten thousand dollars;

For payments to schools for manual training, pursuant to chapter thirty-eight of the laws of one thousand eight hundred and eighty-eight, thirty-three thousand dollars;

For payments to schools established for industrial education, pursuant to chapter one hundred and fourteen of the laws of one thousand eight hundred and eighty-eight, three thousand dollars.

70.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

Department of education. For salary of state superintendent of public instruction, three thousand dollars;

For clerical services in office of state superintendent of public instruction, five thousand dollars;

For stationery and blanks, two thousand dollars;

For necessary incidental expenses incurred by the state superintendent of public instruction in the performance of his official duties and for supervision of manual training, two thousand dollars.

71.

SCHOOL FUND EXPENSES.

School fund.

For necessary legal and other expenses incurred by or under the direction of the trustees for the support of public schools in the investment and protection of the school fund, and in the collection of the income thereof, four thousand dollars.

72.

STATE BOARD OF EDUCATION.

Board of education.

For necessary expenses of the state board of education, two thousand five hundred dollars;

For procuring plans for school-houses, five hundred dollars;

For supervising plans of new school-houses by state board of education, one thousand dollars.

73.

TEACHERS' INSTITUTES.

Teachers' institutes.

For expenses of teachers' institutes, three thousand dollars.

74.

TEACHERS' LIBRARIES.

Teachers' libraries.

For the establishment of libraries for use of teachers, three hundred dollars.

75.

SCHOOL CENSUS.

School census. For the person appointed by the state board of education to have charge of the details of taking the school census, one thousand five hundred dollars.

76.

EMERGENCY.

Emergencies. For the governor, to enable him to meet any emergency requiring the expenditure of money not otherwise appropriated, the sum of ten thousand dollars, said sum, or any part thereof, to be paid by the treasurer on the warrant of the comptroller upon accounts approved by the governor.

77.

NEWARK ARMORY.

Newark armory. For the purpose of erecting an armory in the city of Newark, pursuant to chapter sixty-two of the laws of one thousand eight hundred and ninety-seven, fifty thousand dollars.

78.

ELECTORAL COLLEGE AND BOARD OF STATE CANVASSERS.

Electoral college, etc. For per diem allowance and mileage for members of the electoral college, board of state canvassers and incidental expenses connected therewith, five hundred dollars.

79.

STATE SEWERAGE COMMISSION.

Sewerage commission. For salaries of commissioners, seven thousand five hundred dollars;

For salary of secretary, seven hundred and fifty dollars;
For rent and necessary expenses of the commissioners, two thousand five hundred dollars; *provided,* said expenses are approved by the governor. Proviso.

80.

NEW JERSEY HOME FOR DISABLED SOLDIERS, SAILORS, MARINES AND THEIR WIVES.

For salaries and expenses, seven thousand five hundred dollars. Vineland home.

81.

STATE OYSTER COMMISSION.

For the better regulation and control of the taking, planting and cultivating of oysters on lands lying under the tidal waters of the Delaware bay and Maurice river cove, in the state of New Jersey, pursuant to chapter one hundred and ninety-four of the laws of one thousand eight hundred and ninety-nine, thirteen thousand three hundred and twenty-three dollars. Oyster commission.

82.

VILLAGE FOR EPILEPTICS.

For salaries, maintenance and repairs, ten thousand dollars; Epileptics.
For the completion of two brick cottages, fifteen thousand dollars;
For furniture, fixtures, lighting and heating, four thousand dollars;
For water supply, sewerage and survey, two thousand dollars.

83.

PALISADES.

For expenses incurred by the commissioners of the palisades interstate park, while in the discharge of their duties, Palisade park.

Proviso.

two thousand five hundred dollars; *provided*, such sum shall be authorized by enactment of the legislature, said expenses to be approved by the governor.

84.

STATE BOARD OF CHILDREN'S GUARDIANS.

Children's guardians.

To the state board of children's guardians for expenses pursuant to chapter one hundred and sixty-five of the laws of one thousand eight hundred and ninety-nine, two thousand dollars.

85.

STATE HOUSE COMMISSION.

State house commission.

For the governor, treasurer and comptroller, constituting the state house commission, to make such alterations and additions to the present capital as they may deem necessary to furnish proper accommodations for the use of the state departments, fifty thousand dollars; *provided*, such sum shall be authorized by enactment of the legislature.

Proviso.

2. The following sum is hereby appropriated out of the income of the school fund for the purpose specified for the fiscal year ending on the thirty-first day of October, in the year one thousand nine hundred and one:

FREE PUBLIC SCHOOLS.

Public schools.

For the support of free public schools, two hundred thousand dollars.

There shall be paid from the income of the school fund such sums required to pay premiums and accrued interest on bonds purchased by the trustees for the support of public schools.

Funds used as specified.

3. No money shall be drawn from the treasury except for objects as herein above specifically appropriated, and except such sums which are by law devo ed to specific purposes, namely, state school tax, United States appropriation to agricultural college, United States appropriation for dis-

abled soldiers, agricultural college fund and taxes for the use of taxing districts in this state, and loans to "state school fund," which last named sums shall be paid pursuant to the laws applicable thereto.

Enacting clause.

4. This act shall take effect on the first day of November, one thousand nine hundred.

Approved March 23, 1900.

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## JOINT RESOLUTION No. 3.

Joint Resolution authorizing the transfer of certain moneys appropriated in the supplemental and annual appropriation laws of the session of 1900.

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

Transfer of certain moneys made necessary by change of name.

1. The moneys authorized to be paid to the trustees of the New Jersey state industrial school for girls, pursuant to section 1, item 25, of the act entitled "A supplement to an act making appropriations for the support of the state government and for several public purposes, for the fiscal year ending October thirty-first, one thousand nine hundred, approved March twenty-fourth, one thousand eight hundred and ninety-nine;" and to the trustees of the reform school for boys, pursuant to section 1, item 43, of said act, and also moneys authorized to be paid to said trustees of the industrial school for girls, pursuant to section 1, item 41, of an act entitled "An act making appropriations for the support of the state government and for several public purposes for the fiscal year ending October thirty-first, one thousand nine hundred and one," and to the trustees of said reform school for boys, pursuant to section 1, item 40, of said last-mentioned act, shall and may be paid to such their successors, if any, as may have been created by law, to be by them used for the purposes and objects in said act specified, notwithstanding any provisions to the contrary.

2. This joint resolution shall take effect immediately.

Approved March 23, 1900.

# PROCLAMATIONS.

# PROCLAMATIONS BY THE GOVERNOR.

## PROCLAMATION.

WHEREAS, The Comptroller did, on the second day of May, 1899, under the provisions of an act entitled "An act to provide for the imposition of state taxes upon certain corporations and for the collection thereof, approved April eighteenth, one thousand eight hundred and ninety-four," which act was approved April 21st, 1896, 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 1896, 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, FOSTER M. VOORHEES, 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 charters of the following-named corporations so reported and in default, to wit:

MISCELLANEOUS CORPORATIONS—UNPAID TAXES FOR THE YEAR 1896.

