ACTS

OF THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

OF THE

STATE OF NEW JERSEY

AND

Fifty-Seventh Under the New Constitution.



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The following laws, passed by the One Hundred and Twenty-fifth 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-fifth Legislature

OF NEW JERSEY.

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Burlington, ... NATHAN HAINES.
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Somerset, ... CHARLES A. REED.
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	CHESTER M. SMITH,
	CHARLES S. FOOTE.
Warren,	JACOB B. SMITH,
	HIRAM D. WHITE.

LAWS

ACTS

PASSED BY THE

One Hundred and Twenty-fifth Legislature.

CHAPTER 1.

An Act to protect planted and seeded oysters on lands lying under the tidal waters of the Delaware river, Delaware bay and Maurice river cove, in this state, and to regulate the taking of the same from said lands.

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

Taking of oysters in certain lands unlawful.

1. No oysters shall be dredged for, caught or taken from any of the lands lying under the tidal waters of the Delaware river, Delaware bay or Maurice river cove in this state, north of a line running direct from the mouth of Straight creek to the Cross Ledge lighthouse in the Delaware bay, and known as the "southwest line," except from and including the first day of April to and including the fifteenth day of June of each year; it shall be unlawful to dredge for, catch or take oysters from any of the lands lying under the tidal waters of the Delaware river, Delaware bay or Maurice river cove in this state south of the said "southwest line," at any time except from September first to June fifteenth, both inclusive, of each year.

Penalty for violation.

2. Any person offending against the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof, for every such offense, be punished by a

fine not exceeding five hundred dollars, and by imprisonment at hard labor for a period not exceeding one year, or both, at the discretion of the court.

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 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and this act shall take effect immediately.

Approved January 23, 1901.

FOSTER M. VOORHEES,
Governor.
MAHLON PITNEY,
President of the Senate.
WILLIAM J. BRADLEY,
Speaker of the House of Assembly.

CHAPTER 2.

A Supplement to an act entitled "An act concerning wards and district lines in cities of this state, and for the formation of new wards," approved March fourteenth, eighteen hundred and ninety-five.

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

Section amended.

1. Section one of an act entitled "An act concerning wards and district lines in cities of this state and for the formation of new wards," aproved March fourteenth, eighteen hundred and ninety-five, be and the same is hereby amended so as to read as follows:

Division of cities into wards.

1. The common council, board of aldermen or other legislative body of any city of this state shall have power by ordinance to divide said city up into wards and to change the lines and boundaries of the present wards and aldermanic districts therein, and to increase the number of wards therein; *provided,* that the number of wards shall not exceed sixteen in any city; *and provided, fur-*

ther, that a majority of all the members of said legislative body shall agree to the passage of said ordinance, and the same shall be approved by a mayor duly elected as such by a vote of the people and not by an acting mayor, and no such ordinance heretofore or hereafter adopted shall be valid unless the same has been or shall be so approved. Proviso.

2. This act shall take effect immediately.

Aproved February 5, 1901.

CHAPTER 3.

An Act to amend an act entitled "An act authorizing the incorporated cities, towns, townships and boroughs of this state to fund their floating indebtedness and their matured and maturing bonds," approved March twenty-third, one thousand eight hundred and ninety-nine.

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

1. Section one of an act entitled "An act authorizing the incorporated cities, towns, townships and boroughs of this state to fund their floating indebtedness and their matured and maturing bonds," approved March twenty-third, one thousand eight hundred and ninety-nine, be and the same is hereby amended to read as follows: Section amended.

1. Whenever any incorporated city, town, township or borough of this state shall have incurred, or shall incur, indebtedness, commonly known as floating indebtedness, of any kind whatsoever, whether incurred as hereinafter stated, or in any other manner, that is to say, by reason of the setting aside of assessments, or by reason of the removal from the state of persons taxed Incurrence of floating indebtedness.

before the payment of their taxes, or by reason of a portion of the cost of any public improvement having been assessed upon such municipality, or by reason of the reduction or cancellation of taxes, real or personal, or by reason of money borrowed to meet payments required by law to be made but not included in any assessment or tax levy, or by reason of more than one of the above causes, or otherwise, it being the intent hereof to include floating indebtedness of every kind and howsoever incurred; or whenever any such city, town, township or borough shall have purchased or may hereafter purchase, real estate and buildings subject to mortgage and has assumed the payment thereof and the sum secured by such mortgage is payable, or whenever any such city, town, township or borough shall have borrowed, or shall hereafter borrow, money to enable it to pay, and shall have paid or shall hereafter pay, any of the interest or principal of any matured bonds with the money so borrowed and shall not have theretofore included the amount, or any part of the amount of the money so borrowed in any tax levy or levies, assessment or assessments; and whenever any such city, town, township or borough shall have issued, or shall hereafter issue, any bonds, improvement certificates, certificates of indebtedness, or other obligations for money honestly loaned to it in good faith, or for work performed or materials furnished, or has become lawfully chargeable with bonds or other obligations issued by the board of education or any other local board, and such bonds or other obligations are due or are to fall due within one year, and such city, town, township or borough is without funds to meet the same,

Lawful to issue bonds.

it shall be lawful for, and the power is hereby expressly conferred upon, the governing body of any such city, town, township or borough to issue bonds or other obligations for the purpose of paying off said floating indebtedness and extending the time when the several amounts thereof shall be discharged, by virtue of any proper ordinance to be passed at a regular meeting of such governing body, to the amount of ninety-six and

Amount.

two-thirds per centum, or to any less part of the amount of the said floating indebtedness, matured bonds not included in any tax levy, other bonds, improvement certificates, certificates of indebtedness or obligations due or to become due as aforesaid issued for money honestly loaned to such municipality in good faith, or for work performed or materials furnished, or such bonds or other obligations lawfully chargeable thereto (within the time aforesaid) issued by any board of education, or other local board; which bonds shall be made payable at periods of time not exceeding thirty years from the date of issuing the same, and shall draw interest at a rate not exceeding five per centum per annum; which bonds shall be for not less than one hundred dollars nor more than ten thousand dollars each and shall be executed under the corporate seal of said city, town, township or borough, and shall be signed by the mayor, chairman or other head executive officer or officers thereof and by the principal financial officer thereof (if any) and attested by the clerk; and which said bonds shall have coupons attached for every half year's interest until due, or may be registered at the option of the holder; which coupons, if attached, shall bear the names of the said head executive officer, principal financial officer (if any) and clerk of the said city, town, township or borough, and shall be numbered to correspond with the bond to which they shall be respectively attached; and all the bonds issued under this act shall be numbered, and a register of such numbers, the date of said bonds, the date of issuing and the time of payment shall be made by or under the direction of the principal financial officer (if any), otherwise by or under the direction of the clerk of such municipality, in a book provided for that purpose; all such bonds shall recite that they are issued in pursuance of this act and of the aforesaid ordinance, and shall set forth the date upon which such ordinance was adopted, which recital shall be conclusive evidence of their validity and the regularity of their issue; *provided,* that in order to redeem the bonds issued in pursuance of this act, at their maturity, it shall

Character of bonds.

Proviso.

Sinking fund.

be the duty of the governing body of such city, town, township or borough to establish a sinking fund, which shall be created by a special tax of not less than three per centum upon the issue herein provided for, to be raised in the annual tax levy, or from the collections of assessments for improvements in cases where the indebtedness was originally incurred to pay for local improvements assessable upon lands particularly benefited, or both, at the option of the governing body thereof.

Section amended.

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

Interest met.

2. The interest on the bonds hereby authorized to be issued shall be raised by a special tax annually levied and collected with the other taxes of such municipality, and the whole of each year's interest shall be so raised, levied and collected each year; and the governing body of such municipality may dispose of said bonds at public or private sale for the best price that can be obtained for the same, but at not less than their par value.

Disposition of bonds.

Previous issues validated.

3. Any bonds heretofore issued under and pursuant to the provisions of the act to which this act is an amendment, by any city, town, township or borough of this state, in good faith, are hereby ratified, confirmed and declared to be valid and effectual obligations of such municipality.

4. This act shall take effect immediately.

Approved February 11, 1901.

CHAPTER 4.

An Act to cede jurisdiction to the United States of America over certain lands in the township of Aquackanonk, in the county of Passaic and state of New Jersey, to be used and occupied as an animal quarantine station, and for the purposes herein specified.

Preamble.

WHEREAS, the United States of America has acquired, by purchase from the rightful owners thereof, as appears from certain deeds filed in the office of the clerk of Passaic county, certain tracts or parcels of land situate, lying and being in the township of Aquackanonk, in the said county of Passaic and state of New Jersey, and which are described in their entirety as follows: adjoining the village of Athenia and the station known as Athenia on the Newark and Paterson branch of the Erie railroad; lying west of the said village and of the said railroad, north of Claverack road, east of Notch road, and south and west of Colfax avenue, and constituting a single body of land containing not more than forty-five acres; therefore,

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

Acquisition of lands in Passaic county by United States.

1. That the consent of the state of New Jersey is hereby given to the acquisition by the United States of America of the lands above described, and that jurisdiction over the same is hereby ceded to the United States of America, and the United States of America shall have, hold, own and occupy the said lands, and shall exercise supreme jurisdiction and control over the same and over every part thereof, subject, however, to the restrictions hereinafter imposed.

Jurisdiction.

2. That the jurisdiction hereby ceded shall vest and be confirmed when a plat and description of the lands

acquired by the United States, as hereinbefore mentioned, shall have been filed in the office of the secretary of state of the state of New Jersey; that such jurisdiction shall continue as long as the United States shall own such lands, and no longer; and that such consent is given and such jurisdiction is ceded upon the express condition that the state of New Jersey shall retain jurisdiction, concurrent with that of the United States, in and over the said lands sufficient to the execution of all civil processes in all cases, and of all criminal and other processes that may issue under the laws and authority of the state of New Jersey against any person or persons charged with crimes, misdemeanors or criminal offences committed within the state and in violation of the laws thereof; and such processes may be hereafter executed within the limits of said land in the same way and manner as if this consent had not been given and as if jurisdiction had not been ceded; *provided, however,* that the state of New Jersey may not execute any process affecting in any manner the real or personal property of the United States.

Proviso.

Exemption from taxation.

3. As long as the aforesaid lands shall remain the property of the United States of America, and no longer, the same shall be and continue exonerated from all taxes, assessments and charges of every description which may be levied or imposed under the laws and by the authority of the state of New Jersey.

4. This act shall take effect immediately.

Approved February 13, 1901.

CHAPTER 5.

A Supplement to the act entitled "An act to reorganize the government of counties of the first class in this state," approved March twenty-second, nineteen hundred.

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

Term of superintendent of county hospital.

1. It shall be lawful for any board of chosen freeholders, organized under the act to which this is a supplement, in making the appointment of a superintendent of the county hospital for the insane to designate and prescribe the term of office of such superintendent, which term shall not be for a longer time than five years.

2. This act shall take effect immediately.

Passed February 14, 1901.

CHAPTER 6.

An Act to repeal sundry acts and parts of acts relating to the court of errors and appeals, the supreme and circuit courts, the prerogative court, and the inferior court of common pleas.

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 relative to the court of errors and appeals," approved March twenty-seventh, eighteen hundred and seventy-four;

"A supplement to the act entitled 'An act relative to the court of errors and appeals' (Revision), approved March twenty-seventh, eighteen hundred and seventy-four," which supplement was approved April fifth, eighteen hundred and seventy-eight;

"A supplement to an act entitled 'An act relative to the court of errors and appeals' (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four," which supplement was approved March twenty-third, eighteen hundred and ninety-nine;

"An act relative to the supreme and circuit courts," approved March twenty-seventh, eighteen hundred and seventy-four;

"A supplement to an act entitled 'An act relative to the supreme and circuit courts,' approved March twenty-seventh, eighteen hundred and seventy-four," which supplement was approved April sixth, eighteen hundred and seventy-five;

"A supplement to the act entitled 'An act relative to the supreme and circuit courts,' approved March twenty-seventh, eighteen hundred and seventy-four," which supplement was approved April twenty-first, eighteen hundred and seventy-six;

"A supplement to an act entitled 'An act relative to the supreme and circuit courts' (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four," which supplement was approved April second, eighteen hundred and ninety-one;

"An act supplemental to an act entitled 'An act relative to the supreme and circuit courts,' approved March twenty-seventh, one thousand eight hundred and seventy-four, and also for the appointment of three judges to hold said circuit courts, and to define their powers," which supplemental act was approved March ninth, eighteen hundred and ninety-three;

"A further supplement to an act respecting circuit courts in the several counties of this state," approved March twenty-seventh, eighteen hundred and seventy-four;

"An act to provide for the printing and publishing of

the list of causes noticed for trial in the circuit courts and courts of common pleas of the several counties of this state," approved April twenty-first, eighteen hundred and seventy-six;

"An act to authorize the transfer of suits from the several county circuit courts to the several inferior courts of common pleas," approved March twenty-third, eighteen hundred and ninety-two;

"A supplement to an act entitled 'An act to authorize the transfer of suits from the several circuit courts to the several inferior courts of common pleas,' approved March twenty-third, one thousand eight hundred and ninety-two," which supplement was approved May sixteenth, eighteen hundred and ninety-four;

"An act to provide for the payment of expenses incurred by order of the supreme court," approved March fourteenth, eighteen hundred and ninety-five;

Section five of the act entitled "An act relative to offices, commissions and resignations," approved April sixteenth, eighteen hundred and forty-six;

"An act respecting the prerogative court, and the power and authority of the ordinary," approved April sixteenth, eighteen hundred and forty-six;

"A supplement to an act entitled 'An act respecting the prerogative court and the power and authority of the ordinary,' approved April sixteenth, eighteen hundred and forty-six," which supplement was approved February seventeenth, eighteen hundred and sixty-nine;

"Supplement to an act entitled 'An act respecting the prerogative court and the power and authority of the ordinary,' approved April sixteenth, one thousand eight hundred and forty-six," which supplement was approved April eighteenth, eighteen hundred and ninety-one;

"A supplement to an act entitled 'An act respecting the prerogative court and the power and authority of the ordinary,' approved April sixteenth, one thousand eight hundred and forty-six," which supplement was approved March tenth, eighteen hundred and ninety-three;

"An act to facilitate proceedings in the prerogative court," approved February eleventh, eighteen hundred and eighty-eight;

"A supplement to an act entitled 'An act to facilitate proceedings in the prerogative court,' approved February eleventh, one thousand eight hundred and eighty-eight," which supplement was approved January thirty-first, one thousand eight hundred and ninety-three;

"An act to ascertain the times and places of holding certain courts," approved April eighteenth, eighteen hundred and forty-six;

"An act to re-organize the courts of law," approved February ninth, eighteen hundred and fifty-five;

"An act in relation to lay judges," approved March twenty-ninth, eighteen hundred and seventy-eight;

"An act concerning the number of lay judges of the inferior court of common pleas in the several counties of this state," approved April fifth, eighteen hundred and seventy-eight;

"A further act in relation to the number of lay judges of the inferior courts of common pleas in the several counties in this state," approved March eleventh, eighteen hundred and eighty;

"An act relating to the powers and duties of law or president judges of the courts of common pleas," approved March second, eighteen hundred and eighty-three;

"An act respecting judges of the court of common pleas," approved March tenth, eighteen hundred and eighty-five;

"An act relative to the court of common pleas, the orphans' court and the court of general quarter sessions of the peace in the several counties of this state," approved April fourth, eighteen hundred and eighty-seven;

"An act relative to the court of common pleas, the orphans' court and the court of general quarter sessions of the peace in the several counties of this state," approved February fifteenth, eighteen hundred and eighty-eight;

"An act relative to the court of common pleas, the orphans' court and the court of general quarter sessions of the peace in the several counties of this state," approved June thirteenth, eighteen hundred and ninety;

"An act respecting the appointment of sergeant-at-arms in the court of common pleas, orphans' court and court of general quarter sessions of the peace," approved March thirty-first, eighteen hundred and eighty-seven;

"A supplement to an act entitled 'An act respecting the appointment of sergeant-at-arms in the court of common pleas, orphans' court and court of general quarter sessions of the peace,' approved March thirty-first, anno domini one thousand eight hundred and eighty-seven," which supplement was approved March nineteenth, eighteen hundred and eighty-nine;

"An act in relation to the appointment of sergeant-at-arms and criers to the several courts of the counties and fixing the salaries for same," approved April seventh, eighteen hundred and ninety;

"An act to amend an act entitled 'An act in relation to the appointment of sergeant-at-arms and criers to the several courts of the counties, and fixing the salaries for the same,' approved April seventh, one thousand eight hundred and ninety," which act was approved February twenty-first, eighteen hundred and ninety-three;

"An act in relation to the appointment of sergeant-at-arms to the several courts of the counties, and fixing the salaries for the same," approved June third, eighteen hundred and ninety;

"An act to provide for the employment of a stenographer in suits commenced in the court of common pleas, and in trials of indictments in the court of oyer and terminer and the court of general quarter sessions of the peace in the several counties of this state, approved April fourteenth, eighteen hundred and ninety-one;

Section one and section three of the act entitled "An act in relation to fixing the terms of certain courts," approved March tenth, eighteen hundred and eighty;

"An act to fix the times and places of holding court in the respective counties in this state," approved March ninth, eighteen hundred and seventy-six;

"Supplement to an act entitled 'An act to regulate the practice of courts of law,'" which supplement was approved February twenty-third, eighteen hundred and eighty-one;

Section two hundred and fifty and section two hundred and fifty-one of the act entitled "An act to regulate the practice of courts of law," approved March twenty-seventh, eighteen hundred and seventy-four;

"An act supplemental to an act entitled 'An act relative to the supreme court and circuit courts,' approved March twenty-seventh, one thousand eight hundred and seventy-four, and the supplement to such act, approved March ninth, one thousand eight hundred and ninety-three; and also an act to regulate the practice of courts of law on trial of issues in the supreme courts referred and tried by a judge of the circuit court," which supplemental act was approved April twenty-second, eighteen hundred and ninety-seven;

"An act to amend an act entitled 'An act relative to the supreme and circuit courts' (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four," which act was approved March nineteenth, eighteen hundred and ninety-eight;

"An act to amend an act entitled 'An act to amend an act entitled "An act in relation to the appointment of sergeant-at-arms and criers to the several courts of the counties, and fixing the salaries for the same," approved April seventh, one thousand eight hundred and ninety,' which amended act was approved February twenty-first, one thousand eight hundred and ninety-three," which act was approved March twenty-third, eighteen hundred and ninety-eight;

"A supplement to the act entitled 'An act relative to the court of errors and appeals' (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four," which supplement was approved April second, eighteen hundred and ninety-eight;

"A supplement to 'An act supplemental to an act entitled "An act relative to the supreme and circuit courts," approved March twenty-seventh, one thousand eight hundred and seventy-four,' and also for the appointment of three judges to hold said circuit courts, and to define their powers, approved March ninth, eighteen hundred and ninety-three," which supplement was passed March fifteenth, eighteen hundred and ninety-eight;

"An act respecting the salaries and compensation of president judges of courts of common pleas," approved March fourteenth, eighteen hundred and seventy-nine;

"An act in relation to the compensation of president judges of the courts of common pleas," approved March fourteenth, eighteen hundred and seventy-nine;

"An act respecting the time of payment of the annual salaries of the law or president judges of courts of common pleas," approved March second, eighteen hundred and eighty-one;

"An act to fix the minimum amount of salary of the law or president judges of the court of common pleas in the several counties of this state," approved March twenty-second, eighteen hundred and eighty-two;

"An act to regulate and establish the compensation of the law or president judges of the courts of common pleas of the counties of this state," passed May eleventh, eighteen hundred and eighty-six;

"An act to amend an act entitled 'An act to regulate and establish the compensation of law or president judges of the courts of common pleas of the counties of this state,' passed May eleventh, one thousand eight hundred and eighty-six" which act was approved May sixth, eighteen hundred and eighty-nine;

"A further amendment to an act to amend an act entitled 'An act to regulate and establish the compensation of law or president judges of the courts of common pleas of the counties of this state,' passed May eleventh, one thousand eight hundred and eighty-six, and amended May sixth, one thousand eight hundred and eighty-nine," which act was passed March tenth, eighteen hundred and ninety-one;

"A further amendment to an act to amend an act entitled 'An act to regulate and establish the compensation of law or president judges of the courts of common pleas of the counties of this state,' passed May eleventh, one thousand eight hundred and eighty-six, and amended May sixth, one thousand eight hundred and eighty-nine, and further amended March tenth, one thousand eight hundred and ninety-one," which act was approved March seventeenth, eighteen hundred and ninety-three;

"An act regulating the salary of lay judges of the courts of common pleas in counties of the second class," passed March thirty-first, eighteen hundred and ninety;

"A further supplement to 'An act to provide for the support of the government of this state, and to fix the salaries of public officers,' approved April sixth, eighteen hundred and sixty-five," which supplement was approved March eighteenth, eighteen hundred and sixty-nine;

"A further supplement to an act entitled 'An act to provide for the support of the government of this state, and to fix the salaries of public officers,' approved April fourth, one thousand eight hundred and forty-five," which supplement was approved April second, eighteen hundred and seventy-three;

"A further supplement to an act entitled 'An act to provide for the support of the government of this state, and to fix the salaries of public officers,' approved April fourth, one thousand eight hundred and forty-five," which supplement was approved March twenty-seventh, eighteen hundred and eighty-nine; be and the same are hereby repealed.

Application of this act.

2. The repeal of the above-stated acts and 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 or parts of acts hereby repealed, and no suit or indictment or other proceeding of a civil or criminal nature shall abate by reason of the repeal of said acts or parts of acts, but every such suit, and all proceedings on any indictment now pending, and every proceeding of

either a civil or criminal nature shall proceed as if this act had not been passed, and the judges of the several courts to which the acts and parts of acts hereby repealed relate, shall continue in office for the term for which they were respectively appointed, the same as if this act had not been passed, and this act shall take effect immediately.

Approved February 18, 1901.

CHAPTER 7.

An Act for the incorporation of the borough of Tuckerton, in the county of Ocean.

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 Little Egg Harbor, in the county of Ocean, contained within the limits hereinafter set forth, are constituted and declared to be a body politic and corporate in law by the name of "The Borough of Tuckerton," and shall be governed by the general laws of this state relating to boroughs.

Government.

Boundaries.

2. The territorial limits of the said borough shall be as follows, to wit: Beginning at the mouth of Jessee's creek, on the west side of Little Egg Harbor bay, and running up the middle of the said creek the several courses thereof through the lands of Nathan B. Atkinson and continuing in a northerly course to the bridge, crossing the main road and running from thence across said Nathan Atkinson's woods to a stone, being the northwest corner of Dr. T. T. Price's land; thence continuing in a westerly direction in the line between said Nathan B. Atkinson's land and others to a stone corner to said Atkinson's land and others in Wood Street road, and from thence in a westwardly course until it strikes

the easterly side of the straight road leading northward from Tuckerton, being the extension of Green street; thence down the east side of said road southward until it intersects the laid-out road leading from Tuckerton cemetery to Nugentown; thence along said laid-out road westwardly to the bridge over Tuckerton mill stream; thence down the mill stream southward to the mouth of a stream known as Gifford's branch; thence across said Gifford's stream to Albert Pharo's land; thence across said Albert Pharo's land to the old line between the Giffordtown and West Tuckerton school districts; thence down said line through the lands of Albert Pharo to West Main street; thence across West Main street, between the lands of James Speck and Elkanah Palmer estate, to Centre street; thence across Centre street and along the line between the lands of Wm. Sawyer and James Andrews estate; thence in a straight line in a southerly direction to the middle of Sunken bridge in the road leading from Tuckerton to the shore and the islands; thence in a southeasterly direction down the stream from the sunken bridge known as Tucker's creek until it empties into Tuckerton creek; from thence down Tuckerton creek the several courses thereof till it empties into Little Egg Harbor bay; thence along the bay shore the several courses thereof to the mouth of Thompson's creek; thence up the east bank of said creek to the mouth of Jessee's creek, the place of beginning.

3. This act shall take effect immediately.

Approved February 18, 1901.

CHAPTER 8.

An Act to authorize colleges and universities to increase the number of their trustees, and providing for the election of such additional trustees.

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

1. It shall be lawful for any college or university now or hereafter organized, whether created by special charter or organized under any general law of this state, to increase the number of trustees constituting the board of trustees of such college or university; *provided,* that such increase shall be approved by a two-thirds vote of the trustees present at any regular meeting of the existing board of trustees of such college or university, or at a special meeting of said board called for the purpose of voting upon such proposed increase in the number of said trustees; *provided further,* that the term or terms of service of such additional trustees, the mode of electing them and the rules and regulations pertaining to the election and to the term or terms of service of the additional trustees, including the abolition or discontinuance of election of said trustees at any time after the same shall have been instituted, shall be under the control and determined by a two-third's vote of all the members for the time being of the board of trustees of such college or university; *and provided further,* that before this act shall apply to any college or university, and before any such institution shall have the right to make regulations for the election of additional trustees, the said college or university shall cause a copy of the resolution or resolutions of the board of trustees accepting the provisions of this act, and providing for the election of additional trustees, to be authenticated and

Number of trustees.

Proviso.

Proviso.

Proviso.

verified, as by this act directed, and filed in the office of the secretary of state.

Resolutions filed with secretary of state.

2. A copy of the resolution or resolutions authorized by the first section of this act, to be filed with the secretary of state, shall be certified and authenticated under the common seal of said corporation and shall be verified by the affidavit of the clerk or secretary of said corporation, setting forth that the seal affixed to the said copy is the common seal of said corporation; that the said copy is a true copy of the original resolution or resolutions, as recorded in the minutes of said board of trustees, and that such resolution or resolutions were passed as prescribed by the first section of this act.

Lawful to increase or abolish such trustees.

3. On filing such copy of said resolution or resolutions in the office of the secretary of state, it shall be lawful for the corporation to increase the number of trustees constituting the board of trustees of said corporation, and to provide for the term or terms of service, the mode of election and all rules and regulations pertaining to the election or the term or terms of service of the additional members of said board of trustees, including the abolition or discontinuance of the election of such trustees at any time after the same shall have been instituted, upon the vote of a majority of the trustees present at any regular meeting of the board of trustees of said corporation, or at a special meeting of said board called for the purpose of voting upon the abolition or discontinuance of the election of such trustees.

4. This act shall take effect immediately.

Approved February 18, 1901.

CHAPTER 9.

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:*

Returns made to state board of assessors.

1. All corporations incorporated under the laws of this state, other than those which are subject to the payment of a state franchise tax assessed upon the basis of gross receipts, shall make annual return to the state board of assessors on or before the first Tuesday of May in each year, and shall state therein the amount of the capital stock of such corporation issued and outstanding on the first day of January preceding the making of said return, together with such other information as may be required by said board to carry out the provisions of this act, and shall pay an annual license fee or franchise tax of one-tenth of one per centum on all amounts of capital stock issued and outstanding up to and including the sum of three million dollars; on all sums of capital stock issued and outstanding in excess of three million dollars and not exceeding five million dollars, an annual license fee or franchise tax of one-twentieth of one per centum, and the further sum of fifty dollars per annum per one million dollars, or any part thereof, on all amounts of capital stock issued and outstanding in excess of five million dollars; *provided,* that this act shall not apply to railway, canal or banking corporations, or to savings banks, cemeteries or religious corporations, or purely charitable or purely educational associations not conducted for profit, or manufacturing or mining

Annual franchise tax.

Proviso.

corporations at least fifty per centum of whose capital stock issued and outstanding is invested in mining or manufacturing carried on within this state, and which mining or manufacturing corporations shall have stated in the annual return to the state board of assessors where the mine or manufacturing establishment of such corporation or corporations is or are located, the character of the ores mined or the goods manufactured, the total amount of its capital stock embarked in the business of mining or manufacturing and the amount of capital stock actually employed in New Jersey in carrying on such mining or manufacturing business; if any manufacturing or mining company carrying on business in this state shall have less than fifty per centum of its capital stock issued and outstanding, invested in business carried on within this state, such company shall pay the annual license fee or franchise tax herein provided for companies not carrying on business in this state, but shall be entitled, in the computation of such tax, to a deduction from the amount of its capital stock issued and outstanding of the assessed value of its real and personal estate so used in manufacturing or mining.

When certain deductions allowed.

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.

Repealer.

Approved February 19, 1901.

CHAPTER 10.

An Act for extending the time for completing certain railroads.

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

1. Whenever the time limited for the completion of any railroad authorized to be constructed within this state under any special or general act has expired or

Time for completing certain railroads extended.

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

Proviso.

Proviso.

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

Approved February 21, 1901.

CHAPTER 11.

An Act to amend an act entitled "A further supplement to an act entitled 'An act to enable incorporated towns to construct water-works for the extinguishment of fires, and supplying the inhabitants thereof with pure and wholesome water,' passed March fifth, one thousand eight hundred and eighty-four," which said supplement was approved March seventeenth, 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 two of the act to which this is an amendment be amended so as to read as follows:

Bonds issued for additional sum.

2. Should the legal electors of such town, incorporated borough, camp-meeting association or other municipal commission at such election vote an additional sum for such water-works, that it shall be the duty of the board of commissioners or other governing board or body of such town, incorporated borough, camp-meeting association or other municipal commission to issue the bonds of said town, incorporated borough, camp-meeting association or other municipal commission for said sum, said bonds to bear a rate of interest not exceeding the legal rate, payable semi-annually, the principal thereof to be payable in thirty years from the date thereof, or sooner, at the option of said town, incorporated borough, camp-meeting association or other municipal commission, and it shall be the duty of the treasurer or other disbursing officer thereof to make sale of the bonds so issued at not less than their par value, and to pay the proceeds of said sales to said board of water commissioners, to be by them appro-

Duties of treasurer.

priated according to the provisions of said act; the purchaser or holder of said bonds, whether heretofore or hereafter issued, shall not be obliged to ascertain that the act to which this act is a supplement has been adopted at a special election, or that the sum for which said bonds are issued has been voted at a special election as provided in this act, but said bonds shall contain a recital that they are issued pursuant to this act, which recital shall be conclusive evidence of their validity and the regularity of their issue. Recital of validity.

2. This act shall take effect immediately.

Approved February 25, 1901.

CHAPTER 12.

An Act authorizing certain municipalities to advance moneys to the board of education therein, in anticipation of moneys to be received by such board, and to borrow on temporary loans for the purpose of making such advances and providing for the repayment thereof.

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

1. The board of education in any municipality where appropriations for municipal purposes are by law made during the fiscal year for which such appropriations are required, may, during the portion of the year intervening between the beginning of such fiscal and the adoption of such tax levy therein, expend in anticipation of appropriations and apportionments to be made to it from all sources, sums of money proportioned for such period to the sum appropriated and apportioned and expended for like purposes by it during the preceding fiscal year of the municipality; and the board or body of such municipality having charge of the finances When money may be expended by board of education in anticipation of funds.

thereof, may borrow on temporary loans such sum or sums as shall be necessary to provide for such anticipation of appropriations or apportionments aforesaid.

Provision for repayment of loan.

2. It shall be the duty of all departments and officers charged with the receipt and expenditure of municipal or school funds, immediately upon the receipt of money from any appropriation or apportionment whatsoever, except appropriations made by the board or body having charge of the finances of such municipality, to pay the same to the treasurer of such municipality or so much thereof as may be necessary to discharge and pay such temporary loans.

3. This act shall take effect immediately.

Approved February 27, 1901.

CHAPTER 13.

A Supplement to an act entitled "An act to secure in this state the certification of marriages, births and deaths and of the vital facts relating thereto, and 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:*

Certified copy as evidence.

1. The records of marriages, births and deaths, heretofore, and at any time prior to, the passage of the act to which this is a supplement, made, and kept by the secretary of state of this state, or any copy thereof, or of any individual record thereof, certified to be a true copy under the hand of the medical superintendent of the state bureau of vital statistics, shall be received in evidence in any court of this state to prove the facts therein contained.

2. This act shall take effect immediately.

Approved February 27, 1901.

CHAPTER 14.

Supplement to an act entitled "An act concerning district courts" (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:*

Appointment of assistant clerk; duties, &c.

1. The clerk of any district court established in any city of this state having a population of over one hundred thousand may appoint an assistant clerk, to be approved by the judge of the said court; the clerk shall be responsible for the acts of his assistant, who shall be sworn to the faithful performance of the duties of the office and be removable at pleasure; such assistant clerk shall sign the name of the clerk to and issue any writ or other instrument out of said court, during the illness, absence or disability of the clerk, and any writ or other instrument so signed and issued shall be as valid in law as if signed and issued personally by such clerk; the salary of such assistant clerk shall be six hundred dollars per annum and shall be paid by such city in monthly installments from the date of the appointment; *provided, however,* that no such appointment shall be made until the judge of said district court shall have certified in writing to the mayor and common council of such city that the business of said court requires the appointment of an assistant clerk.

Salary.

Proviso.

2. This act shall take effect immediately.

Approved February 27, 1901.

CHAPTER 15.

A Further 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.

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

Trenton armory.

1. The commission constituted by the act to which this is a supplement is hereby authorized to enter into contracts and cause to be erected an armory in the city of Trenton, in the manner prescribed by the said act, in excess of the limitation in said act prescribed, provided that the excess over and above such limitation shall be secured to be paid in such manner as such commission shall prescribe, and in such manner that the state of New Jersey shall not be obligated to pay more than one hundred and fifty thousand dollars for the entire cost of erecting and equipping such armory.

Expenditure.

2. For the payment of the expenditures herein authorized the comptroller of the treasury shall draw his warrant on the state treasury, and the state treasurer shall pay the same from time to time as the said commission shall certify to the comptroller to be necessary, and to such persons as they may designate, but not more than fifty thousand dollars shall be drawn from the state treasury in any one year for the erection of such armory as aforesaid.

Appropriation.

3. No money shall be paid from the state treasury for the erection of such armory until the amount shall

be placed in the yearly appropriation bills, but nothing in this act contained shall prevent said commission from accepting plans and estimates, and doing thereunder such preliminary work as shall pertain to the erection of said armory, provided the cost of such plans and preliminary work shall be furnished temporarily from sources other than the state treasury.

Repealer.

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

Approved February 27, 1901.

CHAPTER 16.

An Act relative to the state school tax and state school moneys for the year nineteen hundred and one.

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

When apportionment made.

1. The state comptroller may defer apportioning the state school tax for the year nineteen hundred and one among the several counties of the state in proportion to the amount of taxable real and personal estate of said counties respectively, as shown by the last abstract of ratables filed in the office of the state comptroller, to a date later than the first day of February, nineteen hundred and one, as now required by law, and may make such apportionment at any time within ten days after the number of children in the state between the ages of five and eighteen years shall have been determined as required by law and shall have been certified to him by the state superintendent of public instruction.

Ten per cent. of tax apportioned.

2. Within ten days after the apportionment by the state comptroller of said state school tax for the year nineteen hundred and one, as prescribed in section one of this act, the state board of education shall equitably

and justly, according to its discretion, apportion ten per centum of the full amount of said tax for said year among the several counties.

3. This act shall take effect immediately.

Approved February 27, 1901.

CHAPTER 17.

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

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

Amended certificate.

1. It shall be lawful for the trustees of any association incorporated under the authority of the act to which this is a supplement, to record with the clerk of the county in which its original certificate of incorporation was recorded, and file with the secretary of state an amended certificate, duly signed and acknowledged by the said trustees as required for certificates of incorporation under the act to which this is a supplement, modifying, changing or altering its original certificate of incorporation, in whole or in part, which amended certificate shall take the place of the original certificate of incorporation; *provided, however,* that such amended certificate of incorporation shall have been first submitted to the members of such association, present at a general or special meeting of such association, and the execution, recording and filing thereof authorized by the vote of a majority of such members present at such meeting; which facts required by this proviso shall be verified by the oaths of the president and secretary of such association in writing annexed to such amended certificate; and the certificate of the secretary of state

Proviso.

that such certificate and verification have been filed in his office shall be taken and accepted as evidence of such change or alteration in all courts and places; *and provided further,* that nothing herein shall permit the insertion of any matter not in conformity with the act to which this is a supplement, and that this act shall not in any manner affect any proceedings pending in any court. Proviso.

2. This act shall take effect immediately.

Approved February 27, 1901.

CHAPTER 18.

An Act relative to the time of election and appointment and terms of office of officers elected or appointed in cities in this state.

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

1. Hereafter, in all cities in this state, all officers required to be elected therein at any municipal or charter election, shall be voted for and elected on the first Tuesday after the first Monday of November in each year, and with the same registration and upon the same official ballots required by law for the election of state and county officers, and not otherwise; and the said ballots voted as aforesaid for such officers shall be canvassed, and the result of any such election therefor shall be determined as now provided by law in the case of county officers, and certified to the clerk of such city; it being the intention hereby to consolidate the municipal or charter election in cities with the general or state election. City election held in November.

2. The term of office of every such elective officer (except justices of the peace) heretofore elected in any city, and holding office at the passage of this act, shall Term of certain elective officers extended.

be and hereby is extended from the time when his term would otherwise expire until twelve o'clock noon of the first day of January next succeeding the date at which his term of office would otherwise expire; *provided,* that this section shall not apply to any officer whose term of office now expires by law on the first day of January in any year.

Proviso.

Term of appointive officers extended.

3. Every officer heretofore appointed by the mayor in any city, or appointed or chosen by the common council or other governing body of any city, and holding office therein at the passage of this act, shall continue in office, and his term of office shall be and hereby is extended from the time when his term would otherwise expire until twelve o'clock noon of the first day of January next succeeding the date at which his term of office would otherwise expire; *provided,* that this section shall not apply to any officer whose term of office now expires by law on the first day of January in any year.

Proviso.

When term of office begins.

4. The terms of office of all officers (except justices of the peace) hereafter elected in any city shall commence at twelve o'clock noon on the first day of January next succeeding their election, and continue for the respective terms of years now fixed by law; and the terms of office of all officers hereafter appointed by the mayor of any city, or appointed or chosen by the common council or other governing body of any city, except to fill vacancies, shall commence on the first day of January of the year in which they are appointed, and continue for the respective terms of years now fixed by law, when said term is for a definite period; *provided, however,* that no appointment of any officer shall be made by the mayor of any city for a term of office to commence after the expiration of the term of said mayor, or by the common council or other governing body of any city for a term of office to commence after the expiration of the term of any member of said common council or other governing body.

Proviso.

Vacancies.

5. All vecancies in offices in any city of this state arising from or created by any other cause than expira-

tion of term of office, shall be filled for the unexpired term only; vacancies in elective offices shall hereafter be filled at the next general or state election, and not otherwise.

Powers, &c.

6. The powers, duties and authority of every officer whose term of office is extended by this act, are hereby continued in full force and effect for and during the period of such extension.

Continuation in office.

7. Every officer now or hereafter holding any office covered by the provisions of this act, except justices of the peace, shall continue to hold such office, and to exercise the duties thereof, notwithstanding the time limited for its continuance shall have expired, until his successor has been chosen and qualified, unless sooner removed in the manner provided by law.

Repealer.

8. All acts and parts of acts, special or general, inconsistent with the provisions of this act, are hereby repealed.

9. This act shall take effect immediately.

Approved February 28, 1901.

CHAPTER 19.

An Act to provide for the prosecution of the bonds of public officials.

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

Ordering prosecution upon official bond.

1. It shall and may be lawful for the governor or person administering the government, upon application made in writing by any person, his legal representative or attorney, who may be aggrieved or suppose himself to be aggrieved, by the neglect, default, malpractice or misconduct of any public official, in his office, under bond to the state of New Jersey, to order a prosecution to be commenced upon such official bond and to be

carried into effect at the costs and charges of the applicant.

Institution of suit; judgment.

2. All such suits shall be in the name of the state of New Jersey and shall be instituted in the supreme court, and when judgment shall be obtained upon any such bond the said court shall direct so much money to be levied on such judgment as shall be sufficient to satisfy the party aggrieved for his debt or damage, with costs, to be paid to the said party, and upon the satisfaction of such debt, damage and costs, such judgment may be satisfied of record, provided there be no application to said court for relief therein then pending; and if, after judgment obtained upon such bond, and before the same be actually satisfied of record, any other party aggrieved by the neglect, default, malpractice or misconduct of such officer in his office shall apply to the supreme court for relief, the said court shall direct such further sum to be levied thereon as shall be sufficient to satisfy such party for his debt or damages, with costs, and so on as often as application shall be made by parties aggrieved; and such judgment shall not be satisfied or discharged of record so long as any application to said court for relief thereon be pending in said court.

Satisfaction of judgment.

Additional judgments.

Successive suits may be had on any bond.

3. Neither the obtaining of a judgment, as provided for in the preceding section, nor the satisfaction thereof, nor any proceeding thereon, shall operate or have the effect to discharge any official or his sureties, or any or either of them, from liability on any bond upon which suit shall be or shall have been brought, but fresh suit may be instituted thereon, in manner aforesaid, as often as circumstances require, the same as if judgment had not been obtained thereon and the same satisfied of record; *provided,* that the sureties in any official's bond shall not be charged by virtue of this act beyond the sum contained in such bond.

Proviso.

Repealer.

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

Approved March 2, 1901.

CHAPTER 20.

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

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

Securing additional trackage and bridge.

1. It shall be lawful for any railroad company of this state whose railroad shall have been heretofore constructed or shall be hereafter constructed to the Delaware river, to extend such railroad, with so many tracks as it shall deem necessary, by means of a bridge and its approaches, to the middle of said river, and there connect the same with any railroad of an adjoining state heretofore or hereafter constructed, and such company may change the location of, or make such other improvements in, its railroad as may, in the judgment of its board of directors, be necessary or convenient for the purpose aforesaid; and for such purposes such company is hereby vested with the power of eminent domain; and it shall be lawful for such company to occupy so much of the lands belonging to this state as shall be required for the said bridge and the piers and abutments thereof and approaches thereto, upon payment to the riparian commissioners of such sum as said commissioners shall fix as compensation for said lands; and the said commissioners are hereby authorized and required, upon receiving such payment, to convey to said corporation the lands so required in fee.

Power of eminent domain.

Riparian rights.

Retention of original road.

2. Such company may retain the possession and use of the original railroad, the location of which may be changed, or which may be otherwise improved, in accordance with the preceding section, if in the opinion of its board of directors the abandonment of such original

road would be inconvenient or injurious to the interests of the public and of the railroad company.

3. This act shall take effect immediately.

Approved March 2, 1901.

CHAPTER 21.

A Further Supplement to an act entitled "An act to authorize cities in this state, located on or near the ocean, and embracing within their limits or jurisdiction any beach or ocean front, to lay out and open streets and drives, and construct public walks along and upon the beach or ocean front, to grade and otherwise improve the same, to provide the money necessary therefor, and to regulate the use thereof," approved April sixth, one thousand eight hundred and eighty-nine, and acts amendatory thereof and supplemental thereto, and to validate bonds issued, or purporting to be issued, under said acts or any of them.

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

Authorized to issue bonds for building walks, &c.

1. Where any public walk or walks, street or streets, have been or may be constructed or built under the authority of the act entitled "An act to authorize cities in this state, located on or near the ocean, and embracing within their limits or jurisdiction any beach or ocean front, to lay out and open streets and drives, and construct public walks along and upon the beach or ocean front, to grade and otherwise improve the same, to provide the money necessary therefor, and to regulate the use thereof," approved April sixth, one thousand eight hundred and eighty-nine, and acts amendatory thereof and supplemental thereto, or any of said acts to which

this is a further supplement, it shall be lawful for the common council or other governing body of said city to issue, in the name of the said city, in the manner and way provided in section seven of the said act to which this is a further supplement, as said section was amended by an act approved April second, one thousand eight hundred and ninety, its bonds, to be designated "city improvement bonds," in the amount hereinafter provided; the proceeds of the sale of said bonds, at not less than par, to be used, under the direction of the common council or other governing body of said city, for the purpose of constructing or building any new public walk or walks, street or streets, or renewing, repairing, relocating, rebuilding and maintaining any public walk or walks, street or streets, and providing conduits and wires for lighting any public walk or walks, street or streets, and for any other purpose or purposes mentioned in the said acts to which this is a further supplement, or for any one or more of said purposes; *provided, however,* that the total amount of bonds authorized to be issued by the said act, approved April sixth, one thousand eight hundred and eighty-nine, and any and all amendments and supplements thereto, and this further supplement, including, among others, all bonds already issued under said acts and outstanding at the date of the approval of this act, shall not exceed the sum of three hundred thousand dollars. Proviso.

2. All bonds heretofore issued by cities in this state, under the provisions of the said act, approved April sixth, one thousand eight hundred and eighty-nine, or any of its amendments or supplements, or purporting to be issued under said acts or any of them, where such bonds have been issued by and under the corporate action of such cities respectively, are hereby validated, confirmed and approved as the legal and binding obligations of such cities respectively. Bonds issued legal.

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

Approved March 6, 1901.

CHAPTER 22.

An Act to abolish the office of lieutenant of police in cities of this state, and to provide for the employment of the persons now holding office as lieutenant of police.

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

Title of captain substituted for lieutenant.

1. The office of lieutenant of police in the police departments of the cities of this state is hereby abolished; and any person now holding office under the title and designation of lieutenant of police shall hereafter be known and designated captain of police, and as such captain shall be subject to the rules and regulations governing the police department of which he is a member.

2. This act shall take effect immediately.

Approved March 6, 1901.

CHAPTER 23.

A Further Supplement to an act entitled "A general act concerning taxes," approved March nineteenth, eighteen hundred and ninety-one.

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

Expenses of board of taxation.

1. Each of the members of the state board of taxation, and the secretary of the state board of taxation, shall receive annually three hundred dollars for expenses incurred in attending to their official business as members

and secretary of said board, to be paid at the same time and manner as their annual salary is now paid.

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

3. This act shall take effect immediately.

Approved March 6, 1901.

CHAPTER 24.

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

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

1. The legal voters in each township in this state shall have full power and authority at their respective annual township elections to elect for such township, by a plurality of votes, one member of the board of chosen freeholders for the county; every chosen freeholder so elected in any county of the second class shall hold his office for the term of two years, and in any county of the third or fourth class for the term of three years, from and including the second Wednesday of May next ensuing the date of his election, and no longer; *provided, however,* that nothing in this section contained shall shorten the term of any chosen freeholder elected before the date when this act shall take effect, but every such chosen freeholder shall hold his office until the end of the term for which he was elected. Election by plurality. Term. Proviso.

2. Any vacancy existing in the office of chosen freeholder in any township by reason of resignation, removal, death or other cause, may be filled, but for the unexpired term only, by the township committee. Vacancies.

Where applicable.

3. This act shall not apply to any township in any county of the first class.

Repealer.

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

Approved March 7, 1901.

CHAPTER 25.

A Supplement to the act entitled "An act to establish and regulate the state home for girls" (Revision of one thousand nine hundred), approved March twenty-third, nineteen hundred.

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

Section amended.

1. The fifth section of the act to which this act is a supplement is hereby amended to read as follows:

Organization; officers; duties, &c.

5. The trustees shall meet at the home annually on the second Tuesday in March, and organize by electing a president, a secretary, a treasurer and a farm superintendent; the president, secretary and farm superintendent shall be elected from their own number; the president shall perform the usual duties of a presiding officer; the secretary shall keep full and true records of all the proceedings and acts of the trustees; the treasurer 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, and after having so qualified, shall receive and deposit in such bank or banks as the trustees may approve all moneys to be applied to the support of the home, and pay out the same on the orders of the trustees only; the farm superintendent, subject to the superior authority of the trustees, shall have the charge and control of all the farm laborers and farming operations; the secretary, the treasurer and the farm superintendent shall receive such compensation

Compensation.

for their services as the trustees may deem reasonable; each of the trustees shall also be allowed all expenses actually incurred by him in the discharge of his official duties; except as hereinabove allowed, said trustees shall receive no compensation for their services.

Section amended.

2. The twelfth section of the act to which this act is a supplement is hereby amended to read as follows:

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 report shall be duly certified by their president and attested by their secretary; the funds appropriated by the state for the maintenance of said home shall be paid to the treasurer of the trustees quarterly, in such sums as shall be considered necessary by the trustees and approved by the governor; *provided, however,* that the amount of each quarterly payment shall be based on the average number of girls maintained in the home during the next preceding quarter, and shall not exceed the following sums: When the average number has been one hundred or less, the sum shall not exceed sixty dollars for each girl; when the average number has been more than one hundred and not more than one hundred and ten, a deduction of fifty cents for each additional girl over one hundred shall be made from said sum of sixty dollars, so that when the average number has increased to one hundred and ten the sum to be paid shall not exceed fifty-five dollars for each girl; when the average number has been more than one hundred and ten and not more than one hundred and fifty, a deduction of twenty-five cents for each additional girl over one hundred and ten shall be made from said sum of fifty-five dollars, so that when the average number has increased to one hundred and fifty the sum to be paid shall not exceed forty-five dollars for each girl; and when the average number has been more than one hundred and fifty, the sum to be paid shall not exceed forty-five dollars for each girl.

Proviso.

Allowance per inmate.

3. This act shall take effect immediately.

Approved May 7, 1901.

CHAPTER 26.

An Act to amend an act entitled "A supplement to an act entitled 'An act concerning district courts' (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight," which supplement was approved March twenty-third, one thousand nine hundred.

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

Section amended.

1. Section two of an act entitled "A supplement to an act entitled 'An act concerning district courts' (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight," shall be amended to read as follows:

2. Section six of the act to which this is a supplement shall be amended to read as follows:

Salaries of judges.

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-five thousand and one hundred thousand inhabitants, an annual salary of two thousand five hundred dollars; in cities having between twenty-three thousand and thirty-five thousand inhabitants, an annual salary of two thousand dollars; in cities having between seventeen thousand and twenty-three thousand inhabitants, an annual salary of twelve hundred dollars.

Section amended.

2. Section three of said act to which this act is a supplement shall be amended to read as follows:

3. Section eight of the act to which this is a supplement shall be amended to read as follows:

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-five thousand and one hundred thousand inhabitants, an annual salary of twelve hundred and fifty dollars; in cities having between twenty-three thousand and thirty-five thousand inhabitants, an annual salary of nine hundred dollars; in cities having between seventeen thousand and twenty-three thousand inhabitants, an annual salary of six hundred dollars, which salaries of such clerks shall be in lieu of all other fees whatsoever. Clerk's salary.

3. This act shall take effect immediately.

Approved March 7, 1901.

CHAPTER 27.

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

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

1. It shall be lawful for the legal voters of any fire district in this state, created under the provisions of the act to which this act is a supplement, to vote to raise, either at a special meeting called by the fire commissioners of said district or at the annual meeting of the voters of said district, a sum for a fire house and apparatus and appliances in connection therewith for fire purposes, not exceeding five mills on the dollar of the last assessed valuation of the property in said fire district, which sum so appropriated shall be assessed in the same manner now provided by said act, and be expended by said commissioners for such fire purposes as in their judgment they may deem expedient. Lawful to raise money for fire purposes. Amount.

Holding of special meeting.

2. In case the fire commissioners in any district created under the provisions of said act shall deem it expedient, they are hereby empowered to call said special meeting, whereof ten days' notice shall be given by said commissioners, or a majority thereof, by posting notices, setting forth the time, place and object of said meeting in five of the most public places in said district, and thereupon at said time and place the said legal voters or a majority present and voting shall elect a chairman and clerk of said meeting and determine the amount to be raised for said fire house and apparatus and appliances in connection therewith for fire purposes, not exceeding the said sum of five mills on the dollar of said assessed valuation of property in said district.

3. This act shall take effect immediately.

Approved March 7, 1901.

CHAPTER 28.

A Supplement to an act entitled "A further supplement to 'An act to ascertain the rights of the state and of riparian owners in the lands lying under the waters of the bay of New York and elsewhere in the state,' approved April eleventh, one thousand eight hundred and sixty-four, and the several supplements thereto," and which said supplement was approved April nineteenth, eighteen hundred and eighty-nine.

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

When riparian rights facing public park may be devoted to business purposes.

1. Any city or other municipality which shall have received, or may hereafter receive, from the riparian commissioners of the state of New Jersey, a grant of lands under water in front of any public square or park in such city or other municipality, under and by virtue of an act of the legislature of New Jersey entitled "A further sup-

plement to 'An act to ascertain the rights of the state and of riparian owners in the lands lying under the waters of the bay of New York and elsewhere in this state,' approved April eleventh, one thousand eight hundred and sixty-four, and the several supplements thereto," and which said supplement was aproved April nineteenth, eighteen hundred and eighty-nine, may, when in the judgment of the governing body of said city or other municipality it shall seem wise and for the best interests of said city or other municipality so to do, enter into a contract with the person or corporation owning the title to the fee of the soil embraced within such public square or park, or with any person or corporation to whom said owner of the fee of the soil thereof may have granted their rights in the said lands under water in front of said public square or park, upon such terms as may be agreed upon, whereby said lands under water in front of said square or park, or any part thereof, may be used by said owner of the fee, or person or corporation acquiring said rights of the owner of the fee for the purpose of docking, berthing, loading and unloading vessels, upon or over the said lands under water, from a dock adjacent to said lands under water for such period of time as in the judgment of such governing body may seem best for the interests of said city or other municipality; *provided,* that such contract shall contain a provision that no buildings or other structures shall be erected on the said lands under water in front of said public square or park which shall in any way obstruct or interrupt the view or public access to the water from any part of said square or park; *and provided further,* that a grant of said lands shall have first been made by the riparian commissioners of the state of New Jersey, with the privilege of using such waters for the purposes aforesaid.

Proviso.

Proviso.

2. The entering into and making of any such contract, and the use of said lands under water in accordance therewith, shall not be nor be construed to be a forfeiture of the grant of said lands under water or any part thereof by said city or other municipality under said act.

Use not a forfeiture of grant.

3. This act shall take effect immediately.

Approved March 7, 1901.

CHAPTER 29.

An Act in relation to grade crossings on county roads.

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

County roads.

1. Every public road built, acquired or improved by any public road board, and every road improved under the provisions of the act entitled "An act to provide for the permanent improvement of public roads in this state," approved March twenty-second, one thousand eight hundred and ninety-five, and the supplements thereto, and which road is maintained at county expense, shall be deemed for the purposes of this act a county road.

Abolishment of grade crossings.

2. Where any county road is or shall be crossed or intersected by a steam railroad, and it appears to the board of chosen freeholders of the county in which such county road is laid that public safety and convenience will be promoted by such changes of grades as shall be necessary to pass such railroad over or under such road, it shall be lawful for such board of chosen freeholders and for the company owning or operating such steam railroad to enter into an agreement or contract, in writing, to provide for such changes in the grades of such

Method.

county road and of such railroad; which agreement shall set forth in general terms the plan for such crossing, the new or changed grades upon such county road and upon such railroad, the means, by bridge or otherwise, by which such crossing is to be effected, the part or proportion of the cost of such improvement which is to be borne by each of the contracting parties, including the damages to the owners of any lands affected by the

Proviso.

changes of grades; *provided, however,* that such agreement or contract shall be approved by a vote of three-fourths of such board of chosen freeholders.

3. It shall be lawful for the board of chosen freeholders of the county in which such county road is laid to change the grade of such county road in accordance with such agreement; and it shall be lawful for the company owning or operating such steam railroad to change the grade of such railroad in accordance with the terms of such agreement; and it shall be lawful for such board of chosen freeholders to appropriate and to order raised by taxation, and to pay such sum of money as shall be necessary to meet such expense as shall be provided for in the agreement herein authorized, to be paid on the part of such board of chosen freeholders. Change of grade authorized.

4. In case there shall be a street railroad laid upon such county road at the crossing herein referred to, it shall be lawful for the company owning or operating such street railway to become and be one of the parties to the agreement or contract provided for in the second section of this act. Parties to agreement.

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

Approved March 11, 1901.

CHAPTER 30.

An Act to amend an act to compel the determination of claims to real estate in certain cases and to quiet the title to the same, approved March second, one thousand eight hundred and seventy.

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

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

Claimants compelled to prove title.

1. That when any person is in peaceable possession of lands in this state, claiming to own the same, and his title thereto or to any part thereof is denied or disputed, or any other person claims or is claimed to own the same or any part thereof, or any interest therein, or to hold any lien or incumbrance thereon, and no suit shall be pending to enforce or test the validity of such title, claim or incumbrance, it shall be lawful for such person so in possession to bring and maintain a suit in chancery to settle the title of said lands, and to clear up all doubts and disputes concerning the same; the bill of complaint in such suit shall describe the lands with certainty, and shall name the person who claims, or is claimed or reputed to have such title or interest in or incumbrance on said lands, and shall call upon such person to set forth and specify his title, claim or incumbrance, and how and by what instrument the same is derived or created; and whenever any lands within this state shall not, by reason of their extent or by reason of such lands being wild or wood or waste or uninclosed or unimproved lands, be in the actual peaceable possession of the owner or person claiming to own the same, the owner or person claiming to own the same in fee under a deed or other instrument, duly recorded within this state, who shall have paid the taxes upon such lands and to whom or to whose grantors the taxes upon such lands shall have been assessed for five consecutive years immediately prior to the commencement of suit, shall be presumed to be in peaceable possession of such lands within the meaning of this act; *provided,* no other person be in possession thereof; and it shall be lawful for such person so presumed to be in possession to bring and maintain a suit in chancery to settle the title of said lands and to clear up all doubts and disputes concerning the same, and such person so presumed to be in possession shall be entitled to all the benefits of and subject to all the provisions of this act.

In case of waste or unimproved land.

Proviso.

2. This act shall take effect immediately.

Approved March 12, 1901.

CHAPTER 31.

A Further Supplement to an act entitled "An act concerning clerks of grand juries," 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:*

Clerk to prosecutor of pleas.

1. The clerk of the grand jury in all counties of this state having a population of three hundred thousand or more inhabitants shall also act as clerk to the prosecutor of the pleas of such county, and for such service as clerk of the grand jury and as clerk of the prosecutor of the pleas, shall receive a salary of twenty-five hundred dollars per year, and said salary shall be payable monthly by the collector of the county.

Salary.

Repealer.

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

Approved March 13, 1901.

CHAPTER 32.

A Supplement to an act entitled "An act to authorize two or more municipalities in this state to jointly construct and maintain outlet or trunk sewers," approved March fifteenth, one thousand eight hundred and ninety-nine.

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

Validating certain contracts between municipalities.

1. A joint contract in writing duly executed by two or more municipalities in this state under the provisions

of the act to which this is a supplement, for the joint construction and maintenance of an outlet or trunk sewer or sewers and appurtenances, pursuant to the terms of ordinances passed by such municipalities, authorizing the execution of such contract, shall be the valid and binding contract of such municipalities so executing the same, notwithstanding that public notice shall not have been given by the clerk of the governing bodies or boards having power to construct sewers and drains in such municipalities of the intention of such municipal or governing boards or bodies to join in causing such public improvement to be made, pursuant to the directions of the act to which this is a supplement; *provided, however,* that the ordinances authorizing the making and executing of such contract shall have been in all other respects regularly adopted by such municipalities, or on behalf of such municipalities by the governing bodies or boards having power to construct sewers and drains in such municipalities.

Proviso.

2. This act shall take effect immediately.

Approved March 13, 1901.

CHAPTER 33.

An Act to authorize the correction of errors and mistakes in the tax and assessment records of cities in this state on personal property, and to authorize the cancellation of taxes and assessments by error or mistake imposed upon such property, and to return taxes and assessments paid by error or mistake.

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

Correction of tax records.

1. Where, in any city of this state, it shall be made to appear to the satisfaction of the common council, board of aldermen or other governing body having

charge and control of the finances of any city, that, through an error or mistake, personal property has been or shall hereafter be assessed in such a manner as to cause a duplicate assessment to be made against the said property, or a portion thereof, it shall and may be lawful for the common council, board of aldermen or other governing body having charge and control of the finances of such city, to cause all such mistakes or errors to be corrected upon the tax records of such city, by the proper officers having charge of such records.

Refundment of taxes mistakenly levied.

2. If, in any case, by reason of such error or mistake, any person or corporation has heretofore paid, or shall hereafter pay, a tax or assessment upon such personal property so assessed, not knowing of the mistake or error in the making of such assessment, it shall be lawful for the common council, board of aldermen or other governing body having charge of the finances of such city, to return, without interest, the excess of tax or assessment paid on such personal property, or any portion thereof, and to cause the proper officer or officers of such city to cancel the record of such payment, and to cause to be properly entered upon the records of such city the amount that was actually due after correcting such error or mistake, and the amount actually paid or retained in satisfaction of the same.

3. This act shall take effect immediately.

Approved March 13, 1901.

CHAPTER 34.

An Act to annex to the township of Woolwich, in the county of Gloucester, a part of the present township of Logan, in said county.

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

Portions of township of Logan annexed to township of Woolwich.

1. All that portion of the township of Logan, in the county of Gloucester, lying within the following boundaries, to wit: Beginning at the boundary line between the townships of Woolwich and Logan, as now existing, in the center of the cross-roads, at the stone meeting-house, thence along the road leading to Cooper's station north, two degrees west, two chains and twenty-five links to Samuel A. Groff's line; thence along said Groff's line south, eighty-nine degrees and thirty minutes east, three chains and sixty-two links more or less to the intersection of the said Woolwich township line; thence along said line to the place of beginning, be and the same is hereby set off from said township of Logan, in the said county of Gloucester, and annexed to and made a part of the township of Woolwich in said county.

2. This act shall take effect immediately.

Approved March 13, 1901.

CHAPTER 35.

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

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 Pequannock, in the county of Morris, and state of New Jersey, hereinafter mentioned and described, are hereby constituted and declared to be a body corporate in fact and in law, by the name of "the borough of Butler," and shall be governed by the general laws of this state relating to boroughs.

Boundaries.

2. The boundaries of said borough shall be as follows: Beginning at the junction of a small brook with Pequannock river, which enters said river on the west side thereof about two hundred and thirty feet down stream from the bridge of the New York, Susquehanna and Western railroad, crossing said river, and about nineteen hundred and fifty feet up stream from Robert Slater's mill dam; thence running (1) along the middle of said brook up stream as it runs along near the mountain until it intersects the line of land formerly belonging to Aaron Matthews; thence (2) along the line between the land of said Matthews and the Plumbago company and Garret D. Smith westerly to the corner of lands of said company and said Smith on the westerly side of a small pond near the Plumbago mines; thence (3) in a direct line westerly to the junction of Boonton avenue and Cotluss or Schuyler valley road; thence (4) in a direct line westerly passing one hundred feet south of the dwelling house of the late William Gormley to a point three hundred feet westerly in said line from said house; thence (5) in a direct line northwesterly to a point three hundred feet due west from Levi Tintle's

dwelling house; thence (6) in a direct line northerly to the top of the first rise in the road leading past the house of Jacob Tintle, about one hundred and forty paces northerly along said road from said house and near the junction of two roads; thence (7) in a direct line northerly to the junction of the Kinnelow road with the road leading past John Decker's to White's lower paper mill; thence (8) in a direct line northwesterly to the first brook which enters Pequannock river on the south side above Smith's mills at a point on said brook where the water pipe-line of the city of Newark crosses the same; thence (9) down said brook to the middle of Pequannock river; thence (10) down the middle of said river along the line between the counties of Morris and Passaic to a point opposite the mouth of the brook where it began; thence (11) to the place of beginning.

3. This act shall take effect immediately.

Approved March 13, 1901.

CHAPTER 36.

An Act to amend an act entitled "An act to regulate cemeteries," 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. The first section of the act entitled "An act to regulate cemeteries," approved March twenty-fourth, eighteen hundred and ninety-nine, be and the same is hereby amended so that the same shall read as follows:

Management.

1. The care and management of all cemetery associations incorporated by special charter where the actual care or management of the cemetery grounds has been heretofore entrusted by such specially-chartered association to plot-owners or an association of plot-owners

thereof, and of all cemetery associations incorporated under any general law, shall be confided to a board of managers or trustees, which board shall consist of not less than three nor more than fifteen managers or trustees who shall be lot-holders and shall be elected at the annual meeting of the association, at which time the number of the said board of managers or trustees shall be determined; and the president and secretary shall, immediately after such election, divide the managers or trustees, by lot, into three classes, those of the first class to hold their office one year, those of the second class two years, and those of the third class three years, but the managers or trustees of each class may be re-elected if they shall possess the requisite qualification at the time of their re-election; the said board shall have the exclusive superintendence of such association, with full power to appoint, employ and discharge any or all of the officers or agents of said association as they may deem expedient, and to fix the compensation of such officers or agents; *provided, however,* if at the date fixed by the certificate of incorporation for the annual election of the board of managers or trustees, any such association heretofore or hereafter organized shall not have acquired any lands for cemetery purposes, or if having acquired such lands, it shall not have sold any lots or plots therefrom, it shall be lawful to defer the annual election of managers or trustees to the next annual meeting thereafter, and in the meantime the original board of trustees shall continue in office with power to fill any vacancy or vacancies arising by death, resignation, removal or other cause; *and provided further,* that where the board of trustees or managers has been increased to a number greater than that named in the certificate of incorporation, but not greater than the number allowed by law, such increase in the number of said board, and *and* all acts done by such board within the powers allowed by law prior to the conveyance of lots in the cemetery property, are hereby declared to be valid and of full force and effect.

Board of managers.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved March 13, 1901.

CHAPTER 37.

An Act to incorporate the borough of Prospect Park.

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

Corporate name.

1. All that portion of the township of Manchester, in the county of Passaic 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 Prospect Park," 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 Short street and the Passaic river, from thence running (1) along said Short street to East Main street; thence (2) from East Main street along the line of the Van Hovenberg's line up to Hopper street; thence (3) along Hopper street to Haledon avenue; thence (4) along Haledon avenue up to the Bridge's brook; thence (5) along Bridge's brook up to Bridge's dam; thence (6) along Bridge's dam and the Mountain ridge to the point where it intersects the Hawthorne borough line; thence (7) along Prescot avenue to the Passaic river; and thence (8) along said Passaic river to the place of beginning.

3. This act shall take effect immediately.

Approved March 13, 1901.

CHAPTER 38.

An Act to amend chapter sixty-two of the laws of one thousand eight hundred and seventy-six, approved April fifth, eighteen hundred and seventy-six, which said act amends the eleventh section of an act entitled "An act concerning landlords and tenants," which act was approved March twenty-seventh, eighteen hundred and seventy-four.

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

Section amended.

1. Chapter sixty-two of the laws of one thousand eight hundred and seventy-six, approved April fifth, eighteen hundred and seventy-six, which said act amends the eleventh section of an act entitled "An act concerning landlords and tenants," which act was approved March twenty-seventh, eighteen hundred and seventy-four, is hereby amended so that the same read as follows:

Removal of tenant.

11. Any tenant, or lessee at will or at sufferance, or for part of a year, or for one or more years, of any houses, lands or tenements and the assigns, under-tenants, or legal representatives of such tenant or lessee, may be removed from such premises by any justice of the peace of the county where such premises are situated, in the manner hereinafter prescribed, in the following cases; *provided,* that this act shall not be construed so as to give justices of the peace jurisdiction in cities where district courts are now established by law:

Proviso.

Expiration of term.

I. Where such person shall hold over and continue in possession of the demised premises, or any part thereof, after the expiration of his or her term, and after demand made, and notice in writing, given for the delivery of possession thereof by the landlord, or his agent for that purpose;

In default of payment.

II. Where such person shall hold over after any default in the payment of the rent, pursuant to the agreement under which such premises are held, and a demand of such rent shall have been made, by three days' notice in writing, requiring the payment of such rent, or the possession of the premises, shall have been served by the person entitled to such rent, or his agent, upon the person owing the same; the notices required in this section shall be served either personally on the tenant, by giving him a copy thereof, or by leaving a copy thereof at his last usual place of abode, with some member of his family above the age of fourteen years; or where, from any reason, such service cannot be had, then the same may be served by affixing a copy of such notice to the door of any dwelling, or such demised premises, occupied by such tenant.

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 13, 1901.

CHAPTER 39.

An Act to amend section one hundred and seven of chapter two hundred and twenty-eight, of the laws of one thousand eight hundred and ninety-eight, entitled "An act concerning district courts (Revision of one thousand eight hundred and ninety-eight)," approved June fourteenth, one thousand eight hundred and ninety-eight.

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

Section amended.

1. Section one hundred and seven of chapter two hundred and twenty-eight of the laws of one thousand eight

hundred and ninety-eight, entitled "An act concerning district courts (Revision of one thousand eight hundred and ninety-eight)," approved June fourteenth, one thousand eight hundred and ninety-eight, is hereby amended so that the same shall read as follows:

Removal of tenants.

107. Any tenant or lessee at will, or at sufferance, or for a part of a year, or for one or more years, of any houses, lands or tenements, and the assignees, undertenants or legal representatives of such tenant or lessees may be removed from such premises by any district court of any city within the limits of the county in which said premises are situated in the manner hereinafter prescribed in the following cases:

Expiration of term.

I. Where any such person shall hold over and continue in possession of the demised premises, or any part thereof, after the expiration of his or her term, and after demand made and notice in writing given for delivering the possesion thereof, by the landlord or his agent for that purpose, which notice shall be served either personally upon the tenant or such person in possession by giving him a copy thereof, or by leaving a copy thereof at his usual place of abode, with some member of his family above the age of fourteen years.

Default in payment.

II. Where such person shall hold over after any default in the payment of the rent, pursuant to the agreement under which such premises are held.

2. This act shall take effect immediately.

Approved March 13, 1901.

CHAPTER 40.

An Act to amend an act entitled "A supplement to an act entitled 'An act providing for the formation, establishment and government of towns,' approved March seventh, one thousand eight hundred and ninety-five," which supplement was approved March thirty-first, one thousand eight hundred and ninety-seven.

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

Act amended.

1. That the act entitled "A supplement to an act entitled 'An act providing for the formation, establishment and government of towns,' approved March seventh, one thousand eight hundred and ninety-five," which supplement was approved March thirty-first, one thousand eight hundred and ninety-seven, shall be and the same is hereby amended to read as follows:

Council may initiate proceedings for public improvements

1. In towns formed or established under the provisions of the act entitled "An act providing for the formation, establishment and government of towns, approved March seventh, one thousand eight hundred and ninety-five," and the supplements thereto and the acts amendatory thereof, whenever the council shall, by resolution adopted by the unanimous vote of all the members of the council, determine that it is to the interest of the town that a sidewalk of any material shall be constructed upon any street or section of a street in such town, or that sewers be built and constructed in any of the streets of the town under the control of the town authorities, the council may, of its own motion, initiate a proceeding for either of such improvements in the manner provided for in sections sixty-four and sixty-five respectively of the act entitled "An act providing for the formation, establishment and government of

Manner of procedure.

towns," approved March seventh, one thousand eight hundred and ninety-five, except that in case of such sidewalk improvement it shall not be necessary to have presented to the council any petition, either from the owners of one-sixth of the land fronting on the street or section of street proposed to be improved, or of ten freeholders, and except that in the case of such sewer improvement it shall not be necessary to have presented to the council any petition from the owners of one-sixth of the property adjoining the proposed route of the sewer, but such resolution so adopted by the unanimous vote of all the members of the council shall take the place of said petition, and it shall not be necessary, in case of either of such proceedings, to require the deposit of any money to defray costs and expenses incurred in either of such proceedings, and at any time after the time named in the notice for objections therein provided for the council may proceed to pass an ordinance for either of such improvements, notwithstanding the objection of the owners of the land fronting on or adjoining such proposed improvements; *provided, however,* that such ordinance shall also be passed by a unanimous vote of all the members of said council.

Petition not necessary.

Deposit not necessary.

Proviso.

2. The costs and expenses incurred in the construction of any improvement pursuant to the provisions of this act shall, when ascertained, be assessed upon the lands and real estate especially benefited by the improvement, in accordance with the provisions of the act entitled "An act providing for the formation, establishment and government of towns," approved March seventh, one thousand eight hundred and ninety-five.

Provision for costs.

3. This act shall be construed to be an addition to the powers already vested in the council by the act entitled "An act providing for the formation, establishment and government of towns," approved March seventh, one thousand eight hundred and ninety-five, and shall not limit or interfere with the power of the council to make such improvements in the manner already prescribed in the act entitled "An act providing for the formation, establishment and government of towns," approved

Addition to powers of council.

March seventh, one thousand eight hundred and ninety-five.

Repealer.

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

Approved March 13, 1901.

CHAPTER 41.

An Act to amend an act entitled "An act providing for the formation, establishment and government of towns," approved March seventh, one thousand eight hundred and ninety-five.

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

Section amended.

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

Annual statement.

43. That the council shall, on the thirtieth day of April in each year, cause to be printed a full statement of all receipts and expenditures of every description for the year preceding, with all such further information as may be necessary for a full understanding of the financial concerns of the town, and that it shall be the duty of the town clerk to distribute such printed statements among the people of the town, or to furnish a copy of such statement to every citizen applying for the same.

Repealer.

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

Approved March 13, 1901.

CHAPTER 42.

An Act to authorize the appointment of a board of commissioners to represent the state of New Jersey at the Pan-American exposition to be held at Buffalo, in the state of New York, in the year nineteen hundred and one.

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

Commissioners.

1. There shall be appointed four persons, residents of the state, who shall constitute the New Jersey commission for the Pan-American exposition to be held at Buffalo, in the state of New York, in the year nineteen hundred and one, to co-operate with the board of directors of the exposition in encouraging and forwarding the objects for which it is to be held, and to organize, prepare, superintend and have the general management of the New Jersey department at the exposition.

Powers.

2. The commission shall have power to secure the co-operation of scientific, agricultural, mechanical, manufacturing and other associations in the several counties in promoting the objects of the exposition and to secure therefor an exhibition of the products and industries of the state of New Jersey.

Term and compensation.

3. The members of the commission shall receive no compensation for their services and shall continue in office until they shall have completed and settled the business connected therewith.

Expenses met.

4. Necessary expenses attending the discharge of their duties and expenses incurred by the governor in procuring proper exhibits of the agricultural and mineral products of the state, and of its educational system, shall be paid out of such sum as may be appropriated therefor

by the legislature upon the certificate of the president of said commission.

5. This act shall take effect immediately.

Approved March 13, 1901.

CHAPTER 43.

A Supplement to an act entitled "An act to authorize limited partnerships," passed February ninth, one thousand eight hundred and thirty-seven.

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

Withdrawal of general partners.

1. One or more, but less than all, of the general partners in any limited partnership may retire therefrom, or any or all of the general partners may sell his, her or their interest in the partnership to any person or persons except a special partner or special partners in said partnership, without working a dissolution thereof or rendering the partnership general, and the remaining general and special partners and the person or persons to whom such interest is sold may continue to transact business under the name of the partnership as theretofore constituted, for the remainder of the period originally fixed for its duration or any renewal or continuance thereof; *provided,* that the persons desirous of continuing such partnership shall make and severally sign a certificate, which shall contain

Proviso; contents of certificate.

1st. The name or firm under which such partnership has been and is to be conducted.

2d. The names of the general and special partners theretofore interested therein, distinguishing which are general and which are special partners.

3d. The names of the general and special partners to continue such partnership, distinguishing which are general and which are special partners and their respective places of residence.

4th. The period at which the partnership was to commence, the period at which the continuance is to commence, and the period at which it was to and will terminate; *and provided further,* that such certificate shall be acknowledged, certified, filed, recorded and published and transcripts thereof and of such acknowledgments filed and recorded, as required for an original certificate of the formation of a limited partnership, with the same force and effect as such an original certificate; *and provided further,* that at the time of filing such certificate, with the evidence of the acknowledgment thereof, as before directed, an affidavit of one or more of the general partners remaining in such continuing partnership shall also be filed in the same office, stating that no part of the sums specified in the original certificate of the formation of the partnership to have been contributed by each of the special partners to the common stock, has been withdrawn by him or paid or transferred to him in the shape of dividends. profits, or otherwise, at any time during the continuance of the partnership, except lawful interest on the sum contributed by him or profits which have not reduced the original amount of such capital; and upon compliance with the preceding provisions the continuing general and special partners shall continue the partnership with the same rights and obligations as if they were the general and special partners, and the partnership shall be deemed to have been dissolved as to the retiring partner or partners on the day fixed for the commencement of such continuance, reserving, however, all rights and remedies which may have accrued against the retiring partner or partners to any person or persons whatsoever before notice of such retirement and continuance.

Proviso.

Proviso.

2. A partnership continued as hereinbefore provided may be renewed or continued as if the partnership so constituted were the original partnership.

Renewals and continuation.

3. This act shall take effect immediately.

Approved March 13, 1901.

CHAPTER 44.

An Act to enable cities to open streets, roads, highways and alleys, and to vacate, regulate and accept the same.

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

Concerning opening and vacating streets, &c.

1. It shall be lawful for the common council or other governing body of any city in this state, whenever in their opinion the public good may require it, by ordinance, to lay out, accept and open any street, road, highway or alley within said city, to order and cause any street, road, highway or alley already laid out, or which shall hereafter be laid out, to be vacated, straightened, altered or widened, and to take and appropriate for such purposes any lands and real estate, upon making compensation to the owner or owners thereof in the manner now or hereafter provided by law in any such city, and they may, at their discretion, by ordinance, accept such lands as may be dedicated by the owners thereof as public streets or alleys, and thereupon shall be bound to keep up, repair and maintain the same to the same extent that they may be bound to keep up, repair and maintain streets or alleys laid out by other legal proceedings; *provided, however,* that no lands shall be taken or appropriated from any public square or park for the purpose of laying out, opening, straightening, altering or widening any street, road, highway or alley, over or across the same, nor shall any street, road, highway or alley adjoining, abutting or surrounding any public square or park be vacated for any purpose or purposes whatsoever.

Proviso.

Repealer.

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

Approved March 13, 1901.

CHAPTER 45.

An Act to amend an act entitled "An act to authorize cities to construct sewers and drains and provide for the payment of the cost thereof," approved March eighth, one thousand eight hundred and eighty-two.

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

Section amended.

1. Subdivision nine of section two of an act entitled "An act to authorize cities to construct sewers and drains and to provide for the payment of the cost thereof," approved March eighth, one thousand eight hundred and eighty-two, be amended so as to read as follows:

Issue improvement certificates.

9. The board of aldermen may pay the expenses of any such improvement by the issuing of temporary improvement certificates from time to time as the work progresses in such form as the board may prescribe; said certificates shall bear interest at a rate not exceeding six per centum per annum, to be fixed by the board.

Approved March 13, 1901.

CHAPTER 46.

An Act to amend an act entitled "An act for the classification of cities of this state for the purposes of municipal legislation in relation thereto," approved March fourth, one thousand eight hundred and eighty-two.

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

Section amended.

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

First class.

Second class.

Third class.

Fourth class.

2. "Cities of the first class" shall consist of all cities in this state that have within their territorial limits a population exceeding one hundred and fifty thousand inhabitants; "cities of the second class" shall consist of cities in this state that have a population within their territorial limits of not less than twelve thousand nor more than one hundred and fifty thousand inhabitants; "cities of the third class" shall consist of all cities in this state not embraced within either the first or second class as herein distinguished, except cities binding upon the Atlantic Ocean, and being seaside or summer resorts; "cities of the fourth class" shall consist of the cities of this state binding upon the Atlantic ocean and being seaside or summer resorts.

2. This act shall take effect immediately.

Passed March 18, 1901.

CHAPTER 47.

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:*

Committee on new county buildings.

1. Whenever in any county of this state the board of chosen freeholders shall adopt a resolution declaring the court house and buildings in use for public offices to be inadequate, a county building committee 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 members of said board, who shall be selected and appointed by such director; if any vacancy shall occur by death, resignation, removal from the county or otherwise such vacancy shall be filled by the appointment of another member of said board, which appointment shall be made by the director of the board of chosen freeholders at the time such vacancy occurs; that each of said committee shall receive such compensation for his services as said board of chosen freeholders shall by resolution adopt; *providing, however,* said compensation shall not exceed five dollars per day to the director nor three dollars per day to the other members of said committee for each day actually engaged in the work for which they were appointed.

Vacancies.

Compensation.

Proviso.

Powers and duties.

2. The said committee shall have power to acquire by purchase or condemnation, lands which in the judgment of the committee 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 committee shall also have power to employ counsel and architects, and incur any proper and necessary expense in carrying out the provisions of this act.

Costs and expenses.

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 committee by the county collector of said county, out of any funds which shall be raised in the manner hereinafter authorized.

Bonds; amount, rate, time.

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 four-fifths 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 to meet same.

Repealer.

Proviso.

5. All acts and parts of acts inconsistent herewith are hereby repealed; *provided, however,* that in any county of this state where a building commission has before the passage of this act been appointed for the purpose of building the buildings hereinabove mentioned, nothing herein contained shall be construed to prevent or hinder or in any way interfere with said commission from proceeding with the work for which such commission

was appointed the same as though this act had not been passed.

6. This act shall take effect immediately.

Approved March 19, 1901.

CHAPTER 48.

An Act to apportion the members of the general assembly among the several counties of the state.

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

1. Hereafter the several counties of this state shall be entitled to elect as members of the general assembly the numbers herein provided: Apportionment of members of general assembly.

The county of Atlantic shall be entitled to elect one member;

The county of Bergen shall be entitled to elect two members;

The county of Burlington shall be entitled to elect two members;

The county of Camden shall be entitled to elect three members;

The county of Cape May shall be entitled to elect one member;

The county of Cumberland shall be entitled to elect two members;

The county of Essex shall be entitled to elect eleven members;

The county of Gloucester shall be entitled to elect one member;

The county of Hudson shall be entitled to elect twelve members;

The county of Hunterdon shall be entitled to elect one member;

The county of Mercer shall be entitled to elect three members;

The county of Middlesex shall be entitled to elect three members;

The county of Monmouth shall be entitled to elect three members;

The county of Morris shall be entitled to elect two members;

The county of Ocean shall be entitled to elect one member;

The county of Passaic shall be entitled to elect five members;

The county of Salem shall be entitled to elect one member;

The county of Somerset shall be entitled to elect one member;

The county of Sussex shall be entitled to elect one member;

The county of Union shall be entitled to elect three members;

The county of Warren shall be entitled to elect one member;

Interpretation.

2. In the interpretation of this act, all references to counties shall be taken to refer to the counties as they exist at the time of the passage of this act.

Repealer.

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

Approved March 19, 1901.

CHAPTER 49.

An Act to amend an act entitled "An act to abolish the office of township committee in townships wherein there now or hereafter may exist any town, village, or any municipaity governed by a board of commissioners or improvement commission, the boundaries or territorial limits of which are co-extensive with those of said township, and conferring upon the governing body thereof all the powers, duties, privileges and liabilities of the township committee so abolished," approved April sixteenth, one thousand eight hundred and ninety-six.

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

Section amended.

1. Section one of an act entitled "An act to abolish the office of township committee in townships wherein there now or hereafter may exist any town, village, or any municipality governed by a board of commissioners or improvement commission, the boundaries or territorial limits of which are co-extensive with those of the said township, and conferring upon the governing body thereof all the powers, duties, privileges and liabilities of the township committee so abolished," approved April sixteenth, one thousand eight hundred and ninety-six, is hereby amended to read as follows:

Township committee abolished in certain instances.

1. In any township in this state wherein there now or hereafter may exist any town, village or any municipality governed by a board of commissioners, improvement commission or board of trustees, the boundaries or territorial limits of which are co-extensive with those of said township, after excepting or excluding such portion or portions of said township as may lie and be in-

cluded in the territorial limits of any borough or boroughs, the office of township committee of said township is hereby abolished, and the governing body of such town, village, or municipality governed by a board of commissioners, improvement commission or board of trustees is hereby invested with all the powers, duties, privileges and liabilities by law conferred upon or required of any such township committee.

Section amended.

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

Disposition of moneys, books, &c.

2. The treasurer of any such township shall forthwith turn over to the treasurer of any such town, village, or municipality governed by a board of commissioners, improvement commission or board of trustees, all books, papers, vouchers, moneys and assets of such township being in his hands as treasurer.

3. This act shall take effect immediately.

Approved March 19, 1901.

CHAPTER 50.

A Supplement to an act entitled "A general act relating to boroughs" (Revision one thousand eight hundred and ninety-seven), approved April twenty-fourth, one thousand eight hundred and ninety-seven.

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

Superintendent of public works.

1. In all boroughs owning, maintaining or operating a water-works, a sewerage system or an electric lighting plant the mayor may nominate, and by and with the advice and consent of council shall appoint, a superintendent of public works, who need not be a resident of the borough, whose duty shall be to have a general oversight and superintendency of such plants or systems, in addition to such other like duties as council may by

ordinance determine, and the salary and term of office of such superintendent shall be fixed and determined as in the case of the other appointive officers in such borough.

2. This act shall take effect immediately.

Approved March 19, 1901.

CHAPTER 51.

An Act to regulate the practice of pharmacy in this state.

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

State board of pharmacy, members, term.

1. There shall be in this state a state board of pharmacy, to be known as "The Board of Pharmacy of the State of New Jersey," which shall be composed of five members, who shall be registered pharmacists of and engaged in the practice of pharmacy in this state, to be appointed from time to time as hereinafter directed, by the governor, each of the appointed members to hold office for the term of five years, and their respective terms of office shall be so arranged that the term of not more than one member shall expire in any one year; if the office of any appointed member shall for any cause become vacant before the expiration of the term for which said member was appointed, the same shall be filled by the governor for the unexpired term only; and "The New Jersey Pharmaceutical Association" may annually hereafter send to the governor the names of three registered pharmacists engaged in the practice of pharmacy in this state, of whom the governor may appoint one to fill the vacancy annually occurring in said board; *provided, however,* whereas a state board of pharmacy has heretofore been created in this state and is now, in fact, constituted and organized in the manner hereinbefore prescribed, the members of said board heretofore created shall constitute and henceforth be deemed and taken to

Proviso.

be "The Board of Pharmacy of New Jersey," established by this act, that the appointed members of said board heretofore created shall respectively continue to hold office as members of the board established under this act, until the expiration of the terms for which they were originally appointed, and that the secretary and all other officers of said board heretofore created shall continue to hold the respective offices under this act for the terms for which they were originally appointed or elected; each person so appointed shall, within thirty days after his appointment, take and subscribe an oath, before any officer authorized to administer oaths in this state, that he will faithfully discharge the duties prescribed by this act, and file the same within sixty days after his appointment, in the office of the secretary of state, and in default thereof the governor may fill such vacancy so caused by such failure to take and file said oath, in the manner prescribed by this act.

Oath.

Pharmacists must be registered.

2. From and after the passage of this act it shall not be lawful for any person not a registered pharmacist, within the meaning of this act, to conduct any store or pharmacy, or to employ any unregistered pharmacist or unregistered assistant for retailing, dispensing or compounding drugs, medicines or poisons, or for any one not a registered pharmacist or registered assistant to prepare and dispense physicians' prescriptions, or to retail or dispense medicines or poisons, except under the immediate supervision of a registered pharmacist; this section shall not be so construed as to prohibit the employment in pharmacies or drug stores, of apprentices, but such apprentices or other unregistered employes shall not be allowed to prepare, compound and dispense prescriptions, or to sell or furnish medicines, prescriptions or poisons, except in the presence of and under the personal supervision of a registered pharmacist of this state, who must either be the proprietor or owner of said store or pharmacy, or in the actual employ of such proprietor or owner; and for the violation of this section the owner, corporation, association, copartnership or person being the owner or proprietor of said store or pharmacy shall be equally liable as principal for said violation.

Apprentices.

Organization of board.

3. The board of pharmacy shall organize by electing a president, a secretary and treasurer, and shall have power to make by-laws and rules for the proper fulfillment of its duties under this act, and the selection of a counselor-at-law to represent said board in all legal matters appertaining to the same; it shall meet on the third Thursday of January, April, July and October, in the city of Trenton, and at such other places and dates as may be required; it shall examine into all applications for registration, and grant certificates of registration to all persons whom it shall judge on examination to be properly qualified to practice pharmacy; such examination shall include the subjects of materia medica, pharmacy, chemistry and toxicology; it shall keep a book of registration in which shall be entered the names and places of business of all persons registered under this act, and shall also keep a book of record of all its official transactions, which books shall be legal evidence of such transactions in any court of law; it shall have power to examine into all cases of alleged violations of this act and shall cause the prosecution of all persons not complying therewith; and it shall annually report to the governor and to "The New Jersey Pharmaceutical Association," on or before the first day of November in each year, upon the condition of pharmacy in the state, which report shall embrace a detailed statement of the receipts and expenditures of the board; the members of such board shall receive the sum of five dollars for each day actually engaged in this service, and all traveling and necessary expenses to be paid from the fees and penalties collected under this act; and all moneys thus collected by said board in excess of said per diem allowances and of all necessary expenses of said board, incurred under and by virtue of this act, shall be paid over to the treasurer of the state of New Jersey, annually, at the date of the filing of the aforesaid report with the governor; three members of the board shall constitute a quorum.

Examinations.

Records.

Annual report.

Compensation.

Application for registration.

4. Every person applying for registration as a pharmacist under this act shall not be less than twenty-one years of age, and shall have been an apprentice for at least four years, two of which may have been spent in a

college of pharmacy, or if the applicant comes from another state, he or she shall furnish satisfactory evidence that he or she has had preliminary education and practical experience equal to the requirements of this act, and each applicant shall pay to the secretary of the

Fee.

board of pharmacy a fee of ten dollars, and upon passing an examination satisfactory to said board, he or she shall receive from said board a certificate of registration; and, in case of failure to pass a satisfactory examination, the applicant shall be granted a second examination (without payment of another fee) at any time within one year from the first examination; and that the said board

Assistants.

shall grant an assistant's certificate to any person not less than eighteen years of age, who shall have served three years' aprenticeship, one year of which may be spent in a college of pharmacy, or furnish satisfactory evidence of education and practical requirements, and who shall have passed a satisfactory examination before said board of pharmacy, which certificate shall entitle such person to all the privileges of a registered pharmacist during the temporary absence of the registered pharmacist in charge, but shall not entitle such assistant to engage in business on his or her own account, or as manager to conduct a pharmacy or drug store; every person applying for an assistant's certificate shall pay

Fee.

the secretary of the board of pharmacy a fee of five dollars before examination, and in case of failure to pass a satisfactory examination, the applicant shall be granted a second examination without the payment of another fee at any time within one year from the first examination; every pharmacist owning, conducting or employed

Public display of certificate.

in any store or pharmacy shall conspicuously display his certificate of registration in said pharmacy or store, and any failure so to do shall be prima facie evidence that such person is not a registered pharmacist; and every

Renewals.

registered pharmacist and every registered assistant who desires to continue the practice of pharmacy shall, once in three years during the time they shall continue such practice, on such date as the board of pharmacy shall prescribe, pay to the secretary of the board a registration

renewal fee of fifty cents, in return for which they shall receive a renewal of their registration.

Inspectors.

5. It shall be lawful for the said board to employ suitable persons as inspectors, whose duty it shall be to examine and inspect pharmacies, drug stores, and all places wherein drugs, medicines and poisons are kept, sold and dispensed at retail, for the purpose of detecting violations of the provisions of this act.

Poisons distinctly marked.

6. It shall not be lawful for any person to retail or dispense any of the poisons enumerated in "schedule A," appended to this section, or any other substance commonly recognized as a deadly poison, or any substance which in doses of five grains or less is destructive of human life, without distinctly labeling with a red label the bottle, box, can or container or wrapper in which said poison is contained, with the name of the article and the word "poison" and the name and place of business of the dispenser, and not without being satisfied that the purchaser is aware of its poisonous nature and intends to use it for a legitimate purpose, and it shall be unlawful for any person to give a fictitious name or make any false representations to the seller when buying any of the poisons thus enumerated, but the penal provisions of this act shall not apply to the sale of such poisons as are used in the arts, agriculture or in manufacturing to persons known to be engaged in such pursuits; nor to the dispensing of poisons upon the prescription of a practicing physician.

SCHEDULE A.

Enumeration of poisons.

Arsenic and its compounds and chemical derivates, corrosive sublimate and other poisonous derivates of mercury, phosphorus and its poisonous derivatives, prussic acid and its poisonous derivatives, tartar emetic and other poisonous derivates of antimony, sugar of lead and other poisonous derivatives of lead, essential oil of bitter almonds, oils of tansy, pennyroyal, rue, savin and croton, carbolic acid, oxalic acid, and mineral acids, cocaine, strophanthus, cocculus indicus, chloroform,

chloral hydrate, aconite, belladonna, conium, cantharides, digitalis, hyoscyamus, nux vomica, Indian hemp, veratrum viride, yellow jessamine, opium, their alkaloids or other preparations (except paregoric and other preparations of opium having less than two grains to the ounce), ergot, savin, cotton root and their preparations.

Violations and penalty.

7. Any person or persons who shall establish or conduct any pharmacy or drug store for the retailing, dispensing or compounding of drugs, medicines, physicians' prescriptions or poisons, not being a duly registered pharmacist of this state, or shall be engaged as clerk or assistant or apprentice in any store or pharmacy, and retailing, dispensing or compounding drugs, medicines or physicians' prescriptions, not having first obtained a certificate of registration as a pharmacist or registered assistant in accordance with the provisions of this act; or, being a duly registered pharmacist or registered assistant or an apprentice, shall violate any of the provisions of this act, or shall adulterate or sell any adulterated drug, medicine or chemical; or any person who shall procure or attempt to procure registration for himself or herself or any other person under this act, by making or causing to be made any false representations, or shall fraudulently represent himself or herself to be registered in accordance with this act, or any person who shall violate any of the provisions of this act, shall forfeit and pay for each and every offense the sum of one hundred dollars (together with costs) as a penalty therefor; to be sued for and recovered by and in the name of "The Board of Pharmacy of the State of New Jersey."

Jurisdiction.

8. Any justice of the peace in the county, or any district court in the city, where the offense shall have been committed, under any section of this act, shall have authority and jurisdiction to hear and determine said action, and to render judgment therein, with costs, according to the laws and practice governing said courts in similar actions; and execution may thereupon be issued against the goods and chattels of said defendant, and in default of sufficient goods and chattels whereof

to make said judgment and costs, then against the body of said defendant as in summary actions.

Act how construed.

9. Nothing in this act shall be so construed to apply to or in any manner interfere with the strictly professional pursuits of any physician, nor with the making and vending of non-poisonous patent or proprietary medicines, nor with the sale of simple non-poisonous domestic remedies by retail dealers in rural districts, nor with the ownership of any pharmacy or store, in whole or in part, by any person not a registered pharmacist; *provided,* such pharmacy or store be at all times in charge of a registered pharmacist; and any person holding any certificate of registration granted under any former act, with the renewal certificate thereof, shall be considered a registered pharmacist within the meaning of this act.

Proviso.

Payment of penalty.

10. Each and every penalty imposed under the provisions of this act shall be paid to the treasurer of "The Board of Pharmacy of the State of New Jersey."

Repealer.

11. This act shall be a public act and take effect immediately, and all acts and parts of acts conflicting or inconsistent herewith, be and the same are hereby repealed.

Approved March 19, 1901.

CHAPTER 52.

A Further Supplement to an act entitled "An act respecting the court of chancery," approved March twenty-seventh, one thousand eight hundred and seventy-five.

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

Additional vice-chancellors.

1. In addition to the vice-chancellors provided for in the act to which this is a supplement, and the supplements thereto, there shall hereafter be another vice-

chancellor or vice-chancellors, not exceeding two, as and when the chancellor shall determine, each of whom shall be a counsellor-at-law of at least ten years standing, and each of whom shall be appointed by the chancellor, and commissioned by the governor, under the great seal of the state, and each of whom shall continue in office for seven years from the date of his commission.

Powers, duties, &c.

2. The powers, duties and compensation of the vice-chancellors, and each of them, who shall be appointed by virtue of this act, shall be similar to those of the vice-chancellors heretofore appointed and now in office.

3. This act shall take effect immediately.

Approved March 19, 1901.

CHAPTER 53.

A Supplement to an act respecting railroads and canals (Revision), approved March twenty-seventh, eighteen hundred and seventy-four.

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

Before whom action may be had.

1. The complaints and proceedings authorized in and by sections eighteen and nineteen of the act to which this is a supplement, may be had or taken before any justice of the peace, recorder, police justice or police court in the municipality where the offender may be arrested; and such justice of the peace, recorder, police justice or police court, by whatever name such police court may be known, shall severally have jurisdiction of all such complaints and proceedings brought within their respective municipalities.

Repealer.

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

Approved March 19, 1901.

CHAPTER 54.

An Act to incorporate the borough of Wood-Lynne, in the county of Camden.

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 Haddon, in the county of Camden and state of New Jersey, hereinafter set forth, are hereby constituted and declared to be a body politic and corporate in law by the name of "The Borough of Wood-Lynne," 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 point in the intersection of the middle line of Mount Ephraim avenue and Ferry avenue, said point being a corner in the boundary of the city of Camden and the township of Haddon; thence along the middle of said Ferry avenue in a northeasterly direction to a point in the center of Ferry avenue opposite the dividing line between the tract now known as Wood-Lynne and land of E. T. Gill; thence in a southerly direction, between said lands of E. T. Gill and Wood-Lynne tract, to the junction of the boundaries of lands of E. T. Gill, Collingswood and Wood-Lynne tract; thence in a southerly and westerly direction, partly down the center of the north branch of Little Newton creek and along the boundary of the borough of Collingswood, to a corner in said boundary in the line of the Philadelphia and Atlantic City railroad; thence following the center of the north branch of Little Newton creek in a northwesterly direction, its several courses thereof, to the middle of Mount Ephraim avenue or turnpike road; thence in a northwesterly direction along the mid-

dle of said Mount Ephraim avenue or road to the place of beginning.

First election.

3. The first election of officers in and for the said borough of Wood-Lynne shall be held 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.

4. This act shall take effect immediately.

Approved March 19, 1901.

CHAPTER 55.

An Act to divide the state into districts for the purpose of electing members of the house of representatives of the United States, and prescribing the boundaries of such districts.

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

Congressional districts.

1. For the purpose of electing members of the house of representatives of the United States to serve in the fifty-eighth congress, and in each subsequent congress, this state shall be divided into ten districts, as follows, namely:

First. The counties of Camden, Gloucester and Salem shall constitute and be called the first district;

Second. The counties of Cape May, Cumberland, Atlantic and Burlington shall constitute and be called the second district;

Third. The counties of Middlesex, Monmouth and Ocean shall constitute and be called the third district;

Fourth. The counties of Hunterdon, Somerset and Mercer shall constitute and be called the fourth district;

Fifth. The counties of Union, Morris and Warren shall constitute and be called the fifth district;

Sixth. The counties of Bergen, Passaic and Sussex shall constitute and be called the sixth district;

Seventh. The first, fourth, sixth, seventh, eighth, eleventh and fifteenth wards of the city of Newark, and the city of Orange, and the towns of Bloomfield, Montclair and West Orange, and the boroughs of Glen Ridge, Caldwell and North Caldwell, and the townships of Franklin, Belleville, Livingston, Verona and Caldwell, all in the county of Essex, shall constitute and be called the seventh district;

Eighth. The second, third, fifth, ninth, tenth, twelfth, thirteenth and fourteenth wards of the city of Newark, and the city of East Orange, and the town of Irvington, and the borough of Vailsburgh, and the village and township of South Orange, and the townships of Clinton and Milburn, all in the county of Essex, shall constitute and be called the eighth district;

Ninth. The city of Bayonne, the seventh, eighth, ninth, tenth, eleventh and twelfth wards of the city of Jersey City, and all the sixth ward of said city of Jersey City excepting that portion which lies north of the Morris canal and east of Summit avenue, and the towns of Kearney and Harrison and the borough of East Newark, all in the county of Hudson, shall constitute and be called the ninth district;

Tenth. The first, second, third, fourth and fifth wards of the city of Jersey City, and all that portion of the sixth ward of said city which lies north of the Morris canal and east of Summit avenue, and the city of Hoboken, and the towns of West Hoboken, Union, West New York and Guttenburg, and the townships of

North Bergen and Weehawken, and the borough of Secaucus, all in the county of Hudson, shall constitute and be called the tenth district;

Interpretation.

In the interpretation of this act all reference to counties, cities, boroughs, townships, wards and other municipal divisions shall be taken to refer to such municipal divisions as they existed on the first day of January, A. D. nineteen hundred and one.

Repealer.

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

Approved March 19, 1901.

CHAPTER 56.

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.

Preamble.

WHEREAS, The state of New Jersey is now the owner of a tract of land situate in the town of Kearney, in the county of Hudson, in this state, occupied as the New Jersey home for disabled soldiers, embracing all the land bounded by Passaic avenue on the west, Belgrove drive on the east, Bergen avenue on the south, and Afton street on the north, excepting, however, that portion of the tract embracing the whole front on Afton street to the depth of about ninety feet;

AND WHEREAS, The use of these lots by the erection thereon of buildings to be occupied as dwellings, with necessary out-houses, stables, or for other purposes, would greatly menace by their contiguity and danger from fire the property owned by the state and the lives and health of the inmates of the said home;

AND WHEREAS, The ownership of this tract of land is necessary not only for the immediate purposes for

which the home was created, but to provide the accommodations demanded by the action of the legislature in providing for the admission to said home of the disabled veterans of the Spanish-American war;

AND WHEREAS, A previous legislature authorized the purchase of the said tract of land, which legislation failed of its purpose by reason of inadvertence in preparing the description of said property; and owing to the imperative needs for increased acommodations to meet the demands upon said home, the board of managers has secured a limited time option giving the state of New Jersey the right to purchase said tract of land from the owners thereof for the total sum of fourteen thousand seven hundred dollars; therefore,

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

Authorizing purchase of land.

1. The board of managers of the New Jersey home for disabled soldiers at Kearney be and it is hereby authorized and directed by and on behalf of and in the name of the state of New Jersey to purchase, at a price not exceding fourteen thousand seven hundred dollars, the said tract of land more particularly described as follows: Beginning at the southwesterly corner of Belgrove drive and Afton street, and thence running along said Belgrove drive south, thirty-two degrees and eighteen minutes west, ninety feet and fifty-six hundredths of a foot to a corner of land belonging to the state of New Jersey; thence along line of said land of the state of New Jersey north, fifty-one degrees and twenty minutes west, eight hundred and fifty-eight and fifty-two hundredths of a foot to Passaic avenue; thence running along Passaic avenue north, thirty-four degrees and twenty-five minutes east, ninety feet and twenty-four hundredths of a foot to Afton street aforesaid, and thence along said Afton street south, fifty-one degrees twenty minutes east, eight hundred and fifty-five feet and seventeen-hundredths of a foot to Belgrove drive and place of beginning, being known as lots numbers thirty-five to sixty-six, inclusive, on block P, as shown on map of Kearney Park, situated in Kearney, Hudson

Boundaries.

county, New Jersey, surveyed by Francisco and Barkhorn, April, one thousand eight hundred and ninety-one.

Amount authorized.