Acme Coupler Company,
Acme Gas, Fuel and Construction Company,
Acme Improved Corliss Engine Company,
Acme Silk Finishing Company,
Actina Company,
Air Conveyor Company,
Alaska Manufacturing Company,
A Lion & Company,
Allison Drug Company,
A. L. Withers Cycle Company,
American Barrel Stave Machine Company,
American Black Slate Company,
American and Canadian Navigation Company,
American Canning Company,
American Chemical Company,
American Chemical and Smelting Company,
American Compressed Air Motor Company,
American Construction and Improvement Company,
American Double Pick Fabrics Company,
American Drama Company,
American Finance Company,
American Form Indicator Manufacturing Company,
American Heat and Light Manufacturing Company of New Jersey,
American International Electric Company,
American Kelpine Company,
American Music Box Company,
American Pearl Works,
American Perfume Distributing Machine Company,
American Railway Maintenance Syndicate,
American Revolving Door Company,
American Table Company,
Amparar Board Company,
Arkansas City and Northwestern Construction Company,
Arkansas and Indian Territory Prospecting and Development Company,
Asbury Park Mutual Telephone Company,
Ashley Engineering Company,

Atlantic City Pavilion Company,
Atlantic "Shooting the Chutes" Company,
Attorneys' and Agencies' Association,
Automatic Time Dater Company,
Automatic Water Purifier Company,
Baines Car Truck Company,
Baker Brothers' Company,
Ball and Company,
Barret Car Fender Company,
Bavicanora Gold and Silver Mining Company,
B. Cummings Leather Manufacturing Company,
Becker and Frank,
Belknap Machine Addressing and Mailing Company,
Bell Electric Company,
Belvidere Houston Narcotic Cure Company,
Bennett Glass Company,
Bessemer Contract Company,
Big Sandy Oil Company,
Blackburn Improved Insulator Company,
Bonzano Medical and Chemical Company,
Bound Brook Stone Crushing Company,
Bourse Restaurant Company,
Boston Carpet Company,
Boston Jewelry Company,
Boston Negotiating and Securities Company,
Brabson Mining Company,
Brandt Wool Company,
Bridgeport Utilization Company,
Brigantine and Atlantic City Steamboat Company,
Brighton Sign Company,
Brock Veneered Lumber Company,
Brooklyn Union Elevated Railway Advertising Company,
Brothers Electric Cable Crane Company,
Brown Coupler Company,
Brown & Gilman Fertilizer Company,
Brownie Bicycle Manufacturing Company,
Building Fund Association of the Improved Order of Red Men,
Burtchaell Carriage Company,
Bush Manufacturing Company,
Buzby Soap Company,
Byram Medicine Company,

Calcium Carbide Lighting Company,
Camden Brewing Company,
Capital Dry Goods Company,
Caracas Electric and Power Company,
Catskill Shale Brick and Paving Company,
C. E Wiswall and Company (Incorporated),
Charles S. Solomon Company,
Chas. Jaques Clock Company,
Chemung and Bradford Oil and Gas Company,
Chesilhurst Fair Association,
Chickamauga Company,
Citizens' Ice and Refrigerating Company of Frankford, Pennsylvania.
Citizens' Telephone and Electric Company,
Clamer Lever Bit Company,
Clifton Jockey Club,
Clinton Milk and Cream Company,
Clinton Mining Company,
Cloak and Suit Manufacturers' Association,
C. N. Wilcox Mfg. Company,
Coast Telephone and Telegraph Company,
Colorado and Wyoming Construction Company of New Jersey,
Columbia Linen Towel Manufacturing Company,
Columbian Building Company,
Commonwealth Transportation Company,
Condon School,
Connecticut State Granite Company,
Consolidated Automatic Music Company,
Consolidated Publishing Company,
Cooper Horse Remedy Company,
Cooper's Point Machine and Iron Works,
Cordova Coffee and Sugar Company,
Couse Lubricator Mfg. Company,
Crandall Electric Signal Company,
Crary Typewriter Company,
Crooke Reduction Company,
Crow Creek Land Company,
Crystal Ice Company,
Crystal Mining and Milling Company,
Cummings Filter Company,
Cycle Publishing Company,

Cycloidal Transit Amusement Company,
Dallett Iron Company,
Damon Lumber Company,
Decker Automatic Telephone Exchange Company,
Delmonte Manufacturing Company,
Desha Lumber Company,
Dewey Electric Signal Company,
Diamond Spring Water Company,
District Cycle Company,
Domestic Sewing Machine Company,
Dominion Pulverizer Company,
Dowling Manufacturing Company,
Drake Opera House Company,
Duluth Superior Traction Company,
Duryee Portland Cement Company,
East Orange Electric Company,
Eastern Plaster Board Company,
Eastern Tramway Construction Company,
Ecton Smeltering Company,
E. & K. Manufacturing Company,
Eldorado Gold Mining Company of Pima County, Arizona,
Electric Amusement Company,
Electric Bell and Resistance Company,
Electric Bleaching Company,
Electric Express and Transportation Company,
Electric Kindling Wood Company,
Electric Self-Playing Piano Company,
Electric Transportation Company,
Elevated Bicycle Railway Company,
Elliptical Sprocket Wheel Company,
Elizabeth Mutual Telephone Company,
Empire Agency Company,
Empire Iron Works and Foundry Company,
Empire Light Company,
Empire Paper Mills,
E. M. Thomas Manufacturing Company,
Englewood Times Publishing Company,
Esmeraldas Gold Mining Company,
Esmond Electric Block Signal Company,
Essex Cycle Fittings Company,
Etna Construction Company,

Etruscan Novelty Company,
Eureka Street Sweeper Company,
European and American Theatrical Corporation,
Excelsior Oil Company,
Fac-Simile Art and Oil Painting,
Fact Publishing Company,
Fair Hill Brewing Company,
Fairmount Land Company,
Fairton Canning Company,
Falls City Land and Improvement Company,
Farmers' and Merchants' Transportation Company of Matawan,
F. B. Q. Clothing Company,
Fenton White Construction Company,
Fernanzo Wood Material Manufacturing Company,
Fibre Lining Manufacturing Company,
Filter Company General,
Finance and Construction Company of New Jersey,
Five Mile Beach Electric Light, Heat and Power Company,
Fletcher & Faulkner Company,
Fletcher Wilcox Company,
Florex Company,
Foote and Savage Company,
Forbes Fibre Company,
Fort Madison Water Company,
Fort Smith and Van Buren Bridge Electric Railway and Light Company,
Foster Shoe and Rubber Company,
Franco-American Cellulose Company,
Franklin Paper Mills of Hoboken, New Jersey,
Franz Baeder & Company,
F. Schwanhausser Window Shade Company,
F. S. Gibson and Company, Incorporated,
Garrett-Caldwell Reduction Company,
Gas Consumers' Association,
Gas Saving Company,
Gate City Stone Filter Company,
General Advertising Company,
General Electric and Improvement Company,
General Filter Company,
Geneva Construction Company,

Genie Camera Company,
Geo. Carleton Brown Company,
George B. Fry Company,
George W. Conk Company,
Gibbs Boiler Company,
Gilbert Corset Company,
Gilbert Elliott Law Company of Chicago,
Gilbert Elliott Law Company of Philadelphia,
Globe Sewing Machine Company,
Goldsmith and Ballard Industrial Company,
Goodridge Company,
Gore Brothers and Hooper Company,
Gorham Invalid Bed Company,
Grand Hotel and Improvement Company of Mexico,
Granite Storage Company,
Grant Dry Goods Company,
Grinding Wheel Protector Company,
Hagenbeck Arena Company,
Hall Specialty and Manufacturing Company,
Hamilton Disston Sugar & Rice Company,
Hamilton Silk Manufacturing Company,
Hammet Mining Company,
Hardy Cycle Company,
Harrison Coal Company,
Hasell Perfected Railway Signal Company,
Hawley Down Draft Furnace Company of New Jersey,
Haworth, Engel and Clark Clothing Company,
Heagan Shoe Company,
Heinz Litho. and Printing Company,
Helvetia Chemical Works,
Herald-Democrat Company,
Hercolya Manufacturing Company,
Herisse Manufacturing Company,
Hickley Launch and Electrical Manufacturing Company,
Hillsborough Commercial Photographic Manufacturing Company,
Historical Porcelain Company,
Hobart Land and Lumber Company,
Hogan Boiler Company,
Homan Manufacturing Company,
Homer Brooke Mould Company,
Home Relief Association,