2. That the sum of fourteen thousand seven hundred dollars be and the same is hereby authorized to be expended in lieu thereof for the purchase of the said property, and the treasurer of the state is hereby authorized and directed to pay the same to the owner or owners of the said property upon receiving a deed or deeds conveying a clear title to the state of New Jersey of the said lands, the same to be approved by the attorney-general; *provided*, no moneys shall be available for the purposes of this act until the same have been appropriated in the annual appropriation bill.

Proviso.

3. This act shall take effect immediately.

Approved March 19, 1901.

CHAPTER 57.

An Amendment to an act entitled "An act respecting the paving and re-paving of streets, avenues and public highways in cities of the first class in this state, and providing for the payment of assessments for especial benefits to property benefited thereby and the payment of contractors supplying the work and material therefor," approved March twenty-first, 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 one of the act to which this is an amendment shall be and the same is hereby amended so as to read as follows:

Manner of making payments for improvements.

1. That when the board or body having control of the streets and highways of any city of the first class of this state shall by ordinance provide for the paving or re-pav-

ing of any street, avenue or public highway in such city under the provisions of this act, and shall enter into a contract for the work and material or any part thereof necessary or convenient for carrying out the provisions of such ordinance and for the performance of the work therein provided for, it shall be the duty of such city to pay for such work and material in the manner following: twenty-five per centum of each payment made pursuant to the terms of every such contract may be paid in current funds from the capital fund account for paving and re-paving in such city, or from such other fund as may be provided therefor; the remaining seventy-five per centum shall be paid in current funds from the sale of temporary loan bonds to be issued by the common council or other body having charge of the finances of such city and which bonds shall upon their face indicate that they are issued for street paving and re-paving; and it shall be the duty of the proper officers of such city to keep a record of all temporary loan bonds issued under the authority of this act and the time and place of payment both of principal and interest, and make proper provisions for the payment of the same as herein provided; said bonds shall bear interest at a rate not exceeding five per centum per annum.

2. This act shall take effect immediately.

Approved March 19, 1901.

CHAPTER 58.

A Further Supplement to an act entitled "An act to authorize the acquisition of real estate and the erection of buildings thereon for the use of the police departments in the cities of this state," approved April eighth, one thousand eight hundred and eighty-nine.

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

Limit of expenditure.

1. Should the amount of one hundred and twenty thousand dollars provided for in the supplement approved March ninth, one thousand eight hundred and ninety-two, to the act to which this is a further supplement, as the limit of expenditure for the purpose of carrying out the provisions of said acts, be insufficient to acquire the additional accommodations for the precinct station-house or police station-houses for the use of the police departments of any such city as contemplated by said acts, that then and in such case the board having charge and control of the finances in any such city may increase such appropriation from time to time, upon the request of the board having control of the police department in any such city, to an amount not exceeding in the aggregate the sum of one hundred and fifty-five thousand dollars, which sum shall be the limit of expenditure under said act.

Annual sum in tax levy.

2. At least the sum of ten thousand dollars shall be raised in each and every year hereafter by the tax levy for such city and applied by the board having charge and control of the finances in such city to the payment of bonds issued or to be issued under this act and the acts of which this is a supplement, until said bonds have been paid and satisfied.

3. This act shall take effect immediately.

Approved March 19, 1901.

CHAPTER 59.

A Supplement to the act entitled "An act concerning townships" (Revision of one thousand eight hundred and ninety-nine), 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:*

Township not divested of rights.

1. No part of the act to which this is a supplement shall be held or construed to divest any township in which a system of sewerage or drainage, or both, has been established and in which assessments have heretofore been made of the benefits or a part of the benefits conferred on any real estate in said township by such improvement, of any of the rights, powers or privileges in relation to the erection, maintenance and extension of said system or any part thereof, which the said township had prior to the said act.

Proceedings as heretofore.

2. Any township having established such a system and made assessments therefor, as set forth in the preceding section, may proceed in the same manner as before the passage of the said act to complete or extend the said system and to assess the costs and expenses thereof on the property specially benefited thereby.

Repealer.

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

4. This act shall take effect immediately.

Approved March 19, 1901.

CHAPTER 60.

A Supplement to an act entitled "An act to encourage the establishment of mutual loan, homestead and building associations," approved February twenty-eighth, one thousand eight hundred and forty-nine, and the supplements thereto (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:*

Validating certain proceedings.

1. All the bona fide acts of and securities taken and held by any association incorporated and acting under the act to which this is a supplement, which has heretofore regularly adopted a change of name and operated under its new name, without, however, having properly recorded and filed its certificate of change of name in the office of the county clerk of the county in which such association is located, are hereby ratified and confirmed and made valid as fully as if said certificate of change of name had been duly recorded and filed; *provided, however,* any such association which has not heretofore recorded and filed its certificate of change of name shall do so within ninety days after the passage of this act, and also transmit to and file a certified copy of such certificate in the office of the commissioner of banking and insurance immediately thereafter.

Proviso.

2. This act shall take effect immediately.

Approved March 19, 1901.

CHAPTER 61.

An Act to amend an act entitled "An amendment to an act entitled 'An act to provide for the autonomy of certain cities in this state which have been created out of townships whose officers have continued to exercise their functions within the corporate limits of such cities,'" approved February twenty-fifth, one thousand eight hundred and ninety-five, which amendment was approved March seventh, one thousand eight hundred and ninety-five.

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

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

Act amended.

1. Section seven of an act entitled "An act to provide for the autonomy of certain cities in this state which have been created out of townships whose officers have continued to exercise their functions within the corporate limits of such cities," approved February twenty-fifth, one thousand eight hundred and ninety-five, be and the same is hereby amended so as to read as follows:

Repealer.

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

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hereafter apply to all such townships of this state and to any city situate in any such township; *and provided further,* that all officers of every such township (except justices of the peace), resident within the territorial limits thereof as constituted before the operation of this act upon the same, shall hold their respective offices for and during the full terms for which they were respectively elected.

Proviso.

Approved March 19, 1901.

CHAPTER 62.

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, and providing for the incorporation and management of congregations or parishes of the Protestant Episcopal church in this state, and repealing sundry acts and parts of acts relating to religious societies, in so far as they affect or relate to the Protestant Episcopal church or congregations or parishes thereof.

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

May become body corporate.

1. Any congregation or parish of the Protestant Episcopal church in this state, duly organized in accordance with the constitution and canons of said church, may become a body corporate in manner following:

Method.

A meeting shall be called by a notice, signed by the minister, if there be one, and five male members of full age, and read during public service at the usual place of worship on two successive Sundays next preceding, designating the time and place of such meeting, and the object for which it is called;

Only such persons as are qualified in accordance with the constitution and canons of the Protestant Episcopal church, in the diocese in which said parish is located, shall be entitled to vote or act as officers at the meeting, and at least five qualified voters shall be present in order to constitute a quorum; all questions shall be decided by a vote of the majority of those present;

The congregation having met at the time and place appointed, the minister shall preside; but if he be absent from the meeting, or if there be no minister in charge of said congregation, some other person shall be chosen to act as chairman; the presiding officer shall be the judge of the qualification of voters, shall receive the votes and declare the result; a secretary shall be chosen to record the proceedings;

The meeting shall determine, by ballot, whether such congregation shall become incorporated, and if the decision be in favor of incorporation, then the meeting shall determine further:

(1) The corporate title, which shall be in form as follows: "The rector, wardens and vestrymen of..... church in....."

(2) The date of the annual meeting, which shall be some secular day in the week beginning with the first Sunday in Advent;

(3) The number of vestrymen, which shall be three, six or nine;

The meeting shall then elect, by ballot, two wardens, one to hold office until the first annual meeting, and the other to hold office until the second annual meeting; and shall in like manner elect the number of vestrymen determined upon, one-third to hold office until the first annual meeting, one-third until the second annual meeting, and one-third until the third annual meeting.

Certificate filed with county clerk.

2. A certificate shall be executed, under the hands and seals of the chairman and secretary of the meeting, and acknowledged or proved in the same manner as deeds of conveyance of real estate are required to be acknowledged or proved, which certificate shall set forth:

(1) That the said meeting was called and organized as herein above provided;

(2) The name assumed as the corporate title;
(3) The day fixed for the annual meeting;
(4) The number of vestrymen;
(5) The names of the persons elected as wardens and vestrymen, with the term of office of each;

Said certificate shall be forthwith filed and recorded in the office of the clerk of the county in which said parish is located; whereupon the said wardens and vestrymen, together with the rector, shall be a body corporate and politic, with perpetual succession, and shall constitute the trustees and the vestry of the said parish.

General powers.

3. Any parish of the said Protestant Episcopal church, duly incorporated hereunder, or under any other act or charter or letters patent, may sue and be sued, complain and defend in any court of law or equity; may make and use a common seal, and alter the same at pleasure; and may make by-laws not inconsistent with the constitution or laws of the United States, or of this state, or of the said Protestant Episcopal church.

Acquire and hold real estate.

4. Any such corporation, notwithstanding any restriction contained in its charter, letters patent, act of incorporation, or certificate of organization, may acquire, purchase, receive, have and hold any real estate which it may deem necessary and expedient in trust for the use of said congregation, provided the same shall not be used by the corporation for any other purpose than the rendering and maintaining in any building now or hereafter erected upon such real estate, the worship of Almighty God, and the furtherance of religion, according to the doctrines, discipline and worship of the said Protestant Episcopal church, or for education or administration of charity to the bodies or souls of men, or for any other use that may be according to the constitution and canons of said church, and may sell, grant, mortgage, demise or dispose of such real estate as it may deem necessary and expedient; *provided,* that no sale, conveyance or mortgage of any real estate other than burial lots in churchyards or cemeteries, and no lease for a longer term than one year, shall be made by such corporation, without the previous written consent of the

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bishop, and of a majority of the standing committee of the diocese within which the said corporation is located, or in case of a vacancy in the office of bishop, or of his absence from the diocese, then of a majority of the standing committee, which consent shall be acknowledged or proved and recorded with the deed, lease, mortgage or instrument of conveyance, and without such consent such sale, conveyance, mortgage or lease shall be void; and such corporation may acquire, purchase, receive, have and hold any legacies, donations, moneys, goods and chattels, in trust for the use of said congregation to an amount in value not exceeding two thousand dollars a year, and may sell, alien and dispose of the same;

Concerning legacies, donations, &c.

But this restriction shall not be construed as depriving any such corporation of the right to increase the amount of property it may hold or enjoy by proceedings taken under the act entitled "An act to authorize corporations organized for religious, educational or benevolent purposes to procure an increase of their capacity to acquire and hold real and personal property," approved March twenty-seventh, eighteen hundred and eighty-nine.

Restriction construed.

5. The rector shall be a member and the presiding officer of every such corporation, but if there be no rector, the wardens and vestrymen shall constitute the said corporation, and one of the wardens shall be elected the presiding officer; a clerk or secretary, who shall be one of the vestrymen, and a treasurer shall be elected annually by the vestry, in such manner and subject to such restrictions as may be provided for by the by-laws.

Corporation how constituted.

6. When a vacancy shall occur in the office of rector, by death, removal or otherwise, the wardens and vestrymen, two-thirds of them concurring in the choice, may, subject to the constitution and canons of the Protestant Episcopal church in the United States, and of the diocese in which said parish is located, choose some fit person, duly qualified, to be rector of said parish.

Vacancies.

7. Meetings of the vestry shall be called on at least twenty-four hours' notice—

Meetings, how called.

(1) By the rector at any time;

(2) If there be no rector, or if the rector be absent from the diocese for three calendar months, or be incapable of acting, or if the rector has refused to call such meeting within one week after the receipt of a request signed by a majority of the members of the vestry, then by the wardens;

(3) In case of failure of the wardens to call such meeting within one week after the receipt of such request, then such meeting may be called by a majority of the members of the vestry.

Quorum. 8. To constitute a quorum of the vestry there must be present either:

(1) The rector, one of the wardens and a majority of the vestrymen, or

(2) The rector, both wardens and one less than a majority of the vestrymen, or

(3) The rector and two-thirds of the vestrymen, or

(4) If the rector be absent from the diocese, or incapable of acting, and shall have been so absent or incapable for more than three calendar months, or if the meeting be called by the rector and he be absent therefrom, or if the meeting be called by the wardens or vestrymen and the rector be absent therefrom, one warden and a majority of the vestrymen, or both wardens and one less than a majority of the vestrymen;

Proviso. *Provided, however,* that if there be a rector called to or settled in the parish, no action shall be taken in his absence, relating to or affecting the personal or exclusive rights of the rector, or to the alienation of the capital or principal of any investments held by the corporation, or to the sale of the real estate, or to the encumbrance thereof, except as may be necessary for ordinary repairs.

Annual election. 9. The annual election of any such parish hereafter incorporated, shall be held on such secular day in the week, commencing with the first Sunday in Advent, as may be designated in its certificate of incorporation; the annual election of any such parish heretofore incorporated shall be held on the day fixed by its charter or certificate of incorporation, but if no date shall have been so fixed, then on the Monday following the first Sunday in Advent;

Notice of. Notice of the time and place of the annual election shall be given by an advertisement set up in open view at the door of the church or usual place of worship, ten days previously to such election, and shall also be read by the rector or officiating minister on the two Sundays next preceding such election, in time of public service;

How conducted. The rector shall preside, with the right to vote, or in the event of his absence, or if no rector be settled in the parish, the meeting shall choose one of the wardens, or if neither of the wardens be present, one of the vestrymen, or if no vestryman be present, then some duly qualified voter to act as chairman; the secretary of the vestry, or in his absence some person appointed by the chair, shall enter the proceedings in the minute book of the vestry, and shall sign the same together with the chairman; the qualifications for voters, and for such officers as may be elected by the meeting, shall be as provided from time to time by the constitution and canons of the Protestant Episcopal church in the diocese in which any such parish may be located; the chairman shall be the judge of the qualifications of the voters, shall receive the votes and declare the result; the election shall be by ballot, and the polls shall remain open for one-half hour, and for such longer time as may be required to receive the ballots of such persons as may be present and ready to vote; three persons shall constitute a quorum;

Who elected. At each annual election of any such parish hereafter incorporated, one warden shall be elected to hold office for two years, or until his successor is chosen, and one-third of the total number of the vestrymen shall be elected to hold office for three years, or until their successors are chosen; at each annual election of any such parish heretofore incorporated, both wardens and all the vestrymen shall be elected to hold office for one year or until their successors are chosen, unless otherwise provided in their charter or certificate of incorporation.

Filling vacancies. 10. In the event of a vacancy in the office of warden or vestryman, caused by the failure of any candidate to receive a majority of the votes cast, such vacancy shall be filled at a special meeting of the parish, forthwith

called, and conducted as hereinafter provided, and in the event of a vacancy caused by the death, resignation, removal or incapacity, or refusal to serve of any duly elected warden or vestryman, such vacancy may be filled by the vestry until the next annual meeting.

Special meetings.

11. Special meetings of the parish for any of the purposes as elsewhere provided for in this act, may be called by the rector at any time, or if there be no rector, by the wardens, the same notice being given as hereinabove provided for the annual election, but such notice shall specify the object for which the meeting is called, and no vote shall be taken upon any question not specified in the notice; such special meetings shall be conducted in all respects in the same manner as the meetings for the annual election, but the votes may be counted and declared forthwith upon any question excepting the election of wardens or vestrymen.

May change title, &c.

12. Any incorporated parish of the Protestant Episcopal church, whether incorporated by special charter or letters patent, or under any general or special act of the legislature, may change its corporate title, the number of its vestrymen, the term of office of its wardens and vestrymen, or the date of its annual meeting; *provided,* that such changes shall in all respects conform to the requirements of this act made with respect to parishes hereafter incorporated, and shall be made in the following manner:

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Notice of intent.

A meeting of the vestry shall be called and held in the manner hereinabove provided, except that at least one week's notice, stating the object thereof, shall be given to each member; and if the vestry, by a vote of two-thirds of all the members thereof, shall recommend such change or changes, a special parish meeting shall be called, in the manner hereinbefore provided; and if the said meeting of the parish shall, by a two-thirds vote of those present, balloting separately upon each change proposed, ratify the recommendations of the vestry, then a certificate shall be executed by the rector and secretary, in the same manner as hereinbefore provided for the execution of the certificate of incorporation, and shall be

immediately filed and recorded in the office of the clerk of the county in which said parish is located; and the change shall take effect when such certificate has been so filed and recorded. Amendments filed.

13. If two or more incorporated parishes of said church desire to consolidate and become one parish, a meeting of the vestry of each parish may be called by the rector or wardens, one week's notice being given to each member; and if each vestry shall, by a vote of three-fourths of all the members thereof, determine that such consolidation is advisable, a further resolution shall be adopted by a like vote, requesting the consent of the bishop and standing committee of the diocese in which said parishes are located; such consent shall be given in writing, signed by the bishop and a majority of the standing committee, and acknowledged or proved in the same manner as deeds of conveyance of real estate are required to be acknowledged or proved, and shall be filed and recorded with the certificates hereinafter mentioned: Union of parishes.

A special meeting of the congregation of each parish shall then be called, and conducted in the manner hereinbefore provided, and each meeting shall determine, by a vote of three-fourths of those present balloting separately upon each question: Consider each question separately.

(1) Whether such consolidation be advisable; and if the determination be favorable, then

(2) Whether the consolidated parish shall act under the charter of any one of the consolidated parishes, or under a new certificate of organization;

(3) The corporate title of the consolidated parish, which may be identical with the name of the parish whose charter has been adopted; but if no such charter be adopted, or if any change be made in the corporate title, it shall be in the form hereinabove provided for determining the title of new parishes;

(4) The date of the annual meeting, which shall be identical with the date of the annual meeting of the parish whose charter has been adopted, or some secular day in the week beginning with the first Sunday in Advent;

(5) The number of vestrymen, which shall be identical with the number fixed by the charter adopted, or if any change be made, shall be three, six or nine;

(6) The wardens and vestrymen, who shall be chosen, either in accordance with the provisions of the charter adopted, or as is hereinabove provided for new parishes;

Contents of certificate.

A certificate shall then be made by the rector and secretary of each parish, and executed and acknowledged in accordance with the requirements of this act with reference to new parishes, which certificate shall set forth:

(1) The meeting and action of the vestry;

(2) That the bishop and a majority of the standing committee have consented;

(3) The meeting of the congregation, and its action upon the questions hereinabove required to be determined;

Filed with county clerk.

All of said certificates, with the consent of the bishop and standing committee, shall be filed and recorded together forthwith in the offices of the clerks of the counties or county in which said parishes so consolidated are located; whereupon the said consolidated parish shall immediately become vested with all the temporalities and property, both real and personal, of the parishes so consolidated.

Extinct parishes.

14. When any incorporated parish or congregation has or shall become extinct, it shall be lawful for the convention of said church which has ecclesiastical jurisdiction over the said parish to declare the same extinct, and thereupon the property of the said parish shall vest in the said diocesan convention, provided the same has been duly incorporated, as trustees, in trust for the same religious purposes and with the power of disposition and sale to the same extent as the same vested or would have vested in the rector, wardens and vestrymen of the parish; *provided, however,* that this act shall not affect the reversionary interest of any person or persons in such property; *and provided further,* that the proceeds of any sale shall be invested as a separate fund, applied

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only to such religious or charitable use connected with the church as the convention may direct, and in case the parish be afterward revived, the convention may at its discretion transfer the said property or fund thereto, and thereupon the duties and powers of the convention as trustees over the said property shall cease.

"Parish" same as "congregation."

15. The word "parish" when used in this act shall be construed to be equivalent to "congregation" whenever necessary to carry out the object and intent of the act.

Preamble.

WHEREAS, the foregoing provisions of this act, or some of them, are inconsistent with, or intended to replace existing acts relating to, the incorporation and management of congregations or parishes of the Protestant Episcopal church in this state, which existing acts affect as well the congregations or parishes of the Reformed Episcopal church, or other congregations or churches; *and whereas,* it is desirable to repeal the said acts as far as they affect the Protestant Episcopal church, and are inconsistent with or intended to be replaced by the foregoing provisions of this act, but it is not desired by such repealer to affect the congregations or parishes of the Reformed Episcopal church or other churches; therefore,

Sundry acts repealed.

16. The following several acts and parts of acts are hereby repealed as far as they affect or relate to the Protestant Episcopal church or the congregations or parishes thereof:

(1) Sections twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six and thirty-seven of "An act to incorporate trustees of religious societies" (Revision), approved April ninth, one thousand eight hundred and seventy-five;

(2) "A supplement to an act entitled 'An act to incorporate trustees of religious societies,' approved April ninth, eighteen hundred and seventy-five," which supplement was approved March eighth, one thousand eight hundred and seventy-seven, and is chapter 56 of session laws of that year;

(3) "A supplement to an act entitled 'An act to in-

corporate trustees of religious societies' (Revision), approved April ninth, one thousand eight hundred and seventy-five," which supplement was approved March ninth, one thousand eight hundred and seventy-seven, and is chapter 94 of the session laws of that year;

(4) Section three of "A supplement to an act entitled 'An act to incorporate trustees of religious societies,' approved April ninth, eighteen hundred and seventy-five," which supplement was approved March ninth, one thousand eight hundred and seventy-seven, and is chapter 117 of the session laws of that year;

(5) "A suplement to an act entitled 'An act to incorporate trustees of religious societies' (Revision), approved April ninth, one thousand eight hundred and seventy-five (title Protestant Episcopal)," which supplement was approved March twenty-second, one thousand eight hundred and eighty-three, and is chapter 98 of the session laws of that year;

(6) "A supplement to an act entitled 'An act to incorporate trustees of religious societies,' approved April ninth, one thousand eight hundred and seventy-five," which supplement was approved April fourth, one thousand eight hundred and ninety-one, and is chapter 166 of the session laws of that year;

(7) "An act to amend an act entitled 'A supplement to an act entitled "An act to incorporate trustees of religious societies," approved April ninth, one thousand eight hundred and seventy-five,' which supplement was approved April fourth, one thousand eight hundred and ninety-one," approved May twenty-second, one thousand eight hundred and ninety-four, and is chapter 315 of the session laws of that year;

(8) "An act to repeal an act entitled 'An act to amend an act entitled "A supplement to an act entitled 'An act to incorporate trustees of religious societies,' approved April ninth, one thousand eight hundred and seventy-five,' which supplement was approved April fourth, one thousand eight hundred and ninety-one," which amendatory act was approved May twenty-second, one thousand eight hundred and ninety-four,"

which repealing act was approved March twenty-third, one thousand eight hundred and ninety-six, and is chapter 68 of the session laws of that year;

(9) "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," which supplement was approved March twenty-second, one thousand eight hundred and ninety-eight, and is chapter 88 of the session laws of that year;

(10) "An act to enable churches to change their corporate names or titles," approved March eleventh, one thousand eight hundred and seventy-four, and is chapter 186 of the session laws of that year;

(11) "A supplement to an act entitled 'An act to enable churches to change their corporate names or titles,' approved March eleventh, one thousand eight hundred and seventy-four," which supplement was approved April twelfth, one thousand eight hundred and eighty-six, and is chapter 151 of the session laws of that year;

(12) "An act to authorize churches and other religious societies to change the time of holding their annual meeting," approved March twenty-second, one thousand eight hundred and eighty-three, and is chapter 100 of the session laws of that year;

(13) "An act authorizing religious corporations incorporated by general or special acts of the legislature, to change their names and modify their terms of incorporation," approved March fourteenth, one thousand eight hundred and ninety-three, and is chapter 162 of the session laws of that year.

17. This act shall take effect immediately.

Approved March 20, 1901.

CHAPTER 63.

An Act to authorize any town or 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 necssary for that purpose, to vacate, change the grade of, or alter the lines of any streets or highways therein.

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

Municipalities may contract with railroads to abolish grade crossings.

1. The proper municipal authorities respectively of any town or city of this state be and they are hereby authorized and empowered to enter into such contracts with any of the railroad companies whose roads now or hereafter may enter or lie within their respective towns or cities, as shall secure greater safety to persons and property therein, or facilitate the construction and maintenance of other than grade crossings of streets or highways, whereby the said railroad companies or any of them may locate, re-locate, change, alter grades of, depress or elevate their railroads within said towns or cities or either of them, as in the judgment of such municipal authorities respectively may be best adapted to secure the safety of lives and properties, or to provide for other than grade crossings of streets or highways therein, or to promote the interest of said towns or cities respectively, and for that purpose shall have power to open, vacate, alter the lines or change the grades of any streets or highways or any part thereof within said towns or cities or either of them, and to do all such acts as may be necessary and proper to effectually carry out such contracts.

Provision for costs.

2. Said town or city shall provide the money necessary to do the work and make the payments required by

any such contract, by the levy of a general tax for one or more years, or by the issue and sale of bonds of such town or city, to run not exceeding ten years at a rate of interest not exceeding five per centum per annum; such town or city shall have power, by annual taxation or otherwise, to provide a sinking fund for the retirement of said bonds.

3. This act shall take effect immediately.

Approved March 20, 1901.

CHAPTER 64.

An Act to establish public parks in counties in this state, and to provide for the acquirement, improvement and regulation of the same.

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

1. In any county of this state there shall be elected at large in such county, four commissioners, to be known as "the county park commission" (inserting in said title the name of such county), who shall hold office for the term of two years from the first Monday in December next after their election, and until the election and qualification of their successors; such persons so elected, when duly qualified, constituting such board of park commissioners, and their successors, are hereby created a body politic, with power to sue and be sued, to use a common seal, and to make by-laws; before entering upon the duties of his office each of the members of said board shall take and subscribe an oath or affirmation faithfully and impartially to perform the duties of his office, which oath or affirmation shall be filed in the office of the clerk of the county wherein the board of which he is a member is elected; every such board shall annually choose from among its members a president,

Board of park commissioners.

General powers.

Officers.

vice-president and treasurer, and appoint a clerk or secretary and 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; every such board shall have a suitable office where its maps, plans, documents, records and accounts shall be kept, subject to public inspection, at such times and under such reasonable regulations as the board may determine.

Office.

Election.

2. Such commissioners shall be elected at the election to be held for members of the general assembly of this state next succeeding the date of this act, and the proceedings touching the nomination and election of such commissioners shall conform, in all respects, to the method of nominating and electing members of the general assembly of this state; they shall be voted for on the same ticket, but no voter shall, at any election, vote upon his ballot for more than two commissioners of such board, and upon the canvass of the election the four persons receiving the highest number of votes for such position shall be declared elected, and the clerk of such county shall, on the qualification of such commissioners, give to each a certificate of his qualification and election.

Organization; compensation.

3. Said commissioners shall meet for organization on the first Monday in December next succeeding the date of their said election; and the said commissioners shall each receive as full compensation for all services to be performed under the provisions of this act, the sum of fifteen hundred dollars per annum.

Vacancies.

4. In case of the death, resignation or disability of any member of said board, then such office shall be deemed to be vacant, and the said board, by resolution, shall fill such vacancy by the appointment of a commissioner, who shall belong to the same political party as such person so dying, resigning or under such disability, belonged to at the time of his election; and such person shall be appointed for the unexpired term only.

Powers, duties, &c.

5. Every such board shall have power to acquire,

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

Right of eminent domain.

Construct roads, &c.

power and authority to determine and to prescribe in the case of any new parkway or boulevard laid out and opened by such board, the lines for the frontage of any and all buildings to be located on the lands fronting on such new parkway or boulevard; *provided, however,* that the concurrence of the common council or other body having authority over highways shall be necessary to take or appropriate any portion of an existing street or road.

Proviso.

Surveys of lands to be acquired.

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

Proviso.

In case of disagreement commissioners appointed by court.

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

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

Commissioners' duties.

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

When owner absent from state.

Proviso.

interests therein, to the next circuit court of the county wherein the said lands are situate.

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

Appeal from award.

Jury trial.

Judgment.

duty of the court to order the moneys so paid into court applied to the payment of the said judgment, and the surplus, if any, repaid to the said board.

Additional powers.

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

Notice of condemnation.

10. Whenever the said board shall determine to open and lay out a boulevard, parkway or roadway, or to make any improvement thereof which shall require the condemnation of lands or rights in lands, the said board shall give notice by publication, at least ten days, in one or more of the newspapers circulating in the county, wherein the lands to be condemned are situate of its intention to apply to the circuit court of the said county for the appointment of three disinterested commissioners to make an appraisement of the value of the lands and rights in lands necessary to be taken in the judgment of the said commissioners, and the damages occasioned thereby, for the opening and laying out of any boulevard or roadway, or for the improvement thereof; and also to ascertain, fix and determine the amount of the special benefits which the laying-out of the said street or the improvement thereof will confer upon any owner of property benefited thereby; and at the time and place specified in such notice the said court shall appoint three disinterested freeholders resident in said county to make a just and true appraisement of the value of the lands or rights in lands to be condemned and taken by the said board, for the purposes specified in the said notice and damages, and also to make a just and true estimate and appraisement of the special or peculiar benefits which the opening of any such boulevard, parkway or roadway, or the improvement thereof, may confer upon any owner or property benefited thereby, in proportion, as nearly as may be, to the benefit which

Commissioners appointed.

Appraisement by freeholders.

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

Hearing.

Damages and benefits assessed.

Hearing objections.

Reports revised until confirmed by court.

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

Compensation and expenses.

Proviso.

Deduct and set off benefits.

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

Collection of award by suit.

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

Collection of assessments.

13. It shall be lawful for the said board to collect the assessments for benefits so made as aforesaid, either by a suit in an action in debt in the name of the said board against the person or persons from whom such assessment is due, together with the costs of making the same, and interest at the rate of six per centum per annum from the date of confirmation, or by a sale of the property benefited, or by both of the said remedies, which are to be cumulative and every such assessment shall be a first lien upon the property benefited as ascertained by the said commissioners, to the amount of the assessment so made as aforesaid, with the interest and cost from the date of confirmation of such assessment.

Proposed improvements.

14. Whenever said board shall determine to make any improvement of any part or section or of the whole of a parkway or boulevard theretofore laid out or opened by said board, which improvement may consist in grading, or in any manner of paving or surface construction or in planting with trees or shrubbery, or in any one or more, or in all of the items of construction or improvement which are or may be authorized by law, the said board shall give notice by publication at least ten days in one or more of the newspapers circulating in the county wherein the lands to be condemned are situate, of its intention to apply to the circuit court of the said county for the appointment of three disinterested commissioners to ascertain, fix and determine the amount of the special benefits which the improvement determined upon and specified or described in such notice will confer upon any property benefited thereby; and at the time and place specified in such notice the said court shall appoint three disinterested freeholders, resident in said county, to make a just and true estimate and appraisement of the special or peculiar benefits which the said improvement may confer upon any property benefiited thereby in proportion, as nearly as may be, to the benefit which each property may be deemed to acquire; and the said commissioners, when so appointed, shall forthwith take and subscribe an oath or affirmation faithfully and impartially to perform the duties imposed

Estimate of benefits.

upon them by law, and such oath or affirmation shall be filed in the office of the clerk of said county; and the said commissioners shall fix a time and place when they will hear the persons interested in the property and in the benefits to be conferred by the proposed improvement, of which time and place public notice shall be given by the said commissioners, for at least ten days prior to the day of meeting, in two or more of the newspapers published and circulated in the said county; and after having viewed the premises and heard the parties interested, the said commissioners shall proceed to ascertain and determine the amount of special or peculiar benefits conferred upon the owners of property benefited by the said opening or improvement in proportion, as nearly as may be, to the benefits which each owner shall be deemed to acquire, and to make report of their assessments to said court; and upon the coming-in of any such report, signed by the said commissioners, or any two of them, the said court shall cause such notice to be given, as it shall direct, of the time and place of hearing any objections that may be made to such assessment; and after hearing any matter which may be alleged against the same the said court shall, by rule or order, either confirm the said report or refer the same to the same commissioners for revision and correction; and the said commissioners shall return the same, when referred to them again, corrected and revised, or make new report thereof to the said court without unnecessary delay; and the same, on being so returned, shall be confirmed or again referred by the said court in manner aforesaid, as right and justice may require, and so from time to time until a report shall be made or returned in the premises, which the said court shall confirm; and such report, when so confirmed, shall be final and conclusive as well upon the said board of commissioners as upon the owners of any land and real estate or rights therein affected thereby, and the said court shall thereupon cause said report so confirmed to be filed in the office of the clerk of said county, there to remain of record; and the said court shall have power and authority to make such rules for the regulation of the practice and

procedure under this act as shall be deemed expedient and consistent with its provisions; the said court shall, upon application made by the said board or on its behalf, fix and determine the compensation to be paid the commissioners so appointed, and allow any other expenses necessarily incurred in making any such assessment, all which shall be paid by the said board of park commissioners; *provided, however*, that the cost and expense of making any assessment for benefits, including the fees of commissioners, may be included in making up the entire cost for the purpose of such assessment. Proviso.

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

Assessments a lien.

Collection of arrearage.

Public advertisement.

Sale.

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

In case of non-payment; re-sale.

Certificate of sale.

Certificate may be assigned.

Redemption of lands.

deliver to the purchaser, his legal representatives or assigns, a declaration of sale, to be executed in the same manner as the certificate of sale, and to be duly proved or acknowledged, stating therein briefly the facts of said assessment, advertisement and sale, giving a short description of the lands and real estate sold, and the time for which the same was sold; said declaration of sale shall be recorded in the books of the said board, and also in the record of deeds in the office of the register of said county; and until the recording of such declaration the time for redeeming said lands and real estate shall remain open, notwithstanding the expiration of the said term; every such declaration of sale shall be presumptive evidence in all courts and places that such sale and proceedings were in all respects regular and according to law; and such purchaser or purchasers, his, her or their legal representatives, shall, by virtue thereof, lawfully hold and enjoy such lands and real estate, with the rents, issues and profits thereof, for his, her or their own proper use against the owner or owners thereof, and all persons claiming under them, until the said term mentioned in the said declaration shall be fully completed and ended; every such purchaser so holding shall be liable for any injury or waste done or committed in the same manner and to the same extent as a tenant for years, but no mortgagee whose mortgage shall have been recorded or registered before any such sale shall be divested of his rights in and to the said lands and real estate, unless after notice shall have been given to him by any such purchaser for a period of six months (such notice to be in writing), such mortgagee shall neglect to redeem the said lands and real estate by paying the amount actually paid by such purchaser, including taxes, and including assessments subsequently made, with interest at the rate of six per centum from the date of payment, and also any costs or charges which he may have been by law obliged to pay; notice to every such mortgagee shall be served personally if he is a resident of the said county, if not, it shall be addressed to him by mail at his place of residence, as stated in the said mortgage or any assignment thereof; every such mort-

Declaration as evidence of sale.

Liability of purchaser.

Regarding mortgagee.

gagee holding a lien on lands sold, redeeming as aforesaid, may collect the amount paid as a part of the debt due, and every such person shall be entitled to receive and hold by assignment the declaration of sale as evidence of such payment, and as further security for the repayment of the sum so paid with interest.

Lands bought in by board.

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

Expenses met by issuing bonds.

17. To meet the expenses incurred under the provisions of this act in addition to the sum of money received from benefit assessments as herein provided and otherwise, the board of chosen freholders of the said county shall, from time to time, on the requisition of the said board of park commissioners, in the name and on the credit of the said county, borrow money by issuing the bonds of said county to a sum in the aggregate

Amount.

not exceeding one and one-fourth per centum of the assessed value of all the property real and personal in said county liable to taxation for county purposes, such

Term; rate.

bonds to run for a term not exceeding fifty years, to bear interest at a rate not to exceed four per centum, payable semi-annually; such bonds shall not be sold or disposed of at less than their par value, and may be made payable at any place which the said board of chosen freeholders may determine, and they shall also

Sinking fund.

determine the form of the bond; a sinking fund shall be established by the said board of chosen freeholders on the issuing of any such bonds sufficient, with the accumulations thereof, to extinguish the principal of the said bonds so issued when due; the interest and principal of all bonds issued under the authority of this act shall be the debt or obligation of the county wherein they are

issued, and the payment thereof shall be provided for by taxation in the same manner that other debts and obligations of the county are provided for by taxation.

Provision for principal and interest.

18. It shall be the duty of the board of chosen freeholders of such county to provide for the care of such fund, and it shall be the duty of the officers of the county charged by law with the raising of moneys for county purposes to provide annually in the tax levy for the interest which may fall due during the succeeding year on any bonds issued under the authority of this act, and also each year to provide by taxation a fund sufficient, with the amount received from benefit assessments by the said board of park commissioners which shall be turned over for this purpose by said commissioners and the accumulations of the sinking fund thus provided, to pay and extinguish the principal of all such bonds when they mature.

Parks maintained forever.

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

Rules and regulations governing parks.

20. Every such board shall have power and authority to make rules and regulations for the government and use of all such parks, open spaces, boulevards, parkways and roadways, and to enforce the same by prescribing and affixing for the violation thereof suitable penalties, not exceeding fifty dollars for each offense; such rules and regulations shall be plainly printed and posted within such parks and public places or on such boulevard and other highways; and the said board shall have power and authority to sue for and collect the penalty prescribed and affixed for any violation of the rules and regulations so made in an action of debt in any court of competent jurisdiction; all fines and penalties recovered as aforesaid shall be used by the said board for the same purposes and in the same manner as other funds provided for its use.

Municipalities may transfer parks to board of park commissioners.

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

Referendum.

22. None of the foregoing provisions shall take effect in any county until the acceptance or rejection of this act shall have been submitted, as herein provided, to a popular vote; such submission shall be made, and the vote hereinafter provided for taken, at the next general election for members of the general assembly in such county; whenever the board of chosen freeholders in such county shall resolve to submit this act to popular vote in such county at said general election, it shall be the duty of the county clerk, at least ten days before such election, to give public notice by publication in two or more newspapers published and circulating in the county that such submission will be made at the ensuing election, stating briefly the question to be submitted as herein provided, and it shall be the duty of the said clerk to provide ballots sufficient in quantity for the legal voters of the said county, not less than five to each legal voter, as the number of voters appears by the last preceding election, and make distribution thereof as far as practicable, in the manner provided by law for the distribution of other ballots at such election; every such ballot shall contain either the words "for the new park bill" or the words "against the new park bill," and an equal number of each kind of ballots shall be so printed and distributed; and the legal voters of said county may at such election decide upon the acceptance or rejection of this act by the use of such ballots; such ballots shall be cast at such election, separate and distinct from other ballots used at such election, and shall not, except as herein provided, be regulated by the laws regulating ballots used in the election of public officers; such ballots, however, shall be deposited when offered without being

Manner of election.

enclosed in an envelope by any legal voter in the ballot-boxes used at such election for the election of public officers; and all ballots so cast for or against this act shall be counted, and the result thereof returned by the election officers holding such election as herein provided; and the acceptance or rejection of this act shall be determined by the result of such election; and if there shall be found on a canvass of all the votes cast for or against the acceptance of this act a majority of ballots in favor of this act, then this act, but not otherwise, shall take effect immediately in such county; the return and certificate of the result of the votes cast in every election district or voting precinct in such county for and against the acceptance of this act shall be filed forthwith after the close of the said election by the officers conducting the same, with the clerk of the county wherein such election is held; and it shall be the duty of such clerk to tabulate the said returns and canvass the votes so cast in all the election districts in said county and certify upon such tabulated statement the number of votes cast for the acceptance of this act, and the number of votes cast against the acceptance of this act, and he shall file such tabulated statement with his certificate thereon in his office, there to remain of record.

Result filed with county clerk.

23. It shall be lawful for the voters in such county, at the election held for the acceptance or rejection of this act, to elect four county park commissioners for said county under the provisions of this act; but all votes cast for such park commissioners shall be null and void if the provisions of this act shall not be accepted by the voters as aforesaid.

May vote for commissioners at same election.

24. This act shall take effect immediately.

Approved March 20, 1901.

CHAPTER 65.

An Act to amend an act entitled "An act relating to and providing for the government of cities of this state, containing a population of less than twelve thousand inhabitants," approved March twenty-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 nine of the act entitled "An act relating to and providing for the government of cities of this state, containing a population of less than twelve thousand inhabitants," approved March twenty-first, one thousand eight hundred and ninety-nine, be hereby amended so as to read as follows:

Filling of vacancies.

9. That in case of a vacancy by death, resignation, disability, disqualification, removal from office, neglect or refusal to act, removal out of the city or ward, or from any other cause, in any appointive city or ward office, such vacancy shall be filled by the common council by appointment for the unexpired term, and until the appointment and qualification of a successor, and if such vacancy shall occur in any elective city or ward office, except mayor or justice of the peace, the said common council shall fill the same by appointment until the next city election, and until the election and qualification of a successor; such appointees shall during the said term perform like services, be entitled to the same fees, and be subject to the same responsibilities as though electd at the annual election or appointed at the regular time; *provided,* that all resignations shall be sent to the mayor, and he shall report the same to the common council at its next meeting thereafter.

Proviso.

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

Approved March 20, 1901.

CHAPTER 66.

An Act to incorporate the borough of North Haledon, in the county of Passaic.

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 Manchester, in the county of Passaic 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 North Haledon," 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 southeasterly corner of lands of Carl Dietrich where his southerly line intersects the westerly line of the borough of Hawthorne, and running thence (1) westerly along said southerly line of Dietrich to the easterly line of William E. Westervelt; thence (2) northwesterly along the westerly line of said Carl Dietrich to the southerly line of C. W. Thompson; thence (3) southwesterly to the most southerly point of lands of Mrs. Maria Weber, at the junction of the Squaw Brook road and a private road leading northeasterly to the lands of Joseph Bohly; thence (4) northwesterly to the northeasterly corner of lands of Robert Goodbody; thence (5) northwesterly along the northerly line of Robert Goodbody to lands of R. F. Tysen; thence (6) along said northerly line of Robert Goodbody produced, to the easterly line of Wayne township; thence (7) northerly along said easterly line of Wayne township to the Bergen county line; thence (8) easterly along said Bergen county line to the westerly line of the borough of Hawthorne in the county of Passaic; thence

(9) southerly along the said westerly line of the borough of Hawthorne to the place of beginning.

3. This act shall take effect immediately.

Approved March 20, 1901.

CHAPTER 67.

An Act to enable the state of New Jersey to take part in the inaugural parade, at Washington, District of Columbia, on March fourth, one thousand nine hundred and one.

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

Expenses of national guard at presidential inauguration.

1. The governor is hereby authorized and requested to send a suitable representation of the national guard of this state to participate in the military display on the occasion of the inauguration of the president of the United States; and the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated to cover the cost of transportation and other necessary expenses for that purpose; *and provided,* that the services of the representation of the national guard to be selected shall be voluntary, and a sum shall have been first appropriated therefor by the legislature.

Proviso.

2. This act shall take effect immediately.

Approved March 20, 1901.

CHAPTER 68.

An Act to amend 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," approved March twenty-second, one thousand nine hundred.

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

1. Section two of an act entitled "An act to 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," approved March twenty-second, one thousand nine hundred, be amended so as to read as follows: Section amended.

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 Powers and duties. Certain offices abolished. Books, property, &c., turned over.

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 the 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; *provided, however,* that nothing in this act shall be construed to give the said board of water commissioners power to borrow money, or to issue bonds or other obligations, but said power shall continue to be vested in the board or body now having such authority.

Proviso.

Section amended.

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

All powers vested therein except to borrow money.

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, except the power to borrow money and issue bonds and obligations; 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.

3. This act shall take effect immediately.

Approved March 20, 1901.

CHAPTER 69.

An Act to enable any married woman who is a trustee under or executrix of any last will and testament of any person, or who is an administratrix of any estate of any testator with the will annexed, to sell real estate of such testator in accordance with the powers vested by the terms of such will, without her husband joining therein, in the same manner as if she were a feme sole.

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

Married woman acting as trustee, etc., may sign, etc., without concurrent action of husband.

1. In case any married woman is a trustee under or executrix of any last will of any person, or shall hereafter be appointed such trustee or executrix, either sole or in conjunction with another, or has been or shall hereafter be appointed by any court of competent authority administratrix with the will annexed of any testator, it shall and may be lawful for such married woman to sign, seal, execute, acknowledge and deliver, without the joining of her husband therein, in the same manner as if she were a feme sole, any and all deeds conveying the lands of such testator in conformity with the powers given in such will, and such deed shall vest in the purchaser thereof as good and valid a title to the lands so conveyed, as if such trustee, executrix or administratrix with the will annexed were unmarried.

2. This act shall take effect immediately.

Approved March 20, 1901.

CHAPTER 70.

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:*

City auditor; appointment, term, salary, duties.

1. Whenever the city council of any city heretofore incorporated, or hereafter to be incorporated, under the provisions of the above-entitled act, shall deem it necessary or to the best interests of the inhabitants thereof to establish the office of a city auditor therein, the said city council shall, at its option, have power to do so, and to fix the salary of the city auditor, and the amount of a bond to be given by him, if any be desired, by ordinance; and when the said office shall have been established as aforesaid, an auditor shall be appointed by the mayor, on the confirmation of the city council, and he shall hold office during the term of the mayor who may appoint him, and until his successor is appointed and confirmed; the books, accounts, vouchers, warrants, bills and other financial records and memoranda of the receiver of taxes and of the city clerk shall be subject to the examination of the city auditor, and he shall audit all bills, claims and accounts of every kind and nature belonging or appertaining to the affairs of the city, and shall perform such other duties as may be defined by ordinance or resolution of the city council.

Assistants.

2. The city council may employ from time to time such assistants and employees as the necessities of the city may require, and may pay such compensation to them as such services may be demed reasonably worth; the city council may consolidate, by ordinance, any public offices, and may provide that the duties of the offices

Consolidation of public offices.

so consolidated shall thereafter be performed by one and the same person, and it may fix, by ordinance, the salary or compensation to be paid for the performance of the duties of the offices so consolidated; in case of sickness, absence or disability of any city officer, assistant or employee, the mayor may designate some fit person to perform his duties until said officer, assistant or employee resumes the performance thereof, or until some other person is appointed or employed in his place.

In case of absence.

3. The city council shall each year designate at least two newspapers, to be known as the official newspapers of the city wherein all proposed ordinances, financial or other statements, reports, resolutions and public notices required to be published, during the succeeding year, shall be printed and published, whether the same be required by any of the provisions of the aforesaid act or by anything contained in any supplement thereto; and such city council shall have full power and authority to determine and to fix, by ordinance, the number of times that all proposed ordinances, financial or other statements, reports, resolutions, and other public notices of every kind and description shall be printed and published in such newspapers; *provided, however,* that they shall be printed and published at least once in two successive issues of such newspapers, and that at least one such newspaper shall be printed and published and circulated in such city, and if there be no newspaper so printed and published, then in one newspaper printed and published in the county in which such city is situate and circulating in such city; and whenever the requirements of any such ordinance, or ordinances, and of this section, shall have been complied with, such printing and publication shall be taken and held to be a sufficient compliance with all the requirements of the aforesaid act and of any supplement thereto.

Official newspapers.

Proviso.

4. The city council shall, in addition to the powers enumerated in the aforesaid act, have power to provide, by contract or otherwise, for the cleaning and sprinkling of the streets, avenues, highways and public places of the city; also to change, by ordinance, the name of any street, avenue, highway or other public place

Additional powers of city council.

therein when petitioned to do so by persons owning at least two-thirds of the lineal frontage of the lands abutting thereon; also to direct and require that all ordinances shall be entered in full in a book to be provided for that purpose in typewriting, if the said city council shall so determine, and all ordinances thus entered shall have the same force and effect as if engrossed in writing in ink; also, by resolution or by ordinance, to waive the taking of receipts in the "warrant-book" of the city from the person or persons to whose order they may be made payable; *provided,* that before any payment of any warrant is made such person or persons shall endorse the same with his, her, its or their own proper signature or signatures; *and provided further,* that the officer delivering any warrant shall, at the time of such delivery, enter the name of the party receiving the same in the warrant-book; it may also require, by resolution or otherwise, that the several officers of the city shall perform, obey, and comply with any and all such duties, instructions and regulations as shall be given to or made for them by the city council not inconsistent with the provisions of the aforesaid act or inconsistent with the laws of this state; it is also empowered to pass ordinances appropriating and providing for raising, by taxation, money for the support of a free public library to the amount now fixed, or to be hereafter fixed, by the statutes of this state, and also for regulating, maintaining and protecting public property, and for the establishment and maintenance of a scavenger system, and for such further and other purposes as are now, or as may hereafter be, authorized by the general laws relating to the cities of the state.

Proviso.

Proviso.

Section amended.

5. Section fifty-eight of the said act be amended so as to read as follows:

Special tax for sewerage system.

58. In any city incorporated under this act having a sewerage system which is owned and operated by the city in its corporate capacity, the city council shall have power, by ordinance, to levy annually a special tax for sewerage purposes and to appropriate the money derived therefrom for the construction, extension and repair of the public sewerage system; also, of its own motion, to

extend and construct public sewers as the same may be required, and to issue bonds for the cost of the same to an amount not exceding in any one year three mills on each dollar of the valuation of the property as included in the tax levy; to provide for taking land and real estate for building the same and for acquiring an outlet for sewers over and through lands in adjoining municipalities; *provided,* that the consent of any adjoining municipality or municipalities, as may in any manner be affected by such outlet, shall be to that end first obtained; *provided,* that no ordinance shall be passed for such purpose unless it shall receive the votes of two-thirds of the members of the city council.

Cost met by bonds.

Proviso.

Proviso.

6. Section fifty-nine of the said act be amended so as to read as follows:

Section amended.

59. Streets or sections of streets may be laid out, opened, straightened, extended, widened or otherwise changed as to their boundaries in the following manner: a petition, in writing, signed by the owners of one-sixth of the property fronting on the improvement desired, shall be presented to the council; if the council shall favor the petition, the same shall be referred to the commissioners of assessment and a surveyor not interested in such improvement, who shall thereupon make a map of such improvement, showing the real estate to be taken therefor, and all the property which in the judgment of said commissioners, will be specially benefited thereby, designating each lot and parcel on said map by a letter or number; said commissioners shall also ascertain, so far as practicable, the names of the owners of said real estate to be taken, and all persons having any interest therein or lien thereon and the interests of all persons in the real estate to be taken, and when such names or estates are not known they shall so report; they shall also appraise the value of the interest of each known owner of real estate to be taken, and of all others interested therein, and assess the damage to be done to such owners and other persons by the taking of the same; and where the estates in any plot of land are unknown, they shall appraise the value of, or the damage done to the fee-simple; said com-

Manner of laying out, opening, &c., streets.

Appraise value and assess damage.

missioners shall also estimate all other expenses likely, in their judgment, to attend the completion of the improvement; said commissioners shall also estimate the amount likely to be realized from the sale of any buildings, or parts of buildings, required to be taken on account of said improvement, and shall so determine the probable net cost of making the improvement; this probable net cost they shall then assesss upon the lands to be specially benefited, to the extent of the benefits received, in proportion to the benefit to be received; thereupon they shall, under their hands, make a report of the facts ascertained and of the appraisements, estimates, determinations and assessments made by them concerning said improvement, and shall file such report and their map with the city clerk; thereupon the said clerk shall cause a notice of the filing of said map and report to be printed in the official newspapers, or if there be none, in a newspaper published in the county and circulating in the city, in two successive weekly issues thereof, which notice shall contain a general description of the proposed improvement and shall state the time and place when and where the council will meet to consider any objections to said report or to the improvement; said clerk shall also, within said period, mail a copy of such notice to all persons whose names and addresses appear upon the tax books of the city as owners of the real estate affected thereby; but the omission of the clerk to mail such notice shall not invalidate any of said proceedings; and all objections made at such time and place, the council shall then consider, and the awards or assessments made in said report may be corrected accordingly; a copy of any corrections, signed by the chairman of the council, shall be filed with the said clerk within fifteen days after the expiration of said period of two weeks; if the said council shall then determine to make said improvements, notwithstanding any objctions to the same, it shall confirm said awards, with the corrections, if any, and pass a resolution or ordinance ordering said improvement to be made and completed in such manner as said council may direct but under the supervision of the street commissioner;

Assess benefits.