Home Specialty Company of Newark, N. J.
Hopkinsville Water Company,
Hotel Aragon Company,
Hotel Traymore Company,
Houghton Machine Company,
House-Boat Company,
Hubschmitt Building & Wood Working Company,
Hudson Docking and Terminal Company,
Hudson River Oxygeni Company,
Hughes Bros. & Co. Inc.
H. W. Hagemann Publishing Company,
Hygienic Wheel Company,
Idaho Gold Recovery Company,
Imperial Publishing Company,
Imperial Window Weight Company,
Incandescent Petroleum Light Company,
Independent "New Light" Company,
Industrial Construction Company,
Ingels American Pneumatic Collar Company,
International Bureau of News and Inquiries,
International Development Company,
International Permanent Exhibition Company,
International Railway Construction Company,
International Rubber Clothing and General Supply Company,
International Shingle Machine Company,
International Trading and Electric Company,
International Wood Working Machine Company,
Interstate Contract and Construction Company,
Interstate Coupler Company,
Inter Urban Rapid Transit Company,
Iron Malt Chemical Company,
Ironton Electric Railway, Light and Power Company,
Ironville Construction Company,
Irving Lumber Company,
Jaeger Electric Lamp Company,
Japan Camphor Company,
J. C. Travis Company,
J. D. Hart Company,
Jerome Glazed Kid Company,
Jersey City Water Company,
Jersey City Wool Stock Company,

Jersey Extract Company,
Jersey Lily Mining Company,
Jersey State Institute,
Jewish Agricultural Aid Society,
J. M. Weil & Bros.' Company,
John Good Cordage and Machine Company,
Joseph Jackson Company,
Jowitt Carbonized Felt Roofing Company,
Kaiser and Jennings Manufacturing Company,
Kalman & Company,
Kaltenbeck Car-Fender Manufacturing Company,
Kaufmann, Schild and Company,
Kayser Patent Company,
Kempshall Specialty Manufacturing Company,
Kensington Company,
Kensington Land Company,
Kern Multiple Machine Company,
Keystone Gas and Fuel Company,
Kimball Brokerage Company,
Kirby Gold Cure Company,
Kittredge Company,
K. K. Medicine Company,
Kline Drug and Chemical Company,
Knickerbocker Dry Dock and Construction Company,
Knoeller Car Improvement Company,
Koeniges & Company,
Kootenay Mining and Smelting Company,
Kuehnling Company,
Lactola Food Company,
Ladies' Saturday Publishing Company,
Lake Submarine Company,
Land and River Improvement Company,
Latham Car Coupler Company,
Law Greene Patent Blind Company,
Leblanc Wine Importing Company,
Lees Manufacturing Company,
Lemhi Mining Company of Idaho,
Lenox Chute Company,
Leo Lois Land Company,
Lester Shire Manufacturing Company,
Levin Mining and Smelting Company,
Lewis Manufacturing Company,

Lewis Trading Company,
Lincoln Manufacturing Company,
Lincoln Park Company,
Lincoln Park and Steamboat Consolidated Company,
Long Branch Hall Association,
Long Island Automatic Fuel Generator and Burner Company,
Loughran Safety Window Manufacturing Company,
Loughridge Brake and Car Company,
Lovell Brothers Company,
Lynn Brewing Association,
Macdonald-Hagele Manufacturing Company,
Mackite Fire-Proof Construction Company,
Macpherson Edward Company,
Make and Break Telephone Company,
Manhattan Amusement Company,
Manhattan Automatic Machine Company,
Manhattan Bureau of Exchange,
Manhattan Real Estate Company,
Marquetelle-Mosaic Company,
Marsh Valve and Faucet Company,
Martha Washington Flour Company,
Masonic Temple Association of Camden, N. J.,
Massachusetts Grain and Stock Exchange,
Matteawan Straw Works,
May's Landing Improvement Company,
McGall Ives Hat Curling Machine Company,
McMullin Company,
Mead Hardware Company,
Mechanical Designing and Manufacturing Company,
Mercer Oil Company,
Merriewold Association,
Merrill Manufacturing Company,
Metropolitan Elevator Hatch and Fire Door Company,
Metropolitan Fire Dispatch,
Metropolitan Mechanical Riding School Company,
Middlesex Driving Club,
M. M. Canda and Company,
Mobile Saw Mill Company,
Montana Camp Gold Mining Company,
Montgomery Manufacturing Company,
Montgomery Web Company,

Morgan and Booth Construction Company,
Morgan Drug Company,
Morris Chute Company,
Morse & Crombie Lumber Company,
Mortgage and Lien Foreclosure Company,
Mount Holly and Smithville Bicycle Railroad Company,
Munsons Homœopathic Family Medicine Company,
Musical Block and Toy Manufacturing Company,
Mutual Automatic Telephone and Telegraph Company,
Mutual Finance and Construction Company,
Nassau Hardware Company,
National Butter Company,
National Calcium Light Company,
National Carriage Hardware Company,
National Deposit Safe Company of U. S. A.
National Eggette Coal Company,
National Ferrotype Machine Company,
National Guaranty Company,
National Home Purchasing Company,
National Land and Investment Company,
National Novelty and Specialty Company,
National Salvage Company,
National Smoke Consumer Company,
National Soliciting Company,
National Specialty Company,
National Transportation, Poudrette and Fertilizing Manufacturing Company,
National Venezuela Tunnel Company,
Neostyle Company,
New Aera Land and Improvement Company,
Newark Auxillary Fire Alarm Company,
Newark Consolidated Milling & Mining Company,
Newark Heating, Ventilating and Machine Company,
Newark Horse Exchange,
Newark Jewelry Company,
Newark Light, Heat and Power Company,
Newark New Art Manufacturing Company,
Newark Novelty Company,
Newark Supply Company,
Newark Trunk Hardware Company,
Newburgh Cycle Company,
New England Construction Company,

New England Granite Company,
N. J. Automatic Fuel Generator and Burner Company,
New Jersey Bicycle Concern,
New Jersey Bolt Machine Company,
New Jersey Building and Supply Company,
New Jersey Exchange and Investment Company,
New Jersey Gas Appliance Company,
New Jersey Guarantee Company (Limited),
New Jersey Heat and Power Company,
New Jersey Houston Cure Company,
New Jersey Hygiene Ice Company,
New Jersey Iron Ore Company,
New Jersey Kier Company,
New Jersey and New York Improvement Company,
New Jersey Radical Rupture Cure Company,
New Jersey Sheep and Wool Company,
New Jersey Smoke and Vapor Condensing Company,
New Jersey Wall Paper Company,
New Process Tar and Chemical Company,
Newton Traction Company,
New York and Brooklyn Despatch Company,
New York Coal and Transportation Company,
New York Copper Manufacturing Company,
New York Insulating Paint Company,
New York and London Trust Company,
New York and Mount Vernon Land and Construction Company,
New York and New Jersey Cut Flower Exchange,
New York and New Jersey Supply Company,
New York Oxygen Company,
New York Recorder Company,
New York Self-Locking Can Company,
New York Supply and Rubber Company,
New York Temperance Promotion Society,
New York and Venezuela Improvement Company,
New York Watch Company,
Noblett Specialty Manufacturing Company,
North American Law and Collection Company,
North American Lithograph-Stone and Asbestos Company,
Northern Finance Company,
Oakland Land Company,

O'Brien Electrical Construction Company,
Odd Fellows Hall Association of Jersey City,
Odol Company,
Ohio Automatic Telephone and Switch Company,
Orange Stables,
Oriental Training and Racing Company (Limited),
Oscillating Carousel Company,
Pancoast Car and Manufacturing Company,
Parlor Oil Company,
P. Brucato Company,
Peerless Covering Company,
Pelletreau Lithographing Company,
Penn Insulated Wire Company,
Pennsylvania Coal Distributing Company,
Pennsylvania Oil Company,
Pennsylvania & Virginia Gas and Petroleum Company,
Perfect Bottle Stopper Company,
Perfection Safety Gas Burner Company,
Peter Barclay Manufacturing Company,
Peter J. Lydecker Company,
Philadelphia Double Pointed Tack and Staple Company,
Philadelphia Investment and Brokerage Company,
Philadelphia Pneumatic Propulsion Company,
Philadelphia Tea and Coffee Company,
Philadelphia Tobacco Drying and Ordering Machine Company,
Phillips Electric Motor Company,
Pictorial Weeklies Company,
Pilgrim Bicycle Manufacturing Company,
Pilot Silk Manufacturing Company,
Pine Grove Park Association,
Pine Lake Park Land and Improvement Company,
Pine Tree Farm Company,
Plante Company,
Pleasure Lake Amusement Company,
Pneumatic Refrigerating Company,
Pompton Granite Company,
Power Transmitter Company,
Premier Electrical Company,
Progress Brick Company,
Progressive Land and Building Company,
Progressive Product Company,

Prudential Manufacturing Company,
Queen City Iron Company,
Racoon Island Hotel Company,
Rahway Electric Light and Power Company,
Railway Automatic Advertising Company,
Railway Triplex Ticket Company,
Rancocas Sand and Gravel Company,
Rawls Stenographic Company,
Record Publishing Company,
Redway Manufacturing Company,
Reform Publishing Company,
Reliance Shirt Company,
Rent Security Company,
Rex Pure Tea Company,
Rex Stove and Burner Company,
Richards Company,
Ritner Preserving Salt Company,
Rockaway Iron Ore and Improvement Company,
Rouse Manufacturing Company of Jersey City,
Royal Chemical Company,
Roy Manufacturing Company,
Randschau Printing and Publishing Company,
Rushforth Feed Water Heater Company,
Rutherford Home and Building Association,
Salvator Mining and Milling Company,
San Juan Chief Mining Company,
San Pedrito Mining Company,
Sayre Pump Valve Company,
Scenic Electrical Amusement Company,
Schubert Glee Club of Jersey City,
Sea Beach Construction Company,
Sea Isle Pastime Club,
Search Medicine Company,
Seaside Company,
Security Pneumatic Tire Company,
Sheridan Coal Company,
Sheridan Furnace Company,
Ship Copper Plating Company,
Shipman and Company,
Shippan Point Land and Improvement Company,
Short Line Construction Company,
Shoulder Tie Plate Company,

Sil-Crusta Manufacturing Company,
Silver King Manufacturing Company,
Simon Manufacturing Company,
Smith-Ross Company,
Sodegren Manufacturing Company,
Somerset County Agricultural Society,
Sonora Copper Company,
South American Medicine Company,
South Lakewood Park Land and Improvement Company,
Southern Amusement Company,
Southwestern Coal Company,
Spanish-American Abattoir Company,
Spear and Company,
Sprenger Brewing Company,
Standard Advertising Company,
Standard Automatic Railroad Signal Company,
Standard Dry Compound Company,
Standard Manufacturing and Construction Company,
Standard Oil Extracting and Refining Company,
Standard Power and Manufacturing Company,
Standard Railroad Equipment Company,
Standard Telephone and Telegraph Construction Company,
Star Bottling Company,
Star Gas Control Company,
Sterling Wire Works Company,
St. Lawrence River Skiff, Canoe and Steam Launch Company,
Stone Harbor Improvement Company,
Summit Casino,
Summit Ice Company,
Surety Investment Company,
Sussex County Condensed Milk and Cream Company,
Tennessee Improvement Company,
Tennessee River Iron Company,
Thistle Stationery and Printing Company,
Thornbury Stone Quarrying and Crushing Company,
T. H. Phillipson Clothing Company,
Tilmann Electric Lamp Company,
T. and P. Company,
Traders' Bureau of Law and Credits,
Travel Publishing Company,
Trenton Dry Goods Company,

Trenton Indicator Bolt and Lock Company,
Trenton Plush Company,
Trenton Tool Works,
Trilby Company,
Tropical Decorating Company,
Umbrella Furniture Manufacturing Company,
Uncut Leaves,
Union Asbestos Wrapping Company,
Union Overall Company,
Union Tubing Company,
United Amusement Company,
United Commercial Exchange,
United Development Company,
United States Check Punch Company,
United States Coffee Compound Company,
United States Collecting Company,
United States Cordage Company,
United States Gold Mining and Development Company,
United States Guaranty Trust Company,
United States Hydrocarbon Furnace Company,
United States Peace Expedition Company,
United Street Railway Improvement Company,
United Switch Company,
Universal Exchange and Supply Company of New York and New Jersey,
Universal Realty Corporation,
Vandalia Iron Company,
Vanity Publishing Company,
Vare Anvil and Brass Foundry Company,
Venners Continuous Cigarette Machine Company Limited,
Venners-Prieth Continuous Cigarette Machine Company,
Vermorel and Kimball Silk Dyeing Company,
Victor Radiator Company,
Vita-Vigor Company,
Voorhis and Company,
Vulcan Gas Heating Company,
Waddingham-Rickert Manufacturing Company,
Wagner Brush Manufacturing Company,
Walkill Granite Company,
Wallace Myers Company,
Wallis-Lispenard Cotton Picker and Machinery Company,
Warren Contracting Company,

Washington Iron Company,
Washington Park Improvement Company,
Watchung Gas Company,
Way Dyeing and Finishing Company,
W. B. Bunting Shoe Company, Incorporated,
Webster Mining and Improvement Company,
Wenner, Kramer and Company,
Wessels Robertson Company,
West End Bicycle Railway Company,
West India Company,
West Jersey Improvement and Colony Company,
West Shore Electric Light Company,
Western Construction Company,
Western Fuel Company,
Western Mining and Development Company,
Western Pennsylvania Novelty and Specialty Company,
Wheeler, Bradstreet & Company,
Wheelmen's Protective Company,
Whippany River Construction Company,
Whitaker-Ashley Shoe Company,
Whitehouse Manufacturing Company,
William Loft Company,
William V. Harper Company,
Wilson-Whiting-Davis Oiling Company,
Wing Manufacturing Company,
Winona Gold Mining Company,
Withlacoochee Lumber Company,
Woodbridge & Turner Engineering Company,
Wooten Locomotive Company,
Wyman Restaurant Company,
Yaracuy Navigation Company,
Yonkers North End Land Company,
Yonkers Trap Rock Company,
Zanardo Stone Carving Machine 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 newpapers, namely: "The Jersey City Journal," of Jersey City; "The Newark News," of Newark; "The Freie Zeitung," of Newark; "The State

Gazette," of Trenton; "The True American," of Trenton; "Atlantic City Daily Press," of Atlantic City; "The Elizabeth Daily Journal," of Elizabeth.

In witness whereof, I have hereunto set my hand and caused the great seal of the State to be affixed, [L. S.] at Trenton, this second day of May, one thousand eight hundred and ninety-nine.

FOSTER M. VOORHEES,
*Governor.*

By the Governor:
GEORGE WURTS,
*Secretary of State.*

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## THANKSGIVING PROCLAMATION.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

The practice of setting aside one day for public thanksgiving and praise has long been observed, ever bringing with it memories of home and of the friends who from year to year have gathered there. Once more sufficient warrant is found for following the time-honored custom.

Through the varying changes of the closing year, Divine favor has still attended us. As individuals, and as a nation, we have renewed cause for rejoicing and thanksgiving. We have been free from pestilence. Few have known the ills and stress of pinching poverty. We have been secure in our liberty, in our rights, civil and religious, and in the enjoyment of the fruits of our toil. From no one has opportunity been withheld. Honest industry has found fruitful reward. Creature comforts are widely shared. Peace and concord reign, and, as never before, prosperity and plenty prevail.