Report.

Hearing.

Objections considered.

the said council shall also pass a resolution directing the several sums awarded to be paid to the persons to whom the awards are made for real estate taken, and upon the passage of such resolution the fee-simple of said real estate to be taken shall be vested in the city; *provided,* that where the commissioners shall have reported the name or estates of the owners of any plot as unknown, the said resolution shall direct the amount of the award on account of such plot to be paid to the persons entitled thereto when and as their interest may appear, and any such owner or person interested in said land may, by bill in chancery, according to the practice of that court, have the said amount awarded distributed in whole or in part and paid over to him, as law and justice may require; if after the completion of said improvement it shall be ascertained that the actual net cost thereof differs from the cost as estimated, the said commissioners shall assess such actual net cost upon the lands specially benefited in proportion to the benefit received in the same manner as above provided.

Proviso.

7. Section sixty of the said act be amended so as to read as follows:

Section amended.

60. Whenever, by the report and map of the said commissioners, it shall appear that an award has been made to any person for property taken or damages sustained, and that such person is also assessed for benefits received on account of the same improvement, then if the assessment equal or exceed the award, no payment shall be made on account of such award; and if the award exceed the assessment, only so much of the award as is in excess shall be paid, and a resolution of the council ordering the awards to be paid shall be framed and adopted accordingly; and the city council shall thereupon cause the proper offsets to be entered.

Settlement of damages and benefits.

8. Section sixty-two of the said act be amended so as to read as follows:

Section amended.

62. Any street or section of a street may be graded, macadamized, paved, curbed, guttered, flagged or otherwise improved with sidewalks, lamp-posts or other facilities for public lighting in the following manner, namely: On the petition in writing to the council signed

grading, paving, &c., streets.

By petition.

Public notice.

by the owners of one-sixth of the lands fronting on the line of the proposed improvement, the council shall, by resolution, direct the city clerk to advertise in two successive weekly issues of the official newspapers, or, if there be none, in one or more newspapers published in the county and circulating in the city, a notice that an application or petition has been presented to said city council and its purport, and that objections to the proposed improvement may be filed with the city clerk, and designating a time and place when and where the city council will meet to consider all objections thereto, which time shall not be less than ten days after the first publication thereof; and said clerk shall also post copies thereof in five public places in the city to be designated by the council, at least ten days prior to the time fixed for the hearing of objections to such improvement; and the said clerk shall also mail like notices to all persons whose names and addresses appear upon the tax books of the city as owners of the property along the street or section of street so proposed to be improved at least five days before the time designated in said notice; *provided, however,* that no assessment shall be set aside, or affected, by reason of the failure of said clerk to mail such notice; and at or before the time named in such notice the said clerk shall file in his office affidavits showing that such notices have been posted, published and mailed as herein required; at the time named in such notice the council shall proceed to consider objections, and if it appear that the owners of three-fifths of the land fronting on such proposed improvement have objected in writing thereto, such improvement shall not be made; the council may, moreover, in its discretion, determine not to make such improvement; at any time after the time named in said notice to present objections, the council may proceed to pass a resolution or ordinance for such improvement, and such resolution or ordinance shall be valid if it describes in general language the improvement required to be made, and it shall not be necessary to state therein any other matter or thing connected with said improvement; at any time after the passage of such resolution or ordinance the

Proviso.

council may require the clerk to advertise for proposals for doing the work and furnishing the materials necessary for such improvement, in the official newspapers, and in any others if the council may so designate, which proposals shall be presented in any form and manner and under any regulations that the council shall prescribe; the council may enter into contract with the lowest responsible bidder and may reject all bids if it deems it for the interests of the city so to do, in which case it shall again advertise for proposals and shall proceed in all things as if no proposals had been offered; and the council shall require the person or persons so entering into contract with the city to give bonds for the due performance thereof in such form and to such an amount as it may deem proper.

Ask proposals.

9. Section sixty-four of the said act be amended so as to read as follows:

Section amended.

64. Sewers and drains may be built and constructed in pursuance of an ordinance or resolution, under the control of the city authorities on the petition of owners of one-sixth of the land abutting the proposed route of any sewer or drain, and the proceedings, after receiving such petition, shall be in all respects the same as are hereinbefore set forth for flagging and grading of streets, in section eight of this supplement; and all the provisions of this act relating to flagging and grading of streets shall be applicable to proceedings for the constructions of sewers and drains except as modified in and by this section.

Building of drains and sewers.

10. Section sixty-six of the said act be amended so as to read as follows:

Section amended.

66. Before the council accepts any work on any drain or street improvement, or any final payment be made to the contractor, the clerk shall mail, at least one week prior to the consideration thereof by the city council, a notice directed to all persons whose names and addresses appear upon the tax books of the city as owners of the lands which abut upon the line of the improvement, a notice stating when the council will meet to receive and consider objections, in writing, to the work done and materials used in such improvement, and if any such

Action before acceptance of work.

objections shall appear to be well founded the council shall take such action thereon as in their judgment the interests of the city and of such owners shall require.

Section amended.

11. Section sixty-seven of the said act be amended so as to read as follows:

Private property taken for sewers.

67. Where it shall be necessary in the construction of any public sewer or drain to take or use private property for that purpose the council shall provide, in the resolution or ordinance for the building or construction of any such sewer or drain, for the taking of such private property as is necessary; for that purpose the damages and awards to be made for lands so taken shall be determined and made by the commissioners of assessment, who shall report the same to the council, and thereafter the proceedings shall be the same in all respects as are hereinbefore provided for opening of streets.

Section amended.

12. Section seventy of the said act be amended so as to read as follows:

Cost and expense of streets, sewers or drains assessed upon property benefited.

70. The cost and expense of widening, opening or extending, grading, macadamizing, paving, curbing, guttering, flagging or otherwise improving with sidewalks, or lamp-posts or other facilities for public lighting of any street, or constructing or extending any sewer or drain after the completion thereof, shall be ascertained and determined by the commissioners of asesssment, and such cost and expense shall be assessed, so far as the same are benefited, upon the lands and real estate especially benefited by the improvement in proportion to the benefit received, except in cases where the same are made at the general public expense; the commissioners shall file their report with the city clerk, which shall be accompanied by a map showing what lots and parcels of lands are benefited by the improvement, the amount assessed as benefits upon each lot or parcel of land and the names of the owners of the several lots and parcels of land assessed, so far as the commissioners can ascertain the same; but no assessment shall be deemed defective by reason of any mistake or omission in the names of the owners of lands assessed; the clerk shall mail, at least ten days prior to confirmation by the city council, to each person named by the commis-

sioners whose address is known or which may be ascertained from the tax books of the city, a notice stating that the map and report of the commissioners have been filed in his office, and that the council will consider any objections to such report, map and assessment, on or before a day named in such notice, to be fixed by the city council; after considering such report, map and assessment, and such objections as may have been presented against the same, the said council may confirm the said report, map and assessment, or if deemed necessary may return the same to the commissioners for revision and correction, who shall return the same corrected and revised without unnecessary delay; and thereafter the council may, without further notice, confirm the said report, assessment and map.

Section amended.

13. Section seventy-seven of the said act be amended so as to read as follows:

All taxes and assessments a first lien.

77. All taxes and assessments levied, assessed or made upon any lands, tenements or real estate, situate in such city, shall be and remain a first lien thereon until paid, notwithstanding any devise, descent, alienation, mortgage or other incumbrance thereof; and if the full amount of any such tax or assessment shall not be paid and satisfied within such time as shall be limited and appointed by the council for the payment thereof, it shall and may be lawful for the council to cause such lands, tenements or real estate to be sold at public auction for the shortest term for which any person will agree to take the same and pay such assessment, or the balance thereof remaining unpaid, with the interest thereon, and all costs, charges and expenses; said sale shall be made by the receiver of taxes after giving notice of the amount of the assessment, the land affected and the time and place of said sale, by advertisement, in four successive weekly issues, once in each week, in the official newspapers of the city, and if there be none, in at least one newspaper published in the county and circulating in the city; the said receiver of taxes shall at said time and place offer the premises for sale at public auction to the bidder who will agree to take the same for the shortest term of years and pay such assessment, or

Sale, for unpaid assessments.

any balance thereof remaining unpaid, with the interest and all costs, charges and expenses, and there shall then be executed, under the common seal of said city, a declaration of such sale, signed by the mayor of the city and attested by the city clerk and delivered to the purchaser; such purchaser, his heirs, executors, administrators or assigns, shall, by virtue thereof, lawfully hold and enjoy the said lands, tenements or real estate for his and their own proper use against the owner or owners thereof, and all persons claiming under him or them, until said

Proviso. term of years shall be completed and ended; *provided, however,* that the purchaser shall not be entitled to possession of lands so purchased until the period herein

Proviso. limited for redemption shall have expired; *and provided, also,* that the lands, tenements or real estate so sold may be redeemed by the owner, mortgagee, occupant or person interested therein, or by any other person, or in behalf of the owner, mortgagee or claimant of such lands, tenements or real estate, at any time within two years after the sale for any taxes or assessment, by paying to the receiver of taxes of the city, for the use of said purchaser, the purchase money, together with any other sum paid for taxes or assessments which the said purchaser may have paid, chargeable on such lands, tenements or real estate, and which he is hereby authorized to do, with interest thereon at the rate of twelve per centum per annum in addition thereto, and the certificate of the receiver of taxes of the city, stating the payments, and showing what lands, tenements or real estate such payment is intended to redeem, shall be

Proviso. evidence of such redemption; *and provided,* the same term of time for which any lands, tenements or real estate so sold as aforesaid shall not commence, nor shall said purchaser or those claiming under him have a right of possession to said lands, tenements, or real estate until the two years limited for the redemption of the same shall have expired, and the said purchaser or those claiming under him shall, at the expiration of the time limited in such declaration of sale, quit and surrender the said lands, tenements or real estate in as good state and condition as when he entered thereon, natural

wear and accidents excepted; *provided, also,* that the said sale may be adjourned or postponed from time to time, or suspended, as the council or their committee appointed to attend said sale may direct; *and provided,* that if in any sale of lands, tenements or real estate for taxes or assessments the whole or any part thereof shall remain unsold for want of purchasers, then it shall be lawful for the treasurer of the said city to purchase the said lands, tenements or real estate for any term not exceeding one hundred years for the benefit of the city, subject to the same redemption as hereinbefore provided; *provided, also,* that all moneys paid for the redemption of said lands, tenements or real estate as aforesaid, together with all taxes and assessments paid by any mortgagee or judgment creditor, shall be a lien upon said lands, tenements or real estate for the amount so paid, with interest at the rate of seven per centum per annum, and such lien shall have precedence over all other liens on said lands, tenements or real estate, excepting such taxes and assessments as may be thereafter levied and imposed; *and provided further,* that a complete record of all taxes and assessments shall be kept in the office of the receiver of taxes, which record shall contain the time when such taxes or assessments were levied, the time when they were paid and, if the property has been sold therefor, the time of said sale and to whom sold, and, if redeemed, when and by whom; it shall be the duty of the receiver of taxes to enter in a book to be called "record of sales" a minute of all declarations of all sales, and to cancel such declarations when the property for which they were given shall be redeemed; it shall be the duty of the receiver of taxes to make out a certificate of each property redeemed for the person redeeming the same; it shall be lawful for the council of said city to sell, assign and transfer any declaration of sale, or any term in lands purchased for the benefit of said city as aforesaid, or any portion of a term, for such price as said council may think proper.

Proviso.

Proviso.

Proviso.

Proviso.

"Record of sales" book.

Duty of receiver of taxes.

14. This act shall take effect immediately.

Approved March 20, 1901.

CHAPTER 71.

A Supplement to an act entitled "An act to authorize the establishment of free public libraries in the cities of this state," passed April first, one thousand eight hundred and eighty-four.

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

Bonds issued in excess of present limit.

1. Any city, the legal voters whereof have heretofore or may hereafter adopt the provisions of the act to which this is a supplement as therein provided, and the powers of which city to issue bonds are now limited by law to be a fixed percentage of the assessed value of its taxable property, shall have power to create and issue bonds for the acquiring of lands, the acquiring and erection and improvement of buildings and appliances for library purposes to the extent of one-half of one per centum of the assessed value of its taxable property in excess of such limit now existing, such bonds to bear interest not exceeding the rate of five per centum per annum, and to be sold at not less than par, and to be issued for such time and under such terms and conditions as shall be prescribed by the common council or other board or body having control of the finances of the city, and such bonds may contain such provisions for a sinking fund and for payment as they shall determine; and such city shall make provision by general taxation for the payment of the principal and interest of the said bonds.

Amount.

Sinking fund.

2. This act shall take effect immediately.

Approved March 20, 1901.

CHAPTER 72.

A Supplement to an act entitled "An act to provide for the efficient sewerage of lowlands in cities of this state," approved March twenty-seventh, one thousand eight hundred and ninety-three.

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

Improvement certificates issued to meet cost.

1. Whenever the provisions of the act to which this is a supplement have been taken advantage of in any city of this state, by the making of a map or general plan for the entire drainage of the lowlands of such city, and it shall appear to the common council, board of aldermen or other governing body of such city that in order to fully perfect and effectuate the working of such sewerage system it shall be necessary to enter into contracts exceeding in the aggregate the sum of one hundred thousand dollars, it shall be lawful for such board of aldermen, common council or other governing body to cause improvement certificates of such city to be issued for the purpose of paying the cost of such works and carrying out the provisions of such contracts as provided in section five of the act to which this is a supplement, to an amount not to exceed three hundred thousand dollars during the first year of the construction of such works and sewerage system, and its introduction into such city or cities.

Bonds to meet improvement certificates.

2. To provide for the payment of the improvement certificates so issued and the refunding of the debt incurred thereby the board of aldermen, common council or other governing body may cause bonds of the said city or cities to be issued to an amount not exceding one hundred thousand dollars in any year, under the corporate seal thereof, properly signed and attested, bearing interest at a rate not to exceed five per centum per

annum, payable in not less than twenty or more than forty years from date of issue, pledging the faith and credit of such city or cities for the payment of the same, which bonds shall be sold to the highest bidder at not less than their par value.

Report filed.

3. The commissioners of assessments or other like body in any such city, after the completion of such improvement or any completed section thereof, shall make and file a map and a report of their assessment according to the provisions of the city charter regulating sewer improvements; and to that end shall assess all lands and real estate specially benefited by such improvement to the extent of the benefit received therefrom; which assessment, after confirmation by the common council, board of aldermen or other governing body, in accordance with the provisions of the city charter in the case of the construction of sewers, shall be collected and payment thereof enforced in the same manner as like assessments under the provisions of such charter are collected and enforced.

Assess benefits.

4. This act shall take effect immediately.

Approved March 20, 1901.

CHAPTER 73.

An Act making appropriation for the protection of oyster beds and seed oysters thereon under the tidal waters of the Delaware bay and Delaware river, above the line running direct from the mouth of Straight creek to Cross Ledge lighthouse, and commonly known as the "southwest line."

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

Amount appropriated for enforcement of law.

1. The sum of three thousand dollars, or so much thereof as may be necessary, be and the same is hereby

appropriated out of the state fund for the use of the state oyster commission for the fiscal year ending October thirty-first, one thousand nine hundred and one, to be used exclusively for the enforcement of the laws of this state for the protection of the oyster beds and seed oysters thereon under the tidal waters of the Delaware river and Delaware bay in this state, above the line running direct from the mouth of Straight creek to Cross Ledge lighthouse, and commonly known as the "southwest line," and regulating the taking of oysters therefrom.

Amount appropriated for use of oyster commission.

2. The sum of two thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of the state fund for the use of the state oyster commission annually, after the termination of the fiscal year ending October thirty-first, one thousand nine hundred and one, to be used exclusively for the purposes aforesaid.

Moneys, how paid.

3. The sums of moneys appropriated by this act shall be paid by the state treasurer, on warrant drawn by the state comptroller, when bills are rendered for disbursements for the objects and purposes aforesaid, approved by the state oyster commission aforesaid; *provided,* such sums are first appropriated in the annual appropriation bill.

Proviso.

4. This act shall take effect immediately.

Approved March 20, 1901.

CHAPTER 74.

An Act for the relief of creditors against absent and absconding debtors (Revision of one thousand nine hundred and one).

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

1. ATTACHMENTS TO BE ISSUED, WHEN AND AGAINST WHOM.

When attachments may issue.

1. Attachments shall issue out of the supreme court, circuit court or common pleas at the suit of any plaintiff, whether resident in this state or not, against his debtor, directed to the sheriff or coroner as the case may require, to attach the rights and credits, moneys and effects, goods and chattels, lands and tenements of the debtor, in the following cases: (1) where the plaintiff, his agent or attorney, shall make affidavit that he verily believes the debtor absconds from his creditors, and is not, to deponent's knowledge or belief, resident in this state at the time, and that he owes to the plaintiff a debt, specifying, as nearly as practicable, the amount thereof, or has incurred a penalty under a statute, which penalty and statute shall be specified; (2) where the plaintiff, his agent or attorney, shall make affidavit that the debtor is not to deponent's knowledge or belief resident in this state at the time, and that he owes to the plaintiff a debt, specifying as nearly as practicable, the amount thereof, or has incurred a penalty under a statute, which penalty and statute shall be specified; (3) where the court or a judge thereof, or a supreme court commissioner shall make an order for the issue of an attachment upon proof, by affidavit, of fraud which would warrant an order for a capias ad respondendum; *provided,* that wages or other compensation for labor or

Proviso.

services due to a non-resident employe, shall not be attached at the suit of a non-resident creditor or his assigns, nor shall the personal property of a non-resident being in this state be liable to attachment at the suit of a non-resident creditor, when the said property is exempt from liability for debts by law of the state of which the said debtor and creditor are residents.

Affidavit filed and writ issued.

2. The clerk shall file such affidavit, and in case of an order shall file and enter the order and forthwith seal and issue the writ of attachment, and enter in a book to be kept for that purpose the names of the plaintiff and defendant, the time of issuing the writ and the amount therein demanded; the book shall be a public record, to which any person may have access; the writ shall be returnable within thirty days from the issuing thereof; alias and pluries writs may be entered and issued as required, without filing any further affidavit or order; from the supreme court writs may issue in the same action into as many counties as the plaintiff may require.

Against whom attachments may issue.

3. Attachments may issue against the separate and joint estate of joint debtors or any of them, either by their names or the name of the partnership or by whatsoever name they may be generally distinguished, or against the heirs, executors or administrators of them, or any of them; and the estate so attached, whether separate or joint, may be sold or assigned for the payment of the joint debt.

Against females, corporations, &c.

4. Attachments may issue against females, whether married or not, corporations not created or recognized as corporations of this state by the laws of this state and joint stock associations.

Against executor, &c.

5. Attachments may issue for the debt of a deceased debtor against his executor, administrator, trustee, heir or devisee in all cases in which the writ might have issued against such debtor immediately prior to his decease, and all real estate descended from or devised by him to the heir or devisee may be attached; and his personal estate in the hands of the executor, administrator, trustee or other person may be attached, and the executor, administrator, trustee, heir and devisee, and such other person or any or all of them, may be joined

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as defendants in the same action; *provided,* that in the distribution of the proceeds of any attachment so issued against the executor, administrator, trustee, heir or devisee, the plaintiff shall not be preferred, but shall share ratably with the applying creditors; a legacy or distributive share of an estate in the hands of the executor, administrator or trustee may be attached in an action against the legatee or next of kin for his debt.

Creditor admitted.

6. Any creditor of the defendant, whether his debt be due or not, upon filing with the clerk an affidavit made by himself or his agent that the defendant owes to him a debt, stating the amount, may enter in the minutes of the court at any time, as of course, a rule admitting him as an applying creditor under the attachment.

II. THE EFFECT OF THE WRIT AND THE MODE OF ITS EXECUTION.

Mode of executing writ.

7. The officer to whom a writ of attachment is directed shall execute the same by going to the house or lands of the defendant, or to the person or house of the person having custody or possession of the defendant's property and estate, and then and there declare in the presence of one credible person at the least, that he attaches the rights and credits, moneys and effects, goods and chattels, lands and tenements of the defendant, at the suit of the plaintiff; and with the assistance of one discreet and impartial freeholder, he shall make a just and true inventory and appraisement, signed by himself and the freeholder, of all the property and estate of the defendant so by him attached, and annex the same to and return it with the writ, indorsing on the writ the true time of executing the same and signing his name thereto; and the writ shall bind the attached rights and credits, moneys and effects, goods and chattels of the defendant from the time of executing the same; the freeholder shall be allowed one dollar a day for his assistance, to be paid by the officer and included in his fees.

Writ a lien

8. The writ, from the time of its issue, if issued from the supreme court, becomes and remains a lien on the real estate of the defendant throughout the state, and if

issued from the circuit court or common pleas, on his real estate in the county, and he cannot thereafter assign, transfer or convey the same or any interest therein; the lien continues until the debts of the plaintiff and the applying creditors are satisfied, or the attachment is discharged or judgment is given against the plaintiff and applying creditors; all conveyances by the defendant, pending the attachment, are void against the plaintiff and applying creditors; the writ is a lien on all such real estate, even though the officer fails to attach the same or part thereof, and upon all real estate and interests in real estate acquired by defendant in the county after the issue of the writ and before final judgment; and the court or a judge may order the clerk to amend the return to the writ by annexing thereto a description of such real estate; and may make rules and orders for the disposal thereof; the judgment is a lien on the defendant's lands acquired either before or after the entry thereof; the word lands in this act includes tenements, hereditaments and real estate and all interest therein; the term applying creditors in this act includes all creditors of the defendant who shall have been admitted under the attachment by rule of court, or who may have applied to the auditor and proved their claims before he shall have made his report; whenever a bond is, by this act, required to be given with surety or sureties, a surety company authorized to do business in this state and duly qualified shall be deemed a sufficient surety.

Continuance.

Judgment a lien.

"Land" defined

9. The personal property so attached shall remain in the safe keeping of the officer to answer and abide the judgment of the court, unless the garnishee, after inventory and appraisement thereof, shall enter into bond to the officer with two sufficient sureties, being freeholders of the county, or with a qualified surety company, in double the sum at which such property was appraised, with condition that the said personal property, or the full value thereof, to be estimated by such appraisement, shall be forthcoming to answer the judgment of the court; the officer shall receive reasonable compensation for the cost of storage, the wages of

Personal property.

Officer's compensation.

watchmen, or other expense necessary to securely keep the property, to be fixed by the court or a judge thereof and included in the officer's fees for executing the writ, and to be taxed in the costs; such compensation shall be paid out of the first moneys arising from the sale of the property.

Officer's powers.

10. To enable the officer fully to execute the writ of attachment he is empowered and required (having first made demand and being refused) to break open any house, chamber, room, shop, door, chest, trunk or other place or thing, where he shall be informed or have reason to believe any money, goods, books of account, bonds, bills, notes, papers or writings of the defendant may be deposited, secreted, had, or found.

In case of property wrongfully attached.

11. If the officer shall attach and take through ignorance or want of proper information any personal property which shall be claimed by any person as his property, the officer may summon a jury of twelve men, qualified to be jurors, to inquire into and try the title thereto; and if the jury shall find the title to be in the claimant or in any other than the defendant, the officer shall forthwith deliver the property to the person in whom the title is so found, or to his agent or attorney; and in such case the officer shall not be liable to any prosecution for having attached and taken the same.

Claimant's request in writing.

12. Such jury shall not be summoned unless the claimant shall deliver to the officer his claim in writing, specifying the property claimed, requesting the summoning of a jury to try the title and agreeing to be bound by the finding of the jury; and the officer may, notwithstanding such claim, if directed so to do and sufficiently indemnified by the plaintiff for so doing, refuse to summon the jury, and may in such case retain the property in his hands to abide the judgment of the court.

Trial by jury.

13. If the officer shall summon a jury he shall appoint the time and place of trial, and give notice thereof to the plaintiff and claimant, which time shall be not less than ten days from the time the claim shall be put in; he may, for cause shown, and on such terms as he may judge proper, adjourn the trial from time to time, but not more

than ten days in all; he may issue, under his hand and seal, subpœnas for such witnesses as either party may require, which shall be served as in other cases at law; he shall administer the usual oath or affirmation to jurors and witnesses, and shall keep a correct minute of all the proceedings, and file the same together with the verdict and inquest found by the jury (which must be agreed to and signed by all the jurors and signed by the officer) and the said claim, in the office of the clerk of the court out of which the attachment issued, there to remain of record; the witnesses shall be entitled to the same fees, and be subject to the same penalties as are provided in causes depending in the supreme court.

Payment of costs according to finding.

14. If the jury find that none of the property claimed belongs to the claimant, then the claimant shall pay the costs of the inquiry; if they find that any of the property claimed belongs to the claimant, then the plaintiff shall pay said costs; the costs shall be taxed by the officer, and on neglect or refusal of the party against whom the same are taxed to pay the same, the officer may issue his warrant therefor to any constable of his county commanding him to make said costs and the costs of the warrant and of executing the same by levy upon and sale of the goods and chattels of the party against whom the costs are taxed; *provided,* that if the claimant resides out of the county where the attachment was made the officer may require him to give reasonable security for costs before proceeding to summon a jury; *and provided further,* that if the plaintiff has to pay such costs, the same shall be repaid to him out of the proceeds of the attachment before any distribution thereof among creditors.

Proviso.

Proviso.

Fees.

15. The following fees, and no more, shall be allowed and taxed for the services required by this act, on the trial of title to personal property, that is to say:

To the officer for summoning a jury, ...one dollar;
For swearing a jury, ...twenty-five cents;
For swearing each witness, ...five cents;
For drawing the inquest, ...one dollar;
For keeping a minute of the proceedings, ...fifty cents;
For every subpœna issued by him, ...ten cents;

For a warrant for costs, when actually issued, twenty-five cents;
For the constable for executing the warrant, fifty cents;
To the jurors, each.....twenty-five cents;
To the clerk of the county for filing the claim, officer's minutes and inquest, twenty-five cents; and for a copy thereof when required, at the rate of eight cents a folio.

III. APPEARANCE BY DEFENDANT.

Defendant's appearance.

16. Any defendant in attachment, or, in case of his death, his executor, administrator, heir or devisee, may at any time before final judgment, enter in the clerk's book, his appearance to the suit of the plaintiff and of any applying creditor, and within twenty days thereafter give notice to the plaintiff and to such creditor or their attorneys, of such appearance, and of the defendant's willingness to accept a declaration at their suit; and thereupon the suits of such plaintiff and creditor shall proceed in all respects as if commenced by summons, and no further claims shall be put in under the attachment after such entry of appearance, and the costs which shall have accrued on such attachment shall abide the event of the plaintiff's suit; unless discharged as hereinafter provided the lien of the attachment shall continue, notwithstanding the appearance; and the attached property may be held and disposed of and garnishment proceedings prosecuted in all respects as if no appearance had been entered, and the lien of the judgment upon lands shall relate back to the date of entering the writ of attachment.

Disposition of attached property.

Defendant may give bond.

17. The defendant, upon such appearance and notice, may give bond with one or more sufficient sureties, residents in this state, indorsed with the approval of a judge of the court in one of the forms herein provided, to wit:

Form of bond.

I. A bond to the officer who attached the personal property in double the appraised value thereof, conditioned for the return of the said property in case judgment shall be rendered for the plaintiff or for any of the applying creditors; which bond, in case of breach of said condition, the said officer shall, on application of

the plaintiff or applying creditor, without fee, assign to such person as the court shall direct, to be prosecuted for the benefit of the plaintiff and applying creditors.

II. A separate bond to the plaintiff and to each applying creditor in double the sums, respectively, sworn to in the affidavits filed by them, conditioned for the return of said property if judgment be rendered for the obligee; such bond to be filed with the clerk of the court.

III. A bond or bonds to such persons and of such form, amount and conditions as the court or a judge thereof may upon two days' notice to the plaintiff and the applying creditors determine.

IV. A separate bond to the plaintiff and to each applying creditor in double the sums respectively sworn to in the affidavits filed by them, conditioned for the payment of such moneys as may be adjudged to be due to them severally in the action, such bond to be filed with the clerk of the court.

Effect of giving bond.

Upon the giving of bond in either the first or second of the foregoing forms, the court or judge, if it appear just so to do, may make order discharging the defendant's personal property from the attachment; and upon the giving of bond in the third of the foregoing forms may make order discharging such personal property or any part thereof from the attachment, and upon the giving of bond in the fourth of the foregoing forms may order the attachment set aside and the defendant's real and personal property discharged thereform.

Plaintiff may enter rule of discontinuance.

18. The plaintiff, alone, if there be no applying creditors (or if there be such, then with their written consent, or upon making satisfaction of their claims), may in term time or vacation enter a rule for the discontinuance of the action and setting aside the attachment.

Return of personal property.

19. The officer by whom any writ of attachment shall be executed shall deliver the personal property attached to the person in whose possession the same is found, upon the execution, in the presence of the officer by such person, with one or more sufficient sureties, of a bond to the plaintiff, in double the value of the property, conditioned that the defendant shall perform the judgment of the court in the action, or that the property or its

value, shall be forthcoming and subject to the order of the court for the satisfaction of such judgment.

IV. PROCEEDINGS ON RETURN OF WRIT, AUDITOR AND HIS DUTIES.

Notice of attachment published.

20. After the writ of attachment is returned the court or a judge thereof, on application of plaintiff, shall make an order specifying one or more newspapers in this state in which publication of notice of the attachment shall be made; thereupon the plaintiff shall cause to be published in such newspapers, once a week for four successive weeks, a notice of the issuing of the attachment, at whose suit, against whose estate, for what sum, and when returned; and judgments shall not be entered until proof to the satisfaction of the court or judge be made of such publication, provided that if the defendant shall have entered his appearance to the plaintiff's action no publication shall be necessary; and, if at the time of entering appearance publication has been commenced it may be discontinued.

Appointment of auditor; duties, &c.

21. On the return of the writ, the court shall appoint an auditor to adjust and ascertain the amounts due to the plaintiff and each of the applying creditors; the auditor shall have power to administer oaths and to examine witnesses touching the demands of the plaintiff and creditors; and at the expiration of three months from the return of the writ he shall make and file a report of the amounts so ascertained; in adjusting debts not due rebate of the interest to the date of maturity shall be made; and after the report has been on file ten days the court or a judge may, either in term or vacation, approve the same and order final judgment to be forthwith entered thereon, and fix the allowance to the auditor for his services, and may, in cases where it shall seem proper, in like manner fix and allow to the plaintiff's attorney a reasonable special fee, such allowances to be taxed in the costs and satisfied out of the defendant's estate; after the defendant shall have entered appearance as above provided no auditor shall be appointed, and if one has been already appointed he may,

by rule of court, be discharged, the court or a judge making a proper allowance for his services, if any, to be paid in the first instance and ultimately as may be determined in the rule.

Auditor's powers to discover property.

22. For the discovery of property and detection of fraudulent practices, the auditor may issue his warrant to the sheriff or any constable of the county wherein such persons may be found, to bring before him at a time and place therein specified the wife of the defendant or any other person, and him or her by word of mouth or interrogatories in writing, to examine, on oath or affirmation, which the auditor is authorized to administer, touching the trade, dealings, money, debts, effects, rights, credits, lands, tenements, property and estate of the defendant, and his secret or fraudulent grants and transfers of the same; and if any person shall refuse so to be sworn or examined he shall be guilty of contempt of the authority of the court which appointed the auditor, and punished accordingly.

Warrant to enter and seize moneys, &c.

23. The auditor may issue his warrant to the sheriff or any constable of the proper county to break open (having first made demand and been refused) any house, chamber, room, shop, door, trunk, chest or other place or thing where he shall have reason to believe any moneys, goods, chattels, books of account, bonds, bills, notes, papers or writings of the defendant may be deposited, secreted, had or found, and to seize and inventory the same, and make report thereof to the court; and if any person resist the execution of the warrant, he shall be guilty of a contempt of the authority of the court which appointed the auditor, and shall be punished accordingly.

Suit for recovery of debt.

24. The auditor may institute suit by summons in any court of competent jurisdiction against any person who appears to him to be indebted to the defendant, in the name of the defendant for the use of the auditor, for the recovery of the debt; which suit shall proceed to trial and judgment as if the plaintiff therein was personally present, and shall not be discontinued without the consent of the auditor; *provided,* the defendant in such suit shall be entitled to set-offs, to the same extent

Proviso.

Disposition of moneys paid auditor.

as if the plaintiff was personally prosecuting the suit for his own use; and all moneys recovered shall be paid to the auditor to be disposed of according to law; and if judgment pass against the auditor he shall pay the costs, and may retain the amount thereof out of any moneys that come to his hands.

Further powers and duties of auditor.

25. The auditor, if the court or a judge so order, may complete any attached goods which are in process of manufacture and put the same in a marketable condition; and may, under like order, put and keep the attached real estate in tenantable condition, and may, without such order, cause attached real or personal property to be insured against fire, making such expenditures out of any moneys in his hands as may be necessary for the purposes aforesaid; he may take possession and charge of the real estate and collect the rents, issues and profits thereof for the benefit of the creditors; and under direction of the court or a judge he may make leases of the same for terms not exceeding one year, and the court shall have power to make all necessary orders to assist the auditor in obtaining possession of the same and collecting the rents, issues and profits thereof.

Sale, transfer of property, &c., by auditor good.

26. Where final judgment on the report of the auditor shall be entered against the defendant, the auditor may, by order of the court, make sale, assurance and conveyance of the lands and tenements of the defendant on which the attachment remains a lien, or so much thereof as shall be necessary to satisfy the debts of the plaintiff and applying creditors; like notice of such sales shall be given as is required to be given, of the sales of land under execution at law; real estate shall not be sold in less than six months from the time of entering the writ of attachment in the clerk's office; personal property including rights, credits, choses in action and effects may be sold by the auditor or sheriff under order of the court or a judge, either before or after judgment and at private or public sale; like notice of a public sale thereof shall be given as is required to be given of the sale of chattels under execution at law; the plaintiff or any applying creditor may become purchaser at any such

sale of real or personal property; and every grant, bargain, sale, assignment, transfer, assurance, alienation and conveyance made by the auditor or other officer, under and by virtue of this act, shall be as good and as effectual in law as if executed by the defendant, at and before the time when the attachment became a lien upon the estate, real or personal, so sold, assigned or conveyed.

Auditor to proceed expeditiously to settle.

27. After final judgment the auditor shall proceed as speedily as practicable to convert the attached property, personal and real and choses in action into money, by sale thereof; and after paying legal costs and charges, shall pay the debt of the plaintiff; and distribute the residue of moneys, if any, equally, in proportion to the debt due to each, among the other creditors whose debts shall have been by the final judgment allowed; the auditor may make partial payments to the plaintiff or applying creditors from time to time as the moneys coming to his hands will allow; the plaintiff or creditors receiving a payment from the auditor shall first enter into bond to the defendant in double the sum received with one or more sureties, freeholders of this state, approved by the court or auditor, conditioned that he shall appear to any suit that may be brought against him by the defendant within one year next after the date of the bond, and pay to the defendant any sum which by the judgment or decree of the court has been received by him and not due or owing, with costs of suit, which bond shall be filed with the clerk of the court for the benefit of the defendant; *provided,* that in cases wherein the defendant entered appearance, no bond shall be required.

Proviso.

Death of defendant not to abate proceedings.

28. If the defendant shall die after the issue and entry of the writ of attachment, the action shall not be thereby abated or discontinued, but the same shall be carried on to judgment, sale, transfer, distribution and final determination, as if such death had not intervened and the defendant had been alive; and all proceedings and deeds which shall be had and made in such case shall be as valid and effectual in law as if had and made in the lifetime of such defendant; and any bond given to him

by the plaintiff, or an applying creditor upon distribution of the attached property, may be prosecuted in his name or his personal representatives to judgment and effect.

V. PROCEEDINGS AGAINST GARNISHEE.

Proceedings against garnishee.

29. Notwithstanding the garnishee's denial of his having any moneys, goods, chattels or effects of the defendant in his custody or possession, or of his being indebted to him, the plaintiff may, if he believes the garnishee hath the same, or is so indebted, and is in fear of the garnishee's absconding before judgment and execution can be had against him, and shall make oath or affirmation thereof, and deliver the same to the clerk of the court, institute a suit against the garnishee by summons, or, in case of fraud duly proved according to the statute in such case made and provided, by capias ad respondendum, in which suit the plaintiff may declare against the said garnishee for such property in trover and conversion, as of such plaintiff's own property, or if the garnishee be indebted to the defendant in attachment, then the plaintiff may declare for so much money had and received by the garnishee to the use of the plaintiff, and on the trial may give the special matter in evidence, and thereupon the jury shall find for the plaintiff and assess damages to the full value of the said property so proved to be in the custody or possession of the garnishee, or to the full value of the debt so due from the garnishee to the defendant in attachment; on which verdict judgment shall be given, with costs of suit and execution issued thereon against the goods and chattels, lands and tenements, and the body of the garnishee, as is or shall be by law, allowed in actions of trespass on the case.

Continuation of suit.

30. The suit so instituted against the garnishee shall be continued by the court, without trial or decision, until the action against the defendant in attachment shall be adjudicated upon and determined; and if in such action nothing shall be found due from the defendant to the plaintiff, then the garnishee shall recover costs against

the plaintiff, notwithstanding he may be indebted to the defendant, or have the moneys, goods, chattels or effects of the defendant in his custody or possession.

In case of non-suit, &c.

31. If, in the suit so instituted against the garnishee, the plaintiff shall be nonsuited, or shall discontinue, or verdict and judgment shall be given against him, then the garnishee shall recover costs.

Scire facias to issue when judgment entered by default.

32. Where judgment on the report of the auditor shall be entered against the defendant by default, a scire facias shall (except only as is hereinbefore mentioned) issue against the garnishee to appear at the next term after entry of such judgment, and show cause why the plaintiff should not have execution of the money so as aforesaid due by him to the defendant, and in his hands, or the value of the goods and chattels of the defendant, which were in the custody or possession of the garnishee at the time of executing the writ of attachment, and if the garnishee shall appear at the return of the scire facias, and on oath or otherwise, to the satisfaction of the auditor, confess the amount of the debt due from him to the defendant, or the true value of the defendant's goods and chattels, which were as aforesaid in his custody or possession and tender the same to the auditor, and he accept thereof, then the garnishee shall, by the judgment of the court, be acquitted and discharged from the debt, or goods and chattels aforesaid, with costs, and if the scire facias having been returned served, or in case no service thereof can be made, having been published as prescribed by law, the garnishee shall not appear, confess and tender as aforesaid, then judgment shall be entered against the garnishee by default, and a writ of inquiry shall be awarded to the sheriff or other officer, to inquire and certify to the court, by the oath or affirmation of twelve good and lawful men of his bailiwick, the amount of the debt due from the garnishee, or the value of the goods and chattels so as aforesaid in his custody or possession, and on the return of the inquisition judgment shall be entered against the garnishee for the sum so found and certified, with costs, and if the garnishee shall appear at the return of the scire facias, and plead thereto that he had no goods or chattels of the

If garnishee does not appear.

If he plead he has no goods.

defendant in his custody or possession, either at the time of executing the writ of attachment, or at any time since, or that he was not indebted to the defendant, and the plaintiff, on trial, shall prove that he was indebted, then the jury shall find for the plaintiff, and assess damages to the amount or value of such debt, goods or chattels, with costs, and judgment shall be entered accordingly, and execution awarded against the goods and chattels, lands and tenements, and also the person of the garnishee; but if the jury find for the garnishee, then he shall recover costs against the plaintiff, and have execution for the same, and the auditor shall pay the same out of any moneys in his hands; the moneys realized by such proceedings shall go to the auditor for distribution under this act.

Finding of jury.

Act how construed.

33. This act shall be construed in all courts in the most liberal manner for the detection of fraud, the advancement of justice, and the benefit of creditors.

When orders may be made.

34. All orders for the appointment of auditors for the sale of perishable property, for advertising the attachment, for the sale of the defendant's property, and all other orders not specifically required by this act to be made in open court, may be made by a judge in term time or vacation.

When writs outlawed.

35. Where writs of attachment have heretofore been issued, or may hereafter be issued, and no proceedings have been or shall be had thereon for twenty years, the same shall cease to bind the property and estate of the defendant so attached at the expiration of the said twenty years.

$200 exemption.

36. Household goods and furniture not exceeding in value two hundred dollars of a debtor having a family residing in this state, and against whom an attachment has issued, are reserved and exempted for the use of the family and shall not be attached, except for a debt incurred in the purchase of the same; if the officer deem that such goods and furniture exceed the value of two hundred dollars, he may attach the same and the family entitled to the exemption shall forthwith on demand of the officer select from the inventory and appraisement,

goods and furniture to the value of two hundred dollars; and failing to do so shall be deemed to waive the exemption.

PROCEEDINGS BEFORE JUSTICE OF THE PEACE.

When justice of peace may issue attachment.

37. Any justice of the peace within this state, on application made and affidavit filed before him to the purpose aforesaid, shall, and he is hereby required to issue out of the court for the trial of small causes, an attachment, under his hand and seal, for any sum not exceeding two hundred dollars, directed to a constable, who shall execute the same in manner aforesaid, on the effects, rights and credits of the defendant; and upon the return of such attachment, the said justice shall appoint a day for the hearing of the said cause not less than twenty days from the issuing of the said writ; on or before which day so appointed the plaintiff in the said attachment shall file a copy of his account or state of demand, and if the creditor shall make sufficient proof of the debt due to him, the said justice shall give judgment therein for the plaintiff, and award his execution thereof to the constable, against the effects of the defendant, as in other cases cognizable before a justice, but the effects of the defendant thereon taken shall not be sold in less than three months (unless the same are perishable), to the end that the debtor or his friend may redeem the same, and in the meantime the same shall be inventoried and safely kept in such manner as the justice shall direct.

Amount.

Hearing.

Three months to redeem effects.

Notice of attachment given.

38. It shall be the duty of the plaintiff forthwith, after the issuing of such attachment, to advertise in three of the most public places in the county, that an attachment has been taken out from such justice against such absconding or absent debtor, in order that any person having a greater demand against such debtor than is cognizable before a justice of the peace, may have an opportunity to take out an attachment for the recovery of the same.

39. The plaintiff in such attachment may proceed

Proceedings against garnishee as heretofore.

against the garnishee, as hereinbefore provided, and if he shall make sufficient proof of the debt due to him, and also of the effects, rights or credits in the hands of the garnishee, the said justice shall give judgment therein for the plaintiff and award and issue his execution thereof to the constable against the garnishee as in other cases cognizable before a justice; and if the plaintiff shall not make sufficient proof of the effects, rights or credits in the hands of the garnishee, he shall pay the garnishee his costs, and if need be, the justice shall issue his execution against the plaintiff for the same.

Defendant may give bonds to secure return of attached goods.

40. It shall be lawful for the defendant in any attachment issued by a justice of the peace, on or before the day appointed for the hearing of the said cause, to file with the said justice a bond to the plaintiff, executed by one or more sufficient sureties, being freeholders and resident in the county in which such attachment shall issue, in double the amount of the claim of the plaintiff, as set forth in the affidavit filed with said justice, conditioned for the due and safe return of the goods and chattels, rights and credits, moneys and effects seized and taken by virtue of such writ of attachment, in case judgment shall be rendered for the plaintiff; which said bond shall be approved by the said justice, and filed by him for the use and benefit of the plaintiff; and thereupon the property attached shall be restored to the defendant and released from the lien of said attachment.

Plea, trial, appeal.

41. After filing the said bond the said defendant shall file his plea, copy of account or set-off, if any he have; and the said cause shall and may be adjourned and conducted in all things in like manner as if the same had been commenced by summons, under the act entitled "An act constituting courts for the trial of small causes"; and either party may appeal from the said judgment in like manner, in every respect, as if the said suit had been commenced by summons under the said last mentioned act; and in case the defendant shall fail to file his bond on or before the day appointed for the hearing of the cause, he nevertheless may appeal from the said judgment upon giving bond as aforesaid; and thereupon the property attached shall be restored to the

defendant and released from the lien of the said attachment.

Judgment concerning garnishee appealable.

42. From any judgment rendered by a justice of the peace for or against a garnishee in attachment, under and by virtue of this act, either party may appeal in like manner in all things as from the judgment of a justice under the act entitled "An act constituting courts for the trial of small causes."

Motion to quash without filing bond.

43. In all cases of an attachment hereafter issued by a justice of the peace, when an affidavit shall be filed by or in behalf of the defendant, setting forth facts which would render said attachment illegal or void, it shall be the duty of said justice, upon a motion to quash the writ of attachment, to try said facts, without requiring the defendant to file a bond according to the requisition of this act, and to give judgment on said motion.

Upon expiration of term of justice.

44. Upon the expiration of the term of office of any justice of the peace before whom a judgment shall have been obtained against a defendant in attachment, as provided for by this act, all the proceedings against the garnishee authorized herein may be had before any other justice of the peace.

Fees.

45. The freeholder employed by a constable to make an inventory and appraisement of the property attached shall be entitled to fifty cents therefor and no more, to be paid by the constable and allowed to him in addition to his other fees for serving the writ; there shall be allowed to the justice for issuing an attachment and recording the return thereof thirty-five cents; for a summons against a garnishee thirty-five cents; and to the constable for serving said writ, sixty cents; also, to the justice and constable for other services under this act, the same fees as are allowed by law for like services in other cases in the court for the trial of small causes.

Repealer.

46. An act for the relief of creditors against absconding and absent debtors (Revision), approved March twenty-seventh, eighteen hundred and seventy-four, and all supplements thereto, except so far as herein expressly re-enacted, are hereby repealed, and this repealer shall not operate to revive any acts heretofore repealed.

Approved March 20, 1901.

CHAPTER 75.

An Act to repeal a supplement to "An act respecting executions," which supplement was approved March twenty-second, eighteen hundred and ninety-five.

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

Repealer.

1. The supplement to "An act respecting executions" (Revision), approved March twenty-seventh, eighteen hundred and seventy-four, which supplement was approved March twenty-second, eighteen hundred and ninety-five, is hereby repealed.

Approved March 20, 1901.

CHAPTER 76.

An Act for the protection of birds and their nests and eggs.

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

Wild birds protected.

1. No person shall, within the limits of this state, kill or catch, or have in his or her possession, living or dead, any wild bird, other than a game bird, nor shall purchase, offer or expose for sale any such wild bird after it has been killed or caught; no part of the plumage, skin or body of any bird protected by this section shall be sold or had in possession for sale; for the purpose of this act, the following only shall be considered game birds:

Game birds.

The anatidæ, commonly known as swans; geese, brant and river and sea ducks; the rallidæ, commonly known

as rails, coots, mud-hens and gallinules; the limicolæ, commonly known as shore birds, plovers, surf birds, snipe, woodcock, sandpipers, tatlers and curlews; the gallinæ, commonly known as wild turkeys, grouse, prairie chickens, pheasants, partridges, quails and doves, and the species of icteridæ, commonly known as reed birds.

Destruction of nests.

2. No person shall, within the limits of this state, take or needlessly destroy the nest or the eggs of any wild bird, nor shall have such nest or eggs in his or her possession; *provided, however,* that sections one and two of this act shall not apply to any public museum, natural history society or educational institution.

Proviso.

Penalty for violation.

3. Any person who violates any of the provisions of this act shall be guilty of a misdemeanor, and shall be liable to a fine of five dollars for each offence, and an additional fine of five dollars for each bird, living or dead, or part of bird or nest and eggs possessed in violation of this act, or to imprisonment for ten days, or both, at the discretion of the court.

Exceptions.

4. Sections one, two and three of this act shall not apply to any person holding a certificate giving the right to take birds and their nests and eggs for scientific purposes as provided for in section five of this act.

Certificates granted for scientific purposes.

5. Certificates may be granted by the New Jersey board of fish and game commissioners to any properly accredited person of the age of twenty-one years or upwards, permitting the holder thereof to collect birds, their nests or eggs, for strictly scientific purposes only; in order to obtain such certificate, the applicant for the same must present to the board of fish and game commissioners, written testimonials from two well-known scientific men, certifying to the good character and fitness of said applicant to be entrusted with such privilege; must pay to said board of fish and game commissioners one dollar to defray the necessary expenses attending the granting of such certificates, and must file with said board of fish and game commissioners a properly executed bond in the sum of two hundred dollars, signed by two responsible citizens of the state as sureties; this bond shall be forfeited to the state, and the

certificate become void, upon proof that the holder of such certificate has killed any bird, or taken the nest or eggs of any bird for other than the purposes named in sections four and five of this act, and shall be further subject for each offense to the penalties provided therefor in section three of this act.

Extent of certificate.

6. The certificates authorized by this act shall be in force for one year only, from the date of their issue, and shall not be transferable.

Certain birds not protected.

7. The English or European house sparrow (passer domesticus), black-birds, crows and hawks, other than the fish-hawk, are not included among the birds protected by this act.

Repealer.

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

9. This act shall take effect immediately.

Approved March 20, 1901.

CHAPTER 77.

An Act to amend 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)," approved June fourteenth, one thousand eight hundred and ninety-eight.

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

Section amended.

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

Commission allowed upon property remaining in hand of executor, &c.

130. Whenever, in pursuance of the provisions of any will, or by the direction of the court, any property from which income is derived shall remain in the hands of or be entrusted to executors, administrators with the will

annexed, or trustees under a will, or commissioners in partition, the income or interest of which is required to be paid to any legatee or other person who may be entitled thereto, it shall and may be lawful, upon any accounting, either intermediate or final, for the court before which said account shall be presented for settlement and allowance, to consider the actual pains, trouble, and risk of such accountant, and to allow such commission upon the interest or income received as by the said court shall be deemed fair and just; *provided*, that said allowance shall not exceed the sum of five per centum on such interest or income.

Proviso.

2. This act shall take effect immediately.

Approved March 20, 1901.

CHAPTER 78.

An Act to amend an act entitled "An act to authorize the improvement of streets and highways in cities of this state, and to provide for the payment of the expense of the same," approved June thirteenth, one thousand eight hundred and ninety-eight.

Be it enacted *by the Senate and General Assembly of the State of New Jersey:*

Section amended.

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

Bonds issued for improving streets.

1. The common council, board of aldermen or governing body of any city in this state may, by ordinance, authorize the issuing of municipal bonds for the purpose of obtaining money from the sale thereof for the permanent improvement of the streets and highways of such city with permanent and durable material of a kind to be determined in each instance by the body or board of any city charged with the improvement of streets before the work is commenced, to an amount not

Amount.

exceeding fifteen dollars per capita for each of the inhabitants of said city, according to the last official census, but not more than one hundred and fifty thousand dollars of said total amount shall be raised by the issue and sale of bonds in one calendar year; that said bonds may be issued before or after the work is commenced; that the legislative body of any city or other body charged with the duty of improving the streets of any city may improve any street or highway, or portion thereof, with such pavements as aforesaid with the money obtained from the sale of said bonds; the streets to be improved shall be designated by ordinance, together with the kind of pavement proposed to improve them with; all work, however, shall be given out upon contract to the lowest responsible bidder, and only after bids therefor have been solicited and received; and the said common council, board of aldermen or other governing body as aforesaid shall have the right to reject any and all of such bids.

Streets and pavement designated.

Contract.

2. This act shall take effect immediately.

Approved March 20, 1901.