For these, and innumerable other blessings, we should, as a grateful people, give praise to God, the Ruler of Nations and the Giver of every perfect gift. In recognition of that duty and in accordance with established usage and law, I, FOSTER M. VOORHEES, Governor of the State of New Jersey, do therefore and hereby designate Thursday, the thirtieth day of November, instant, as a day for public thanksgiving

and praise, and do recommend to the people of this State that they then abstain as far as possible from their usual labor and assemble in their homes and places of religious worship, there to acknowledge and return thanks to Almighty God for His goodness and mercy, and to invoke His continued favor in behalf of our Nation, our State and its people.

Given under my hand and privy seal, at the Executive Chambers in the city of Trenton, on the sixth day of November, in the year of our Lord one thousand eight hundred and ninety-nine, and of the independence of the United States the one hundred and twenty-fourth.

[L. S.]

FOSTER M. VOORHEES,
*Governor.*

Attest:
HOBART TUTTLE,
*Private Secretary.*

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## PROCLAMATION.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, The Legislature of the State of New Jersey, by joint resolution approved February 25th, 1884, did authorize the Governor to designate a day in the month of April in each year for the planting of forest trees;

Now, therefore, I, FOSTER M. VOORHEES, Governor of the State of New Jersey, do hereby set apart Friday, the 27th day of April, 1900, as Arbor Day, and do recommend that that day be devoted by the people to the planting of forest trees and to appropriate exercises in the schools of the State.

In testimony whereof I have hereunto set my hand and caused the seal of the State to be affixed, at Trenton, this 6th day of April, 1900.

[L. S.]

FOSTER M. VOORHEES,
*Governor.*

By the Governor:
GEORGE WURTS,
*Secretary of State.*

New Jersey State Library

## PROCLAMATION.

WHEREAS, the Comptroller did, on the second day of May, one thousand nine hundred, under the provisions of an act entitled "A further supplement to an act entitled 'An act to provide for the imposition of state taxes upon certain corporations and for the collection thereof, approved April eighteenth, one thousand eight hundred and ninety-four,' which supplement was approved April twenty-first, one thousand eight hundred and ninety-six," report to the Governor a list of all corporations coming within said act; and,

WHEREAS, the following-named corporations so reported have for two years next preceding such report, failed neglected or refused to pay the State taxes which have been assessed against them for the year one thousand eight hundred and ninety-seven, 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, Foster M. Voorhees, 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 charters of the following-named corporations so reported and in default, to wit:

### MISCELLANEOUS CORPORATIONS.

UMPAID TAXES FOR THE YEAR 1897.

A. A. Smith Company,
Absecon Beach Sanitarium Company,
Accumulator and Motor Company,
Acetylene Light, Heat and Power Company, of Mass.,
Acme Mineral Nugget Company,
Aetna Wax Manufacturing Company,
Agency Investment Company,

A. Husz & Sons,
Ajax Manufacturing Company,
Ajax Specialty Company,
Albright While Lead Company,
A. Lenz Company,
Allston Gerry Contracting Company,
American Aberdeene Granite Company,
American Art Casting Company,
American Automatic Phototype Company,
American Condensed Milk Company,
American Cyanide Manufacturing Company,
American Dash Company,
American and European Investors' Association,
American Extension Horse Collar Company,
American Hydro Carbon Gas Company,
American Identification Certificate Company,
American Interior Telephone Company,
American Manolin Company,
American Market Company,
American Motor Company,
American National Match Company,
American Peat Moss Company,
American Printing-Plate and Manufacturing Company,
American Railroad Improvement Company,
American Sanitary Toilet Supply Company,
American Silicate Company,
American Trade Exhibit Company,
American Trimmings Syndicate,
American White Mineral Company,
American Zinc and Iron Company,
Arrochar Toboggan Company, of New Jersey,
Arthur Poole Decorating Company,
Artistic Porcelain Company,
Asbestos Mining and Manufacturing Company,
Asbury Park, Bradley Beach, Belmar and Spring Lake Street Railway Company,
Associated Refineries of Pennsylvania and New York.
Atlas Improvement Company,
Automatic Art Decorating Company,
Automatic Decorating Company,
Automatic Gas Saving Company,
Automatic News Company,

Automatic Telephone Company,
Automatic Time Signal Company,
Ayraults Produce Company,
Balfour Publishing Company,
Baranquilla Steamship Line,
Barnett-Holden Company,
Barrett and Gibbs Company,
Bates Thermic Motor and Carbonaceous Gas Company,
Bayonne Electric Company,
Bay State Motive Power Company,
Berkeley Beach Seashore Association,
Bijou Variety Company,
Bird Paper Manufacturing Company,
Bissy Manufacturing Company,
Bitumen Reduction Company,
Black Diamond Paint Company,
Blancke Company,
Bloomfield Organ Company,
Blue Mountain Slate Company,
Bolen & Byrne Company,
Bordentown Sand Dredging Company,
Borine Chemical Company of New Jersey,
Boston Cut Leather Company,
Bowdoin Oriental Hair Dryer Company,
Braun Company,
Bredder-Allen Cycle Manufacturing Company,
British-American Machinery Company, "Limited,"
British Columbia Smelting and Refining Company,
Bronson Supply Company,
Brower & Potts Company,
Bruce Allison Company,
Bryant Printing Company,
Budd's Lake Mining and Milling Company,
Burlington County Agricultural Society,
Burritt Manufacturing Company,
Cachavi Company,
Calcium Carbide Manufacturing Company, of Massachusetts,
Callerine Manufacturing Company,
Camden County Light, Heat and Power Company,
Camden Glass Manufacturing Company,
Camden Sash and Door Company,

Camden Shoe Company,
Camden Telephone Company,
Capella Mining Company,
Carlisle Investment Company,
Carrabelle Land and Lumber Company,
Carrara Electro Marbleizing Company,
Carriage Cycle Company,
Carver Manufacturing Company,
C. C. Clark Company,
Central America Commercial Company,
Central Furniture Company,
Central Lumber Company,
Cercle De La Noblesse,
Champion Steel Ore Company,
Charles J. Wadsworth Company,
Chase Carbonizing and Manufacturing Company,
Citizens' Electric Light, Heat and Power Company, of Trenton, New Jersey.
Citizens' Pure Water Company.
City-by-the-Sea Improvement Company.
Clay Commercial Telephone Company.
Clay Wick Company of New Jersey.
Cleveland Auxiliary Fire Alarm Company.
Clover Dye Works Company of New Jersey.
Clover Silk Company.
Colophite Lacquer Company.
Colt's Hill Building Company.
Columbia Construction Company.
Columbia Cronophone Company.
Columbia Gas Engine Company.
Columbia Tube Company.
Columbian Company.
Columbian Amusement Company.
Columbian Register Company.
Commercial Exchange.
Commercial Lawyers' Association Company.
Compass Manufacturing Company.
Concentrated Fertilizer Company.
Consolidated Construction Company.
Consolidated Gas and Electric Company.
Consolidated Manufacturing Company.
Consolidated Match Company.