CHAPTER 79.

A Further Supplement to the act entitled "An act to establish in this state boards of health and a bureau of vital statistics, and to define their respective powers and duties," approved March thirty-first, eighteen hundred and eighty-seven.

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

Section amended.

1. The thirty-seventh section of the act entitled "An act to establish in this state boards of health and a bureau of vital statistics, and to define their respective powers and duties," approved March thirty-first, eigh-

teen hundred and eighty-seven, be and the same is hereby amended to read as follows:

Annual report.

37. That the local board of health of every township, city, borough, town and other municipality shall, on or before the first day of October in each year, in addition to other reports required, prepare an annual report of the condition of the public health within the limits of its jurisdiction, stating therein any special cause for the deterioration of health or of hazard thereto, and shall therein answer any inquiries which may have been addressed to such local board by the state board of health, and such local board shall forward a copy of such report to the state board of health on or before the fifteenth day of October in each year; the clerical duty required in the preparation of such annual report shall be done by the secretary or clerk of the local board, who, upon receiving a certificate from the secretary of the state board of health that such annual report has been duly prepared and received by said state board on or before the said fifteenth day of October, shall be entitled to receive from the proper disbursing officer of the township, city, borough, town or other municipality for which the report is made the sum of two dollars for such clerical service.

2. This act shall take effect immediately.

Approved March 20, 1901.

CHAPTER 80.

A Further Supplement to the act entitled "An act concerning contagious and infectious diseases among animals and to repeal certain acts relating thereto," approved May fourth, eighteen hundred and eighty-six.

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

Section amended.

1. The fifth section of the act entitled "A further sup-

plement to the act entitled 'An act concerning contagious and infectious diseases among animals and to repeal certain acts relating thereto,' approved May fourth, eighteen hundred and eighty-six," which further supplement was approved March twenty-eighth, eighteen hundred and ninety-five, and which said section five was amended by the one hundred and forty-eighth chapter of the laws of the year eighteen hundred and ninety-eight, be and the same is hereby amended to read as follows:

Appropriation to tuberculosis commission.

5. There may be appropriated to the state tuberculosis commission the sum of fifteen thousand dollars for defraying its expenses and for the payment of the proportion of the appraised value of slaughtered animals under this act, all which payments shall be made and expenses defrayed by the treasurer of this state upon the warrant of the state comptroller; *provided,* that no payments shall be made pursuant to this act until the amount thereof shall have been included in the annual appropriation bill.

Proviso.

2. This act shall take effect immediately.

Approved March 20, 1901.

CHAPTER 81.

A Supplement to an act relative to the supreme and circuit courts (Revision of one thousand nine hundred), approved March twenty-third, one thousand nine hundred.

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

Stated salary to court stenographer in lieu of per diem.

1. The justice of the supreme court holding the circuit court of any county, after he shall have appointed for such circuit, a competent stenographic reporter, as authorized by law, may, in lieu of the per diem allow-

ance now provided by the act to which this is a supplement, fix for such stenographic reporter an annual salary or compensation; and if there be more than one county circuit court within the judicial district of such justice he shall fix said annual salary having relation to the several county circuit courts within his judicial district on such basis for each county circuit as to him shall seem reasonable and just, considering the business of the several county courts within his judicial district; and upon his filing a certificate with the collector of any county within his judicial district, reciting the amount of the salary so apportioned to such county, and a duplicate of such certificate with the state comptroller, said collector shall pay to such stenographic reporter, in equal monthly installments, such annual salary so fixed and apportioned to said county, and one-third of the sum so paid shall be refunded to said county by the state treasurer upon the warrant of said comptroller.

One-third refunded by state.

2. This act shall take effect immediately.

Approved March 20, 1901.

CHAPTER 82.

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 surrogate (Revision, one thousand eight hundred and ninety-eight)," which act was approved June fourteenth, eighteen hundred and ninety-eight.

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

1. In case any bond required by law to be given by executors or administrators has been or may be caused by the ordinary to be prosecuted in any court of record, the surety on such bond may before judgment apply to

Petition by surety for discontinuance of suit.

the ordinary by petition to have such suit discontinued, and the said ordinary shall thereupon appoint a time and place to hear said application, and direct what notice, if any, be given to the creditors of said deceased and other persons aggrieved by the forfeiture of said bond, of such hearing.

Ordinary may direct discontinuance.

2. If on the hearing of said application it shall appear that all the damages sustained by the forfeiture of such bond have been paid, so far as the said surety shall have been able to ascertain, the ordinary may, if he considers it advisable, direct that the said suit be discontinued, upon the payment of the taxed costs of such suit.

Aggrieved creditor may apply for re-prosecution.

3. In case the claim of any creditor or of any person aggrieved by the forfeiture of such bond shall remain unsatisfied after the discontinuance of said suit, such party may make application to the ordinary to re-prosecute the said bond, in the same manner as if suit had not been instituted on the same.

4. This act shall take effect immediately.

Approved March 20, 1901.

CHAPTER 83.

An Act in relation to appropriations for the purpose of raising money by taxation in the cities of this state.

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

Appropriation made by council.

1. It shall not hereafter be necessary in any city of this state to submit to election or approval by the voters the appropriations or amounts of money to be raised in each year for the lawful purposes of such city; but said appropriations shall be made by the common council, board of aldermen or other governing body, or by the board having control of the finances of such city, by resolution or ordinance, in which the amounts and objects shall be particularly set forth.

2. This act shall take effect immediately.

Approved March 20, 1901.

CHAPTER 84.

An Act to amend an act entitled "An act to authorize the establishment of free public libraries in the towns, townships or any other municipality in this state," approved April second, one thousand eight hundred and ninety.

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

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

4. A board of trustees of the free public library shall be immediately formed in any town, township or other municipality, when a majority of the votes cast shall be "for a free public library," consisting of seven members, one of whom shall be the chairman of the legislative body of such town, township or other municipality, ex officio, and one the president of the board of education, ex officio, and five to be appointed by the chairman of the town, township or other municipality from among the citizens of the said town, township or other municipality, by and with the consent of the legislative body thereof, to serve for the terms of one, two, three, four and five years respectively; and upon the expiration of the term of office of any trustee, the chairman of the town, township or other municipality, bv and with the consent of the legislative body, shall appoint to the vacancy for a term of five years, and if any vacancies occur they shall be filled as aforesaid, but for the unexpired term only. Trustee; members, term. Vacancies.

2. This act shall take effect immediatelv.

Approved March 20, 1901.

CHAPTER 85.

An Act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof.

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

"Food" and "drug" defined.

1. The term "food" as used in this act shall include every article used for food or drink by man and every ingredient in such article, and all confectionery; and the term "drug" as used in this act shall include every article of medicine for internal or external use, and every ingredient in such article.

Impure drugs.

2. The following drugs shall be deemed to be impure within the meaning of this act: (1) any drug which, being known under or by a name recognized in the United States pharmacopœia, possesses a strength, quality or degree of purity inferior to or different from that laid down in such pharmacopœia; (2) any drug which, not being known under or by a name recognized in the United States pharmacopœia, but which is found in some other pharmacopœia, or in some other standard work on materia medica, possesses a strength, quality or degree of purity inferior to or different from that laid down in such other pharmacopœia or standard work, and (3) any drug whose strength, quality or degree of purity falls below the professed standard under which it is sold.

Impure foods.

3. The following foods shall be deemed to be impure within the meaning of this act: (1) any food which is rendered poisonous or injurious to health, or whose quality, strength or degree of purity is injuriously reduced, lowered or affected by adding thereto or mixing therewith any other substance or substances; (2) any food for any of whose constituents there have been sub-

stituted any substance or substances inferior to or cheaper than the constitutents naturally or customarily composing such food or any part thereof; (3) any food from which has been wholly or partially abstracted any valuable or necessary constituent; (4) any food which consists wholly or in part of diseased, decomposed, putrid, infected, tainted or rotten animal or vegetable substance, whether manufactured or not, and (5) in the case of milk, if it contain more than eighty-eight per centum of watery fluids or less than twelve per centum of milk solids, or if any water, drug, chemical, preservative or other substance be added thereto or mixed therewith; no person shall kill or aid in killing, for human food, any calf less than three weeks old, or sell or offer for sale, or have in his possession with intent to sell, for human food, any such calf or any of the meat thereof.

Must not sell or distribute impure food or drugs.

4. No person shall distribute or sell, or have in his possession with intent to distribute or sell, any article of food or drug which, under any of the provisions of this act, is or shall be deemed to be impure.

Imitations sold as such.

5. No person shall distribute or sell, or offer to distribute or sell, any article of food or any drug which is an imitation of some other article of food or of some other drug under or by the name of the article of food or drug imitated, but the same shall be distributed and sold, or offered for distribution or sale, only by the true name of the imitation.

Coloring, &c., to hide defects.

6. No person shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell, any article of food which shall have been colored, coated, polished, powdered or treated in such manner as to conceal any element of injury or damage therein or any inferiority of quality thereof.

Proper care and feed for cows.

7. No person shall keep cows for the production of milk in a crowded or unhealthy place or condition, or feed any cow kept for the production of milk on swill, or on any substance in a state of putrefaction or rottenness, or on any substance of an unwholesome nature, or on any food or substance that may produce diseased or unwholesome milk; and no person shall distribute or sell, or offer to distribute or sell, or have in his posses-

sion with intent to distribute or sell, any milk which is the produce of cows so kept or fed.

Contaminated milk.

8. No person having the possession or care of any milk shall permit it to be exposed to, or contaminated by, the emanations, discharges or exhalations from any person or persons sick with any contagious disease; and no person shall distribute or sell, or offer to distribute or sell, or have in his possession with intent to distribute or sell, any milk which has been so exposed or contaminated.

Skimmed milk.

9. No person shall sell, or offer or expose for sale, or have in his possession for the purpose of sale, any milk from which the cream or any part thereof has been removed, unless every can, vessel or package containing such milk shall have a metal label or tag of metal distinctly, durably and permanently soldered in a conspicuous place upon the outside and not more than six inches from the top thereof, with the words "skimmed milk" stamped, indented or engraved on the label or tag in letters not less than two inches in height, and the several lines of which shall be not less than three-eighths of an inch in width; *provided, however,* that every glass bottle, in lieu of such label or tag, may have blown in it the words "skimmed milk" in letters which shall not be less than one inch in height, and the several lines of which shall be not less than one-eighth of an inch in width; such milk shall only be sold or shipped in or retailed out of a can, bottle, vessel or package so marked.

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Butter and cheese made from pure milk.

10. No person shall sell, supply or bring to be manufactured to any person or party operating any cheese or butter manufactory in this state any milk which, under any of the provisions of this act, is or shall be deemed to be impure, or from which the cream or any part thereof has been removed, or the sale of which by any of the provisions of this act is prohibited.

Powers of state board of health.

11. The state board of health shall have the power from time to time to adopt, promulgate and publish, by circular or otherwise, such general rules and regulations for the government of the analysts, chemists, chief inspector and such other inspectors and employes ap-

pointed by the said board as they may deem proper; they shall also have the power to give to any analysts, chemists or chief inspector, or other inspector or employe appointed by the board, such orders concerning any performance of duty as they from time to time may deem proper; they shall also have the power from time to time to appoint such analysts, chemists, chief inspector and other inspectors and employes as they may deem proper, who shall hold their respective positions during the pleasure of said board and perform such general or special services as said board may by their general rules and regulations or by their special orders require, and to fix and allow to said analysts, chemists, chief inspector and other inspectors and employes, respectively, such salaries, fees or compensation as the said board shall deem to be reasonable, which salaries, fees and compensation shall be paid out of the appropriations from time to time made by the legislature for carrying out the provisions of this act; the said board shall have the power, and it shall be their duty, through said analysts, chemists, chief inspector and other inspectors and employes and in such other ways as the said board may deem practicable, to make inquiries and investigations concerning alleged or probable violations of any of the provisions of this act, to cause any and all persons guilty of any violation thereof to be prosecuted under the provisions of this act, and, generally, to adopt, carry out and enforce such rules and regulations as shall promote the purposes of this act.

Samples furnished inspector.

12. Every person who shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell, any article of food or drug, shall, on the request therefor and the tender of the value thereof by any chief or other inspector appointed under the authority of this act, deliver to such chief or other inspector so much of any such article of food or drug as such chief or other inspector may request; said inspector shall at the time of the sale, in the presence of the person selling, divide said sample into two parts, and shall duly seal each part in a suitable can, vessel or pack-

age, and shall tender, and if accepted shall deliver, at the time of taking said sample, one part to the person selling with a statement in writing of the cause of the sample having been taken, and in any prosecution of the seller of any food or drugs for violation of any statute of this state relative thereto, no proof of the result of any analysis thereof shall be given in evidence by the prosecutor unless a part of the sample of the article complained of shall have been sealed up and tendered to the seller as aforesaid.

Penalty for violation.

13. Every person who shall violate any of the provisions of this act, and every person who shall obstruct or in anywise interfere with any analysts, chemists, chief inspector or other inspector or employe of the state board of health in the performance of any duty under this act, shall be liable to a penalty of fifty dollars; *provided, however,* that if any person charged with the violation of any of the provisions of this act concerning impure foods or impure drugs shall prove at the hearing or trial of the complaint that the article alleged to be impure was produced under a warranty from any person or persons residing within this state, in the form hereinafter set forth, that said article was pure within the meaning of this act, and prior to the hearing or trial shall have filed in the district court, or with the justice of the peace, police justice or recorder, before whom the case is prosecuted, and with the attorney of the prosecutor of the case, a copy of such warranty, the person so complained against shall be discharged from prosecution; the warranty to justify such discharge shall specifically name and describe the article or articles warranted and shall be of the following form, to wit: "It is hereby warranted that the following-described article or articles, to wit, ——— are pure and unadulterated within the meaning of the act of the legislature of the state of New Jersey entitled 'An act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof,' approved the ——— day of ———, A. D. nineteen hundred and one"; every such warranty shall be signed by the warrantor, but no warranty shall be a

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Form of warranty.

defense if the person offering it shall have been notified, prior to the sale complained of, that the article or articles mentioned in it were impure within the meaning of this act.

Jurisdiction to issue process.

14. 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 on 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 prosecutor, for the use of the state of New Jersey, or in the name of any local board of health of the township, city, borough, town or other municipal government within whose limits the penalty may have been incurred, as prosecutor, for the use of such township, city, borough, town or other local municipal government; 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 or belief; said process shall be in the nature of 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 the 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 nor 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, if no jury be demanded in accordance with the provisions of the next succeeding section, shall proceed to hear the testimony, and to determine and give judgment in the matter, without the filing of any pleadings, either for the prosecutor for the recovery of such penalty with costs, or for the defendant or defendants; if such judgment be for the prosecutor as aforesaid, it shall be in the

Nature of process.

Hearing and judgment.

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 New Jersey entitled 'An act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof,' 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), as prosecutor; and further that the witnesses in said proceeding who testified for the prosecutor 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 prosecutor recover of the defendant fifty 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.

Trial by jury; summons, testimony, &c.

15. Either party to any proceeding instituted under the provisions of this act may, at any time previous to the hearing of the complaint in such proceeding, demand a trial by jury, and if a jury is demanded a venire shall be issued to summon a jury of twelve men, being citizens of this state above the age of twenty-one years and under the age of sixty-five years, and in no wise akin to

the defendant or defendants, nor interested in the proceeding, to be and appear before the district court, justice of the peace, police justice or recorder issuing the venire, at such time and place as shall be expressed therein, to make a jury for the trial of the matter mentioned therein; and the constable or sergeant-at-arms shall, at the return of the said venire, return, annexed thereto, a panel containing the names of the jurors whom he shall have summoned by virtue thereof; and if, on the return of the venire, it shall appear that one or more of the jurors are disqualified to serve, or do not appear, then it shall be lawful for the constable or sergeant-at-arms who served the same, by order of the court, justice of the peace, police justice, or recorder before whom the trial is to be had, immediately to summon others who shall serve in their stead; such jury, having been first duly sworn or affirmed according to law, with the court, justice of the peace, police justice or recorder before whom the trial is to be had, shall thereupon proceed to hear the testimony, the jury rendering their verdict upon the facts, and the court, justice of the peace, police justice or recorder deciding upon all questions of law; if the jury find the defendant or defendants guilty, the court, justice of the peace, police justice or recorder shall give judgment in the matter, without the filing of any pleadings, for the prosecutor for the recovery of said penalty with costs; if the jury find the defendant or defendants not guilty, the judgment shall be generally for such defendant or defendants; if judgment be given for the prosecutor as aforesaid, it 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 and ———, at ——— in said county, C. D., defendant, was by a jury duly summoned before the district court of the city of T. (or, before 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 to secure the purity of foods, beverages, confectionery, condiments, drugs

Form of judgment.

and medicines, and to prevent deception in the distribution and sales thereof,' approved the ——— day of ———, A. D. nineteen hundred and ———, 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) as prosecutor; *and further,* that the witnesses in said proceeding who testified for the prosecutor 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 prosecutor recover of the defendant fifty 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.

Appeal may be had.

16. If any party in any such action or proceeding shall be dissatisfied with the determination or direction of said court in point of law or fact, or upon the admission or rejection of evidence, such parties may appeal from the same to the circuit court of the county wherein said action is had; *provided,* that such party shall within five days after such determination or direction, give notice of such appeal to the other party or his attorney, and enter into bond to the other party with at least one sufficient surety, being a freeholder of said county, to be approved by the judge or justice of the peace, for the costs of appeal, whatever be the result thereof, and for double the amount, if any, for the judgment rendered against him, conditioned for the payment thereof if the appeal be not prosecuted by the appellant or be dismissed; such security, so far as regards the amount of the judgment, shall not be required in any case where

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the party appealing shall pay the amount of such judgment in the hands of the clerk of the court, but such appeal shall operate as a stay of proceedings only after such security has been given or money paid; either party to any said cause may make application to the court for the appointment of a stenographer to transcribe all proceedings at the trial of said cause, and to prepare a transcript of the same and of the pleadings and judgment therein, for use on appeal; said application shall be made at such times as said court shall by rule direct, or as the judge or justice of the peace thereof in his discretion shall permit; it shall thereupon be the duty of said judge or justice of the peace to grant said application, and to designate a stenographer to act as aforesaid in said case; in case no appeal is taken in said case and no transcript of the proceedings required, the stenographer shall receive as compensation for services at the trial a fee of five dollars for each day spent in attendance at said trial, to be paid in the first instance by the party making the application, but to be taxed in the costs of the suit and recovered by the prevailing party, if theretofore paid by him, upon execution thereof if necessary; in case an appeal be taken in said cause, the transcript of the record made by said stenographer as aforesaid, subject to correction, shall be certified by the judge or justice of the peace as the state of the case for appeal, and such case shall be transmitted by the clerk of said district court to the clerk of the circuit court of the county in which said district court is located, and filed by him in his office; in any such case the fees of said stenographer shall likewise be certified by said judge or justice of the peace and shall be paid in the first instance by the party making said application, but shall be taxable in the costs of said suit as finally determined and recovered by the prevailing party if theretofore paid by him, upon execution if necessary; in any such case there shall be no attendance fee paid to said stenographer, but he shall be entitled to receive ten cents a folio for said transcript; in case no such application as authorized by the preceding section be made, and the case shall not have been taken stenographically in ac-

When appeal stays proceedings.

Stenographer designated.

Transcript certified.

cordance therewith, then such appeal shall be in the form of a case agreed on by both parties or their attorneys, and if they cannot agree, the judge or justice of the peace on being applied to by them or their attorneys, shall, upon such notice as said judge shall prescribe, settle the case and sign it, and such case shall be transmitted by the appellant to the said clerk of the circuit court and filed by him in his office; such case shall be agreed upon or settled within fifteen days after such determination or direction unless the judge shall grant further time for that purpose; the case shall be heard on appeal in the said circuit court at the next term after such determination or direction unless the said court shall on good cause shown postpone the hearing thereon to some subsequent term; *provided,* that there shall be fifteen days between such determination or direction and said next term of the said circuit court; on the hearing of said appeal, said circuit court shall either affirm or reverse said judgment of the district court, or may order judgment to be entered for either party, as the case may be, and may make such order with reference to the dismissal and costs of the said appeal as said court may think proper; such order, determination or decision of the circuit court may be removed into the supreme court or court of errors and appeals by a writ of error; said writ shall remove such order or determination and the case agreed upon or settled as hereinbefore mentioned, provided the party applying for the same comply with the provisions of this act.

Appeal heard in circuit court.

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Execution against defendant.

17. In case judgment as aforesaid shall be rendered against any defendant, in any such proceedings as aforesaid, 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.

Serving of process or execution.

18. The officers to serve and execute any process or execution issued as aforesaid shall be the constable of the county, and within the jurisdiction of any district court shall include the sergeant-at-arms thereof, 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 court 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 recoverable in any such action shall be paid to the prosecutor therein, who shall pay the same into the treasury of this state when such prosecutor is the state board of health, and when the prosecutor is a local board of health such local board shall pay the penalty into the treasury of the township, city, borough, town or other local municipal government within which such local board has jurisdiction; 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 act may adjourn the hearing thereof from time to time, not exceeding thirty days from the return day of the summons or warrant; and in any case where a warrant shall have been issued may require the defendant 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 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 prosecutor, who may sue thereon, and all moneys recovered in such suit shall be paid by the prosecutor into the same treasury into which it is above required to pay the

Costs allowed.

Penalty payable to prosecutor.

Commitment in default of bail.

penalty recovered from any defendant for violation of any of the provisions of this act.

Misdemeanor to utter false warranty; penalty.

19. Any person who shall give or utter any false warranty of the form prescribed in the fifteenth section of this act, shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not more than five hundred dollars, or imprisonment at hard labor for not more than one year, at the discretion of the court.

Annual expenditure of state board of health.

20. The state board of health may expend annually for the purposes of carrying out the provisions of this act a sum not exceeding fifteen thousand dollars, which sum shall be paid by the treasurer of this state upon the warrants of the comptroller; *provided, however,* that an appropriation therefor shall first be made by the legislature; and should this act go into effect the sum appropriated to the use of the dairy commissioner shall be placed to the account of the state board of health.

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Dairy commissioner abolished.

21. The office of state dairy commissioner is hereby abolished, and all duties now imposed upon the state dairy commissioner by an act of the legislature not repealed by this act, shall hereafter be performed by the chief inspector appointed under the authority of this act, and under the direction of the state board of health.

Sundry acts repealed.

22. The following acts are hereby repealed: "An act to protect butter and cheese manufacturers," approved March twenty-third, eighteen hundred and sixty-five; "An act relative to the dairy commissioner," approved June thirteenth, eighteen hundred and ninety-five; "An act to prevent the adulteration and to regulate the sale of milk," approved March fourteenth, eighteen hundred and eighty-two, and all acts supplementary thereto and amendatory thereof; "An act to prevent the adulteration of food or drugs," approved March twenty-fifth, eighteen hundred and eighty-one, and all acts supplementary thereto and amendatory thereof; "An act to prevent the adulteration of candy," approved March fourteenth, eighteen hundred and ninety-five; and "An act to prevent deception in the sale of cakes and biscuits and to preserve the public health," approved March twenty-

second, eighteen hundred and ninety-five, and all other acts and parts of acts inconsistent with this act.

Enacting clause.

23. This act shall take effect on the first day of November, in the year nineteen hundred and one.

Approved March 21, 1901.

CHAPTER 86.

A General Act concerning taxes.

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

Real estate assessed where situated.

1. All real estate which is subject by law to taxation except such as is subject to assessment under the provisions of an act of the legislature of New Jersey, entitled "An act for the taxation of railroad and canal property, approved April tenth, one thousand eight hundred and eighty-four," and the supplements and amendments thereto, shall be assessed in the city, township, borough or taxing district in which the same may be situate; when the line between taxing districts divides a farm or other tract of land, each part thereof shall be assessed to the owner thereof in the taxing district in which the same may be located, and this whether such division line be a city, township, borough or county line.

Repealer.

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

Approved March 21, 1901.

CHAPTER 87.

A Supplement to an act entitled "An act concerning savings banks," 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:*

Payment to either of joint depositors.

1. Whenever any deposit has been made, or shall here, after be made, in the name of two persons, payable to either, or payable to either or the survivor, such deposit, or any part thereof, or interest or dividends thereon, may be paid to either of said persons, whether the other be living or not, and the receipt or acquittance of the person so paid shall be a valid and sufficient release and discharge to the corporation for any payment so made, and the foregoing provisions shall apply to deposits made in any saving bank or savings institution, whether chartered or incorporated under any general or special act of the legislature.

2. This act shall take effect immediately.

Approved March 21, 1901.

CHAPTER 88.

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

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

Section amended.

1. Section one hundred and six of the act entitled "An act relating to courts having criminal jurisdiction, and regulating proceedings in criminal cases (Revision of one thousand eight hundred and ninety-eight)" approved June fourteenth, one thousand eight hundred and ninety-eight, be amended to read as follows:

Magistrates to send bill of particulars to clerk of grand jury or prosecutor.

106. Every magistrate shall make a bill of particulars of the costs in each criminal case before him and send up the same with the papers in the case to the clerk of the grand jury in his county, if there be such clerk, and if there be none, then to the prosecutor of the pleas in such county, and if an indictment be found in the case, said bill shall be handed by such clerk or prosecutor, as the case may be, to the county clerk, who shall review and correct the same, if necessary, and shall certify the correct amount to the county collector, who thereupon shall pay the amount so certified to the magistrate; and if no indictment be found in any case, and in the judgment of the prosecutor of the pleas the proceedings in such case were taken by the magistrate honestly, in good faith, and were calculated to promote the administration of justice, and the costs therein ought to be paid out of

County clerk to review and certify.

Payment when no indictment found.

the county treasury, and he shall so certify on the bill of particulars of costs in the case, said bill shall be paid by the county collector; *provided,* that no fees or costs shall be paid by the county collector for the services of any judge, justice or officer of any police or criminal court where such judge, justice or officer receives a salary, with the exception of the county clerk, who shall be entitled to receive a fee of twenty cents for taxing each such bill of costs presented to him, and the same shall be paid him by the county collector.

Proviso.

Section amended.

2. Section one hundred and eight of the act entitled "An act relating to courts having criminal jurisdiction and regulating proceedings in criminal cases (Revision of one thousand eight hundred and ninety-eight)," approved June fourteenth, one thousand eight hundred and ninety-eight, be amended to read as follows:

Bill of costs attached to commitment.

108. In case a person is convicted before a justice of the peace for any offense and sentenced to imprisonment, or to pay a fine and costs, and committed until fine and costs are paid, it shall be the duty of the justice before whom any such conviction is had, to make a bill of the particulars of the costs in such case, attached to the commitment, and also certify and send up a copy of said bill of particulars of costs, with the conviction in said case, to the county clerk, who shall review and correct the same, if necessary, and shall certify the correct amount to the county collector, who thereupon shall pay the amount so certified to the said justice; for his services in taxing said bill of particulars of costs the county clerk shall be paid a fee of twenty-eight cents for each bill of particulars of costs so taxed.

Repealer.

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

4. This act shall take effect immediately.

Passed March 21, 1901.

CHAPTER 89.

An Act to amend an act entitled "An act to authorize cities in this state to purchase lands for the erection of and to construct public docks, wharves and piers, and to purchase and improve rights of way leading thereto, and to purchase lands lying contiguous thereto, so as to make said lands, docks, wharves and piers accessible," approved April seventeenth, one thousand eight hundred and eighty-eight.

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

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

1. The board of finance or other body having the control of the finances of any city in this state bordering on an arm of the sea or other navigable stream, or through which a navigable stream shall run, are hereby authorized and empowered, upon the written application of not less than fifty freeholders in said city, to purchase or acquire by condemnation lands bordering on such arm of the sea or other navigable stream, including the lands under water in front thereof, for the erection, construction and maintenance of one or more public docks, wharves or piers, which purchase or acquisition by condemnation shall include a right or rights of way, not exceeding eighty feet in width, leading to said lands, docks, wharves and piers, and such lands lying contiguous thereto, as shall be necessary to make said lands, docks, wharves and piers accessible. Purchase lands for docks, &c.

2. Section two of the said act to which this is an amendment, be amended so that said section two shall read as follows: Section amended.

Construction of docks, &c.

2. After the acquiring of such lands and the rights of way leading thereto, and the necessary lands lying contiguous thereto, so as to make the said lands, docks, wharves and piers accessible, it shall be lawful for the board having charge and control of the construction of public docks and buildings, and the opening, grading and otherwise improving the streets in said city, to proceed to construct one or more public docks, wharves and piers in front of the lands so acquired; said board

Issue proposals.

shall first advertise for proposals for the construction of such docks, wharves or piers, in the newspapers printed and published in said city authorized to publish the proceedings of such board, for such time and in such manner as shall be provided by the charter of any such city, or otherwise, for proposals for the erection and construction of public buildings in such city; and it shall further be lawful for the board in said city having the control of the opening, grading and improving of streets in such city to advertise in the same papers in the same manner and for the same time for proposals for opening,

Grading, sewering, &c.

grading, sewering, paving and otherwise improving such right or rights of way leading to said public dock or docks, wharf or wharves, pier or piers; and upon the said proposals being received, it shall be lawful for such board or boards so receiving said proposals to accept such as shall be in the judgment of such board for the best interest of said city, and proceed at once with the construction and erection of such docks, wharves or piers, and with the opening, grading, sewering, paving and improvement of such right or rights of way leading

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to such docks, wharves or piers; *provided, however,* that such acceptance shall be concurred in by the board having charge and control of the finances of such city.

Section amended.

3. Section three of the said act to which this is an amendment be amended so that said section three shall read as follows:

Bonds issued for purchase of lands, docks, &c.

3. For the purpose of acquiring said lands and rights of way, and the construction and erection of such docks, wharves or piers, and the improvement of the right or rights of way leading thereto, and the opening, grading sewering and paving of the said streets, the board of

finance or other board having the control of the finances of said city are hereby authorized and empowered, from time to time, to issue bonds of said city in an amount not exceeding one hundred thousand dollars in all, for such length of time as they shall determine; said bonds to bear interest at not more than five per centum per annum, payable semi-annually, and to sell the same at not less than their par value, and from the proceeds of the sale of such bonds to pay for the said lands and rights of way, the construction of such docks, wharves or piers, and the improvement of the rights of way leading thereto.

Amount, rate, proceeds.

4. This act shall take effect immediately.

Approved March 21, 1901.

CHAPTER 90.

An Act to authorize the board of fish and game commissioners of this state to co-operate with the state of Pennsylvania in assisting to restore the sturgeon fisheries in the Delaware river and bay, and making an appropriation therefor.

WHEREAS, The sturgeon fisheries of the Delaware river and bay, once an important industry, giving employment to many citizens of this commonwealth, have decreased so rapidly that it is advisable by concerted action of the states bordering upon these waters to restore said fisheries, and a bill similar to this act is now pending in the legislature of the state of Pennsylvania; therefore

Preamble.

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

1. The sum of seven hundred and fifty dollars, or as much thereof as may be necessary, provided an appropriation be made therefor in the annual appropriation

Appropriation for sturgeon propagation.

bill, is hereby appripriated to the board of fish and game commissioners of this state, for the purpose of co-operating with the state of Pennsylvania in the artificial propagation of the species of fish known as sturgeon in the Delaware river and bay, and the said board of fish and game commissioners is hereby authorized and directed to undertake this work provided the sturgeon fishermen shall agree to furnish free of charge, upon demand of the said board of fish and game commissioners of this state, ripe eggs and milt suitable for propagating said sturgeon, and further provided that said fishermen shall, at the close of the open season, furnish the board of fish and game commissioners of this state, or their agents, free of charge, at least two boats and all the necessary nets and appliances for the capture of sturgeon for propagating purposes on the spawning beds in any part of the Delaware river below Trenton falls, the said boats and appliances to be returned to the owners when no longer needed for the purposes aforesaid.

Co-operation of fishermen.

Sale of mature sturgeon after open season.

2. It shall be lawful for the board of fish and game commissioners, having in their possession after the open season has expired, mature sturgeon obtained in the securing of eggs and milt, to sell or otherwise dispose of said sturgeon; *provided,* that all moneys accruing from such disposal shall be used only for the purpose of propagating and increasing sturgeon in the Delaware river and bay.

Proviso.

Enacting clause.

3. This act shall not become operative and any money appropriated therefor not become available until the legislature of Pennsylvania has passed a similar act and appropriation.

Approved March 21, 1901.

CHAPTER 91.

An Act validating certain sales of lands, tenements, hereditaments or real estate made by any sheriff or other officer under or by virtue of the writ or order of any court of competent jurisdiction of this state.

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

Validating certain sales made by sheriff.

1. No sale of lands, tenements, hereditaments or real estate heretofore made by any sheriff or other officer under or by virtue of the writ or order of any court of competent jurisdiction of this state, shall be invalidated by reason of any omission of such sheriff or other officer to set up one of the public advertisements of the time and place of such sale at a public place in the township, ward or city where such real estate is situate as then required by law; but the purchaser of such lands, tenements, hereditaments or real estate, who shall have complied with the conditions of such sale and 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 one of the public advertisements of the time and place of such sale had been set up in a public place in the township, ward or city where such real estate is situate as then required by law; *provided,* public advertisements of the time and place of such sale shall have been set up at five or more public places in the county where such real estate is situate.

Proviso.

2. This act shall take effect immediately.

Approved March 21, 1901.

CHAPTER 92.

An Act for the re-districting of cities in this state into wards.

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

Division of city into wards.

1. Upon the petition of not less than one hundred voters of any city the governor may, in his discretion, appoint a commission of three residents and voters of such city, not more than two of whom shall belong to the same political party, to divide the city for which they are appointed into wards, each ward to contain as nearly as practicable an equal number of inhabitants and consist of convenient and contiguous territory in a compact form; such division not to take place oftener than once in five years.

Supreme court vested with original jurisdiction to review division.

2. The supreme court is hereby invested with exclusive original jurisdiction and with full power under such procedure as it may by rules prescribe, to review any division made by commissioners so appointed for the purpose of determining whether such apportionment is in accordance or in conflict with the provisions of this act, and if in conflict therewith, to adjudge such division or such part thereof as may be so in conflict null and void; in case said court shall determine such division or any part thereof to be null and void, the said commission shall proceed to make a new division, entire or partial, as the action of the court may require, or, failing so to do, the governor may appoint a new commission to make a division as directed by the court; *provided*, that no division shall be set aside or corrected unless application for that purpose shall have been made within thirty days after the filing of the map as herein directed.

Proviso.

3. 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 wards shall be made and filed by the said commissioners in the office of the city clerk of such city with a description or statement of such lines, all of which shall be attested and certified by such commissioners under their hands and shall there remain of record; the acts of a majority of such commissioners 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. Boundaries, maps, &c.

4. 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, 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. Expenses.

5. This act shall take effect immediately.

Approved March 21, 1901.

CHAPTER 93.

An Act to amend an act entitled "A supplement to an act entitled 'An act concerning taxes,' approved March twenty-eighth, one thousand eight hundred and ninety-five," which supplement was approved June thirteenth, one thousand eight hundred and ninety-eight.

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

1. Section one of the act entitled "A supplement to an act entitled 'An act concerning taxes,' approved March twenty-eighth, one thousand eight hundred and ninety-five," which supplement was approved June thirteenth, one thousand eight hundred and ninety-eight, and is Section amended.

chapter two hundred and thirteen of the laws of one thousand eight hundred and ninety-eight, be and is hereby amended so as to read as follows:

1. Section one of the act entitled "An act concerning taxes," approved March twenty-eighth, one thousand eight hundred and ninety-five, be and is hereby amended so as to read as follows:

Real estate assessed at true value.

1. All real property in this state, not now by law exempt from taxation, shall be assessed for taxation at its true value, and the full tax thereon shall be paid to the collector of taxes, or other proper officer authorized by law to collect the same, and no deduction shall be made from the taxable value of such real estate to any owner thereof on account of the indebtedness of such owner to any bank or trust company; *provided,* that nothing in this act contained shall be construed in any way to alter or amend the method of taxing bonds or mortgages or real property which is subject to mortgage, or the method of taxing the property of railroad, canal, bank or trust companies, or the methods of taxing the surplus of insurance companies in this state.

Proviso.

2. This act shall take effect immediately.

Approved March 21, 1901.

CHAPTER 94.

An Act to establish a village for epileptics and to repeal certain acts inconsistent therewith.

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

Board of managers; number, term, &c.

1. The New Jersey state village for epileptics is hereby established and the government thereof vested in a board of eight managers to be appointed by the governor with the advice and consent of the senate; they shall be residents of this state and not more than four

members shall belong to the same political party; the present managers shall hold office during the term for which they were appointed, and thereafter all appointments, except to fill vacancies, shall be made for four years; appointments to fill vacancies shall be for the unexpired term only.

Powers of board; officers, salaries, &c.

2. The board of managers shall have power to manage and control the property and concerns of the institution, elect a president and vice-president from their members; appoint a treasurer, a secretary, a superintendent who shall be a well-educated physician; and on the nomination of the superintendent a steward, a matron and as many assistant physicians as may be necessary; determine the annual salaries of the officers, subject to the approval of the governor; take and hold in trust for the state any grant, devise, bequest or donation of land, money or personal property for the use of the village, or for the mainetnance of those committed to the care of the village; adopt such by laws as may be necessary for conducting in a proper manner the business of the village and fixing the conditions of admission, support and discharge of patients; and ordain and enforce a system of rules for the government and discipline of the village.

Duties.

3. The managers shall perform the following duties: keep a full record of all their proceedings, open at all times to the inspection of the governor of the state, or any member of either house of the legislature, and to all persons whom he or either house of the legislature may appoint to examine the same and to such persons only; maintain an efficient inspection of the village, and on or before the first day of December, in each year, make to the governor a report of the actual state of the village at the close of the fiscal year, detailing the year's operations, with such recommendations as may be necessary to accomplish the work for which the village was designed, to be by him presented to the legislature; hold bi-monthly meetings at the village, an annual meeting in the month of November in each year, and such other meetings as the interests of the village may demand.

Payment of salaries.

4. The annual salaries and allowances of the officers of the village, when appropriated by the legislature of the state, shall be paid in equal monthly payments by the treasurer of the state upon the warrant of the comptroller.

Resident officers.

5. Officers, except the secretary and treasurer, shall constantly reside at the village and be designated as resident officers; officers and appointees shall hold their several offices at the pleasure of the board of managers.

Superintendent; duties, responsibilities, etc.

6. The superintendent shall be the chief executive officer of the village, and shall have the general superintendence of the village, including furniture, fixtures and stock, the direction and control of all persons thereon, subject to any by-laws and regulations established by the managers, shall daily ascertain the condition of the patients, prescribe their treatment, appoint with the approval of the managers, necessary assistants for the several departments of the village required for the efficient and economical carrying out of the intentions for which the village was established, prescribe their several duties, fix, with the managers' approval, their compensation, discharge any at his sole discretion, suspend for cause any resident officer, giving to the president of the board of managers (or in his absence or inability to act, to the vice-president) written notice thereof, stating the causes, when it shall become the duty of the president or vice-president to call a meeting of the board to consider and dispose of the matter; give such orders and instructions as may be necessary to insure good conduct, fidelity and economy in every department, enjoin and maintain discipline among all who are employed at the village, enforce strict compliance with such instructions, and obedience to the rules and regulations adopted by the managers; keep, or cause to be kept, such accounts of the business and operations of the village as shall be required by the by-laws, see that all accounts and records are fully made up to the last day of October in each year, and report the same to the board of managers at their annual meeting in November; in the absence or disability of the superintendent, the senior assistant

Keeping of accounts.

physician shall perform the duties and be subject to the responsibilities of the superintendent.

Certain exemptions to resident officers.

7. Resident officers of and all persons actually employed at the village shall, during the term of their employment, be exempt from serving on juries, and from all militia service in times of peace; the certificate of the superintendent shall be sufficient evidence of the fact of employment.

Treasurer; duties, &c.

8. The treasurer shall have the custody of all moneys, securities and obligations belonging to the village; deposit in bank in his name as treasurer of the village immediately upon the receipt thereof all moneys coming to his hands for the use of the village, and draw the same only in the manner prescribed in the by-laws; keep full and accurate accounts of all receipts and disbursements, and such other accounts as the managers shall require; balance all accounts annually on the last day of October, and make a full statement of the balances, and an abstract of the receipts and payments for the preceding year, and within three days thereafter deliver the same to the auditing committee appointed by the board of managers, which committee shall compare the same with his books and vouchers and verify the results by comparison with the books of the steward, and report their findings to the board of managers at the annual meeting in November; the treasurer shall render a bi-monthly statement of his receipts and disbursements to the auditing committee at the regular bi-monthly meeting, which committee shall compare and verify them as aforesaid, and certify the result to the board of managers, who shall cause the same to be recorded in one of the books of the village, and shall further render an account whenever required to do so by the managers; have authority to sue for and recover for the use of the village in his own name as treasurer of the New Jersey state village for epileptics any and all sums of money that may be due to the village from any source; no suit commenced for any such purpose shall abate by his death or removal, but proceed in the name of his successor in office; upon receipt of any moneys belonging to said village the treasurer may acknowledge satisfaction thereof.

Accounts audited.

Bi-monthly statements.

May recover moneys due.

Steward; duties, &c.

9. The steward, under the direction of the superintendent, shall make all purchases for the village, preserve the original bills and receipts thereof, keep full and accurate accounts of the same, and of all orders drawn upon the treasurer, make contracts in the name of the superintendent with employes, keep the accounts of patients and furnish the treasurer every month with copies of such as fall due; make bi-monthly abstracts of his accounts to the last day of the month preceding that in which the bi-monthly meeting of the managers is held for the treasurer and managers; be accountable for the careful keeping and economical use of furniture, stores and other articles purchased for the village, and make out annually, during the third week of October, and furnish to the managers, a true and perfect inventory, verified by oath, of the personal property belonging to the village, with an appraisal thereof made under oath or affirmation by himself and two suitable persons whom the managers shall appoint.

Annual inventory.

Admission to village.

10. No person shall be admitted to the village as a patient without lodging with the superintendent a written request, signed by the person making the request, stating his full name, place of residence, place of nativity, occupation, degree of relationship to the patient and other circumstances of connection between the applicant and the person for whom admission is sought, together with the certificate of two physicians, setting forth the fact that the person for whom admission is desired is an epileptic; such certificates shall be under oath and made within thirty days next preceding the filing of such application; physicians giving the certificates shall be graduates of some regularly incorporated medical college, be permanent residents of this state, and in the actual practice of their profession for at least three years; the application, certificates and other forms of admission shall be in accordance with forms adopted by the board of managers; all persons maintained at the village at private charge shall, in addition to the above requirements, furnish a bond payable to the treasurer, or his successor in office, in such sum and with such sureties as shall be approved by the superintendent, con-

ditioned for the payment of the cost of the support of the patient so long as he shall remain in the village.

Admission of indigent epileptics.

11. Any person being an epileptic and in indigent circumstances and entitled to reside at the village by the terms of this act, or the rules and regulations adopted by the board of managers, and who has been a resident of this state for at least one year continuously immediately prior to his application for admission, may be admitted by an order of the judge of the court of common pleas of the county, together with the approval of the chosen freeholder of the township wherein the patient resides; the said judge, upon application being made to him on behalf of any indigent epileptic, shall take the evidence of a reputable physician and of such other witnesses as may be necessary to a full investigation of the facts and in a summary manner determine the question of epilepsy and indigency, and if he determine that the person for whom application is made is an epileptic and indigent shall make an order to that effect, and on such order, authenticated by the county clerk, under the seal of the court, the patient shall be admitted to the village; the board shall have the right and power to hold and detain any indigent patient committed, as hereinbefore provided for, for a period not less than one year from the date of his admission, but the board shall provide a method for the prompt discharge of any patient, should a condition exist or arise rendering unnecessary or inadvisable the further detention of such patient; no patient shall be admitted under five years of age, nor for a shorter period than one year unless sooner restored to health.

Method for discharge of patient.

Power of court to discharge patient.

12. Upon the application of any relative or other person directly or indirectly interested in any patient committed as herein provided, the court of common pleas shall have power to inquire into the fact set forth in such petition, and if such court shall think proper it shall have the power to immediately order the discharge of such patient from said village of epileptics.

Private patients.

13. Patients may be admitted under special agreement to be supported in said village by relatives or friends

upon complying with the required forms of admission, and paying the cost of support agreed upon.

Payments by state and county per patient.

14. There shall be paid from the state treasury, in quarterly payments, upon the warrant of the comptroller, to the treasurer of said board, the sum of one dollar per week toward the maintenance of each indigent patient in said village, and by the county collector of each county from which an indigent patient has been committed to the village there shall be paid to said treasurer, toward the expense of maintaining in said village any indigent patient who has been received upon the order of the court of common pleas of any county with the approval of the chosen freeholder of the township in which the said patient resides, the sum of two dollars per week, and thirty dollars annually for clothing for each patient received as aforesaid from any county, and the chosen freeholders of such county shall annually levy and raise the amount required to meet such expenses, and such further sum as will probably cover all similar bills for one year in advance; said county, however, shall have the right to require every individual or municipality that is legally liable for the support of such patient, to re-pay the amount of said bills, with interest, and the board of managers shall have the authority to sue for and recover in the name of its treasurer, from the county indebted, all sums that may be due for the support, maintenance and clothing of any such patient in an action on contract.

County may require re-payment.

Condition of patient entering.

15. Any officer, relative or friend sending a patient to the village shall see that such patient is in a state of bodily cleanliness, comfortably clothed, and provided with such suitable raiment as the board of managers may require in their by-laws, and that such patient has not been exposed to nor is suffering from any contagious disease.

Managers' expenses.

16. The managers, other than the treasurer and secretary when elected from the managers, shall receive no compensation for their services, but shall receive actual expenses incurred by them in the discharge of their duties, to be paid by the treasurer of the state upon the warrant of the comptroller, on rendering bills therefor.

Epileptics transferred from asylums.

17. Any epileptic patient, not insane, now under care, or who may hereafter be placed under care, in either of the New Jersey state hospitals for insane, may be transferred therefrom to the village for epileptics upon the request of relatives or friends, and upon a certificate that the patient is not insane, to be given by the medical director of the hospital from which the transfer is to be made, said certficate to be accompanied by a full and detailed history so far as can be furnished of the case of the patient, stating particularly the frequency and character of the epileptic attacks and their supposed cause; if after such removal any patient should become insane or unsuitable in the judgment of the superintendent to remain at the village such patient shall be sent to the state hospital from which he was so removed, and the bills for the reasonable expenses incurred in the transportation of such patients either from or to the state hospital shall be paid by the treasurer of the village or hospital sending such patient.

Police jurisdiction.

18. The board of managers shall have police jurisdiction within the ground owned by the state and for two miles beyond the boundaries of said ground, and shall have power to appoint one or more person or persons who shall possess the same power and authority on the premises and within the limits named in this section, as constables now possess in criminal cases and in cases of trespass; they shall have power and authority to arrest all persons who shall be found trespassing on said premises or violating any of the laws of the state, or who shall conduct themselves in an immoral or disorderly manner or in violation of the rules and regulations provided by said managers for the government of the grounds and premises, such rules and regulations not being in conflict with the laws or constitution of this state, or of the United States, and persons arrested shall be taken before some justice of the peace or other proper officer to be dealt with according to law; the persons so appointed shall take and subscribe an oath or affirmation to be filed in the office of the clerk of the county of Somerset, to be in like form and effect as constables are

required to take and subscribe; their compensation shall be fixed by the managers.

Unlawful to sell liquor within two miles.

19. No person shall sell or expose for sale, or cause or knowingly permit to be sold or exposed for sale, directly or indirectly, any spirituous, malt, vinous or intoxicating liquors, or any composition of which such liquors or beverages shall form the chief ingredient, on any lands or place lying and being within two miles of the boundary of the grounds owned by the state in the county of Somerset used for the purpose of a village for the cure or treatment of epileptics, nor shall any person bring upon the premises or give to any patient or employe any of the aforesaid liquors and composition, or any narcotics, and any person so offending shall be deemed guilty of a misdemeanor, and on conviction shall for the first offense be fined not less than fifty dollars nor more than two hundred dollars, with the costs of prosecution, or imprisonment in the county jail for not less than ten days nor more than thirty days, or by both such fine and imprisonment, and for each subsequent offense not less than one hundred dollars and imprisonment for not less than twenty days in said jail.

Penalty.

Consent of managers to laying out roads through village.

20. It shall not be lawful for any of the surveyors of the highways, public officers or any person or persons to lay out or maintain any new road, highway or railway through or upon the lands purchased or that may be hereafter purchased while owned by the state for said village, without the consent of the managers of said village being first had in writing.

Bonded officers.

21. The board of managers shall require from their treasurer or from any other appointee whose office permits or requires him to take, receive or disburse any moneys belonging to the board of managers as such, or which may be appropriated by the legislature for the use of the village, a bond in double the amount likely to come into the hands of such officer, conditioned for the faithful performance of his duties in receiving, holding, disbursing and accounting for any moneys coming to his hands as aforesaid; the sufficiency of the sureties to be determined by the board of managers, which may be a corporation authorized by the laws of the state to act as

Sureties.

surety on official bonds, and the treasurer of the village is authorized to pay the cost of such indemnity upon the order of the managers out of any moneys in his hands appropriated for the use of the village.

"Village" and "institution" defined.

22. The words "village" and "institution" mean the New Jersey state village for epileptics; a word denoting the singular number may include one or many, and every word importing the masculine gender only may extend to and include females.

Managers and officials not liable for detention of patients.

23. The board of managers, or either of them, the superintendent, steward or other officers or employes of the board shall not be liable in any action at law for receiving or detaining, as provided for in this act, any person coming to said village either on his own or the application of his friends or relatives, or by order of any judge or court authorized to commit patients to the village, but such application or order shall be sufficient warrant for the reasonable management and control of any patient received at the village according to the terms of this act.

Present contracts not affected.

24. This act shall not be taken as abolishing, changing or altering any contract made by the present board of managers, but all rights under any such contracts shall be preserved and the power to execute and require performance of all contracts and obligations, and the title to all lands as well as all gifts, donations or trust moneys now belonging to or in the hands of the present board of managers shall vest in and belong to the board established by this act as fully and as effectually as now vested in the existing board.

Lands, &c., vested in new board.

Repealer.

25. An act relative to the government and management of the New Jersey state village for epileptics, approved March twenty-fourth, one thousand eight hundred and ninety-nine, supplement thereto approved March twenty-third, one thousand nine hundred, and all acts and parts of acts inconsistent with this act, be and the same are hereby repealed, but this repealer shall not be taken to revive any acts heretofore repealed, and this act shall take effect immediately.

Approved March 21, 1901.

CHAPTER 95.

An Act authorizing additional sums to be raised by taxation for the use of free public libraries.

Preamble.

WHEREAS, The acts providing for the establishment of free public libraries in this state, direct that there be raised annually, by taxation, a sum equal to one-third of a mill on each dollar of assessable property within the municipality in which any free public library is established; *and whereas,* it may be necessary, in some instances, to raise from time to time a greater sum for the use and support of such libraries; therefore,

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

Additional amount for library purposes.

1. In any city, town, township or municipality in which there is now or may be hereafter a free public library established pursuant to law, it shall be lawful to raise by taxation from time to time for the support and use of said library, in addition to the sum now required to be raised, such amount annually as may be appropriated or authorized in such municipality, not exceeding one-sixth of a mill on every dollar of assessable property in such municipality; and the sum so appropriated or authorized when assessed and collected shall be used for no other purpose than for the use of a free public library, and shall be disposed of in the same manner as the moneys required to be raised annually are or may be disposed of.

2. This act shall take effect immediately.

Approved March 21, 1901.

CHAPTER 96.

A Supplement to an act entitled "An act concerning savings banks," approved April twenty-first, eighteen hundred and seventy-six.

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

1. Any savings banks or savings institution of this state, whether chartered or incorporated under a general or a special act of the legislature of this state, may, from time to time, by resolution of its board of managers, increase the number of its managers to any number, not exceeding thirteen, of whom at least three-fourths shall reside in the county where said bank or institution is located. Increased number of managers.

2. This act shall take effect immediately.

Approved March 21, 1901.

CHAPTER 97.

An Act to amend and correct the title 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 eighty-four," approved March twenty-third, one thousand nine hundred.

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

1. The title of an act entitled "A further supplement to an act entitled 'An act to provide for the imposition Title amended.

of state taxes upon certain corporations and for the collection thereof,' approved April eighteenth, one thousand eight hundred and eighty-four," approved March twenty-third, one thousand nine hundred, is hereby amended so that the title of the said act as amended shall read, "An act to amend 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,' approved April twenty-first, one thousand eight hundred and ninety-six."

Intention of act.

2. It is hereby declared to have been the intent and purpose of the legislature that the said supplement of March twenty-third, one thousand nine hundred, should be amendatory of the said supplement of April twenty-first, one thousand eight hundred and ninety-six, and not of the said act of April eighteenth, one thousand eight hundred and eighty-four, and that the same should be so construed by all courts at all times and in all places.

3. This act shall take effect immediately.

Approved March 21, 1901.

CHAPTER 98.

An act to amend an act entitled "An act to establish a system of public instruction (Revision of one thousand nine hundred)," approved March twenty-third, one thousand nine hundred.

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

Section amended.

1. Amend section forty-five so that it shall read as follows:

45. In each city, incorporated town, borough, township or other municipality which now is or which shall

Board of education in municipalities; number, appointment, term, &c.

be hereafter 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 is hereinafter provided, appoint nine persons to be members of the board of education of the school district situate in said municipality, who shall severally possess the qualifications for said membership prescribed in this article. Three of such persons shall be appointed to serve for one year, three for two years and three for three 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 three members of said board of education to serve for the term of three 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, except a member appointed to fill an unexpired term, shall begin on the first day of July next succeeding his appointment.

Section amended.

2. Amend section forty-six so that it shall read as follows:

Elective board; term, &c.

46. In each city, incorporated town, borough, township or other municipality which now is or which shall be hereafter divided into wards, there shall be elected at the first municipal election held in such municipality next after the acceptance of this section as is hereinafter provided, nine persons to be members of the board of education of the school district situate in said municipality, who shall severally possess the qualifications for said membership prescribed in this article. Three of such persons shall be elected to serve for one year, three for two years, and three for three years, and thereafter, at the regular municipal election in such municipality in

each year, there shall be elected three members of said board of education to serve for the term of three years to take the place of those members whose terms shall expire in such year. Should any vacancy occur in such board of education, the remaining members of said board shall appoint a person to fill such vacancy to serve only until the next succeeding municipal election in said municipality, at which election a member shall be elected to serve for the unexpired term. The term of office of a member of the board of education, except a member elected to fill an unexpired term, shall begin on the first day of July next succeeding his election.

Section amended.

3. Amend section eighty-three so that it shall read as follows:

Referendum.

83. The acceptance of the provisions of sections forty-five or forty-six shall be submitted to the qualified voters of any municipality which now is or which shall be hereafter divided into wards, 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 election in such municipality, shall, by their petition duly signed and delivered to the clerk of such municipality, have requested that such question shall be so submitted; *provided further,* that the question of accepting the provisions of either section forty-five or forty-six shall not be submitted to the legal voters of any municipality more than once in five years. In any school district situate in a municipality which now is or which shall be hereafter divided into wards, until the organization of a board of education in such school district as provided in section forty-five or forty-six of this act, the administration and conduct of the public schools and the management and control of the public school property therein, shall remain in and shall be exercised

Proviso.

Proviso.

Management, &c., to remain till new board organizes.

by any board of education or other body theretofore having control of the public schools therein. Said board of education or other body shall be hereafter deemed to be incorporated under the provisions of section fifty-one of this act, and shall have all the powers and be charged with all the duties conferred or imposed upon a board of education as provided in this article, and the members of any such board of education or other body shall be selected, elected or appointed at the same time, in the same manner, and shall serve for the same terms as members of such board of education or other body have been heretofore selected, elected or appointed. Upon the organization of a board of education in said district, as provided in section forty-five or forty-six, the board of education or other body theretofore having charge of the public schools in such school district or in such municipality, or having custody, charge or management of any fund or property used for or in the maintaining of public schools in such districts or municipality, and having no other function, shall be ipso facto abolished.

Powers, &c., of new body.

When old board abolished.

4. Nothing in this act shall be construed as requiring any municipality which has heretofore accepted the provisions of section forty-five or forty-six to again submit to the legal voters the question of such acceptance, but such acceptance shall be valid, and the board of education of the school district situate in such municipality shall be hereafter organized under the provisions of the section so accepted, as said section is amended by this act.

Construction of act.

5. Amend section fifty-two so that it shall read as follows:

Section amended.

52. Such board shall, on the day the term of office of the members first appointed or elected as provided in sections forty-five or forty-six, shall begin, and annually thereafter at the first regular meeting of said board after the appointment or election of new members thereto, organize by electing one of its members as president and another as vice-president, which officers shall serve for one year and until their respective successors shall be elected.

Organization.

6. This act shall take effect immediately.

Approved March 21, 1901.

CHAPTER 99.

An Act to provide for the scientific investigation of oyster propagation.

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

Scientific study of oyster propagation.

1. The director of the New Jersey agricultural college experiment station, at New Brunswick, is hereby authorized to establish and maintain one or more stations for the scientific investigation of oyster propagation, said station or stations to be situate at some point or points in the oyster-growing sections of this state; the amount authorized to be expended under the provisions of this act shall not exceed the sum of two hundred dollars in any one year; *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.

Proviso.

2. This act shall take effect immediately.

Approved March 21, 1901.

CHAPTER 100.

A Further Supplement to the act entitled "An act respecting conveyances" (Revision of one thousand eight hundred and ninety-eight), approved June fourteenth, one thousand eight hundred and ninety-eight.

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

Husband may join with wife by power of attorney.

1. Any deed or deeds of conveyance of the lands of any married woman heretofore or hereafter made, ac-

knowledged and delivered by her in which the husband of such married woman joined or shall join by attorney duly constituted by power of attorney executed by the husband authorizing such attorney to join in the conveyance of the lands of the wife, shall be as good and effectual to pass the estate of the said married woman as if her husband had personally joined in the making, execution and delivery of such deed or deeds.

2. This act to take effect immediately.

Approved March 21, 1901.

CHAPTER 101.

An Act to authorize cities to issue bonds for the funding of water debts and to provide for their payment.

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

Bonds issued to meet indebtedness.

1. Whenever the board having charge and control of water works or the water department in any city of this state, shall have heretofore incurred an indebtedness in connection with said water works or water department, which the income derived from water rents or water rates shall have proved insufficient to meet, it shall be lawful for the board of finance or other board having charge and control of the finances of such city, with the approval of the mayor of such city, to fund such indebtedness or any part thereof by the issuing of water bonds of said city to pay the same to an amount not exceeding four hundred thousand dollars.

Character of bonds.

2. The bonds to be issued under the provisions of this act shall be made payable at periods not to exceed thirty years from the date of issuing the same, and shall bear interest at a rate not exceeding four per centum per annum, and shall be in such sums as the board of finance or other board having charge and control of the finances

of such city shall determine; which bonds shall be executed under the corporate seal of such city, and the signature of the mayor and comptroller or other proper financial officer thereof, and may be either registered or coupon bonds or both, as said board may direct; *provided,* that in order to redeem said bonds at maturity, it shall be the duty of the board of finance or other board having charge and control of the finances of said city to establish a sinking fund, into which it shall be the duty of the board of such city which has the charge and control of water works or the water department thereof, to pay annually out of the income derived from water rents, a sum equal to two per centum of the bonds issued under the provisions of this act, which sinking fund shall be under the charge and control of the sinking fund commissioners of such city; it shall also be the duty of the board having charge and control of water works or the water department of such city, to pay the interest on the bonds issued under the provisions of this act semi-annually out of the collections for water rents in such city for each and every year.

Proviso.

Payment of interest.

Disposition of bonds.

3. The board of finance or other board having charge and control of the finances of such city may dispose of the bonds issued under the provisions of this act at public or private sale, but in no case for less than par value thereof, and all moneys derived from the sale of said bonds shall be applied to and used for the payment of such indebtedness.

4. This act shall take effect immediately.

Approved March 21, 1901.

CHAPTER 102.

An Act to amend an act entitled "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," approved March twenty-third, one thousand nine hundred.

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

Section amended.

1. Section one of an act entitled "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," approved March twenty-third, one thousand nine hundred, be amended so as to read as follows:

Fire limits and fire-escapes.

1. It shall be lawful for the governing body of every municipality governed by a board of commissioners, by an improvement commission, or board of trustees, 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.

Repealer.

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

3. This act shall take effect immediately.

Approved March 21, 1901.

CHAPTER 103.

An Act to authorize the paving, repaving, curbing, recurbing and otherwise improving of roads, streets and highways in municipalities governed by boards of commissioners or improvement commissions, and to provide a method of issuing bonds to meet the expenses of such improvements.

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

Bonds issued for paving, &c., streets, &c.

1. It shall be lawful for the governing body of any municipality governed by a board of commissioners or improvement commission to pave, repave, curb, recurb or otherwise improve any street, avenue or section of the same and to issue bonds to meet the expense of such improvements; the aggregate of such bonds shall not at any time exceed two per centum of the total taxable valuation of any such municipality as shown by the latest duplicate of assessment and shall be payable at such time or times, not more than thirty years from the date thereof, and shall bear interest, payable at such time and at such rate, not exceeding six per centum per annum, as the governing body of such municipality may decide; said bonds may be either registered or coupon bonds, or both, and may be disposed of at public or private sale, under such terms and conditions as the governing body may direct, at not less than par.

Amount time, rate.

2. Before any bonds shall be issued to meet the cost of any improvement contemplated by this act, the governing body shall introduce an ordinance describing the nature, kind and extent of the works or improvements contemplated, the street or avenue, or section of street or avenue, upon which the same is proposed to be done and the amount of bonds necessary to be issued, and upon the introduction of such ordinance the governing body shall cause notice to be given of a meeting to be held at least fifteen days after the date of introduction of any such ordinance, by public notices posted for at least ten days in five public places in such municipality, and by publication for at least one issue in two newspapers published in such municipality, if any such exist, or if none, then in a newspaper published in the county wherein such municipality is situate and circulating in such municipality, which notice shall state the time and place of holding such meeting and describe the improvement contemplated and the amount of bonds proposed to be issued, and if at such meeting the owners of one-half in value of the taxable property of such municipality, as shown by the last duplicate of assessment, do not object thereto in writing, such governing body may proceed to pass such ordinance and make the improvement, and issue the bonds provided for thereby.

Action before bonds are issued.

Public meeting.

3. This act shall take effect immediately.

Approved March 31, 1901.

CHAPTER 104.

An Act relating to the management of the New Jersey reformatory.

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

1. The reformatory erected pursuant to the provisions of the act entitled "An act relating to a state reforma-

New Jersey reformatory.

tory," approved March twenty-eighth, one thousand eight hundred and ninety-five, shall be known as "the New Jersey reformatory."

Board of management.

2. Its general management or control shall be in a board of nine, composed of the governor and eight other citizens of the state, to be appointed by the governor, with the advice and consent of the senate; no more than four of the said persons to be so appointed by the governor shall be of the same political party; the present commissioners shall make up the first board, and their terms of office shall continue until the first day of May, nineteen hundred and one; and commissions of each of the commissioners first appointed under this act shall bear date, and their respective terms of office begin on the first day of May, nineteen hundred and one; in making the first appointment hereunder, the governor shall appoint two commissioners for one year, two for two years, two for three years and two for four years; thereafter each appointment shall be for a full term of four years, except to fill a vacancy which shall be for the unexpired term only; the commissioners shall receive only their traveling or other official expenses.

Government, rules, &c.

3. They may establish a system of government for the reformatory, and make all needful rules and regulations for the management thereof and for the care, support and discipline and detention and discharge of the prisoners; they may use any method of education and employment which, in their judgment, will best promote the interest of the prisoners and secure their reformation; subject to removal by them for cause, a general superintendent shall be appointed by the commissioners for a term of five years, at an annual salary of not more than three thousand dollars; the number of subordinate officers and employees, their duties and salaries, and the amount and sufficiency of their bonds, if any shall be required, may be fixed and determined by the commissioners, but no salary greater than fifteen hundred dollars shall be paid except as otherwise provided.

General superintendent.

Subordinates.

Superintendent's duties.

4. The superintendent shall name the officers and employees, subject to the approval of the commissioners; he shall contract for and purchase all clothing, provi-

sions, supplies and other articles required under the laws of the state for the proper support, comfort and maintenance of the prisoners, subject to the restrictions herein contained and such rules and regulations as may be adopted by the commissioners; all bills for such purchases shall be approved by at least two of the commissioners, and paid by the treasurer of the state upon the warrant of the comptroller; the superintendent shall sell and dispose of all articles manufactured or prepared by the prisoners whose labor is not hired out and shall receive all moneys due and paid on the contracts for the labor of the prisoners and for articles sold and work done; he shall make monthly statements to the commissioners of the amounts so by him received, which he shall pay over monthly to the state treasurer; he shall cause to be kept a full and regular account of all articles by him purchased and supplied to the reformatory and of all articles manufactured or prepared therein and disposed of or sold and the sums for which and the persons to whom the same were sold.

Payment of bills.

Monthly statement.

5. The superintendent shall not, however, contract or hire out the labor of more than one hundred in number at any one time in the prosecution or conduct of any special branch of industry, trade or business; the goods or wares manufactured and offered for sale shall be marked, stamped or tagged with the words "manufactured in the New Jersey reformatory" in the same manner as directed in the act entitled "A further supplement to an act entitled 'An act for the government and regulation of the state prison,' approved April twenty-first, one thousand eight hundred and seventy-six," which supplementary act was approved April thirtieth, one thousand eight hundred and eighty-seven; if the labor of the inmates shall be hired out the system of labor adopted shall be known as the "piece-price plan" or "public account system," as provided for in the act approved April eighteenth, one thousand eight hundred and eighty-four, entitled "An act to provide for the employment of the inmates of any prison, penitentiary, jail or public reformatory institution located within the state," or partly one system and partly the other, as the

Employment of inmates.

Goods marked.

Terms of hire.

Purchases by contract.

superintendent and commissioners may deem best; purchases of materials and supplies costing more than five hundred dollars shall be made by contract and awarded to the lowest responsible bidder after notice published at least once in one or more newspapers, not exceeding five in number; the hiring out of labor of the prisoners shall be by contract, awarded to the highest responsible bidder in like manner and upon like notice.

Payment of salaries.

6. The salaries of the superintendent, officers and other employees shall be paid by the state treasurer upon the warrant of the comptroller to the superintendent, to be by him disbursed; the same having first been certified by at least two of the commissioners and the superintendent.

Notice when ready for use.

7. The commissioners shall notify the several county clerks when the reformatory is ready for the reception and safe custody of prisoners, and thereafter the courts

First offense.

of this state may sentence to the reformatory such male criminals as they think proper, between the ages of sixteen and thirty, not known to have been previously sentenced to a state prison or penitentiary in this or any other state or country, upon their conviction before them of a crime punishable by imprisonment in the state

Transfer of prisoners from state prison.

prison; the keeper of the state prison shall select so many of the inmates of the state prison, between the ages of sixteen and thirty, now in confinement therein for their first offense, as may be directed by the governor, and transfer them to the reformatory when requested by the commissioners; he shall furnish to the superintendent of the reformatory a certified copy of the official documents and papers under the authority of which the prisoners so transferred were received and detained by him; such certified documents and papers shall be full and sufficient authority for the superintendent for detaining the prisoners named therein until discharged as herein provided; for the confinement of prisoners so transferred the reformatory shall be taken

Sheriff's duties.

and considered a state prison; the sheriffs of the several counties shall convey all prisoners sentenced to the reformatory within the time and in the manner, and be allowed for transportation the mileage now provided

for the transportation of prisoners sentenced to the state prison; county clerks shall deliver to the sheriffs certified copies of commitments and bills of costs (including therein only charges for services actually rendered) for all prisoners sentenced to the reformatory in the manner and within the time now prescribed in cases of conviction and sentence to the state prison. County clerk's duties.

8. If any prisoner shall appear to be insane, the presiding judge of the court of oyer and terminer or the judge of the court of quarter sessions of the county in which the reformatory is situated, shall, upon information of the fact given by the county physician or any other physician whose official duty it shall be to visit the reformatory, or, from his own knowledge or other satisfactory information, direct a careful inquiry to be made into the case by at least two reputable physicians; he may request the attorney-general to aid in the inquiry, at his discretion, and, if necessary, may call a jury and compel the attendance of jurors and witnesses before such physicians to aid in the inquiry; if it satisfactorily appear to such physician upon the verdict of the jury, when a jury shall be called, or in any other case without the aid of such jury, that the inmate is insane and such physicians shall certify in writing to such fact to the judge, he may, if the report or certificate satisfy him, order such insane prisoner to be removed to the county insane asylum, if such there be, or to the state hospital for the insane, where the prisoner shall remain at the expense of the state until restored to his right mind; if the term of imprisonment of such insane prisoner shall have not then expired, the superintendent of such asylum or hospital shall inform said judge, whereupon the prisoner shall be remanded to the reformatory to serve out the unexpired portion of his term of imprisonment unless sooner discharged in accordance with the provisions of this act; the judge shall certify to the comptroller such fees and sum or sums of money as he may think should be paid to the persons entitled thereto for the duties and services imposed by this section, and they shall be paid by the treasurer upon the warrant of the comptroller. In case of insanity.

Recovery before term expires.

Term of sentence.

9. The courts in sentencing to the reformatory shall not fix or limit the duration of sentence, but it shall not in any case exceed the maximum term provided by law for the crime for which the prisoner was convicted and sentenced, and may be terminated by the managers of the reformatory as herein provided.

Concerning discharges and paroles.

10. The commissioners may establish rules and regulations under which prisoners may be discharged or released upon parole; when released on parole, prisoners shall be in legal custody of the commissioners, subject at any time to be recommitted by them to the reformatory.

Power to re-take, &c.

Full power to re-take and re-commit any prisoner so released upon parole is hereby conferred upon the commissioners, and their order, certified by their secretary and signed by their president, with the seal of the reformatory attached thereto, which said commissioners are hereby authorized to adopt, shall be a sufficient warrant for the officer to whom the same may be directed to re-take and return to actual custody any prisoner so released on parole; a prisoner who has broken the conditions of his parole may be declared by the commissioners to be a delinquent, and after an order by them to that effect, entered in their minutes, may be treated as an escaped prisoner owing service to the state and liable, when arrested, to serve out the unexpired term of his maximum possible imprisonment; the time from the date of his declared delinquency to the date of his arrest shall not be counted as any part or portion of time served; the sentence to the state prison of any prisoner while on parole, upon conviction of a fresh crime, shall commence from the termination of his liability upon the first or the former sentence.

Delinquent prisoner.

Final discharge.

11. When the superintendent shall be satisfied that a prisoner released on parole has, by his conduct, given evidence that he is to be deemed reliable and trustworthy, and will remain at liberty without violating the law, and that his final release will not be incompatible with the welfare of society, he shall so certify to the commissioners, who shall consider the case of the prisoner so presented at a meeting, a notice of the time and place and purpose thereof having first been given to all of the com-

missioners; if the commissioners then or afterwards decide so to do, they shall order said prisoner to be finally discharged, and cause a record of the case to be made, showing the date of the commitment of the prisoner, his record while detained in the reformatory, the date of his parole and his conduct while released, and their reasons for granting the final discharge.

Prisoners may be transferred to state prison, &c.

12. The commissioners, with the consent of the governor, may transfer to the state prison any prisoner committed to the reformatory; they may, with like consent, require the return to the reformatory of any prisoner who may have been transferred from there to the state prison; every prisoner so transferred to the state prison shall be held therein, subject to all the rules and the discipline of such prison, for the full maximum term provided by law, less commutation earned for good behavior, unless returned to the reformatory as herein provided.

Donation upon release.

13. The superintendent may give to each prisoner, upon his release, a new suit of clothes and a sum not exceeding ten dollars, and he shall return to him any sum of money which may have belonged to the prisoner at the time of his commitment.

Laws of prisons applicable.

14. The laws governing the prisons of this state in relation to the prevention of escapes, the suppression of riots, revolts, mutinies or insurrections and the punishment of crimes therein, are hereby made applicable to the reformatory.

Annual report.

15. The commissioners shall annually, on or before the thirty-first day of October, make a report to the governor, to be by him placed before the legislature, of the condition of the reformatory and of their own proceedings; they shall, in such report, submit a statement of the amounts of money by them received and disbursed and also their recommendations as to the management and needs of the reformatory.

16. This act shall take effect immediately.

Approved March 21, 1901.

CHAPTER 105.

An Act to repeal an act entitled "An act relating to a state reformatory," approved March twenty-eighth, one thousand eight hundred and ninety-five.

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

Repealer.

1. The act entitled "An act relating to a state reformatory," approved March twenty-eighth, one thousand eight hundred and ninety-five, be and the same is hereby repealed.

2. This act shall take effect immediately.

Approved March 21, 1901.

CHAPTER 106.

An Act to enable counties which have no county hospital to assist in constructing or enlarging hospitals located in such county.

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

Appropriation to hospitals supported by private charity.

1. It shall and may be lawful for the board of chosen freeholders of any county of this state which has no hospital located therein wholly maintained by such county, other than the hospital or sick ward of the

county poor-house, to make an appropriation or appropriations of a sum or sums of money, not to exceed in the aggregate the sum of fifteen thousand dollars, in the same manner that appropriations for other county purposes are made, which sum or sums so appropriated shall be included in the annual tax levy of such county and collected in the same manner and at the same time as other county taxes, and shall be applied to the purpose of constructing or enlarging any hospital or hospitals supported by private charity and located in such county, and where such patients as may be sent thereto are supported and maintained; *provided,* the sum or sums so appropriated shall not during the period of twenty years exceed in the aggregate the sum of fifteen thousand dollars; *provided,* the sum or sums so appropriated be used and applied in constructing or enlarging such hospital as shall afford care, comfort and maintenance to such patients as are residents of said county at the time of being sent to said hospital.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved March 21, 1901.

CHAPTER 107.

An Act to establish an excise department in incorporated towns and cities of this state.

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

1. It shall and may be lawful for the common council or other governing body of any town or city of this state, except cities of the first class, incorporated under any special or other act of the legislature thereof, by ordinance passed by the affirmative vote of a majority of all the members composing such common council or other governing body, to provide for the establishment within and for such town or city of a board of excise

Establish board of excise.

commissioners, which ordinance shall provide that from and after the passage thereof there shall be established within and for such town or city a board of excise commissioners, appointed pursuant to the provisions of this act; the passage of such ordinance shall be optional with said common council or other governing body.

Method of constituting board.

2. Within ten days after the passage of any such ordinance as aforesaid, a copy thereof, certified by the clerk of such town or city, shall be by said clerk deposited and filed in the office of the clerk of the court of common pleas of the county wherein such town or city is situate; and the clerk of such court shall thereupon forthwith notify the president or presiding judge of such court of the filing of such ordinance; said judge so notified shall within thirty days after the receipt of such notice convene said court at the court-house in his county, and said court shall then and there, in writing, under their hands, appoint a board of excise commissioners within and for such town or city, which appointment shall be by said court immediately thereafter filed in the office of the clerk of said court, and the filing thereof shall be notice to the appointees of their appointment as members of such board; said board of excise commissioners so to be appointed shall consist of three persons, all of whom shall be residents and legal voters within the town or city for which they may be appointed, and they shall (except as herein otherwise provided) continue in office for the term of three years, and until their successors are appointed, conformably to this act.

Term; vacancy.

3. Upon the original appointment of any such board of excise commissioners as aforesaid, one of the members thereof, to be designated by said court, shall serve for the term of one year, one for the term of two years, and one for the term of three years, and that upon the expiration of the term of any member of any such board his successor shall in manner aforesaid be appointed by said court for the term of three years; any vacancy occurring in said board shall be filled in the same manner by said court, but for the unexpired time only.

Organization.

4. Within ten days next succeeding the appointment of any such board of excise commissioners as aforesaid, the members thereof shall meet and organize by electing one of their number to be chairman of said board, and severally taking and subscribing an oath or affirmation before any person authorized to administer the same, faithfully and impartially to discharge the duties of said appointment, which said oath or affirmation shall be filed in the office of the town or city clerk; the clerk of any town or city within and for which any such board of excise commissioners shall be appointed, shall in addition to his or her duties be clerk of said board of excise commissioners; should any person or persons appointed to be a member or members of any such board fail to qualify, as herein provided, within said ten days, such failure shall cause a vacancy or vacancies to exist in said board, which shall be filled as hereinbefore provided.

Powers.

5. When any such board of excise commissioners shall be appointed and organized as hereinbefore provided, such board shall have the sole power, within the town or city for which it is appointed, of granting licenses to inns and taverns, beer saloons, and for the sale of malt, vinous and spirituous liquors in quantities from one quart to five gallons, and also the sole power within and for such town or city to make and establish such ordinances not repugnant to the laws of this state, as they may deem necessary for granting the licenses and regulating the sale of the liquors aforesaid, and such ordinances to alter, amend or repeal at pleasure; said board of excise commissioners shall also have the power, under such regulations as they may by ordinance, conformable to the laws of this state, establish, of revoking or transferring any license by them granted; all ordinances passed by any such board of excise commissioners shall, after the passage thereof, and before the same shall become operative, be published for two insertions in at least two newspapers (if so many there be) published and circulating in the town or city within and for which said board was appointed.

Sole power to license.

6. When any such board of excise commissioners shall have been appointed and organized within and for any town or city of this state, no license for any of the purposes aforesaid, to be exercised or enjoyed within such town or city, shall be granted by any other body than such board of excise commissioners during the existence of such board; *provided*, that any license in existence in any such town or city, at the time of the organization as aforesaid of any such board of excise commmissioners, shall continue and be operative for a period that the same was granted.

Proviso.

May enforce penalties.

7. Said boards of excise commissioners shall have power to prescribe and enforce penalties, either by fine (not exceeding fifty dollars) or imprisonment (not exceeding four days in the common jail of the county), for the violation of any of its ordinances passed as aforesaid, which said penalties shall be enforced and collected by said board of excise commissioners in the same manner as other penalties are enforced and collected in the town or city within and for which said board of excise commissioners may be appointed.

Fees paid to treasurer.

8. All fees for licenses granted by any such board of excise commissioners shall be received by such board, and immediately after the receipt thereof paid over to the treasurer of the town or city for which said board was appointed, for the use of such town or city.

Compensation.

9. The chairman of any such board of excise commissioners shall receive an annual salary of one hundred and fifty dollars, and the other members thereof an annual salary of one hundred dollars each, and the clerks of such boards shall receive an annual salary of not more than one hundred dollars, to be fixed by said boards, all of which salaries shall be paid out of the license fees received by said boards.

Ordinance may be repealed.

10. Any ordinance establishing any such board of excise commissioners may be repealed by the common council or other governing body of the town or city within and for which said board of excise commissioners was esablished; *provided*, that no such repealing ordinance shall be passed until the lapse of at least five years

Proviso.

after the passage of the ordinance providing for the establishment of such board of excise commissioners.

Repealer.

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

Approved March 21, 1901.

CHAPTER 108.

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), 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*:

Adjournment; suits not affected thereby.

1. It shall be lawful for the orphans' court in any county 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 said court had been adjourned from day to day.

Validating certain adjournments.

2. Any and every adjournment heretofore made or taken by any orphans' court at any time since the approval of an act entitled "An act to repeal sundry acts and parts of acts relating to the court of errors and appeals, the supreme and circuit courts, the prerogative court and the inferior court of common pleas," approved

February eighteenth, anno domini nineteen hundred and one, is hereby validated.

3. This act shall take effect immediately.

Approved March 21, 1901.

CHAPTER 109.

An Act to set off territory from the township of Riverside, in the county of Burlington, and annex the same to the township of Delran, in said county.

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

Portion of township of Riverside annexed to township of Delran.

1. All that land and real estate situate in the township of Riverside, in the county of Burlington, lying westwardly of the public road known as the Haines mill road, bounded and described as follows: Beginning at a stake in the westwardly line of said Haines mill road and in the line between said township of Riverside and the township of Delran, running thence north, twenty-three degrees and nineteen minutes west, along the said westwardly line of said Haines mill road to an angle in the same; thence north, twelve degrees and fifty-five minutes west, still along the westwardly line of said public road and crossing the track of the Camden and Amboy railroad company to the center line of the Rancocas creek, or river; thence down the center line of said river to the present line between said township of Riverside and the township of Cinnaminson; thence southerly, along said township line, to a stake in the same, corner to said townships of Riverside and Delran; thence eastwardly, along the present division line of the townships of Riverside and Delran, to the place of beginning, be set off from the said township of Riverside and annexed to the said township of Delran, so that the same shall be

hereafter a part of and within the territorial limits of said township of Delran.

2. This act shall take effect immediately.

Approved March 21, 1901.

CHAPTER 110.

An Act to amend an act entitled "An act concerning corporations" (Revision of one thousand eight hundred and ninety-six), approved April twenty-first, one thousand eight hundred and ninety-six.

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

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

Section amended.

18. Every corporation organized under this act shall have power to create two or more kinds of stock, of such classes, with such designations, preferences and voting powers or restrictions or qualifications thereof as shall be stated and expressed in the certificate of incorporation or in any certificate of amendment thereof; and the power to increase or decrease the stock as in this act elsewhere provided shall apply to all or any of the classes of stock; but at no time shall the total amount of the preferred stocks issued and outstanding exceed two-thirds of the capital stock paid for in cash or property, and such preferred stocks may, if desired, be made subject to redemption at any time after three years from the issue thereof, at a price not less than par, and the holders thereof shall be entitled to receive, and the corporation shall be bound to pay thereon, dividends at such rates and on such conditions as shall be stated in the original or amended certificate of incorporation, not exceeding eight per centum per annum, payable quar-

Creation of common and preferred stock.

terly, half-yearly or yearly; and such dividends may be made payable before any dividends shall be set apart or paid on the common stock, and such dividends may be made cumulative; *provided,* the corporation shall set apart or pay the said dividends to the holders of non-cumulative preferred stock before any dividend shall be paid on the common stock; and in no event shall a holder of preferred stock be personally liable for the debts of the corporation; but in case of insolvency its debts or other liabilities shall be paid in preference to the preferred stock; the terms "general stock" and "common stock" are synonymous.

Proviso.

Section amended.

2. The forty-seventh section of the act of which this act is amendatory is hereby amended so that the same shall read as follows:

Annual divdends.

47. Unless otherwise provided in the original or amended certificate of incorporation, or in a by-law adopted by a vote of at least a majority of the stockholders, the directors of every corporation created under this act shall, in January in each year, after reserving over and above its capital stock paid in, as a working capital for said corporation, such sum, if any, as shall have been fixed by the stockholders, declare a dividend among its stockholders of the whole of its accumulated profits exceeding the amount so reserved, and pay the same to such stockholders on demand.

Repealer.

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

4. This act shall take effect immediately.

Approved March 21, 1901.

CHAPTER 111.

An Act to provide for the widening of roads and streets in townships.

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

Securing property for widening streets and roads.

1. Whenever the township committee shall determine, by ordinance, to widen any street, road or high-

way within such township and to take and appropriate for such purpose any lands or real estate, they are hereby authorized to take the same for public use, and to treat with the owner or owners thereof, and make compensation therefor as they may deem reasonable, and thereupon receive from such owner or owners a conveyance of such land and real estate to the township, and such compensation shall constitute a part of the whole amount of costs, damages and expenses to be assessed under and in pursuance of this act, or any act providing for condemnation proceedings by municipalities in this state.

May be acquired by condemnation.

2. In case said land and real estate cannot be acquired by said committee by agreement with said owner or owners, then in such case the said committee is hereby authorized to proceed to acquire said land and real estate by condemnation proceedings in the manner now provided by law.

3. This act shall take effect immediately.

Approved March 21, 1901.

CHAPTER 112.

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

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

Section amended.

1. Sections four, five and twelve of the act entitled "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 and the same are hereby amended so as to read as follows:

Selection of land.

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, and such lands as may lie between a line running parallel to and distant westerly one hundred and fifty feet from the high-water line of the Hudson river and such high-water line from the New York state line on the north to the southerly boundary of the borough of Englewood Cliffs, 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.

Power to acquire 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, stocks, bonds, securities or other property, and to own, hold, invest or otherwise use the same; 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

Preservation, improvements, rules, &c.

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.

With New York form continuous park.

12. Said commissioners of the palisades inter-state park shall be authorized to spend such sum or sums as may be included in the annual appropriation bill for necessary expenses of said commissioners, and for carrying out the provisions of this act; *provided,* such expenditures shall be approved by the governor and comptroller before payment thereof.

Expenditures.

Proviso.

2. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 113.

An Act to amend an act entitled "An act for the classification of counties of this state for all purposes of legislation in relation thereto," approved February seventh, one thousand eight hundred and eighty-three.

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

Section amended.

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

Classification of counties.

2. "Counties of the first class" shall consist of all counties in this state that have within their territorial limits a population exceeding two hundred thousand inhabitants; "counties of the second class" shall consist of counties in this state that have a population within their territorial limits of not less than fifty thousand nor more than two hundred thousand inhabitants; "counties of third class" shall consist of counties in this state that have a population within their territorial limits of not less than twenty thousand nor more than fifty thousand inhabitants; and that "counties of the fourth class" shall consist of all counties in this state not embraced within either the first, second or third class, as herein distinguished.

2. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 114.

An Act to enable boards of managers or other governing bodies of charitable, philanthropic, penal or reformatory institutions to construct and maintain sewers in and through the streets and public highways of any municipality and to dispose of sewage.

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

Public institutions may construct sewers, &c.

1. The council or other governing body of any municipality in this state or the body having control of the streets therein may grant consent, by ordinance, to the board of managers or other governing body of any charitable, philanthropic, penal or reformatory institution whose powers shall be derived from or limited by lawful authority granted by the state of New Jersey, to lay a pipe or pipes in any of the streets or public highways of said municipality for the purpose of a sewer or sewers.

Consent to open, &c., streets, &c.

2. Consent may be granted by ordinance to said board of managers or other governing body, to open, dig or excavate in such streets or highways as often as may be necessary, to lay, examine, repair and replace said pipe or pipes, to make connections therewith, doing no unnecessary damage to said streets or highways, to erect, maintain, and keep in repair a pumping station or stations or other devices fit and necessary for the proper disposal of sewage; the entire work to be done under the direction or supervision of the body granting the same.

Consent necessary.

3. No sewer or drain laid or constructed under the provisions of this act shall be built into or through any other municipality, nor shall the sewage passing therethrough be disposed of by the sewerage system of

another municipality without the consent of the board or body having control of the streets therein.

Certain ordinances validated.

4. Ordinances hitherto passed granting consent for the construction and maintenance of any sewer or sewers by such board of managers are hereby validated, ratified and confirmed.

5. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 115.

An Act to amend an act entitled "An act providing for the formation, establishment and government of towns," approved March seventh, one thousand eight hundred and ninety-five.

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

Section amended.

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

Unfinished improvements to be completed.

84. All proceedings for opening, widening, extending, grading, regulating and otherwise improving streets and avenues, and for the construction of a system of sewerage or drainage, or both, and the making and collecting of assessments for benefits conferred by said improvements which may be pending and remain unfinished and incomplete at the time of the incorporation under or adoption of this act by any town or township, shall be proceeded with and completed and said assessments made and collected under the laws in force at the time such proceedings were commenced and as if such town or township had not become incorporated under this act, and the governing body of the town incorporated under this act shall take all proceedings authorized to be taken by the governing body of the pre-existing

Proceedings and issue of bonds.

town or township, and where the governing body of the pre-existing town or township had authority under the laws in force at the time such proceedings were commenced, to issue bonds for the cost of said improvements or any part thereof, the governing body of the town incorporated under this act shall have like authority to issue like bonds and like authority to provide for the payment thereof, and said bonds shall be executed under the corporate seal of said town, signed by the councilman-at-large of said town and countersigned by the clerk thereof.

2. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 116.

An Act to provide for the erection or purchase of armories for the national guard in counties of the third class of this state.

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

Armories in counties of third class.

1. The boards of chosen freeholders of the counties of the third class in this state not now having an armory for the use of the national guard and in which there may be any regularly organized and enrolled regiment or company of the national guard of this state, are hereby authorized to build and erect or purchase, in said counties of the third class, a suitable armory for the use of the national guard at a cost not exceeding the sum of fifteen thousand dollars.

"Armory bonds" issued by freeholders.

2. It shall be lawful for the said boards of chosen freeholders of any county wherein it is proposed to erect an armory under the provisions of this act, to issue bonds of the said county for the erection and completion of such armory to an amount not exceeding fifteen thou-

sand dollars, which bonds shall be known as "armory bonds," and shall be of such denomination and bear such rate of interest and be payable at such times as may be deemed by the said board of chosen freeholders most for the public interest.

Site and building.

3. For procuring a site for such armory and providing for its erection, or for the purchase of a suitable building already erected, the said board of chosen freeholders shall have power to purchase a proper site or building already erected for said armory, and to alter or remodel the same, or to erect an armory on lands already owned by such county, and to have plans and specifications prepared for the erection of said armory, advertise for proposals for the erection of the same, and award the contract or contracts for the erection thereof, and generally superintend the same during its course of erection.

4. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 117.

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

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

Section amended.

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

Method of registration.

21. The district boards of registry and election in all districts in cities having by the next preceding census a population exceeding thirty thousand, shall meet annually, on Tuesday, five weeks next preceding the general election, at one o'clock in the afternoon, and con-

tinue in session until nine o'clock in the evening for the purpose of registering the names of all legal voters, residents of the election district, for which they are appointed; after the board shall have organized they shall proceed to make two lists or registers, arranged by streets, in the alphabetical order of such streets and by street numbers, if any there be, and if not, by the order of the houses as they occur upon any avenue, street or road in such district; they shall register the names of all persons in their respective election districts entitled to the right of suffrage therein at the next election who shall personally appear before them for that purpose, and such other persons as shall be shown by the written affidavit of a voter residing in the same election district to be lawfully entitled to vote therein at the ensuing election; *provided,* that no person so applying shall be registered unless a majority of the board shall be satisfied, by affidavit or otherwise, that he will be entitled to vote in that election district at the ensuing election; on the day succeeding such meeting each of the clerks shall post a copy of the register, in hand-bill form, in some conspicuous place in such election district.

Proviso.

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

Section amended.

23. The boards of registry and election in all election districts in the state outside of cities having a population exceeding thirty thousand, shall meet annually on Tuesday, four weeks next preceding the general election, at ten o'clock in the forenoon, and having first organized shall proceed to ascertain, and truly and accurately enter in canvassing-books, to be provided for that purpose, the names and residences and street numbers, if any, of all legal voters residing within their respective election districts entitled to vote therein at the next election, by making actual inquiry at every dwelling-house or habitation, or of the head of every family residing therein, and shall continue such enumeration of voters from day to day thereafter, on successive days, until the same be completed; *provided,* that such enumeration shall terminate on or before the Fri-

Registration by canvassing.

Proviso.

day next succeeding; the name of every such voter, as aforesaid, whose place of abode shall be in any family or habitation, or who may be casually or temporarily absent therefrom when such enumeration is made, shall be entered in said canvassing-books; in making such enumeration the said boards of registry and election may divide their election districts into subdivisions, and any two of their number, not of the same political party, designated by the chairman, together and in company may make the enumeration in such subdivisions; no name shall be entered on such canvassing-books without the concurrence of both of said members, or, if said enumeration be made by the entire board, without the concurrence of a majority thereof; on Tuesday, three weeks next preceding the general election, said boards shall meet at the same place at ten o'clock in the morning and continue in session until nine o'clock in the evening, but may take a recess from one to two o'clock during said time; and shall proceed to transcribe and make up from said canvassing-books two lists or registers of the names, arranged in alphabetical order, together with the residences and street numbers, if any, of all persons in their respective election districts entitled to the right of suffrage therein at the next election, or who shall personally appear before them for that purpose, or who shall be shown to the satisfaction of such board of registry and election by the affidavit in writing of some voter in that election district to be a legal voter therein.

Sub-divisions.

Registers make up from canvassing-books.

Section amended.

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

Revision of register for charter election.

26. In each city of this state having a population exceeding thirty thousand it shall be the duty of the district boards of registry and election for all elections other than general elections to make, alter and revise, as the case may require, the register of voters within and for the several election districts of such city; *provided, however,* that where the election districts have remained unchanged, it shall not be necessary for said boards to make a new register of the voters for such

Proviso.

election districts, but only to revise and correct the register made for the last general election; and for that purpose the said boards shall meet at such places in their respective election districts as shall be designated by the clerk of such city, on Tuesday four weeks next preceding such election, and finally on the Tuesday two weeks next preceding the same; said meetings to begin at one o'clock in the afternoon and to continue until nine o'clock in the evening, for the purpose of revising and correcting the register and of adding thereto the names of all persons entitled to the right of suffrage in that election district at the said election, who shall appear in person before them and establish to the satisfaction of the majority of the board that they are entitled to vote in that election district at said elecion, or who shall be shown by the written affidavit of a voter residing in the same election district to be so entitled to vote; a separate affidavit shall be required for each person so registered, which shall contain the address of the affiant and shall be signed by him; on the day succeeding such first meeting, each of the clerks shall post in hand-bill form, in some conspicuous place in such election district, a copy of the revised register; and on the day succeeding such second meeting, one copy thereof shall be delivered by the chairman to the county board of elections to be filed by them; and one copy shall be retained by him for use by the district board of election.

Section amended.

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

New register at general election only.

29. In all cities of this state having a population not exceeding thirty thousand, and in all townships, towns, boroughs and municipalities other than cities, there shall be no new registration required for any election other than the general election; but the several boards of registry and election shall procure and use in their respective districts at such election the copy of the register filed with the clerk of the municipality within which such election district may be situate; said boards shall meet on the Tuesday next preceding such election, to revise and correct said register in the manner hereinbefore provided for the revision of the registers in cities having a

Revision of registers.

population exceeding thirty thousand; and each election clerk of every district shall cause at least three notices of the time and place of such meeting to revise and correct said register, to be conspicuously posted in public places within such district, at least one week before such meeting no copy of such revised and corrected register need be posted, but a copy shall be filed with the county board of elections within one day thereafter.

Section amended.

5. Section one hundred and seventy-eight of the above entitled act shall be and the same is hereby amended to read as follows:

Compensation.

178. The compensation of each member of the boards of registry and election for all services performed by them under the provisions of this act shall be as follows:

Cities exceeding thirty thousand.

in cities having a population exceeding thirty thousand, for each registry day five dollars, and for the election day, including the counting of the votes and the delivery of the returns and ballot-box with contents to the municipal clerk, ten dollars; which compensation shall be the same for both the general election and the municipal election; and in all other cities, townships and other municipalities, the compensation of each member for all such services in connection with any local or charter election shall be for each registry day three dollars, and for the election day, including the counting of the votes and the delivery of the returns and the ballot-box, seven dollars, and for all such services in connection with the general election or any special election held in and for the whole county such compensation shall be fifteen dollars in districts where the number of registered voters is not more than one hundred and fifty; twenty dollars in districts where the number of registered voters is more than one hundred and fifty and not more than three hundred; and twenty-five dollars in districts where the number of registered voters is more than three hundred; said sums to be paid by the county collector, and to be in lieu of all other fees and charges whatsoever.

Other cities and municipalities.

Paid by county collector.

Repealer.

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

Approved March 22, 1901.

CHAPTER 118.

An Act to amend an act entitled "An act relating to and providing for the government of cities of this state containing a population of less than twelve thousand inhabitants," approved March twenty-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. Section eighty of the act entitled "An act relating to and providing for the government of cities of this state containing a population of less than twelve thousand inhabitants," approved March twenty-first, one thousand eight hundred and ninety-nine, be and the same hereby is amended so as to read as follows:

Mayor to appoint police justice; term, oath, bond.

80. A police justice of said court shall be appointed by the mayor and confirmed by the common council, and such police justice, when so appointed and confirmed, shall hold his office for the term of two years and until his successor has been in like manner appointed; every such officer shall, before he enters upon the discharge of his duties, take and subscribe before some person authorized to administer oaths an oath faithfully and impartially to execute the duties imposed upon him by law, according to the best of his skill and ability; and shall enter into bond to the city in its corporate name in such sum and with such surety as the common council may approve, conditioned for duly accounting to the proper authorities for all moneys that may come into his hands as such officer, and for the payment of the same, on demand, to the person or persons entitled to receive the same.

2. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 119.

An Act to amend an act entitled "An act concerning corporations" (Revision of one thousand eight hundred and ninety-six), approved April twenty-first, one thousand eight hundred and ninety-six.

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

Section amended.

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

Voting by proxy.

Conduction of meetings, quorum, &c.

Two-thirds consent.

Proviso.

17. Absent stockholders may vote at all meetings by proxy in writing; and every corporation may determine by its certificate of incorporation or by-laws the manner of calling and conducting all meetings, what number of shares shall entitle the stockholders to one or more votes, what number of stockholders shall attend, either in person or by proxy, or what number of shares or amount of interest shall be represented at any meeting in order to constitute a quorum, and may by its original or amended certificate of incorporation provide that any action which now requires the consent of the holders of two-thirds of the stock at any meeting after notice to them given, or requires their consent in writing to be filed, may be taken upon the consent of and the consent given and filed by the holders of two-thirds of the stock of each class represented at such meeting in person or by proxy; *provided,* in no case shall more than a majority of shares or amount of interest be required to be represented at any meeting in order to constitute a quorum; if the quorum shall not be so determined by the corporation, a majority in interest of the stockholders, represented either in person or by proxy, shall constitute a quorum.

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

Approved March 22, 1901.

CHAPTER 120.

An Act for the protection of certain kinds of birds, game and fish, to regulate their method of capture and provide open and close seasons for such capture and possession.

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

1. It shall be unlawful to pursue with intent to kill or injure or in any manner to attempt to take or injure, and it shall also be unlawful to kill or destroy or injure any hare (sometimes called rabbit), quail (sometimes salled partridge), ruffed grouse (sometimes called partridge or pheasant), pinnated grouse (sometimes called prairie chicken), English pheasant, ring-necked pheasant, gray snipe (sometimes called English or Wilson snipe), duck, brant, goose, dove, swan, gray, black or fox squirrel, woodcock, reed bird, rail bird, marsh hen, grass or upland plover, or other game bird or game animal, in any manner whatsoever, excepting in the manner usually known as hunting with a gun, the gun being such as may be held at arm's length and fired from the shoulder without rests, and at such times as may be permitted in this act, under a penalty of twenty dollars for each offence. Unlawful to hunt certain game except with gun.

2. It shall be unlawful to take, kill, injure or destroy or to have in possession any ruffed grouse (frequently called partridge or pheasant), quail (frequently called partridge), hare (frequently called rabbit), or any gray, black or fox squirrel, or any English or any ring-necked When certain game may be taken.

pheasant, excepting during the months of November and December; or any woodcock, excepting during the months of July, October, November and December; under a penalty of twenty dollars for every ruffed grouse, quail, hare, squirrel, English pheasant, ring-necked pheasant or woodcock so taken, killed, injured or had in possession.

Trapping rabbits.

3. Nothing in this act shall be so construed as to prevent farmers and fruit growers from trapping rabbits in box-traps during the months of November, December, January, February and March; *provided, however,* that such trapping shall be done on property owned or leased for the raising of fruit by the person so trapping; *provided,* that the person so trapping shall first have made an affidavit before a justice of the peace that rabbits have injured fruit trees, such fruit trees being on the property of the person so trapping, and shall have notified the nearest fish and game warden of his intention to so trap; *and provided further,* that no person shall be permitted to barter or sell any rabbits so trapped.

Proviso.

Proviso.

Proviso.

Open season for snipe, reed, rail birds, &c.

4. It shall be unlawful to capture, kill, injure or have in possession any gray snipe (sometimes called English or Wilson snipe), excepting only during the months of March and April and from the twenty-fifth day of August to the thirty-first day of December, both dates inclusive, of each year; or any rail bird, reed bird or marsh hen excepting only from the twenty-fifth day of August to the thirty-first day of December, both dates inclusive, of each year; or any dove or upland plover excepting in the months of August and September of each year; or any flicker or highholder excepting during the months of September and October in each year; under a penalty of twenty dollars for each snipe, reed bird, rail bird, marsh hen, dove or upland plover so captured, killed, injured or had in possession.

Taking, killing certain birds prohibited.

5. It shall be unlawful to kill, wound, trap, snare, catch with bird-lime or other substance, poison or drug, or have in possession any blue bird, blue jay, brown thrasher, cardinal bird, cedar bird, chat, chewink, chick-

adee, cow bird, brown creeper, cuckoo, egret, finch, fly catcher, yellow bird, grosbeak, gull, night hawk, humming bird, kinglet, martin, meadow lark, indigo bird, king bird, oriole, oven bird, phœbe bird, pewee, redstart, robin, shrike, snow bird, sparrow (the English sparrow, however, excepted), swallow, swift, tanager, tern, titlark, vireo, warbler, thrush, whip-poor-will, woodpecker (the yellow bellied woodpecker or sap-sucker, however, excepted), wren or yellow throat, under a penalty of twenty dollars for each bird killed, wounded, trapped, snared, caught with bird-lime or other substance, poison or drug, or had in possession.

Unlawful to destroy nest or eggs of wild birds.

6. It shall be unlawful to rob the nest or take or destroy the eggs of any wild bird whatsoever, excepting the nests or eggs of the English sparrow, under a penalty of twenty dollars for each nest so robbed and each egg so removed or destroyed.

Prohibitions relative to hunting web-footed wild fowls.

7. It shall be unlawful for any person hunting or gunning after geese, ducks, brant or other web-footed wild fowl, to place the boat, sink-box or other vessel or construction in which such person may lie in wait to kill such geese, ducks, brant or other web-footed wild fowl, at a distance of more than one hundred feet from ice, or from marsh or meadow, bar or bank or heaped seaweed not covered with water at high-tide, and every such boat, vessel or other structure so used shall be attached securely to such ice, marsh, meadow, bar or bank or heaped seaweed by a line, and it shall be unlawful for any person or persons, with intent to capture or kill geese, ducks, brant or other web-footed wild fowl, to hunt after or pursue the same in any manner except only between one hour before sunrise and one hour after sunset, under a penalty of twenty dollars for each offence.

Method of pursuing web-footed wild fowl.

8. It shall be unlawful for any person to pursue any goose, brant, duck, or other web-footed wild fowl, or to shoot or to shoot at or kill, or wound the same from any boat or vessel propelled by any other means than by oars or paddles, or from any boat, vessel or other structure anchored or staked upon the waters of any of the

bays, sounds, coves, ponds, rivers, creeks or streams of this state at a greater distance than one hundred feet from ice, marsh or meadow, bar or bank, or heaped seaweed not covered with water at high tide, under a penalty of twenty dollars for each offence.