Consolidated Mines Company.
Constantine Machine Company.
Consumers' Building Material Company.
Consumers' Ice Company.
Consumers' Meat Company.
Cook Folding Carriage Company.
Cook Hardware Company.
Co-operative Gold-Stock Trading Company.
Coppersett Paint Manufacturing Company.
Coro & Lavela Railroad and Improvement Company.
Cortlandt Printing Company.
Courier Printing Company.
Court Register Publishing Company.
Crane Furniture and Decorating Company.
Crawford-Birrell Company.
Crockett Varnish Works,
Cycle Concert and Carnival Company,
Cyclists' Protective League,
Deal Lake Chute Company,
Deckertown Silk Manufacturing Company,
Delaware Gas Consumers Company,
Diamond Crucible Steel Company,
Diamond Ice Company of Stamford,
Dieterle and Mercy Hat Company,
Dilworth Company,
Dinsmore Manufacturing Company,
Dordoni Silk Dyeing Company,
Douglass Saw Manufacturing Company,
D. P. Morse Property Company,
Drury Land and Canal Company,
Dr. West Sterilizer Manufacturing Company,
Dunellen Brick Works,
Dynamo Electric Maintenance Company,
Eastcoast Manufacturing Company,
Eastern Construction Company,
Eastern Co-operative Financial Company,
East Jersey Light, Heat and Power Company,
Eastman Fruit Dispatch Company,
Easton Electrical Sanitarium Company,
Easton Granite Company,
East River Terra Cotta Company,
Eclipse Non-refilling Bottle Company, "Limited,"

Economic Gas Appliance Company,
Economy Water Tube Boiler Company,
Edgemont Woolen Mill Company,
Edward Dunn Company,
Edward Horstmann Box-Forming and Nailing Machine Company,
Edwards Manufacturing Company,
Elberon Hotel Company,
Eldora Paper Company,
Electric Iron and Steel Company,
Electric News and Money Transfer Company,
Electric Power and Construction Company,
Electric Rectifying and Refining Company,
Electric Sign and Novelty Company,
Electrikure Company,
Electro-Chemical Manufacturing Company,
Electro Dissolvent Company,
El Mora Coal Company,
Emergency Fire Escape Company of New Jersey,
Empire Stock Exchange,
Enterprise Cold Storage Company,
Enterprise Gold Mining and Land Company,
Enterprise Mining and Transportation Company,
Equitable Silk Company,
Equity Silk Manufacturing Company,
E. S. Dean Company,
Esmond International Electric Traction Company,
Essex Chemical Company,
Essex News Company,
Essex Promoting Company,
Essex Stables,
Eureka Can-Opening Company,
Eureka Car Replacer Company,
Eureka Valve and Brake Company,
Excelsior Fur and Glove Sewing Machine Company,
Farmingdale Carriage and Wagon Company,
F. E. McAllister Company,
Ferger, Becker and Kohl Bavarian Brewing Company,
Fibrone Terraloid Company,
Fidelity Land and Improvement Company of Newark, N. J.,
Fischer Match Company,

Flemington Stoneware Company,
Folding Bycycle Company,
Foreign Exhibitors' Agency,
Forest Lake Club,
French Star Cigarette and Tobacco Company,
Fuel Patents Company,
Fulcrum Manufacturing Company,
Garfield Heights Land Company,
General Manufacturers Display Bureau,
George B. Spearin & Company,
Geo. E. Martin Shoe Company,
George Grieve Machine Company,
George H. Beebe Company,
George Pearce Company,
George Washington Lighting Company,
German-American Zwiebach Company,
Gilbert Elliott Law Company of Newark,
Gilbert Truss Company,
Girard Publishing Company,
Gleitz Piano Company,
Glen Power Company,
Globe Extracting Company,
Globe Mercantile Agency,
Globe Photo Machine Company,
Gloucester Brewing Company,
Golden Dream Mining Company,
Grand Island Bridge Company,
Grandmother's Remedies Company,
Great Cripple Creek Gold Mining and Development Company,
Greater New York Manufacturing Company,
Greger Noiseless Manhole Cover Company,
Grempton Chemical Company,
Grier-Young Electric Company,
Guadalajara, San Luis Potosi and Pacific Railway Company,
Guaranty Insuring and Loan Company,
Guest-Bates Marine Life Saving Appliances Company,
Guilford Ramie Company,
Guyandotte Construction Company,
Hackensack Brick and Terra Cotta Works,
Hallahan Shoe Company,

Harman Manufacturing Company,
Harrison International Telephone Construction Company,
Harry Williams Amusement Corporation,
Harvey Electro Compound Company,
Hasbrouck Heights Light, Heat and Power Company,
Hatters Mutual Company,
Henderson Block Manufacturing Company,
Herisse Food Manufacturing Company,
Herold Smelting and Refining Company,
Hersey-Atwood Heater Company,
Highland Construction Company,
Historical Register Publishing Company,
Hollow Wood Cycle Company,
Hollywood Silk Manufacturing Company,
Holt Electric Storage Company,
Home Laundry Polish Company,
Home Purchase and Loan Company of N. J.,
Home Supply Company (No. 1),
Home Telephone Company of Jersey City, N. J.,
Home Telephone Company of Paterson, N. J.,
"Hopcraft & Co.," Incorporated,
Horton and Bradley Company,
Hotel Bicycle Company,
Howard and Nichols Cycle Manufacturing Company,
Howatson Water Purifier Company,
H. Snowden and Company, Incorporated,
Hudson County Light, Heat and Power Company,
Hudson County Paving Company,
Hudson River Improvement Company,
Hugh Coyle Fire Escape Company,
Humphreys Preserving Company,
Huthmacher-Campbell Leather Works,
Hyatt Pure Water Company,
Hygienic Publishing Company,
Idaho Consolidated Gold Company,
Idaho Fruit Company,
Ilo Company,
Il Progresso Italo Americano Newspaper Company,
Imperial Fire Proofing Company,
Insurance Trust,
International Exhaust Steam Regenerating Company,
Interstate Land and Canal Company,

Investment and Finance Company,
Investors Agency and Security Company,
Invisible Elevator Company, Limited,
Irrigated Farm and Fruit Land Company,
Irrigation Securities and Colonization Company,
James A. Fields Company,
James A. Galvin Manufacturing Company,
Jameson Steel Fence Company,
J. B. Marquet Company,
J. C. Hayden Shoe Company,
Jersey Coast Water Company,
J. G. Rose Company,
J. H. Barker & Company,
J. H. Furber Company,
John G. Lightbody Company,
John Moore's Son Company,
Johnson Book Typewriter Company,
J. Randolph Appleby Company,
Juniata Manufacturing Company,
J. W. Fowler Car Company,
Kalium Spring Water Company,
Kennedy and Biddle Company,
Kentucky Coal Company,
Kentucky Timber and Lumber Company,
Keyport Improvement Company,
Keystone Match Company,
Keystone Metallic Bung Company,
Keystone News Company,
Keystone Textile Machinery Company,
Kineto-Multiscope Company,
King Manufacturing Company,
Kings County Electric Light and Power Company,
Kinsey Drug Company,
Kirby Manufacturing Company,
Kitchell Embossing Company,
Knapp Portable Building Company,
Kola Food Company,
Kraemer Drug Company,
La Belle Gold Mining and Milling Company,
Lactola Company,
Lake Harold Gold Mining Company,
Lakeside Residence Association,

Lake View Ribbon Company,
La Montagna Printing and Publishing Company,
Lancaster Railway Construction Company,
Landell Leather Company,
Landing Hotel Company,
Lariat Manufacturing Company,
Lassen Metals Company,
L. Bucki & Son Lumber Company,
Lenox Manufacturing Company,
Liberty Cycle Company,
Liberty Machine Works,
Lincoln Park Chute Company,
Linspar Decorating Company,
Lion File Works,
Lister Surgical Company,
Litho Transfer Company,
Live Wire Cut Out Company,
Lochmont Park Company,
Lockitt-Norris Company,
Lockwood Manufacturing Company,
Lockwood Suspender Company,
Long Bridge Creamery Company,
Lovell Vestibule Mailing Box Company,
Lusterhold Company,
Lyon Fabric Company,
MacCormack Water Tube Boiler Company,
Magic Introduction Company,
Magnetic and Specular Iron Ore Company,
Mal-de-Mer Company,
Manhattan Mercantile Company,
Manhattan Optical Company,
Manhattan Type Foundry.
Mannesmann Cycle Tube Company,
Manson and Young Silk Manufacturing Company,
Manufacturers and Exporters Bureau,
Manufacturers Investment and Consolidating Company,
Marine Universal Fire Alarm Company,
Maritime Contracting Company,
Marquez Cigar and Tobacco Manufacturing Company,
Mason Wrecking Company,
M. B. Thomas Company,
McGranahan Furnace Company,

McKnight-Chidester Company,
McLaughlin Braid Company,
McLaughlin Brothers Company,
McNaughton Lumber Company,
Meadow Spring Violet Company,
Mechanical Boiler Cleaner Company,
Mechanical and Electrical Manufacturing Company,
Meerbott Manufacturing Company,
Men's Outfitter,
Merit Manufacturing Company,
Metropolitan Distilling Company,
Metropolital Electrical Development Company,
Metropolitan Paving and Construction Company,
Metropolitan Trust and Security Company,
Mexican Mining and Investment Company,
Mexican Onyx Company,
Mexican Welsbach Lamp Company,
Meyenberg Corporation,
Mining Securities Transfer and Registry Corporation.
Mitchell-Allen Soap Company,
Monmouth Amusement Company,
Montclair Electric Light Company,
Moonstone Copying Slate Company,
Moorestown Land Company,
Morison-Jewell Filtration Company,
Mount Arlington Hotel and Land Company,
Muldaur Company,
Multiplex Electric Company,
Mutual Industrial Company,
Nassau Pearl Button Company,
National Air Brake Company,
National Automatic Brake and Oil Company,
National Ball Nozzle Company,
National Brush Company,
National Butter Culture Company,
National Co-operative Association of America,
National Detective Association,
National Park Association,
National Silk Label Company,
National Soap Company,
National Standard Manufacturing Company,
National Waterproof Fiber Company,

Newark Consumers Hygiene Ice Manufacturing Company,
Newark Daily Advertiser Company,
Newark Fruit Auction Company,
Newark Mutual Telephone Company,
New Century Motor Company,
New Jersey Incandescent Light Company,
New Jersey Land Improvement and Building Association.
New Jersey Manufacturing and Improvement Company,
New Jersey Mercantile Agency,
New Jersey Messenger Express Company,
New Jersey Organization Company,
New Jersey Packing Company,
New Jersey Sanatorium Company,
New Jersey Trucking Company,
Newton Manufacturing and Chemical Company,
Newton Steam Heat and Power Company,
New York Aristotype Company,
New York Bond and Certificate Corporation,
New York Chemical Company,
New York City Watch Company,
New York Gas Coal Company,
New York and Mt. Vernon Transportation Company,
New York and New Jersey Oil Company,
New York Piano Hammer Company,
New York Straw Board Company,
New York Telegraph and Telephone Construction Company,
New York Title, Abstract and Guarantee Company,
Nichols, Manning & Company, Incorporated,
Niver Baldwin Feed Company,
No-Air Bicycle Tire Company,
North American Match Company,
North American Pneumatic Car Company,
North American Pyrogranit Company,
Northern Electric Express Company,
Northern New Jersey Construction Company,
North Jersey Construction and Land Improvement Company,
Northwestern Ohio Oil Company,
Norwalk Silk Company,
Nutley Electric Light, Heat and Power Company,

Oak Orchard Harbor City and Improvement Company,
Oaxaca Land and Coffee Company,
Occidental Transportation Company, Limited,
Ocean Heights Land and Improvement Company,
Ocean Tunneling Company,
Odd Fellows Building Association, Limited,
Ogden Terra Cotta Company,
Ohio and Big Sandy Coal Company,
Ohio Mining and Manufacturing Company,
O. K. Baking Company,
Omniform Manufacturing Company,
O'Neill & Kuett Company,
Orange Press Company,
Orange Telephone Company,
Orin Junction Lubricating Oil Company,
Osteyee Brothers,
Ottoman Tobacco Company, (Limited,)
Palace Amusement Company, of Ocean City, N. J.,
Palace Company, of Atlantic City,
Palisade Sanitarium,
Palmer Magnetic Inhaler Company,
Paper and Press Company,
Parker & Douglass Company,
Parson Supply Company,
Passaic Bridge Land Company,
Passaic County Light, Heat and Power Company,
Passaic Heights Land Company,
Passaic Land and Home Company,
Passaic Smelting and Refining Company,
Patapsco Rubber Company,
Patent Lead Pipe Connection Company,
Patents and Trade Marks Company,
Paterson Electro Medical Association,
Paterson Lumber and Wood Working Company,
Peerless Boiler and Manufacturing Company,
Pejepscot Spring Water Company,
Penn Cordage Company,
Pennsylvania Filter Company,
Pennsylvania Investors Company,
Pennsylvania Medical and Burial Company,
Pennsylvania Subway Company,
Penny Magazine Company,

Perfection Valve Company,
Perfect Protecting Paint Company,
Perfect Spring Motor Company,
Phenix Amalgamator Company,
Philadelphia Brick Renovating Company,
Philadelphia Electric Storage Battery Renting Company,
Philo Manufacturing Company,
Phoenix Contract Company,
Phoenix Music Introduction Company,
Pike County Coal Company,
Pine Grove Brewing Company,
Pine Needle Cigar and Tobacco Company,
Plainfield Cycle and Sporting Goods Company,
Pleiades Mining Company,
Pneumatic Telephone Attachment Company,
Porter & Gilmour, Incorporated,
Portland Construction Company,
Progressive Power Company,
Pure Rubber Paint Company,
Pure Water Supply Company,
P. & W. Mfg. Company,
Quaker Vending Company,
Queens County Abstract and Title Guarantee Company,
Ramsey Ship Building, Dry Dock and Machine Company,
Randolph Coke and Coal Company,
Redstone Gold Mining Company,
Reid Tobacco Machinery Company,
Rendefor Reduction Company,
Revolving Purifier Company,
Reynolds-Lalor Company,
Richards Momentum Brake Company,
Richard Warren Company,
Ridley and Peiser Company,
Riverview Iron Works,
Robert Hare Power Company.
Robert L. Merwin & Company, Incorporated.
Robert Richardson Manufacturing Company.
Robins Life Guard and Manufacturing Company.
Rock City Falls Paper Company.
Roentgen X-Ray Company of Chicago, Illinois.
Rogers Fiber Company.
Roland Brewing Company.

Ross & Baker Company.
Roux & Company.
Rutherford Portable Fire Escape Company.
Saddle River Water Power and Land Company.
S. A. Haines Company.
Sanative Refuse Company.
Santo Domingo Midland Railway Company.
Savonette Manufacturing Company.
Seabury Gun Company.
Seamless Structural Tube Company.
Searles & Starr Company.
Sebastian Sommer Piano Company.
Secesh Gold Placer Company.
Securities Company.
Security Home Purchasing Company.
Security Realty and Investment Company.
Shedds Preparation Company.
Shelbourne Hotel Company.
Snake River Fruit Farming Company.
Solid Ingot Company.
Sothoron's Magazine Company.
South American Company of the United States.
South Beach Amusement Company.
South Jersey Traction Company,
South Lakewood County Fair Association,
South Paterson Silk Company,
South Paterson Silk Manufacturing Company,
Southern Dredging Company,
Southern Improvement Company,
Southern Investment Company,
Spencerville Oil and Gas Company,
Springfield Brewing Company,
Springfield Publishing Company,
Standard Concrete Manufacturing Company,
Standard Contracting and Construction Company,
Standard Engraving Company,
Standard Feather Company,
Standard Sewing Company,
Standard Straw Board Company,
Starbird Manufacturing Company,
Steinecke Upholstery Trimming Company,
Stewart Ceramic Company,