Open season for web-footed wild fowl.

9. It shall be unlawful to catch, kill or injure, or have unlawfully in possession after the same has been caught, killed or injured, any goose, duck, brant or other web-footed wild fowl, excepting only from the first day of September to the last day of April, both dates inclusive, under a penalty of twenty dollars for each goose, duck, brant or other web-footed wild fowl killed or injured or had unlawfully in possession, and the having in possession of any such goose, duck, brant or other web-footed wild fowl during the period prohibited in this section shall in every court and place be deemed prima facie evidence that the same are unlawfully in possession.

Unlawful to injure or destroy except at specified times.

10. It shall be unlawful for any person to capture, kill, injure or destroy or pursue with such intent, any of the game birds or other animals enumerated in this act, on his or her own property, or on the property of any other person or persons, except during the seasons and at the times and in the manner in this act provided, and any person violating any of the provisions of this act shall be liable to the penalties provided by this act for the violation thereof.

Unlawful to have or sell certain game caught by traps.

11. It shall be unlawful to have in possession, sell or offer for sale, any hare (sometimes called rabbit), quail (sometimes called partridge), ruffed grouse (sometimes called partridge or pheasant), ring-necked pheasant, English pheasant, woodcock, pinnated grouse (sometimes called prairie chicken), English or Wilson snipe, reed bird, rail bird, marsh hen, grass or upland plover, squirrel, duck, or any of the game birds or game animals enumerated in this act, after the same has been caught or trapped by means of any snare, snood, net, trap or device of any description whatsoever, or to set any snare, snood, net, trap or device for catching or trapping any such game bird or animal, under a penalty of twenty dollars for each such bird or other animal so

Penalty.

had in possession, sold or exposed for sale, or for any trap or snare so set.

Running of dogs at large during close season.

12. It shall be unlawful for any owner, lessee or custodian of any dog to permit such dog to run at large in woods or fields inhabited by rabbits or game birds except when said dog is in the custody or charge of its owner, lessee or custodian, during the close season herein provided for hare or rabbits, under a penalty of twenty dollars for each offence.

Possession of game by dealers.

13. Whenever by this act the possession of any kind of game is prohibited after a certain specified date or within certain specified periods of time, all sales of dealers in game for a period of thirty days after the expiration of such fixed period or specified date shall prima facie be deemed lawful, and the penalties herein imposed for the possession of such game shall not apply to any dealer in or the purchaser of any such game, within the extended period, unless it shall be shown that such dealer or purchaser had knowledge that such game had been unlawfully killed, captured or taken; nothing in this section, however, shall be construed to permit the possession, sale or purchase of game killed or taken in this state in violation of any of the provisions of this act.

Unlawful to hunt on Sunday.

14. It shall be unlawful to hunt with a hound or hounds, or with fire-arms or weapons of any kind, or to carry a gun in the woods or fields or on the waters on the Sabbath day, commonly called Sunday, under a penalty of twenty dollars for each offence.

Act not to prevent propagation of game.

15. Nothing in this act shall be so construed as to prevent associations or individuals from bringing into this state any birds or other animals for the purpose of propagation, or from keeping such animals until a seasonable time for their release.

Unlawful to fish except by angling.

16. It shall be unlawful to take or attempt to take any fish from any of the waters of this state by means of any contrivance whatsoever excepting in the manner commonly known as angling with hand-line or with rod and line, under a penalty of twenty dollars for each offence; *provided, however,* that this provision shall not

Proviso.

apply to the catching of eels, at any time, by means of wicker eel-baskets anchored on the bottom of streams and ponds, nor to the taking of eels by means of eel-weirs from the fifteenth day of September to the last day of October, both dates inclusive; *provided, also,* that it shall be lawful to take minnows and other bait-fish with a seine not over fifty feet in length in all ponds and lakes which have an area of over one hundred acres and in all other waters with a seine not over thirty feet in length; in every such case, however, all trout, pickerel, bass, pike and pike-perch captured therein shall be immediately released therefrom uninjured as far as practicable; *provided, further,* that it shall be lawful to take fish in any manner under the direction of or by permission given by the board of fish and game commissioners for stocking purposes only.

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Carp or tench not used as bait.

17. It shall be unlawful at all times to use the young of any species of carp or tench for bait in any of the waters of this state, or to take to any of such waters the young of any species of carp or tench for the purpose of using the same for bait or for any other purpose, under a penalty of twenty dollars for every such fish so used for bait or taken to such waters.

Open season for bass, &c.

18. It shall be unlawful to catch, kill, take or have in possession any black bass, pike-perch or white bass, excepting only from the fifteenth day of June to the last day of November, both dates inclusive, of each year; or any pike or pickerel excepting only from the first day of May to the last day of November, both dates inclusive, of each year, under a penalty of twenty dollars for each fish so caught, killed, taken or had in possession; and it shall be unlawful in any manner to take any trout, bass, pike-perch, pike or pickerel between nine o'clock in the evening and daylight of the morning following, under a penalty of twenty dollars for each fish so taken.

Open season for brook trout.

19. It shall be unlawful to catch, kill, take or have in possession any brook trout except only from the first day of April to the fifteenth day of July, both dates inclusive, in each year, under a penalty of twenty dollars for each fish so caught, killed, taken or had in possession.

Certain sized bass protected.

20. It shall be unlawful to kill, sell, expose for sale or have in possession any black bass or white bass measuring less than nine inches in length, or any pike-perch measuring less than twelve inches in length, or any trout measuring less than six inches in length, except for the purpose of stocking the waters of this state therewith, and then only at the direction of the board of fish and game commissioners or upon license first obtained from such board, under a penalty of twenty dollars for each fish so killed, sold, exposed for sale or had in possession.

Unlawful to use explosives or drugs.

21. It shall be unlawful to place in any of the waters of this state any dynamite, giant powder or electric powder, or any explosive substance whatever, or any drug or poison bait, for the purpose of taking, killing or injuring fish, under a penalty of one hundred dollars for each offence.

Unlawful to poison streams by deleterious substances.

22. It shall be unlawful to allow any dyestuff, coal tar, sawdust, tanbark, lime, refuse from gas-houses, or other deleterious or poisonous substance or substances to be turned into or allowed to run into any of the waters of this state in quantities destructive of the life of the fish inhabiting the same, under a penalty of one hundred dollars for each offence.

Unlawful to draw off ponds for taking fish.

23. It shall be unlawful to shut off or draw off the waters of any pond, stream or lake in this state for the purpose of taking, capturing or killing the fish therein, under a penalty of one hundred dollars for each offence.

Set-lines prohibited.

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

Unlawful contrivances prohibited.

25. It shall be unlawful for any owner, lessee or tenant of any property to permit the erection, construction or maintenance, on his, her or their property, of any of the contrivances for the unlawful taking of fish or game prohibited by this act, or to permit the setting of any

fyke or other net, or the drawing of any net whatsoever upon his, her or their property, under a penalty of twenty dollars for each offense; and it is hereby made the duty of such owners, lessee or tenant to immediately destroy any and all such unlawful contrivances found or placed upon his, her or their premises, and no suit for damages shall lie or be maintained against any property-owner, lessee or tenant for any such destruction.

Removal of game from state unlawful.

26. It shall be unlawful to remove or to attempt to remove from this state any quail, ruffed grouse, pinnated grouse, woodcock, hare, squirrel, English pheasant or ring-necked pheasant; *provided, however,* that this section shall not apply to common carriers carrying from beyond the confines of this state in unbroken packages to some point beyond the confines of this state, such quail, ruffed grouse, pinnated grouse, woodcock, hare, squirrel or pheasant; any person guilty of any violation of this section shall be liable to a penalty of twenty dollars for every quail, ruffed grouse, pinnated grouse, woodcock, hare, squirrel or pheasant removed or sought to be removed; *provided, however,* that this section shall not apply to English or ring-necked pheasants killed on preserves at present established.

Proviso.

Proviso.

"Waters of this state" construed.

27. The term "waters of this state" for the purposes of this act shall be construed to mean all the fresh waters of this state; *provided,* that all ponds, lakes and waters created by or under the exclusive control of individuals or associations, stocked and maintained at the sole expense of such individuals or associations and not runways for migratory fish, shall be considered private waters and shall be exempt from the provisions of this act as far as such individuals and the members of such associations or persons receiving permits from them are concerned.

Proviso.

Tracking game unlawful.

28. It shall be unlawful 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 covered with snow to such extent that any such bird or animal may be tracked, or by tracking any such bird or

animal in the snow, or to have in 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 this act.

Enforcement of this act.

29. The provisions of this act shall be enforced in accordance with the provisions of an act entitled "An act to provide a uniform procedure for the enforcement of all laws relating to fish, game and birds, and for the recovery of penalties for violations thereof," approved March twenty-ninth, one thousand eight hundred and ninety-seven, and the supplements thereto and acts amendatory thereof.

Sundry acts repealed.

30. An act entitled "An act for the protection of certain kind 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, and the several supplements to said act approved April fourteenth, one thousand eight hundred and ninety-six; approved March twenty-first, nineteen hundred; approved March twenty-second, nineteen hundred; approved March twenty-third, nineteen hundred; an act entitled "An act for the protection of reed birds, rail birds and marsh hens," approved March twenty-third, one thousand eight hundred and ninety-eight; an act entitled "An act for the preservation of deer and ring-necked pheasants," approved March twenty-fourth, one thousand eight hundred and ninety-nine; an act entitled "An act permitting the catching of catfish and eels by set-lines and fish-baskets and fish-weirs, or eel-pots in the streams tributary to the Delaware river above the Trenton Falls," approved April fourteenth, one thousand eight hundred and ninety-six, and all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

31. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 121.

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:*

Section amended.

1. Section one of the act entitled "An act to incorporate associations not for pecuniary profit," approved April twenty-first, one thousand eight hundred and ninety-eight, be and the same is hereby amended to read as follows:

Formation of associations.

1. Any five or more persons, societies, associations or clubs who shall desire to associate themselves for any lawful purpose 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 be not less than five, and the names of the trustees selected for the first year of its existence; *provided,* that in case the purposes, objects or business of said corporation are to be carried on in whole or in part outside of this state, said corporation shall maintain an office in this state, with a resident agent in charge thereof during business hours, upon whom process against said corporation may be served; *and provided further,* that in that case the said certificate

File certificate.

Statement of purpose.

Proviso.

Proviso.

shall set forth the location of said office and the name of said agent.

Approved March 22, 1901.

CHAPTER 122.

An Act to authorize the establishment and maintenance of free public baths and gymnasiums in the cities of this state.

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

Public baths and gymnasiums in cities.

1. It shall be lawful for the board of aldermen, common council or other legislative body of any city in this state by ordinance approved by the mayor or other chief executive of such city to establish and maintain in such city as hereinafter provided, one or more free public baths and gymnasiums, and to provide an appropriation not exceeding fifteen thousand dollars per annum for the expenses thereof, which said amount shall be raised in the same manner as other expenses of any such city.

Appropriation.

Committee.

2. Such board of aldermen, common council or other legislative body in any city by such ordinance may provide for a committee of three members of such board of aldermen, common council or other legislative body to be appointed by the presiding officer thereof and to be known as "the committee on free public baths and gymnasiums," who shall serve as members of said committee for one year from their appointment and until their successors shall be appointed.

Duties of committee.

3. It shall be the duty of such committee to make rules and regulations for the proper conduct and management of such free public baths and gymnasiums, and to appoint for that purpose any and all necessary officers, and to fix their salaries and terms of office, and in general to supervise and direct the affairs of such free public

Proviso.

baths and gymnasiums so established; *provided*, that the expenses of same shall not exceed said sum of fifteen thousand dollars in any one year.

No compensation.

Annual report.

4. The said committee shall receive no compensation for their services, and shall annually make a report of their transactions and accounts and the state and condition of such free public baths and gymnasiums to the board of aldermen, common council or other legislative body of any such city.

5. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 123.

An Act to provide accommodations for the courts and county offices in counties of this state, and to authorize the issue and sale of bonds therefor.

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

Erection of new county offices.

1. Whenever in any county in this state the board of chosen freeholderes shall adopt a resolution, by a three-fourths vote of all the members thereof, declaring the court house and buildings in use for county offices to be inadequate for such purposes, the said board shall have power to erect and furnish, ready for occupancy and use by the courts and county offices, a new court house and buildings for such purposes upon property owned by such county or which may be acquired for that purpose.

Acquire lands.

2. The board of chosen freeholders shall have power to acquire, by private purchase or condemnation, lands which in their judgment are suitable and convenient for such new buildings; such lands may adjoin the lands now used for such county purposes or be separate therefrom; *provided, however,* such lands shall be located within the municipality now designated for the county seat.

Proviso.

"Buildings" to include.

3. The term "buildings" in this act shall include a new court house, with the offices appurtenant thereto and such other buildings, if any, adjacent thereto as may be required for the accommodations of the various county departments; such buildings may be erected simultaneously or otherwise.

Disposition of old buildings.

4. In case a new site shall be purchased for such buildings, the board of chosen freeholders shall have power, in their discretion, upon the completion of the new buildings, ready for occupancy, or at any time thereafter, to sell the lands now occupied for such purposes, or any part thereof, at public sale to the highest bidder and to give good title therefor to such purchaser; the moneys derived from such sales shall be paid into the sinking fund for the redemption of the bonds hereinafter authorized.

Built by contract.

5. All the work and material furnished for the erection and furnishing of such new building or buildings shall be done and furnished under contracts in writing awarded upon bids to the lowest responsible bidder, after public advertisement for at least twenty days in three newspapers to be designated by the board; such bidder shall be required to enter into bond, with such surety and in such amount as the board may determine by resolution at the time the bids are ordered to be invited, for the faithful performance of the contract; all bids must be accompanied by the written offer of surety as aforesaid, executed by the proposed sureties; the board shall have the right to reject any or all bids; in case the bid of the lowest bidder, who shall offer the required surety, shall be rejected, then the work shall be re-advertised for.

Architect, duties, &c.

6. The erection of such buildings, and all the work to be done under this act, shall be carried out and completed under the supervision of a competent architect to be, and who is hereby authorized and required to be, appointed by the board of chosen freeholders; said architect shall hold office only and be removable at the pleasure of said board of chosen freeholders; he may be succeeded at any time by the appointment of his suc-

cessor in manner aforesaid; said architect shall prepare all the plans, specifications and details for the erection and furnishing of such buildings and shall approve of all contracts made therefor; he shall certify to the correctness of and approve in writing of all payments of money to be made on such buildings before the same or any of them shall be made; from time to time during the progress of the work he shall make a report of the same in writing to the board of chosen freeholders; such reports shall also be made whenever required by the board; the said board may direct the attention of the architect of the work which may be complained of; the compensation of such architect shall be fixed by the board as part of the cost of the building, in accordance with such order.

Bond issue.

7. In order to provide the moneys necessary to carry out the provisions of this act, the board of chosen freeholders of said county shall have power to issue and sell

Amount.

the bonds of the county from time to time to an amount not exceeding in the aggregate five-tenths of one per centum of the total assessed value of the real and personal property in such county.

Character of bonds, time, rate, &c.

8. Said bonds shall be signed by the director of the board of chosen freeholders and the county collector of such county, under its corporate seal; they shall be in denominations of not less than one thousand dollars and shall state upon their face for what purpose they have been issued; they shall run for such period, not exceeding forty years, as the board may determine; they shall bear interest at not exceeding four per centum per annum, payable half-yearly; they shall be sold at public sale, but for not less than par and accrued interest; they may be either coupon or registered bonds; registered bonds may be exchanged for coupon bonds and vice versa, at the option of the holder, upon reasonable regulations to be adopted by such board; all real and personal property within such county shall be liable for the payment of the principal and interest of such bonds.

Sinking fund.

9. The board of chosen freeholders of such county shall provide each year in the tax budget for the pay-

ment of the interest on said bonds and at maturity for the principal thereof; said board shall also provide each year by taxation for a sinking fund equal to two per centum of the bonds issued hereunder; such two per centum shall be paid over to the sinking fund commission of such county and be invested and re-invested for the payment of such bonds at maturity.

Application of this act.

10. This act shall not affect the provisions of any other act for the erection of a new court house and county buildings in any county whereunder proceedings have already been taken; nor shall it apply to counties having a population ascertained by the last preceding national census of less than two hundred thousand inhabitants.

11. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 124.

An Act to amend an act entitled "An act providing for the construction and maintenance of public docks, wharves, piers and bulkheads by cities," approved March seventeenth, one thousand eight hundred and ninety-nine.

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

Section amended.

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

Improvement of water-front.

1. The board of councilmen, board of aldermen or other legislative body, and the board having charge and control of public docks and wharves in any city of this state, is hereby authorized to improve any water-front property owned by said city on any navigable river or bay by the construction of one or more public docks, wharves, piers or bulkheads thereon and in front thereof

within the limits established by the riparian commissioners, and to repair, rebuild and reconstruct any dock now erected thereon, and also to grade, pave and otherwise improve the approaches thereto on the land of the city; *provided, however,* that all contracts for such work shall be subject to the concurrence of the board having charge and control of the finances of such city.

Proviso.

2. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 125.

A Supplement to an act entitled "An act to protect children from neglect and cruelty, and relating to their employment, protection and adoption," approved March fourth, 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 a supplement is hereby amended so as to read as follows:

Ill-treating children a misdemeanor.

1. Any person whatsoever who shall cruelly ill-treat, abuse or inflict unnecessary cruel punishment upon any infant or minor child shall be guilty of a misdemeanor, and, upon conviction thereof, before any justice of the peace, magistrate or court of record, shall be fined by such justice, magistrate or court of record not less than ten dollars nor more than fifty dollars for each offense.

Furnishing improper food, clothing, &c., a misdemeanor.

2. Any person having the care, custody or control of any minor child who shall wilfully neglect to supply the same with sufficient food, clothing, regular school education, or who shall wilfully abandon or neglect the same, shall be guilty of a misdemeanor, and, upon conviction thereof, before any justice of the peace, magistrate or court of record, shall be fined by such justice, magistrate

or court of record an amount not exceeding fifty dollars for each offense; *provided, always*, that said justice, magistrate or court of record shall have power to suspend judgment in any such case whenever any person convicted under the provisions of this section shall enter into bond with at least one sufficient surety to any duly authorized or incorporated humane society within this state, having for one of its objects the protection of children from cruelty or neglect, in a sum, to be fixed by said justice or magistrate, not exceeding five hundred dollars, conditioned for the payment of a certain weekly amount, to be also fixed by said justice or magistrate, to said society for the care, nurture, support or education of said child during its minority

Proviso.

3. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 126.

An Act to create a new township in the county of Burlington, to be called the township of Tabernacle.

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

1. All that portion of the townships of Shamong, Southampton and Woodland, in the county of Burlington, which is included within the limits of the boundaries which are as follows: Beginning at a stone in the line of Woodland and Southampton townships, where a due south course from the middle of the bridge over Burr's mill sream just below the flood-gates will intersect said line; thence running (1) southeasterly, to a pig iron, the northwest corner of the Elberson farm at South Park; thence (2) still a southeast course to a stone corner to Woodland and Washington townships at west branch of Wading river; thence (3) southwesterly, to a

Boundaries of township of Tabernacle.

stone in the Tuckerton road, so called, in the line of Shamong and Washington townships; thence (4) northwesterly, along middle of said road to a point where the line between Southampton and Medford townships extended would intersect said road near Makingdon bridge; thence (5) northwesterly, to a point in said line between Medford and Southampton townships, to where a line running south, eighty-five degrees west, will intersect the same; thence (6) to the beginning, shall be and is hereby set off from the said townships of Woodland, Shamong and Southampton, and the inhabitants thereof, shall be and is hereby created a separate township, to be called the township of Tabernacle, and shall be governed by the general laws relating to townships.

Corporate name and government.

2. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 127.

A Supplement to an act entitled "An act in relation to the lien of dyers upon goods in their possession," approved March twenty-third, one thousand eight hundred and eighty-eight.

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

Sale of goods held by lien.

1. When any person or corporation, engaged in the business of dyeing any cotton, woolen or silk yarns or goods, may have a lien upon the property of others which may have come into their possession for the purpose of being dyed, and the amount due thereon shall remain unpaid, either in whole or in part, for the space of three months after the same became due and payable, it shall be lawful for the person or corporation having said lien to expose the said property for sale at public auction,

Public auction.

upon a notice of said sale being first published for the space of two weeks, at least once in each week, preceding the day of sale, in some newspaper published in the county in which said property is located, and also five days' notice of said sale set up in five or more public places in said county, at least one of which shall be in the township, borough, ward or city in which said property is located, and, if the residence can be ascertained of the owner or owners of said property, a copy of the printed notice be mailed to said owner or owners, at least five days before the day of sale; and the proceeds of said sale shall be applied toward the payment of such lien and the expenses of such sale; and no more of such property shall be sold, if it is easily separated or divided, than shall be necessary, as near as may be, to pay such lien and expenses, and the balance, if any, shall be paid to the owner thereof when the same shall be taken away or settled for in full.

Amount that may be sold.

2. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 128.

A Supplement to an act entitled "An act in relation to the lien of finishers of silk and other goods of which silk is a component part," approved June thirteenth, one thousand eight hundred and ninety.

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

1. When any person or corporation, engaged in the business of finishing silk or other goods of which silk is a component part, may have a lien upon the goods and property of others that may have come into their possesion for the purpose of being finished and prepared for sale, and the amount due thereon shall remain

Sale of goods held by lien.

unpaid, either in whole or in part, for the space of three months after the same became due and payable, it shall be lawful for the person or corporation having said lien to expose the said goods and property for sale at public auction, upon a notice of sale being first published for the space of two weeks, at least once in each week, preceding the day of sale, in some newspaper published in the county in which said goods are located, and also five days' notice of said sale set up in five or more public places in said county, one whereof shall be in the township, borough, ward or city in which said goods are located, and, if the residence can be ascertained of the owner or owners of said goods, a copy of the printed notice be mailed to said owner or owners, at least five days before the day of sale; and the proceeds of said sale shall be applied to the payment of such lien and the expenses of such sale; and no more of such goods shall be sold, if they are easily separated or divided, than shall be necessary, as near as may be, to pay such lien and expenses, and the balance, if any, shall be paid to the owner thereof, when the same shall be taken away or settled for in full.

Public auction.

Amount to be sold.

2. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 129.

An Act to change the boundary lines of the city of Passaic and the township of Acquackanonk, both in the county of Passaic.

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

1. All that portion of the city of Passaic, in the county of Passaic, described as follows: Beginning in the center line of the public road known as Lexington

Portion of city of Passaic annexed to township of Acquackanonk.

avenue, in the township of Acquackanonk, where said center line is intersected by the northerly boundary line of the city of Passaic, and running thence (1) easterly along said northerly boundary line of Passaic to the center line of Highland avenue; thence (2) westerly along the center line of Highland avenue to the center line of Lexington avenue, and thence (3) northerly along the center line of Lexington avenue to the northerly boundary line of the city of Passaic and the place of beginning, shall be and is hereby set off from the said city of Passaic and is hereby made and created a part of the township of Acquackanonk.

Portion of township of Acquackanonk annexed to city of Passaic.

2. All that portion of the township of Acquackanonk, in the said county of Passaic, described as follows: Beginning at a point in the center line of Highland avenue, easterly from Lexington avenue, where said center line of Highland avenue is intersected by the northerly boundary line of the city of Passaic, and running thence (1) easterly along the center line of Highland avenue to the Passaic river; thence (2) southerly along the Passaic river to the northerly boundary line of the city of Passaic, and thence (3) westerly along said northerly boundary line of the city of Passaic to the center line of Highland avenue and the place of beginning, shall be and is hereby set off from the said township of Acquackanonk and is hereby made and created a part of the fourth ward of the city of Passaic.

3. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 130.

An Act to amend an act entitled "An act concerning townships" (Revision of one thousand eight hundred and ninety-nine), 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 forty-one of the act entitled "An act concerning townships" (Revision), approved March twenty-fourth, one thousand eight hundred and ninety-nine, is hereby amended so as to read as follows:

Action taken upon completion of work.

41. When such work shall have been completed, the township committee shall ascertain the cost of the materials, incidental grading and the curbing, re-curbing, paving, re-laying, repairing and finishing of all sidewalks fronting on or bordering upon lands so improved and described in subdivision second of the next preceding section, and shall separately ascertain the amount of the incidental expenses, i. e., the expenses of surveying, calculation, maps, printing, fees and all other necessary expenses appertaining to the construction of such sidewalks (exclusive of the contract work), and shall appoint a time and place of meeting of said committee to assess the cost of said improvement upon such lands and to give an opportunity to the owner or owners of such lands to object to such proposed assessment; and the clerk shall give notice of the time and place of such meeting to the owner or owners of such lands; said notice shall be written or printed, and shall be served upon said owner or owners at least ten days prior to the date of such meeting, in the following manner: by personal service, or by mailing to such owner at his post office address, or by publishing one insertion in a news-

Notification.

paper printed in the county and circulating in said township, or by posting the same in five of the most public places of said township, one of which shall be in front of or upon some portion of the land so improved.

Section amended.

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

Determination of committee after hearing.

42. At said meeting, or at any subsequent meeting, having heard all such objections, said committee shall by resolution finally determine the cost of the materials, incidental grading, curbing, re-curbing, paving, re-laying, repairing and finishing of all sidewalks fronting on or bordering upon the lands so improved and described in subdivision second of section forty of this act, and shall likewise finally determine the amount of the incidental expenses mentioned and described in section forty-one of this act; said committee shall then add to the cost of the materials, incidental grading, curbing, re-curbing, paving, re-laying, repairing and finishing of all sidewalks fronting on or bordering upon the lands so improved and described in subdivision second of section forty of this act, such part of said incidental expenses as shall bear to the whole of said incidental expenses the same ratio that the cost of materials, incidental grading, curbing, re-curbing, paving, re-laying, repairing and finishing of all sidewalks mentioned in subdivision second of section forty of this act shall bear to the cost of materials, incidental grading, curbing, re-curbing, paving, re-laying, repairing and finishing of all sidewalks mentioned in both subdivisions of section forty of this act, and shall assess the amount obtained by such addition upon the owner or owners of each lot fronting on which or bordering on which such work shall have been done, in proportion to the number of lineal feet of sidewalk in front of or bordering on said lot; said resolution shall include the name or names of the owner or owners, if known, a brief description of the location of the lot, with number of such lineal feet and the amount assessed upon said lot; the township committee shall, in the resolution of assessment, determine whether the assessment shall be paid in one payment or in equal annual installments not exceeding ten, but any assess-

Assessment of amount.

ment against any lot, or any or all installments thereof, may be paid at any time; all assessments shall draw interest from and after the adoption of the resolution of assessment, at the rate of six per centum per annum, and if made payable in installments, there shall be due and payable with each installment interest thereon and on the unpaid portion of such assessmeint at the same rate.

Section amended.

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

Total cost.

47. The township committee shall, by resolution, determine the total cost of any such improvement, exclusive of the part thereof assessed upon the owners of the lots as hereinbefore provided, and may pay the amount thereof out of any unappropriated revenues or other funds in their hands lawfully available for that purpose or order the same, or any part thereof, to be raised by taxation; and in the latter case the township clerk shall serve upon the township assessor a copy of such resolution, and the assessor shall thereupon assess and levy upon the taxable property in the township, and the township shall collect the amount so ordered to be raised, at the same time and in the same manner as other township taxes are assessed and collected.

Duty of assessor.

4. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 131.

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

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

Deficiency bonds.

1. If in any county in this state the expenses of any election heretofore held have exceeded the appropriation

for such elections, or if the amount heretofore appropriated for any given year for courts have been exceeded, the board of chosen freeholders in any such county may issue temporary loan bond or bonds to raise the money wherewith to pay such deficiency.

Term, rate, &c.

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

Payment of bonds.

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

4. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 132.

An Act to provide for the acquirement of turnpike roads for free public use, and for the permanent improvement and maintenance of the same.

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

Acquirement of turnpike road for free public use.

1. Whenever there shall be presented to the state commissioner of public roads a petition signed by the owners of at least two-thirds of the land and real estate fronting or bordering on any turnpike road, praying that said road may be acquired for free public use, and setting forth that they are willing that the peculiar benefits conferred on the lands fronting or bordering on said road shall be assessed thereon to an amount not exceeding ten per centum of the entire purchase price of the said road,

together with the amount necessary to resurface, rebuild or improve the said road in the manner prescribed for other roads in the act entitled "An act to provide for the permanent improvement of the public roads in this state," approved March twenty-second, anno domini one thousand eight hundred and ninety-five, and the supplements thereto, said commissioner shall thereupon notify the governor of such action and the governor shall thereupon appoint five commissioners from the county or counties through which the said road runs; the said commissioners when appointed shall take an oath or affirmation faithfully and fairly to perform their duties, and shall thereupon proceed to estimate and determine the fair and just value of the said road and of the portions thereof in each county in which the same is located, having given ten days' notice of the time and place when and where they will meet to hear any representation in behalf of the said corporation or of the board or boards of chosen freeholders of the various counties through which the said road runs, or of the applying freeholders in the said matter; said notice shall be served upon the president or other chief officer of the turnpike company, upon the director of the said board or boards of chosen freeholders, and shall be published at least one week prior to the time of meeting in one newspaper published in each county through which said turnpike runs; such meeting shall be adjourned from time to time at the discretion of the said commissioners; when the said commissioners shall have arrived at a price or value of the said turnpike road satisfactory to themselves they shall report the same to the state commissioner of public roads, who may thereupon ratify the same and report it to the board or boards of chosen freeholders of the counties through which the said road runs, which said board may thereupon purchase the same or whenever the board of chosen freeholders of any county in this state shall agree with the owner or owners of any turnpike road or toll road within such county upon the price to be paid for such turnpike road or toll road, and shall by resolution accept the same, and said proceeding be

Appointment of commissioners by governor.

Hearing.

Report to state commissioner of roads.

approved by the state commissioner of public roads in writing, said board may thereupon purchase the same and said road shall be paid for and maintained as a county road as hereinafter provided for; and they are hereby empowered to make temporary loans upon the credit of the said county or counties for the acquirement of the said roads as aforesaid.

One-third paid from state appropriation.

2. One-third of the cost of all roads so acquired, together with one-third of the amount expended in improving the same as aforesaid, which improvement shall be made in the manner prescribed for the roads under the aforesaid act, shall be paid for out of the state road appropriation; *provided,* that the amount so paid shall not in one year exceed the amount of forty thousand dollars; if one-third of such cost shall exceed the sum of forty thousand dollars, the said sum of forty thousand dollars shall be appropriated by the governor and state commissioner of public roads among the counties of this state in proportion to the cost of the roads acquired by them for such year as shown by the statement of cost filed in the office of the state commissioner of public roads; the governor and the said commissioner shall, between December fifteenth and thirty-first in each year, certify to the state comptroller the amount to be paid to each county for such year, and the state comptroller shall thereupon draw his warrants in favor of the respective county collectors for the sums certified to as aforesaid upon the state treasurer, who shall pay the same out of any moneys in the state treasury not otherwise appropriated; *provided further,* that the cost of all turnpike roads acquired under this act in any county in any one year, together with all roads built or repaired, shall not exceed one-half of one per centum of the ratables of such county for the last preceding year.

Proviso.

Proviso.

Duty of county board of assessors.

3. On or before August first in each and every year it shall be the duty of the board of chosen freeholders to certify to the county board of assessors, either in the annual tax budget or separately, the two-thirds of the cost of purchasing and improving of all turnpike roads acquired and improved as aforesaid during the year, and the county board of assessors shall include the sum so

certified in the county tax assessed for such year, and the same shall be assessed, collected and paid over to the county in the same manner and within the same time that other county taxes are assessed, collected and paid over; if a deficiency shall exist in consequence of the receipt of less than one-third of the cost from the state treasury, the board of chosen freeholders shall have authority to borrow on temporary loans to the amount of such deficiency until the next annual taxes shall be assessed, collected and paid over to the county.

Loan to meet deficiency.

When turnpike in two or more counties.

4. If the said road shall run through more than one county the petition to the state commissioner of public roads shall be signed by at least two-thirds of the owners of the land and real estate bordering on said road in each county before the governor shall be required to appoint the five commissioners mentioned in the first section of this act; and each of the said counties shall bear the expense of the acquirement of the said road in proportion to the value thereof within the said counties, and all proceedings after the appointment of the said five commissioners that may be required by virtue of this act shall be had separately and independently in each of the said counties.

Maintenance.

5. Any road so acquired shall forever thereafter be a free county road, and shall be kept in good order and repair and in the same manner as are other county roads.

Assessment of benefits.

6. When the said turnpike roads shall have been so acquired and improved by petition as aforesaid the board of chosen freeholders shall apply to the circuit court of the county for the appointment of commissioners to estimate and to assess the peculiar benefits conferred by such acquirement and improvement upon the lands and real estate bordering on the road so acquired and improved, of the time and place of which application notices shall be given by ten days' publication in two daily newspapers printed and circulating within the said counties, or by four weeks' publication in two weekly newspapers printed and circulating therein, at which time and place, or such other time and place as the court shall designate, shall, without unnecessary

delay, appoint three commissioners, who shall be freeholders and residents of the county in which the application is made, to assess the benefits aforesaid; the said court shall have power to remove any commissioner and appoint another in his place, and also fill any vacancy that may occur in the office of any commissioner at any time.

Manner of assessment.

7. The said commissioners shall then proceed in like manner as the commissioners appointed to assess the benefits conferred by the improvement of the public roads of this state under and by virtue of an act of the legislature entitled "An act to provide for the permanent improvement of the public roads of this state," approved March twenty-second, one thousand eight hundred and ninety-five, and supplements thereto, and the report of the said commissioners when filed and approved shall be a lien upon the properties assessed in like manner, and the said assessment shall be collected in like manner as the assessment in the said act last before mentioned.

Report a lien.

8. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 133.

An Act to amend an act entitled "An act to establish a system of public instruction" (Revision of one thousand nine hundred), approved March twenty-third, one thousand nine hundred.

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

Section amended.

1. Amend section one so that it shall read as follows:

State board of education; members, term, appointment.

1. The general supervision and control of public instruction shall be vested in a state board of education, which 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; upon the passage of this act the terms of office of the members of said board, as now constituted, shall cease and determine, and their successors shall be appointed by the governor, by and with the advice and consent of the senate, for the following terms: Four members shall be appointed each for the term of one year; four members each for the term of two years; four members each for the term of three years; four members each for the term of four years, and four members 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 appointed; a suitable room in the state house, at Trenton, shall be provided for the use of said board.

2. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 134.

An Act to secure to any plank road company, whose charter has expired or shall expire, the right to continue to maintain and operate any street railway owned by it.

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

Plank road company may continue under traction act.

1. Any plank road company, whose charter has expired or may expire, and which owns a railway operated as a street railway, may come under and be subject to the provisions of the act entitled "An act to authorize the formation of traction companies for the construction

and operation of railways or railroads operated as street railways, and to regulate the same," approved March fourteenth, one thousand eight hundred and ninety-three, and the several supplements thereto and acts amendatory thereof, and have the power to maintain and operate any street railway so owned, and continue its existence as if formed under the same, if such company or the directors thereof shall make and execute a certificate under the hands of the president and directors of the company, which certificate shall state that the said company desires to come under the provisions and liabilities of the said act, and which certificate shall be duly acknowledged or proved in the manner prescribed for the acknowledgment or proof of conveyance of real estate, and shall be filed in the office of the secretary of state, and upon filing such certificate as aforesaid together with the written assent of all the stockholders of the company, and upon payment of a fee of twenty dollars to said secretary for the use of the state, said company shall be deemed to be duly incorporated under said act, and to be free from the liabilities and provisions of the act or acts under which it was formerly incorporated; *provided, however,* that nothing in this section shall be held to affect any liability or debt of any such company accrued or contracted before the filing of said certificate

Certificate made and filed.

Proviso.

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

Repealer.

3. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 135.

An Act to provide for the control and operation of roads and bridges owned or claimed to be owned by any plank road company whose charter has expired or may expire.

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

Control of roads and bridges owned by plank road company whose franchise has expired.

1. Where the franchise of any incorporated plank road company has expired or may expire, it shall be the duty of the board of chosen freeholders of the county in which any bridge owned or claimed to be owned by such company or any part of such bridge, may be, to acquire the same, by purchase or condemnation, in case there be any ownership therein by such company, and to take possession of such bridge or bridges, or so much thereof as may be within the limits of such county, and maintain and operate the same for public use; and it shall be the duty of any city, town, township or other municipality in or through which such plank road, or any part thereof, runs, to maintain such portion of said plank road as lies within such municipality, and to acquire by purchase or condemnation any right therein remaining in said company; *provided,* that if the portion of such plank road which runs in or through any such municipality is not connected with any other road or highway of such municipality the duty of maintaining and acquiring such portion shall be upon the board of chosen freeholders of the county in which such portion lies.

Proviso.

Joint control of bridges by counties.

2. If any such bridge be over a navigable stream which marks the dividing line between counties, then it shall be the duty of the boards of chosen freeholders of said counties jointly to take possession of such bridge,

and to acquire the ownership thereof by purchase or by condemnation, and the expense of building, rebuilding or repairing and of operating any such bridge between said counties shall be equally borne by such counties.

When street railways use bridges; expenses.

3. If any such bridge shall be used by any street railway company, it shall be lawful for such railway company to undertake a part of the expense of repairing, rebuilding and building said bridge, and said board or boards of chosen freeholders and said street railway company may enter into an agreement whereby the share of said expense to be borne by said street railway company may be ascertained and settled; and if no such agreement shall be made, it shall be lawful for the board or boards of chosen freeholders, or for said street railway company, to apply by petition to the court of chancery, which court is hereby given jurisdiction to hear the parties in a summary way on such notice as such court may prescribe, and to apportion and determine the part or proportion of said expense to be borne and paid by said street railway company.

If no agreement, petition to court of chancery.

4. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 136.

An Amendment to an act entitled "An act for the punishment or crimes," approved June the fourteenth, eighteen 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 one hundred and thirteen of the act entitled "An act for the punishment of crimes," approved June the fourteenth, eighteen hundred and ninety-eight (Revision of one thousand eight hundred and ninety-eight), be and the same is hereby amended to read as follows:

Assault with intent to kill, &c.

113. Any person who shall commit an assault with an intent to kill, or to commit a burglary, rape, robbery, sodomy or atrocious assault and battery, shall be guilty of a high misdemeanor, and upon conviction thereof

Penalty.

shall be punished by a fine not exceeding three thousand dollars or by imprisonment with or without hard labor, as the court may direct, for a term not exceeding twelve years, or both.

Repealer.

2. All acts or parts of acts inconsistent with the foregoing are hereby repealed.

3. This act to take effect immediately.

Approved March 22, 1901.

CHAPTER 137.

An Act to provide for the appointment of a commission to revise and codify the general statutes of this state not heretofore revised and codified by a special commission.

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

Commission to revise laws.

1. The governor is hereby authorized to appoint a commission consisting of three persons to revise and codify the general statutes of this state not heretofore revised and codified by a special commission; said com-

Organization.

mission shall organize by the election of one of their number as president and they may appoint a secretary; the governor may fill any vacancy in said commission occurring for any cause.

Compensation.

2. The said commissioners and their secretary shall receive for their services such reasonable compensation as the governor shall fix; and such compensation, together with any other expenses necessarily incurred by said commission, shall, when approved by the governor, be paid by the treasurer, on the warrant of the comp-

troller, out of any funds specially appropriated for that purpose.

3. The commissioners shall perform the work assigned them as speedily as practicable, and submit the bill or bills prepared by them, together with such suggestions as may be deemed expedient, to the legislature early in the next session. Report.

4. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 138.

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

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

1. Section twenty-two of said act be amended so as to read as follows: Section amended.

22. If any deed or instrument of the nature or description set forth in the twenty-first section of this act heretofore made and executed, or hereafter to be made and executed, shall be acknowledged by the party who shall have executed or shall execute it, such party then having happened or happening to be in this state, whether residing here or elsewhere, before the chancellor, one of the justices of the supreme court, one of the masters in chancery of this state, one of the attorneys-at-law admitted bv the supreme court to practice in the various courts of this state, one of the judges of the court of common pleas of any county in this state, one of the commissioners of deeds appointed for any county in this state, a clerk of the court of common pleas of any Acknowledgement of deeds.

county, a deputy county clerk, a surrogate or deputy surrogate of any county or a register of deeds of any county in this state, whether such officer was or is appointed for, or whether he was or is in the said county where such lands, tenements or hereditaments are situate, or where such acknowledgment was or is taken or not, such officer having first made known the contents thereof to such party making such acknowledgment and being also satisfied that such party is the grantor in such deed or instrument, of all which the said officer shall make his certificate on, under or annexed to said deed or instrument, or if it shall have been or shall be proved by one or more of the subscribing witnesses to it, such witness or witnesses then having happened or happening to be anywhere in this state, whether residing here or elsewhere, that such party signed, sealed and delivered it as his voluntary act and deed, before any one of the above-named officers then having been or being anywhere in this state, and if a certificate of such proof, signed by such officer, shall be written upon, or under or be annexed to such deed or instrument, then every such deed or instrument shall be received in evidence in any court of this state as if the same were then and there produced and proved.

Certificate of acknowledgment; same in evidence.

Approved March 22, 1901.

CHAPTER 139.

An Act authorizing boards of aldermen or common councils of cities of this state having the office of city treasurer to fix a definite term for the office of city treasurer.

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 of this

Term of city treasurer.

state having the office of city treasurer, by a majority vote of all the members thereof to fix a definite term not exceeding three years, for the office of city treasurer of such city; and when such a term shall have been so fixed, the incumbent or person chosen therefor shall hold office until the expiration of the term so fixed, unless sooner removed for cause, after a hearing given upon charges preferred.

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

3. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 140.

An Act authorizing boards of aldermen or common councils of cities of this state having the office of receiver of taxes, to fix a definite term for the office of receiver of taxes.

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 of this state having the office of receiver of taxes, by a majority vote of all the members thereof to fix a definite term, not exceeding three years, for the office of receiver of taxes of such city; and when such a term shall have been so fixed, the incumbent or person chosen therefor shall hold office until the expiration of the term so fixed, unless sooner removed for cause, after a hearing given upon charges preferred. Term of receiver of taxes.

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

3. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 141.

An Act to secure to companies incorporated under "An act concerning corporations (Revision of one thousand eight hundred and seventy-five)," and the supplements thereto, owning and operating street railways upon public streets, avenues or highways in this state, whose roads have been peaceably and continuously operated for two years without objection, the right to continue to maintain and operate the same, and to become incorporated under 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, and the several supplements thereto and acts amendatory thereof.

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

Consent to continue after two years' operation.

1. The right of any company incorporated under "An act concerning corporations (Revision of one thousand eight hundred and seventy-five)," and the supplements thereto, owning and operating a street railway upon any of the public streets, avenues or highways of this state to continue to maintain and operate the same shall not be questioned after the lapse of two years' continuous peaceable operation of its railway, with the consent of the municipal authorities expressed by ordinance and without objection, in writing, on the part of the owners of at least one-half of the property abutting on the line of the railway filed with such municipal authorities

before the making and filing of the certificate hereinafter mentioned.

May incorporate under traction act.

2. Such company may come under and be subject to the provisions 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, and the several suplements thereto and acts amendatory thereof, and have such powers and rights as if originally formed under the same, provided such company shall make and execute a certificate under the hands of the president and directors of the company, stating that the company desires to come under such provisions and liabilities, and duly acknowledged or proved in the manner prescribed for the acknowledgment or proof of conveyances of real property, and upon filing of such certificate as aforesaid in the office of the secretary of state, together with the written assent, in person or by proxy, of two-thirds in interest of each class of stockholders of the company and upon payment of a fee of twenty dollars to said secretary for the use of the state, the said company shall be deemed to be duly incorporated under the said act and to be free from the liabilities and provisions of the act or acts under which it was formerly incorporated; *and provided further,* that nothing in this act contained shall be construed or held to affect any debt, contract or agreement heretofore made with any person or municipality by such company, nor to relieve any such company from performing and submitting to any and all legal requirements, conditions and restrictions heretofore imposed upon such company by ordinance or otherwise.

Certificate necessary.

Proviso.

Repealer.

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

4. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 142.

A Further Supplement to an act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six.

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

Property exempt.

1. The following property shall be exempt from taxation, namely, any building used for purposes considered charitable under the common law; *provided,* the said building is occupied in whole by the organization owning it, and the entire income from said building is used for the purposes of such organization, although supported partly by fees and charges received from the beneficiaries or from those who receive the advantages of such charitable purposes, with the land whereon the same are erected, and which may be necessary for the fair enjoyment thereof, and the furniture and personal property used therein.

Proviso.

2. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 143.

An Act to repeal an act entitled "An act concerning the location and erection of buildings for a city hall and the accommodation of the different officers and departments of the city government in cities of the first and second class in this state," approved February thirteenth, one thousand eight hundred and ninety-three.

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

1. The act entitled "An act concerning the location and erection of buildings for a city hall and the accommodation of the different officers and departments of the city government in cities of the first and second class in this state," approved February thirteenth, one thousand eight hundred and ninety-three, and known as chapter seven of session laws of one thousand eight hundred and ninety-three, be and the same is hereby repealed, and this act shall take effect immediately. Act repealed.

Approved March 22, 1901.

CHAPTER 144.

An Act to set off territory from the borough of Hasbrouck Heights, in the county of Bergen, and annex the same to the borough of Lodi, in the 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 borough of Hasbrouck Heights, in the county of Bergen, described as follows: Beginning in Portion of Hasbrouck Heights annexed to Lodi.

the center of the public road known as Lodi avenue in the borough of Hasbrouck Heights and known also as Union avenue in the borough of Lodi, at the northwesterly corner of the land of the Williams Land and Building Company, the same being the northeasterly corner of the land of John Haggerty, being also a corner in the line dividing the borough of Hasbrouck Heights and the borough of Lodi; running thence (1) along said borough line and along the line between the Williams Land and Building Company and the land of John Haggerty south, forty-six degrees forty-nine minutes west, four hundred and sixty-one and six-tenths feet; thence (2) still following the said borough line and along the line between the land of the Williams Land and Building Company and the land of John Haggerty north, forty-four degrees three minutes west, two hundred and fifty and four-tenths feet; thence (3) still along said borough line and along the line between the land of the Williams Land and Building Company and the land of George Mercer, south, forty-five degrees forty-nine minutes west, five hundred and seventy-three and six one-hundredths feet to the land belonging to the heirs of Isaac Gott, deceased; thence (4) along the line between the land of the Williams Land and Building Company and the land of the heirs of Isaac Gott, deceased, south, forty-three degrees and thirty-eight minutes east, eighteen hundred and forty-two and seven-tenths feet to the point where the center line of Oak Grove avenue as the same is opened and laid out over the land of the Lemmermann Villa Site Company in Hasbrouck Heights would intersect said line if projected northeasterly; thence (5) along the course of Oak Grove avenue if projected as aforesaid north, forty-six degrees and thirty-nine minutes east, ten hundred and twenty-four and four-tenths feet to the center of Lodi avenue, being the line between the borough of Hasbrouck Heights and the borough of Lodi; thence (6) along the said center line of Lodi avenue and said borough line north, forty-three degrees and thirteen minutes west, fifteen hundred and ninety-nine and six-

tenths feet to the point of beginning; be set off from said borough of Hasbrouck Heights and annexed to the said borough of Lodi, so that the same shall be hereafter a part of and within the territorial limits of said borough of Lodi.

2. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 145.

A Further Supplement to an act entitled "An act concerning executors and the administration of intestates' estates," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Preamble.

WHEREAS, The powers conferred by law upon administrators de bonis non administratis are of so limited a character as to often make inefficient the administration of decedents' estates by such class of administrators, for remedy whereof,

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

Executor of an executor not to administer in his stead.

1. No executor of an executor shall, as such, be authorized to administer on the estate of the first testator, but on the death of the sole or surviving executor of any last will and testament, or his discharge or removal by a court of competent jurisdiction, letters of substitutionary administration with the will annexed of the assets of the first testator may be issued by the surrogate of the proper county, or the ordinary, to some proper person or persons who shall, before the issuing thereof, give bond to the ordinary, with sufficient sureties as in other cases of administration with the will annexed.

Substitute provided.

Substitute for an administrator.

2. If any administrator shall die or be removed before fully administering the estate of his or her intestate (or

of his or her testator, if he be administrator with the will annexed), the surrogate of the proper county or the ordinary may grant letters of substitutionary administration to any person or persons in the manner and upon the conditions prescribed for granting letters of administration to the first administrator in other cases.

Styled "substituted administrator;" powers, &c.

3. Every administrator so appointed shall be styled "substituted administrator," and as such be entitled to demand and receive the whole of the personal estate of his decedent, except such portion thereof as shall have been properly and justly paid out or distributed; and may sue and recover, at law and in equity, all the said assets, whether legal or equitable, from any person, his heirs or personal representatives, chargeable with the same, or their equivalent in value; and may in like manner charge his predecessor in office for any breach of trust and maladministration; and the said substituted administrator shall represent the creditors of, and all persons beneficially interested in, said estate, in any such litigation; and generally shall have all the rights and powers and be subject to the same duties and liabilities as the original executor or administrator; *provided, nevertheless,* that no substituted administrator with the will annexed shall exercise any powers of sale conferred by the will upon the executor as such, or upon the executor as trustee, in any other or different manner or to any other effect than administrators de bonis non with the will annexed are now authorized by statute to exercise the same.

Proviso.

Administration de bonis non not granted.

4. Hereafter administration de bonis non shall not be granted in this state.

Repealer.

5. Chapter one hundred and four of the laws of one thousand eight hundred and ninety-seven, entitled "An act to amend an act entitled 'An act concerning executors and the administration of intestates' estates,' approved March twenty-seventh, one thousand eight hundred and seventy-four," and all acts or parts of acts inconsistent herewith be and the same are hereby repealed.

6. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 146.

An Act to amend an act entitled "An act providing additional compensation to the volunteers of this state during the Spanish-American war, one thousand eight hundred and ninety-eight," 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 one of the act to which this is an amendment is hereby amended so as to read as follows: Section amended.

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

2. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 147.

An Act authorizing boards of chosen freeholders to pass ordinances and make regulations respecting the use of public highways under their control.

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

Control of roads, &c.

1. The respective boards of freeholders of the several counties in this state are hereby authorized and empowered to make any and all reasonable regulations respecting the use of the highways, roads, avenues and driveways under their control by carriages, horses, automobiles, cars and other vehicles or means of locomotion or transportation, and to impose such reasonable penalties as may be necessary for the violation of such regulations.

2. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 148.

An Act to amend an act entitled "An act for the better security of depositors in savings banks," approved April fifth, one thousand eight hundred and seventy-eight.

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

Section amended.

1. Section two of the act of the legislature entitled "An act for the better security of depositors in savings banks," which was approved April fifth, one thousand eight hundred and seventy-eight, be and is hereby amended so as to read as follows:

2. Hereafter it shall not be lawful for any saving institution in this state to loan the money on deposit with the same, or any part thereof, upon notes, bills of exchange or drafts, excepting upon the additional pledge of collateral security or securities, which collateral security or securities shall be of the same nature and character as those in which the money deposited may be invested as directed in the first section of this act, or the capital stocks of national and state banks, or the capital stock or bonds of other corporations of this state, which have not defaulted in the payment of interest or dividends within two years next preceding the time of such loan, and then only to the extent of eighty per centum of the market value of such collaterals; *provided,* that the total amount of such loans shall not exceed fifteen per centum of the total deposits held by such institution.