Stewart Switch and Railway Supply Company,
St. Lucia Sulphur Company,
Strait-Smith Company,
Straus Shoe Company,
Strohm Elevator Safety Device Company,
Sunlight Oil and Gasolene Company,
Surface Car Advertising Company,
Sussex Paper Box Company,
Swedish-American Engineering and Art Company,
Swenarton & Keiser Company,
Swiss-American Silk Finishing Company,
Sylvan Mills Company,
Taylor Improved Draught Company,
Telegraph News Association,
Thomas W. Weathered's Sons,
Tietz & Company,
Toboggan Chute Company,
Tool Manufacturing Company, formerly Clement Pneumatic Tool Company,
Trenton Automatic Telephone Company,
Trenton Black Slate Company,
Trenton Coupling Company,
Trenton Industrial Improvement Company,
Tucker Seidle Fruit Company,
Unexcelled Hat Company,
Union Contracting and Construction Company, of New Jersey,
Union Hill Company,
Union Tinware Manufacturing Company,
Union Water Company,
United Smoke and Vapor Condensing Company,
United States Bolt and Rivet Company,
United States Bond and Security Company,
United States Conduit Company,
United States Fence Company,
United States Guide and Information Company,
United States Long Distance Telephone and Telegraph Company,
United States Mail Supply Company,
United States Marine Accelerating Company,
U. S. Milling and Mining Machine Works Company,
United States Telephone Construction Company,

United States Wine and Liquor Company,
United Stock Exchange,
United Wood Gas Company,
Uriah Welch Company,
Valley Town Mineral Company,
Vehicle and Bicycle Repair Company,
Vermeulen & Van Den Berg Company,
Visitor Publishing Company,
Volney Smokeless Powder Company,
Wachtel Electrical Manufacturing Company,
Waddell Coal Company,
Walter-Chaurant Company,
Walter W. Bond Company,
Wanamassa Amusement Park Association,
Warren County Light, Heat and Power Company,
Warren E. Smith Company,
Warren Placer Mining Company,
Washington Gas Consumers Association,
Werner Furniture Company,
West Asbury Water Company,
West Jersey Chemical Company,
West Jersey Morocco Manufacturing Company,
West New York Silk Mill Company,
Westerly Granite Company,
Western Evaporator Company,
Western Ohio Coal Company,
Western Supply Company,
Weymouth Manufacturing Company,
W. Fred. Quimby Company,
Wheel Light Manufacturing Company,
Whitehead Coal Mining Company,
Whitely Machine Company,
Whittier Lumber Company,
Widmer Time Recorder Company,
Wiener Manufacturing Company,
Wigton-Langdon Coal Company,
William J. Haines Company,
Windom Deposit Vault Company,
Wingfield Company,
Winsborough-Irvine Company,
Woodsere Company,
Woodward Manufacturing Company,

Woosterwayne Typewriter Company,
Worcester Cycle Manufacturing Company,
W. S. Griffith Company,
Zimmerman-Castle Wheel Company,
Zimmerman Manufacturing 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: "Jersey City Journal," of Jersey City; "The Newark News," of Newark; "The Freie Zeitung," of Newark; "The State Gazette," of Trenton; "The True American," of Trenton; "The Fredonian," of New Brunswick; "The Post Telegram," of Camden; "Paterson Morning Call," of Paterson.

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, one thousand nine hundred.

[SEAL.]

FOSTER M. VOORHEES,
*Governor.*

By the Governor.
GEORGE WURTS,
*Secretary of State.*

# DECREES OF DISSOLUTION.

# DECREES OF DISSOLUTION.

IN CHANCERY OF NEW JERSEY.

Between—
ELMER BELL,
*Complainant,*
*and*
THE WOODBRIDGE & TURNER ENGINEERING COMPANY,
*Defendant.*

Order Dissolving Corporation.

This cause being opened to the court by the counsel of the complainant in the presence of Chauncey G. Parker, receiver, and it appearing that the said company is not doing business since a receiver was appointed on the twenty-fourth day of June, 1896; and no cause appearing to the contrary, it is, on this twenty-seventh day of December, eighteen hundred and ninety-nine, on motion of the counsel of the complainant, ordered, that the charter of the defendant, the said The Woodbridge & Turner Engineering Company, be and the same hereby is declared forfeited and void.

ALEX. T. McGILL, *C.*

Respectfully advised,
JOHN R. EMERY,
*Vice-Chancellor.*

A true copy, L. A. THOMPSON, *Clerk.*

Endorsed: "Filed Dec. 29, 1899, George Wurts, Secretary of State."

IN CHANCERY OF NEW JERSEY.

Between
ELMER BELL,
*Complainant,*
*and*
THE WOODBRIDGE & TURNER ENGINEERING COMPANY,
*Defendant.*

Amending order dissolving corporation.

It having been heretofore ordered, on the twenty-seventh day of December, instant, that the charter of the defendant, the said The Woodbridge & Turner Engineering Company, a corporation of New Jersey, should be and that the same was thereby declared forfeited and void, and it being intended to dissolve the said corporation under the sixty-ninth section of an act concerning corporations, revision, 1896, and in order to avoid all doubt as to the meaning of said order it is now, on the twenty-ninth day of December, eighteen hundred and ninety-nine, ordered, adjudged and decreed by Alexander T. McGill, Chancellor of New Jersey, in accordance with his discretion, that the said corporation, The Woodbridge & Turner Engineering Company, defendant hereto, be and the same is hereby dissolved and that its charter be and the same hereby is declared forfeited and void.

ALEX. T. McGILL, *C.*

Respectfully advised,
JOHN R. EMERY,
*Vice-Chancellor.*

A true copy, L. A. THOMPSON, *Clerk.*

Endorsed: "Filed Dec. 29, 1899, George Wurts, Secretary of State."

IN CHANCERY OF NEW JERSEY.

Between
E. ROLLINS MORSE,
*Compl't,*
and
UNITED STATES CORDAGE COMPANY,
*Defd't.*

On Bill, &c. Decree Dissolving Corporation.

This matter being opened to the court by William H. Corbin, of counsel with the receivers, and it appearing that the United States Cordage Company, a corporation of this State, organized under an act entitled "An act concerning corporations," was, by the order and decree of this court, made on the first day of June, A.D. 1895, adjudged to be insolvent, and that receivers were thereupon appointed, and that the assets were thereafter sold by the receivers, and that creditors presented their claims under limitations made by the court, and that all such claims were audited, adjusted, disposed of and paid, and that the receivers of said company have accounted to this court, and their accounts have been allowed and distribution made of the assets in their hands except the sum of twenty-five thousand dollars reserved by them under direction of the court to answer the results of pending litigation respecting the franchise taxes levied by the State of New Jersey against said corporation, and no reconveyance of the assets to the corporation having been made or being now possible, and the corporation having transacted no business whatsoever since the year eighteen hundred and ninety-five:

It is, on this second day of January, A. D. nineteen hundred, on motion of Corbin & Corbin, solicitors of said receivers, ordered, adjudged and decreed by Alexander T. McGill, Esq., Chancellor of the State of New Jersey, and the Chancellor doth by virtue of the power and authority in him vested, order, adjudge and decree that the said The United States Cordage Company, a corporation of the State

of New Jersey, be and the same is hereby dissolved, and its charter is declared to be forfeited and void.

ALEX. T. McGILL, *C.*

Respectfully advised.

H. C. PITNEY,
*V. C.*

A true copy.

LEWIS A. THOMPSON,
*Clerk.*

Endorsed:

"Filed Jan. 6, 1900.

GEORGE WURTS,
Secretary of State."

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