Security to secure loans upon notes, &c.

Proviso.

2. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 149.

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

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

Section amended.

State oyster commission; members, control.

1. All oyster grounds, lands and beds included within lands of the state of New Jersey, under the tidal waters of the Delaware river, Delaware bay and Maurice river cove, shall be under the exclusive regulation and control of a state oyster commission, which shall consist of three members, who shall be appointed by the governor of this state; the commissioners first appointed shall be appointed to hold office respectively for one, two or three years, and until the appointment of their respective successors; all commissioners subsequently appointed shall be appointed for a term of three years and shall continue to hold office until the appointment of their successors; the said commissioners shall be citizens of this state, and shall be directly interested or engaged in the taking, planting and cultivating of oysters in Delaware bay and Maurice river cove; before entering upon the duties of his office each commissioner shall file with the secretary of state an oath that he will faithfully discharge the duties of his office, and that he is directly interested or engaged in the business of taking, planting and cultivating oysters in Delaware bay and Maurice river cove, which oath may be taken before any person authorized to take oaths or affirmations in this state; each commissioner shall receive an annual salary of five hundred dollars, payable quarterly; two members of the state oyster commission shall constitute a quorum at any meeting thereof, and any official act shall be valid which has been authorized by a majority of the commissioners at any stated or special meeting thereof; they shall keep a record of all their official acts and proceedings, and shall annually report to the legislature, which report shall include a detailed statement of all expenditures, of money made or authorized to be made by them under the provisions of this act; before entering upon the duties of their office the said commissioners shall severally enter into bond to the state in the sum of two thousand dollars, with good and sufficient surety, conditioned for the faithful performance of their duties, which bond shall first be approved as to sufficiency by the law judge of the said county of Cumberland; said bond shall be renewed annually.

Oath.

Salary.

Annual report.

Approved bond.

Section amended.

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

Oyster superintendent; duties, salary, &c.

2. The state oyster commission shall appoint a person to be known as the oyster superintendent, to hold office during the pleasure of the state oyster commission, and shall determine the amount of his compensation or salary, which shall not exceed twelve hundred dollars per annum, and which shall be paid in equal monthly payments; before entering upon the duties of his office the oyster superintendent shall give bond to the state in the sum of five thousand dollars, with good and sufficient surety, conditioned for the faithful performance of his duties, which bond shall be first approved as to sufficiency by the law judge of the said county of Cumberland; said bond shall be renewed annually; it shall be the duty of the state oyster commission to regulate and define the duties of the oyster superintendent, other than those duties specifically defined in this act.

Section amended.

3. Section three of the act to which this is a supplement be and the same is hereby amended so as to read as follows:

Power and duty of commission.

3. The state oyster commission shall have power, and it shall be their duty, to enforce the provisions of this act and the provisions of all other acts regulating the taking, planting or cultivating of oysters in Delaware river, Delaware bay and Maurice river cove, in this state, in force and not repealed by this act; and in furtherance and not in limitation of the above provisions they shall have power to employ such surveyors, engineers, guards and other employes, together with all such boats, means and materials as they may deem necessary to carry into effect the provisions of this act, and for the protection of all oysters, oyster beds and grounds, and to incur such expenses as they may consider proper to fully carry out the provisions of this and the said other acts, and for the preservation and improvement of the said oyster beds or grounds.

Section amended.

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

Office.

4. The state oyster commission shall establish and maintain an office within the county of Cumberland, which shall be located at some place convenient to persons engaged in the oyster industry, which office shall also be the office of the oyster superintendent; stated meetings of the state oyster commission shall be held at their office at least once a month.

Section amended.

5. Section five of the act to which this is a supplement be and the same is hereby amended so as to read as follows:

Lease lands.

5. The state oyster commission shall have power, and are hereby directed as hereinafter provided, to lease to applicants therefor any of the lands of the state under the tidal waters of the Delaware bay and Maurice river cove below the line running direct from the mouth of Straight creek to Cross Ledge lighthouse, and commonly known as the "southwest line," to be exclusively used and enjoyed by such lessee for the taking, planting and cultivating of oysters; *provided, however,* that no lease or leases shall be hereafter granted to any person or persons who shall not be at the time of granting of said lease or leases and shall not have been for twelve months next preceding, a citizen and actual resident of this state; but this restriction shall not apply to renewals of any lease or leases heretofore granted.

Proviso.

Section amended.

6. Section six of the act to which this is a supplement be and the same is hereby amended so as to read as follows:

Term for granting leases.

6. Leases may be granted for terms not exceeding thirty years at an annual rental not less than twenty-five cents per acre or fraction thereof of the lands so leased, payable in advance as hereinafter specified; the rental for the first year of any lease shall be paid at the time the lease is granted, and the yearly rental for each succeeding year of said lease shall be paid within thirty days after the beginning of said year; failure to pay said rentals at the time or times herein directed shall cause the lease or leases of the person or persons so failing to pay said rentals to become forfeited and the right of said person or persons to the oyster ground or grounds and

Action taken upon failure to pay rental.

all oysters thereon shall cease; and the state oyster commission shall cause the said lease or leases upon which said rent is due and unpaid as aforesaid to be cancelled upon the books of the state oyster commission, and said forfeited ground or grounds may be thereafter leased to any resident of this state as hereinbefore provided; the state oyster commission shall, within the limitations and restrictions of this act, fix and determine the term for which leases may be granted, the rental to be paid for the grounds described therein, the maximum size of any single ground to be hereafter leased and the total acreage which may be hereafter leased to any individual, firm or corporation.

Section amended.

7. Section seven of the act to which this is a supplement be and the same is hereby amended so as to read as follows:

Present lessees to have preference.

7. Any person or persons now having ground or grounds staked up and leased under the provisions of the act to which this is a supplement, in Delaware bay and Maurice river cove, below the said "southwest line," shall be entitled to a renewal of his lease therefor, upon terms and conditions to be fixed and determined by the state oyster commission under the limitations and restrictions of this act, provided application for such renewal be made, in writing, and filed at the office of the state oyster commission before the expiration of said lease.

Section amended.

8. Section eight of the act to which this is a supplement be and the same is hereby amended so as to read as follows:

Oyster lands measured, mapped, &c.

8. The state oyster commission shall, from time to time, as applications are made for leases, cause the lands leased under tidal waters below the said "southwest line" to be measured, and the metes and bounds thereof ascertained and located by ranges, monuments or other means, so that the limits of the lands embraced within such leases may be accurately fixed and easily located; the state oyster commission shall cause such leased lands to be mapped, and the said maps to be filed in the office of the state oyster commission,

Records kept.

and shall also cause the leases so made and all assignments or transfers thereof to be recorded in books kept in the office of the state oyster commission for that purpose; and no assignment or transfer of any ground or lease therefor shall be valid unless the same be forthwith recorded in the office of the said state oyster commission; the expense of surveying, measuring, locating and mapping any ground or grounds to be paid by the applicant therefor before he shall be entitled to a lease or leases for the same.

Section amended.

9. Secetion nine of the act to which this is a supplement be and the same is hereby amended so as to read as follows:

Certain sections not to be leased.

9. It shall not be lawful to make any leases embracing the whole or any part of the following named oyster beds and creeks or rivers, namely, Elder Point beds, Dividing creek beds, Oranoaken beds, Pepper beds, and beds in Stow creek, Cohansey creek, Back creek, Cedar creek, Nantuxent creek, Dare's creek, Paggett's creek, Sow and Pigs creek, Beaton's creek, Fishing creek, Straight creek, Oranoaken creek, Dividing creek, Maurice river, West creek, East creek and Dennis' creek, or any other commonly known natural oyster bed in Delaware river, Delaware bay or Maurice river cove, or in any creek or river emptying into said river, bay or cove.

Section amended.

10. Section ten of the act to which this is a supplement be and the same is hereby amended so as to read as follows:

License to engage in oyster industry; fees, &c.

10. The oyster superintendent shall issue a license, duly certified by himself, to each and every captain of a boat or vessel entitled by law to engage in the business of catching, planting and growing oysters in the said Delaware river, Delaware bay and Maurice river cove, that shall pay the license fee fixed therefor by the state oyster commission; no boat or vessel shall be used or employed in catching or taking oysters in the Delaware river, Delaware bay or Maurice river cove, in this state, without license for that purpose first had and obtained as herein provided; the state oyster commission is hereby authorized to fix the license fee aforesaid at any sum

not exceeding two dollars per ton on the tonnage measurement of such boat or vessel; no license shall be issued for a period longer than one year; all licenses shall be numbered and recorded in a book kept for that purpose in the office of the state oyster commission; each boat or vessel licensed shall at all times while engaged in operating under such license, wear in plain view, upon the middle of the mainsail, one-third of the way from the head thereof, the number of said license in black figures at least fifteen inches in length; and upon the failure or neglect of any boat or vessel so licensed to wear said number as above required, such boat or vessel so neglecting or failing shall forfeit said license.

Section amended.

11. Section eleven of the act to which this is a supplement be and the same is hereby amended so as to read as follows:

Qualifications of applicant for lease or license.

11. The state oyster commission, before issuing any lease to any person as provided for in this act, shall cause the person applying for said lease to make and file with them an oath that he is a citizen and actual resident of this state, and has been for twelve months next preceding such application; and the oyster superintendent, before issuing any license to any boat or vessel as provided for in this act, shall cause the master or captain of said boat or vessel to make and file with him an oath that said boat or vessel is wholly owned, bona fide, by citizens and actual residents of this state, and who have been such for twelve months next preceding; such oaths may be made and taken by and before the several members of the state oyster commission and the said oyster superintendent; and the state oyster commission shall have power to revoke any lease or license issued by reason of any false oath made or taken under any provision of this act.

Repealed.

12. Section twelve of the act to which this is a supplement be and the same is hereby repealed.

Repealed.

13. Section thirteen of the act to which this is a supplement be and the same is hereby repealed.

Section amended.

14. Section fourteen of the act to which this is a supplement be and the same is hereby amended so as to read as follows:

Moneys for sole use of state.

14. All moneys due for ground rentals, license fees, or other fees collectible under the provisions of this act, shall be received and collected by the oyster superintendent, for the sole use of the state of New Jersey, as public moneys belonging to the state, and shall be accounted for and paid over as such in manner hereinafter provided.

Section amended.

15. Section fifteen of the act to which this is a supplement be and the same is hereby amended so as to read as follows:

Further duties of oyster superintendent.

15. The oyster superintendent shall keep an account of all fees and moneys received by him, pursuant to the provisions of this act, for the use of the state, and shall, on or before the tenth day of each month, make a full itemized statement and return, verified by oath, to the comptroller, of all moneys collected or received as aforesaid, upon blanks containing a form of the said statement and oath, to be furnished to the oyster superintendent by the comptroller, and the said statements shall be filed in the office of the comptroller, there to remain as public records; said statements shall be audited forthwith by said comptroller, and on or before the fifteenth day of each month the said oyster superintendent shall pay over the amount of such moneys received to the state treasurer; he shall also make detailed monthly reports, verified by oath, to the state oyster commission, of 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 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.

Proviso.

Proviso.

Proviso.

Repealed.

16. Section sixteen of the act to which this is a supplement be and the same is hereby repealed.

Taking oysters above "southwest line."

17. No oysters shall be dredged for, caught or taken from any of the lands lying under the tidal waters of the Delaware river, Delaware bay and Maurice river cove, above a line running direct from the mouth of Straight creek to Cross Ledge lighthouse, and commonly known as the "southwest line," except from and including the first day of April to and including the fifteenth day of June of each year.

Taking oysters below "southwest line."

18. No oysters shall be dredged for, caught or taken from any of the lands lying under the tidal waters of the Delaware bay and Maurice river cove below a line running direct from the mouth of Straight creek to Cross Ledge lighthouse, and commonly known as the "southwest line," at any time except from the first day of September to the fifteenth day of June then next, both inclusive, of each year; but the oyster superintendent or any member of the state oyster commission may, upon application, give permission, in writing, to any lessee or lessees of oyster grounds, to employ such methods for the protection of his or their oysters on said grounds and for the promotion of the growth thereof during said closed season as the said superintendent or state oyster commission may deem advisable; but no oysters shall be permanently removed from said grounds during said closed season.

Section amended.

19. Section seventeen of the act to which this is a supplement be and the same is hereby amended so as to read as follows:

No oysters taken from lands not leased.

17. No oysters shall be dredged for, caught or taken from any of the lands of the state under tidal waters of the Delaware bay and Maurice river cove, below a line running direct from the mouth of Straight creek to Cross Ledge lighthouse, and commonly known as the "southwest line," that are not held by virtue of a lease or leases issued by the state oyster commission and duly recorded as herein provided; but nothing in this section or in the two sections immediately preceding shall apply to any of the creeks or rivers hereinbefore mentioned,

Exception.

nor shall be construed to prohibit the taking at any time of oysters with rakes or forks on what is commonly known as the Cape shore, in Cape May county.

Section amended.

20. Section eighteen of the act to which this is a supplement be and the same is hereby amended so as to read as follows:

Catch culled where taken.

18. All oysters, oyster shells and other material dredged, tongued, or in any manner raised or taken from any of the beds and grounds above said "southwest line," or from any natural oyster bed or ground where oysters naturally spawn and grow under the waters of Delaware river, Delaware bay and Maurice river cove, in this state, shall be culled as soon as the same are emptied out of the dredges or tongs 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; all such oysters, oyster shells and other material shall be culled as aforesaid so closely that three bushels thereof taken from any portion of a deck load of oysters, after the same shall have been shoveled back from that part of the deck used for emptying the dredges and tongs aforesaid, shall not contain more than fifteen per centum of shells and other material; and if any person or persons shall neglect or refuse to cull as aforesaid all such oysters, oyster shells and other material, he or they 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 signaled by any officer of the state oyster commission and refuses to stop 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.

Culls thrown back.

Refusal to cull.

Repealed.

21. Section nineteen of the act to which this is a supplement be and the same is hereby repealed.

Section amended.

22. Section twenty of the act to which this is a supplement be and the same is hereby amended so as to read as follows:

Unlawful to dredge, &c., 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 river, 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 provisions of this act.

Oyster season.

23. It shall be unlawful to have in possession, sell or offer for sale any oysters caught or taken from any natural oyster bed or ground where oysters naturally spawn and grow, under the tidal waters of the Delaware river or Delaware bay, above the said "southwest line," except from and including the first day of April to and including the fifteenth day of June of each year.

Taken by day only.

24. It shall be unlawful to catch or take, or to assist in catching or taking, any oysters from any of the lands under the tidal waters of the Delaware river, Delaware bay and Maurice river cove, or from any of the creeks or rivers tributary thereto, before sunrise or after sunset.

Section amended.

25. Section twenty-one of the act to which this is a supplement be and the same is hereby amended so as to read as follows:

Arrest for violating oyster laws.

21. The members of the state oyster commission, the oyster superintendent, and the several captains or masters of guard-boats, are hereby empowered, and it shall be their duty, on view, without special warrant issued for that purpose, to arrest any person engaged in the violation of any of the provisions of this act or the provisions of any other law of this state regulating the taking, planting or cultivating of oysters in the Delaware river, Delaware bay or Maurice river cove, in force and not repealed by this act.

Section amended.

26. That section twenty-two of the act to which this is a supplement be and the same is hereby amended so as to read as follows:

License revoked for violation.

22. It shall be the duty of the state oyster commission to revoke the license of any boat or vessel, the owner, captain, master or person in charge of which shall violate or cause or permit to be violated any of the provisions of this act or the provisions of any other law of this state regulating the taking, planting or cutivating of oysters in the Delaware river, Delaware bay or Maurice river cove, in force and not repealed by this act; and said commission shall have power to refuse thereafter to allow any license to be issued to such boat or vessel for such period of time as the commission may fix and determine.

Section amended.

27. Section twenty-three of the act to which this is a supplement be and the same is hereby amended so as to read as follows:

Prohibitions not removed by this act.

23. Nothing in this act shall be in anywise construed to authorize or allow any person or persons, boat or vessel, to engage or be employed in the business of taking, planting or cultivating oysters in the Delaware river, Delaware bay or Maurice river cove, or in any creek or river tributary thereto, in this state, who or which are prohibited from engaging or being employed in said business by laws of this state in force at the time of the adoption of this act.

Section amended.

28. Section twenty-four of the act to which this is a supplement be and the same is hereby amended so as to read as follows:

Title to land not confirmed hereby.

24. Nothing in this act shall be interpreted to strengthen, confirm or verify the title of any person to any lands lying under the tidal waters of the Delaware river or Delaware bay, above the line running direct from the mouth of Straight creek to Cross Ledge lighthouse, and commonly known as the "southwest line."

Section amended.

29. Section twenty-five of the act to which this is a supplement be and the same is hereby amended so as to read as follows:

Penalty for violations.

25. Any person or persons violating any of the provisions of this act, or the provisions of any other law

of this state regulating the taking, planting or cutivating of oysters in the Delaware river, Delaware bay or Maurice river cove, in force and not repealed by this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars, or imprisonment in state prison not exceeding three years, or both, at the discretion of the court.

Repealed.

30. The act entitled "An act to amend an act entitled 'An act for the better regulation and control of the taking, planting and cutivating of oysters on lands lving 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," which amendatory act was approved March twentv-third, nineteen hundred, be and the same is hereby repealed.

Repealed.

31. The act entitled "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," which supplemental act was approved March twenty-third, nineteen hundred, be and the same is hereby repealed.

Repealed.

32. The act entitled "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," which supplemental act was approved March twentieth, nineteen hundred, be and the same is hereby repealed.

Repealed.

33. The act entitled "An act to protect planted and seed oysters on lands lying under the tidal waters of the Delaware river, Delaware bay and Maurice river cove, in this state, and to regulate the taking of the same from said lands, approved January twenty-third, nineteen hundred and one," be and the same is hereby repealed.

Criminal proceedings not abated.

34. No indictment or other criminal proceeding of any nature shall abate by reason of the repeal of the above stated acts and parts of acts, but all proceedings on any indictments now pending, and every criminal proceeding of every nature shall proceed as if this act had not been passed.

Continuance in office.

35. The oyster superintendent and members of the state oyster commission heretofore appointed under the provisions of the act to which this is a supplement shall continue to hold their respective offices and perform the duties thereof under the provisions of this act until the expiration of their term of office respectively.

Repealer.

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

Approved March 22, 1901.

CHAPTER 150.

An Act to extend the territorial boundaries of the borough of Island Heights, in the county of Ocean, by the annexation of a portion of the township of Dover, in said county.

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

Portion of township of Dover annexed to borough of Island Heights.

1. All that land and real estate situate, lying and being under the waters of Toms river and Barnegat bay, in the township of Dover, in the county of Ocean, and described as follows: Beginning at a point in the low-water line of Toms river, in what is known as Page's cove, where the same is intersected by the western line of lands formerly belonging to the Island Heights association, now the western line of the borough of Island Heights, and extending thence (1) in an eastern direction along the low-water line of Toms river to a point

in the middle of Dillon's creek, at its mouth; thence (2) south, forty-eight degrees three minutes east, four hundred feet into the waters of Barnegat bay; thence (3) south, forty-one degrees fifty-seven minutes west, to a point in the division line between Dover and Berkley townships; thence (4) in a northwesterly direction along said division line, which is the middle of Toms river, to a point where a line bearing north, seventeen degrees seventeen minutes east, would pass through the beginning point; thence (5) north, seventeen degrees seventeen minutes east, to the place of beginning, be separated from said township of Dover and annexed to the said, the borough of Island Heights, so that the same shall be hereafter a part and within the territorial limits of said borough.

2. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 151.

An Act providing for the promulgation of the state and national census and defining the time when the same shall take effect.

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

Federal census.

1. The governor is hereby authorized to file in the office of the secretary of state a copy of the bulletin issued by the director of the national census or other officer having charge thereof, and showing the population of the state; and the filing of such bulletin shall be an official promulgation of such census, which shall take effect immediately.

State census.

2. The census taken under the authority of the state shall be considered as promulgated and taking effect on the day when the secretary of state transmits to the

legislature a general account of the enumeration, specifying the result thereof as required by law.

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

4. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 152.

An Act authorizing the appointment of battalion chiefs in fire departments in cities.

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

Battalion chiefs of fire department. 1. In all cities in which there are battalion chiefs connected with the fire department, it shall be lawful for the board having control and management of such fire department, by a vote of two-thirds of the members thereof, to increase the number of battalion chiefs for said fire department to such number as, in their judgment, is necessary for the good of the department.

2. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 153.

An Act to amend an act entitled "An act for the protection of shad and game fish in the river Delaware," approved April seventh, 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 eight of an act entitled "An act for the protection of shad and game fish in the river Delaware,"

approved April seventh, eighteen hundred and ninety, is hereby amended so as to read as follows:

8. That nothing in this act shall be so construed as to prevent the catching of bait fish, other than game fish, by means of hand or cast-nets, for angling or scientific purposes, or the catching of game fish by order of any member of the state fish commission of any state having jurisdiction in the Delaware river for the purpose of stocking other waters; *provided,* that nothing in this act shall prevent the catching of suckers between the first day of December and the first day of April in each year. Act construed. Proviso.

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

Approved March 22, 1901.

CHAPTER 154.

An Act to enable cemetery associations to convey to churches or religious corporations lands freed and discharged from all trusts and restrictions as to burial purposes.

WHEREAS, It is in some cases convenient and desirable that a church edifice be located upon or adjoining lands held in trust by an incorporated cemetery association for cemetery purposes; AND WHEREAS, it may be impracticable for such edifice to be built without the procurement by the religious corporation owning the same of a loan secured by mortgage on said lands, and such loan can be procured only upon lands freed and clear of all encumbrance and restrictions; now, therefore, Preamble.

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

1. Where an incorporated cemetery association shall have heretofore conveyed, or shall hereafter convey, to Clean title granted.

a church or religious corporation in fee-simple lands without inserting in the deed thereof conditions or restrictions as to their use, such deed shall vest in the grantee thereof a title as freed, quit and clear from all and all manner of reservations, restrictions, trusts, use and uses, as if such deed were made by a natural person in like form.

2. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 155.

A Supplement to an act entitled "An act to regulate elections" (Revision of 1898), approved April fourth, one thousand eight hundred and ninety-eight.

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

Use of official ballot.

1. All the provisions of the act to which this act is a supplement, relating to the nomination of candidates and the use of official ballots and envelopes, shall apply to the charter, local, municipal and special elections in all of the towns of this state in the same manner and to the like effect as in and by said act the same are made applicable to the charter, local or special elections in the cities of this state, anything in said act to the contrary notwithstanding.

2. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 156.

A Supplement to an act entitled "An act relative to guardians and the estates or minors" (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:*

Use of principal in support of minor, &c.

1. When it shall be made to appear to the orphans' court upon the application, in the form of a verified petition of the guardian of a minor, lunatic, insane or feeble-minded person, that the income of the estate of such minor, lunatic, insane or feeble-minded person is insufficient for the proper support, maintenance or education of such minor, lunatic, insane or feeble-minded person, it shall be lawful for the orphans' court to inquire into the circumstances of the case or refer the same to a master in chancery for investigation and report; and if upon such inquiry or report it be found that the minor, lunatic, insane or feeble-minded person be unable to support himself or herself and has no other proper means of support, and that such income is insufficient for his or her support, and that such order would be for the best interests of the minor, lunatic, insane or feeble-minded person, the said court may make an order authorizing the use of the principal of the personal estate or a part thereof as it may deem for the best interests of said minor, lunatic, insane or feeble-minded person.

2. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 157.

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

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

When oysters may be taken from Shark river.

1. It shall not be lawful hereafter for any person or persons to take or dredge oysters from Shark river, in the county of Monmouth, in this state, between the hours of six o'clock P.M. and six o'clock A.M.

Penalty.

2. Any person or persons violating the provisions of this act shall, on conviction thereof, be punished by a fine of not less than ten dollars and not more than one hundred dollars.

3. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 158.

A Supplement to an act entitled "An act for the formation, establishment and government of towns," approved March seventh, one thousand eight hundred and ninety-five.

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

Commissioners of sinking fund.

1. Hereafter there shall be established in every town in this state now organized or that may hereafter become organized under the provisions of the act to which this

is a supplement, a board to be designated as "the commissioners of the sinking fund of the town of ———" (specifying the name of the town), which board shall consist of five commissioners, two of whom shall be the town treasurer ex-officio, and the chairman of the committee of the town council having oversight of the finances of the town, ex-officio; the remaining three members shall be appointed by the councilman-at-large, by and with the consent of the town council, and of the three commissioners so to be appointed in the first instance, one shall be appointed to hold office for one year, one for two years, and one for three years from the first day of June succeeding their appointment; and one such commissioner shall be appointed annually thereafter, to hold his office for the term of three years, and to take the place of the commissioner whose term then expires, any vacancy to be filled by appointment for the unexpired term only; each commissioner shall hold office until his successor shall have been appointed and shall have qualified, and shall, before entering upon the discharge of his duties, enter into a bond to the town in the sum of five thousand dollars, with sureties to be approved by the town council, for the honest and faithful discharge of the duties of his office as commissioner of the sinking fund of the town; such bond shall be renewed annually and shall be filed with the town clerk.

Number, composition, term, bond.

2. The commissioners appointed as aforesaid shall be residents and freeholders of the town, and shall serve without salary or other compensation; the board shall organize on the first Monday in June in each year, and shall elect a president and secretary from their number, and shall meet thereafter from time to time as they may deem necessary or advisable; the board first appointed shall meet for organization within one month after such appointment.

Organization, salary.

3. Such board shall be the lawful custodian of all such moneys as shall be or may have been raised in the town for the purpose of paying off and retiring the bonded indebtedness of the town for which such sinking fund is raised; and it shall be the duty of the said

Duties.

board to loan and invest such funds, and the interest accruing thereon, from time to time, and keep the same loaned and invested at interest in the corporate name of the town in bonds or other obligations of the town, or in the bonds of the United States or of the state of New Jersey, or of any of the cities or counties of this state, and to use the principal or income of such fund, or any portion thereof, for the purpose of paying off and retiring such bonded indebtedness of the town or any portion thereof; it shall be the duty of such commissioners annually on the first day of April, and at such other time or times as they may be required so to do, by resolution of the town council, to furnish and report to the town council of the town a detailed statement of the condition of such sinking fund in their hands and showing all receipts and disbursements and investments on that account since the last preceding accounting, and giving a description of such securities as may be in their hands, or such funds as they may have loaned or invested, and all expenses necessarily and properly incurred by such commissioners in the discharge of their duties shall be a legitimate debt of the town and be payable out of the town treasury.

Further duties may be prescribed.

4. The town council of each town may, by ordinance, prescribe further duties and responsibilities for such board, and may in the same manner establish rules for the regulation of such board not inconsistent with the provisions of this act .

5. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 159.

An Act to amend "An act to secure to mechanics and others payment for their labor and materials in erecting any building" (Revision of one thousand eight hundred and ninety-eight), 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 nineteen of the said act entitled 'An act to secure to mechanics and others payment for their labor and materials in erecting any building" (Revision of one thousand eight hundred and ninety-eight), be and the same is hereby amended to read as follows:

Amending lien claim.

19. At any time before judgment on a lien claim a justice of the supreme court, on application of the lien claimant, and on reasonable notice to all parties interested, may order such lien claim to be amended, in matter of substance as well as in matter of form, whenever it shall appear to him that such amendment can be justly made; and whenever such amendment shall be ordered the same shall be put in writing and signed by said justice and shall be then filed in the office of the county clerk, and for his services under this section the said justice shall be entitled to a fee of fifty cents for the use of the state.

2. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 160.

An Act for the preservation of sheep, lambs, domestic animals and poultry in the several townships of this state.

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

Dog tax.

1. Every person who shall keep or harbor a dog (above the age of six months) in any of the townships of this state, shall be taxed yearly for one dog so kept or harbored, the sum of fifty cents, and for every additional dog (above the age of six months) the sum of one dollar; in addition thereto there may be annually levied when necessary to carry out the provisions of this act, a further sum to be assessed and collected in the same manner and at the same time as other annual taxes raised for the use of the state, county or township are assessed and collected; the assessors of the several townships in this state shall set down on a separate column on their several duplicates, opposite the name of each person or persons, the number of dogs which he may own or harbor on his premises at the time of making their annual assessment and make a return of the same to the township committee each and every year before said duplicate is delivered to the collectors of said townships, and the assessors of the respective townships may strike off his duplicate or rate-book the tax assessed against any person for a dog or dogs on its being proved to the satisfaction of the assessor by the owner thereof that he, she or they have killed or caused to be killed such dog or dogs before the delivery of the duplicate to the collector; and the said assessors shall set up in at least five of the most public places in their respective townships, within ten days after having taken the annual list of the ratables, lists of the name of each

Assessors' duties.

List of dogs advertised.

person who shall have delivered to him an account of the dog or dogs and the number given in by each person; and each assessor shall be entitled to receive on settlement of his accounts, one dollar and fifty cents for the list so set up, to be paid out of the fees or tax herein authorized to be collected.

Failure to report number of dogs; penalty.

2. Every inhabitant who shall refuse or wilfully neglect to deliver to the said assessor when by him required, a true account of the number and age of the dog or dogs made taxable under this act and owned or harbored by him as aforesaid, shall, for every such refusal or neglect, forfeit and pay the sum of two dollars and fifty cents, to be recovered with costs by the collector of the township wherein the offense shall be committed.

Destruction of dogs killing sheep, &c.

3. If any dog shall be found killing, worrying or wounding any sheep, lamb, domestic animals or poultry, and the owner or person harboring such dog, being informed thereof, shall neglect or refuse to kill such dog within twenty-four hours from the time of receiving such information, such owner or person shall forfeit and pay to any person who shall sue for the same, the sum of ten dollars, to be recovered with costs by action of debt before any justice of the peace of the county, and moreover shall pay triple damages for any injury done by said dog as aforesaid; and it shall be lawful for any person to kill any dog which may be found chasing, worrying or wounding any sheep, lamb or domestic animal.

Disposition of moneys received under this act.

4. The sums of money collected by virtue of this act shall be appropriated to make good any loss which may be sustained by any person or persons by the destruction or wounding of his sheep, lambs, domestic animals or poultry within the township where the said tax shall be collected, and shall be kept as a fund by the township committee for that purpose; they shall pay all such damages so sustained within the year, in case the money so raised by said tax shall be sufficient to pay the same, and if not, then in such equitable proportions to the individuals injured, according to their respective losses, as the said fund will enable them to do, to be

adjusted at the annual settlement of the accounts of said township by the township committee; and in case there shall remain in the hands of the township committee a surplus of money after paying all the damages sustained as aforesaid, such surplus shall remain in the hands of the township committee to answer any damages as aforesaid which may be sustained in the next ensuing year, and so on from year to year.

Action taken to secure redress for sheep, &c., destroyed.

5. When any person shall sustain damage or injury as aforesaid, it shall be lawful for such person to take two respectable freeholders of the township wherein such damage was done, who are in no wise of kin to the party so calling them, to view the sheep, lambs, domestic animals or poultry so killed or wounded; and if it shall appear to their satisfaction that the said sheep, lambs, domestic animals or poultry were killed or wounded by a dog or dogs, the freeholders shall make a return or certificate thereof in writing, properly verified, stating the amount of damages such person may have sustained; each said certificate, together with the properly verified certificate of the person suffering such damage, setting forth in full the facts of the case and the estimate of damages sustained, shall entitle the person so injured to the sum stated therein as the damage sustained, to be paid by the township committee in conformity with this act; and in case the damage so certified shall appear to the township committee to be excessive, it shall and may be lawful for said committee to require the facts stated and claimed and exhibited to be investigated before them upon oath or affirmation and shall award payment accordingly.

When certificates of damages presented.

6. Any person having sustained any damage by dog or dogs in said townships, shall proceed to have the damages appraised according to this act and shall present certificates thereof to the township committee before the first day of February in each and every year, and the amounts of bills allowed by said committee for damages up to that day shall be the amount of damage done for the preceding year and shall be the amount to be assessed on the number of dogs in said township as returned by said assessor.

Owner of dog liable for damages.

7. This act shall not exempt the owner, possessor or harborer of any dog or dogs from liability for damage done by such dog or dogs, but he or she is hereby declared to be responsible for such injury, and an action of tresspass may be brought or maintained in any court of competent jurisdiction by any person or persons sustaining any injury, for the full amount of the same, against such owner, possessor or harborer, and in which action it shall not be necessary to prove that the said dog was accustomed to commit the injury complained of or any similar injury; *provided, however,* that the presentation of any claim for damages to the township committee shall be a waiver of all claims against the owner of such dog.

Proviso.

Recovery of claim.

8. In case any claim for damage is presented and allowed by the township committee, the said committee may institute and maintain suit against the owner or owners of such dog in the name of and for the benefit of such township in any court of competent jurisdiction to recover the amount of damages so allowed by them.

Repealer.

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

Approved March 22, 1901.

CHAPTER 161.

An Act to acquire rights of fishing common to all in fresh water lakes in certain counties, to acquire lands adjoining thereto for public use and enjoyment therewith, and to regulate the same.

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

Lake and park commissioners; term, vacancies.

1. In any county of this state wherein are fresh water lakes having an area of water surface exceeding one

hundred acres it shall be the duty of the justice of the supreme court presiding in the courts of such county, as hereinafter provided, to appoint three persons a board of commissioners to be known as "the
county, lake and park commission" (inserting the name of the county in and for which such commissioners are appointed); the commissioners first appointed under the provisions of this act in any county shall hold office respectively for the term of one, two and three years, as indicated and fixed in the order of appointment, and all such commissioners, after the first appointment shall be so appointed for the full term of three years; vacancies in the said board happening by resignation or otherwise shall be filled by such justice, and the persons appointed to fill such vacancies shall be appointed for the unexpired term only; such persons so appointed, when duly qualified, constituting such board of lake and park commissioners, and their successors, are hereby created a body politic, with power to sue and be sued, to use a common seal and to make by-laws; the members of any such board shall serve without compensation; their necessary expenses shall be allowed and paid, and no person employed by the said board shall be a member thereof; before entering upon the duties of his office each of the members of said board shall take and subscribe an oath or affirmation, faithfully and impartially to perform the duties of his office, which oath or affirmation shall be filed in the office of the clerk of the county wherein the board of which he is a member is appointed; every such board shall annually choose from among its members a president, vice-president and treasurer, and appoint a clerk or secretary and such other officers and employees as it may deem necessary to carry out the purposes of this act; it may also determine the duties and compensation of such appointees and remove them at pleasure, and make all reasonable rules and regulations respecting the same; every such board shall have a suitable office, where its maps, plans, documents, records and accounts shall be kept, subject to public inspection, at such times and under such reasonable regulations as the board may determine.

Body politic.

Compensation and expenses.

Oath.

Organization, duties, &c.

2. Any such board shall have power to acquire, maintain and make available to the inhabitants of the county wherein it is appointed, and to the public rights of fishing common to all in fresh water lakes within said county having an area of water surface exceeding one hundred acres, and lands not exceeding ten acres, adjoining thereto and within said county, for public use and enjoyment therewith, and for these purposes shall have power to take in fee or otherwise, by purchase, gift, devise or eminent domain, said rights of fishing in said lakes aforesaid and said lands adjoining thereto aforesaid; deeds of conveyance therefor shall be made to the said board by its corporate name, and it shall be the duty of such board to preserve and care for said rights of fishing, and to preserve and care for, lay out and improve said lands adjoining said fresh water lakes, and to make rules for the use and government of the same; such board shall have power also to connect the nearest and most convenient public road with said lands aforesaid by a suitable roadway, and for this purpose shall have power to exercise any of the rights and powers granted by this act in the manner herein prescribed, and also to take or acquire in fee or otherwise in the corporate name of the said board for the benefit of the said county, by purchase, gift, devise or eminent domain, any lands or rights in land, and easements or interest in lands within the said county, although the lands so taken, or any part thereof, be already a street or way, and to construct and maintain along, across and upon and over the same, or any other land acquired by the said board under this act, roadways; *provided, however,* that the concurrence of the common council or other body having authority over highways shall be necessary to take or appropriate any portion of an existing street or road; *and provided further,* that this act shall not apply to any fresh water lake which is now used as a source of water-supply for any city, town or municipality, nor to any lake which does not lie wholly within the bounds of a single county.

Power to acquire fishing rights, &c.

Construct roadway.

Acquire lands.

Proviso.

Proviso.

3. The said board, before proceeding to acquire by purchase or condemnation such rights of fishing in said

Make surveys.

lakes, and said lands adjoining thereto, for the purposes aforesaid, shall determine upon the lake or lakes and the location and quantity of land adjoining thereto and to be used therewith, and cause a survey thereof to be made and a map showing the lake or lakes and the lands to be acquired as aforesaid, which map shall be kept by the said commissioners in their office, and the boundary lines of such lake or lakes (at the highwater mark) and said lands adjoining thereto shall be recorded in a book to be kept for that purpose by said board; and before laying out and opening any roadway they shall cause a survey of the same to be made and a map thereof to be filed in their office, showing the termini of the said roadway, including the courses and distances, the names of the several owners or reputed owners of land through which the same will pass, so far as the same can be ascertained, and the streets or roads which may be included therein; *provided, however,* that the said board shall not be obliged to disclose such locations, surveys or maps to public inspection until it has taken proceedings to condemn said rights of fishing and said lands or rights in lands necessary therefor.

Proviso.

In case of disagreement; method to be pursued to acquire rights.

4. When the said board shall deem it proper to acquire said rights of fishing in said lake or lakes, and said lands or rights in lands, for the purposes aforesaid, which they have located, as herein provided, and the said board or its agents duly authorized cannot agree with the owner or owners of such rights of fishing aforesaid and said lands and rights in lands, as to the price and terms of the purchase thereof, or when by the legal incapacity or absence of such owner or owners no agreement can be made for the purchase thereof, a description in writing of the said lake or lakes, lands or rights in lands so desired, with the name or names of the occupants, if any there be, and of the owner or owners, and other parties interested, if known, and their residences, if the same can be ascertained, by the board or its agents, shall be presented to one of the justices of the supreme court of this state, who shall thereupon cause such board to give notice thereof to the persons interested, if known

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

Commissioners appointed; duty, &c.

Appraisement and assessment.

Tender of award right to enter upon property.

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

Dispute as to rights or shares.

Proviso.

5. Every appeal from the appraisement and award of the said commissioners shall be made in the form of a

Appeal from appraisement and award.

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

Jury trial.

Upon whom costs laid.

Judgment.

court applied to the payment of the said judgment, and the surplus, if any, repaid to the said board.

Power over roadways.

6. The said board shall have power and authority, not only to lay out and open roadways connecting the public highway with said lands adjoining said lakes as herein provided, but shall have authority to change and improve the said roadways and to regulate the use thereof.

Condemnation proceedings.

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

Commissioners appointed to make appraisement.

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

Public hearing.

Report benefits and damages.

Court may order revised report.

Confirmed report final.

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

Proviso.

Benefits and damages set off.

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

Collection of award.

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

Collection of assessments for benefits by board.

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

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

Disposition of moneys collected.

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

Assessments a lien.

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

Collection of unpaid assessments.

Public sale.

amount due upon said unpaid assessments, with interest thereon from the time when the same was confirmed, at the rate of six per centum per annum, together with such sum as the board may fix and determine to be a fair proportion of the expenses of advertising, conducting and making such sale; in the event that any purchaser shall neglect or refuse to make payment aforesaid, he shall forfeit all claim to said lands and real estate, and the same shall be resold by the said board upon like advertisement as aforesaid; the said board may adjourn any such sale from time to time by making proclamation thereof and proceed therewith on the adjourned day, and the said board shall make and deliver to any purchaser at any such sale who shall have made payment as aforesaid, a certificate of sale, signed by its officers thereunto duly authorized and sealed with the seal of the said board, which certificate shall be acknowledged or proved according to law, and shall set forth, as concisely as may be, the facts of said assessment, advertisement and sale, together with a short description of the lands and real estate sold, the amount actually paid therefor by the purchaser and the length of time for which he shall have purchased the same; every such certificate shall, before its delivery, be recorded in one of the books to be kept by the board for this purpose; such certificate may be assigned by deed of assignment under seal, duly acknowledged as aforesaid, and every such assignment may be recorded in the books of said board upon the payment of a fee of one dollar therefor; every owner of land and real estate so sold, his, her or their legal representatives, or any mortgagee or mortgagees thereof, or any judgment creditor or creditors, having a legal or equitable interest therein, may, by payment to the said board, for the benefit of the said purchaser, his heirs or assigns, of the amount originally paid by the said purchaser, his heirs or assigns, of the amount originally paid by the said purchaser, and of the tax or assessment which such purchaser may have paid, and of which he may have given notice in writing to the said board, with interest on all such payments at the rate of ten per cen-

Certificate of sale.

Redemption of land.

tum per annum, redeem the said lands from the lien so imposed, but in case no such redemption is made the said board shall, at the expiration of the said period of three years, upon the surrender of any such certificate, execute and deliver to the purchaser, his legal representatives or assigns, a declaration of sale, to be executed in the same manner as the certificate of sale, and to be duly proved or acknowledged, stating therein briefly the facts of said assessment, advertisement and sale, giving a short description of the lands and real estate sold, and the time for which the same was sold; said declaration of sale shall be recorded in the books of the said board, and also in a record of deeds in the office of the clerk or register of said county, upon the payment of a fee of one dollar in each case; and until the recording of such declaration the time for redeeming said lands and real estate shall remain open, notwithstanding the expiration of the said term; every such declaration of sale shall be presumptive evidence in all courts and places that such sale and proceedings were, in all respects, regular and according to law; and such purchaser or purchasers, his, her or their legal representatives, shall, by virtue thereof, lawfully hold and enjoy such lands and real estate, with the rents, issues and profits thereof, for his, her or their own proper use against the owner or owners thereof, and all persons claiming under them, until the said term mentioned in said declaration shall be fully completed and ended; every such purchaser so holding shall be liable for any injury or waste done or committed in the same manner and to the same extent as a tenant for years, but no mortgagee whose mortgage shall have been recorded or registered before any such sale shall be divested of his rights in and to the said lands and real estate, unless after notice shall have been given to him by any such purchaser for a period of six months (such notice to be in writing), such mortgagee shall neglect to redeem the said lands and real estate by paying the amount actually paid by such purchaser, including taxes, and including assessments subsequently made, with interest at the rate of six per centum from the date of payment, and also any costs or charges which he may

Rights of purchaser.

Liability of purchaser.

Notice to mortgagee.

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

Lands may be bought in by board.

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

Bonds to meet expenses.

14. To meet the expenses incurred under the provisions of this act, in addition to the sum of money received from benefit assessments as herein provided and otherwise, the board of chosen freeholders of the said county shall, from time to time, on the requisition of said board of lake and park commissioners, in the name and on the credit of the said county, borrow money by issuing the bonds of the said county to a sum in the aggregate not exceeding twenty-five thousand dollars, such bonds to run for a term not exceeding twenty years, to bear interest at a rate not exceeding four per centum, payable semi-annually; such bonds shall not be sold or disposed of at less than their par value, and may be made payable at any place which the said board of chosen freeholders may determine; and they shall also determine the form of the bond; a sinking fund shall be established by the said board of chosen freeholders on the issuing of any such bonds sufficient, with the accu-

Sinking fund.

mulations thereof, to extinguish the principal of the said bonds so issued when due; the interest and principal of all bonds issued under the authority of this act shall be the debt or obligation of the county wherein they are issued, and the payment thereof shall be provided for by taxation in the same manner that other debts and obligations of the county are provided for by taxation.

Care of sinking fund.

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

Rights preserved.

16. All rights of fishing and lands taken or held under this act for the purposes aforesaid shall be forever kept and maintained; and no steam or other railroad shall be laid out on, or maintained or operated in or on, any portion of the said lakes, lands or roadways laid out and located under this act except at such places and in such manner as the said board shall in writing duly approve.

Rules and regulations.

17. Every such board shall have power and authority to make rules and regulations for the government and use of such rights of fishing, such lands and roadways, and to enforce the same by prescribing and affixing for the violation thereof suitable penalties, not exceeding fifty dollars for each offense; such rules and regulations shall be plainly printed and posted along said lakes and

upon said lands; and the said board shall have power and authority to sue for and collect the penalty prescribed and affixed for any violation of the rules and regulations so made in an action of debt in any court of competent jurisdiction; all fines and penalties recovered as aforesaid shall be used by the said board for the same purposes and in the same manner as other funds provided for its use; *provided, however,* that such rights of fishing such lakes and lands shall be subject to and governed by the laws of this state relating to game and fish.

Proviso.

Enacting clause; proviso.

18. This act shall take effect immediately; *provided, however,* that none of the foregoing provisions shall take effect in any county, nor shall the commissioners to be appointed under the provisions of this act be appointed in any county, until the acceptance or rejection of this act shall have been submitted as herein provided to a popular vote; such submission shall be made, and the vote hereinafter provided for taken, at the next election, whether general, municipal or special, wherein the people of the county qualified to vote are authorized to vote for local officers, and it shall be the duty of the county clerk, at least ten days before any such election, to give public notice by publication in two or more newspapers published and circulating in the county that such submission will be made at the ensuing election, stating briefly the question to be submitted as herein provided, and it shall be the duty of the said clerk to provide ballots sufficient in quantity for the legal voters of the said county, not less than five to each legal voter as the number of voters appears by the last preceding election, and make distribution thereof as far as practicable in the manner provided by law for the distribution of other ballots at such election; every such ballot shall contain either the words "For the new lake and park bill" or the words "Against the new lake and park bill," and an equal number of each kind of ballots shall be so printed and distributed; and the legal voters of said county may at such election decide upon the acceptance or rejection of this act by the use of such ballots; such ballots shall be cast at such election separate and distinct from other

Referendum

Ballots.

Method of voting.

ballots used at such election, and shall not, except as herein provided, be regulated by the laws regulating ballots used in the election of public officers; such ballots, however, shall be deposited when offered without being enclosed in an envelope by any legal voter in the ballot-boxes used at such election for the election of public officers; and all ballots so cast for or against this act shall be counted and the result thereof returned by the election officers holding such election as herein provided, and the acceptance or rejection of this act shall be determined by the result of such election, and if there shall be found, on a canvass of all the votes cast, to be made as herein provided, a majority of ballots in favor of this act, then this act, but not otherwise, shall take effect immediately in such county; the return and certificate of the result of the votes cast in every election district or voting precinct in such county for and against the acceptance of this act, shall be filed forthwith after the close of the said election by the officers conducting the same, with the clerk of the county wherein such election is held, and it shall be the duty of such clerk to tabulate the said returns and canvass the votes so cast in all the election districts in said county, and certify upon such tabulated statement the number of votes cast for the acceptance of this act, and the number of votes cast against the acceptance of this act, and he shall file such tabulated statement with his certificate thereon in his office, there to remain of record; and it shall be the duty of the said clerk, within five days after the filing of such tabulated statement and certificate, in case the same shall show that this act has been accepted in such county, to deliver a certified copy of the said tabulated statement and certificate to the justice of the supreme court presiding in the court of such county; and it shall be the duty of the said justice within ten days thereafter to appoint the commissioners which he is authorized by this act first to appoint; all expenses incident to this election, properly certified by the president judge of the court of common pleas of such county, shall be paid by

Determination of result.

County clerk's duty.

such county wherein such election is held as other election expenses therein are paid.

When submission takes effect.

19. This act shall take effect immediately as regards the submission thereof to a popular vote as aforesaid.

Approved March 22, 1901.

CHAPTER 162.

An Act relative to the maintenance in county penitentiaries of prisoners from other counties.

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

Maintenance of prisoners in penitentiaries.

1. It shall be lawful for the board of chosen freeholders of any county in this state in which a county penitentiary is established to fix and determine from time to time the rate per week at which prisoners sentenced and committed from other counties shall be kept and maintained in such penitentiary; such rate, however, shall not exceed the actual cost of such maintenance.

To prevent overcrowding.

2. No prisoner shall be received into such county penitentiary from any other county in the state at any time when the inmates of such penitentiary occupy all the accommodations provided therein for the class to which such prisoner belongs.

Repealer.

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

Approved March 22, 1901.

CHAPTER 163.

An Act to authorize the improvement of public roads or streets in townships of this state.

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

Petition for road or street improvements in townships.

1. It shall be lawful for the township committee of any township of this state, on the application in writing to said township committee by some of the owners of the lands fronting on any public road or street in said township, the grade of which has been theretofore established by ordinance of such township, or any section of such road or street, to proceed to improve such road or street or section thereof not exceeding the limits applied for, by grading, paving, macadamizing, flagging, planking, curbing and guttering, or by regrading, repaving, remacadamizing, reflagging, replanking, recurbing and reguttering the same in such manner and with such materials as set forth in such petition and under the supervision of the township engineer; that on the receipt of such petition the said township committee shall immediately thereafter, by resolution, direct the township clerk to advertise the said application or petition for two weeks, once in each week, successively, in one or more newspapers published in such county and circulating in said township, and to post copies of the said petition in five of the most public places in said township, designated by the township committee, for ten days prior to the time fixed for the hearing of objections to such improvement; the clerk shall also publish and post, as above, a notice, stating that objections in writing to the said proposed improvement may be filed with him, and of the time and place when and where the township committee will meet to consider such objections, which time shall not be less than ten days after the date of the

Public notice.

first publication of such petition and notice as aforesaid; said clerk shall also serve, or cause to be served, a like notice on the owners of property along the route of said proposed improvement by delivering a copy of said notice to the owner in person or by leaving the same at his place of residence, or by mailing the same with postage prepaid, directed to said owner at his last known post office address, or by posting the same upon the premises at least five days previous to the time designated in such notice; *provided,* no assessment shall be set aside or affected by reason of the failure of the township clerk to serve said notice; at the expiration of said time designated for publishing and posting, the township clerk shall file in his office a copy of said petition and notice, with an affidavit annexed showing that the same has been published and posted as required by this act; at any time after the expiration of the time named in said notice the township committee may proceed to pass an ordinance for said improvement, unless the owners of two-thirds of the property along the route of the proposed improvement object thereto, in which case all costs and expenses incurred by the township committee in such proceeding shall be repaid to the township by the petitioners for such improvements; and the township committee may make such regulations touching the receiving any petition and proceedings thereon, and security for the expenses thereof, as they may deem proper; the ordinance shall be valid if it describes in general language the improvements authorized by the township committee, and shall be passed, engrossed and published in the manner prescribed by law for the passage and publication of other ordinances in townships of this state, and it shall not be necessary to state therein any other matter or thing connected with said improvement.

Proviso.

Proposals invited for improvements.

2. At any time after the said ordinances shall take effect the township committee may direct the township clerk to advertise for proposals for said improvements in such manner and for such time as the township committee shall deem advisable, and the township committee may thereafter enter into a contract with any person or

persons to furnish the work and materials for said improvement, with such other agreements and covenants therein as shall be approved by the township committee; but the township committee shall be under no obligations to accept the lowest bid, and may reject all bids if they deem it best for the interest of the township; and in case of rejecting all proposals received, they shall again advertise for proposals and proceed in all things as if no proposals had been offered; the township committee shall require the party or parties who enter into the contract to give a bond, with ample freehold security, for the due performance thereof.

Inspector.

3. The township committee may appoint an inspector over the work to be done and the materials to be furnished in the making of such improvement, and may fix his compensation; the amount of such compensation shall be included in and form part of the cost of the improvement.

Notice upon completion of work.

4. Upon the completion of said work, and before the township committee accepts the same, or any final payment is made to the contractor, the township committee shall by resolution direct the township clerk to publish in the same manner and for the same period required for the publication of the petition for said improvement a notice stating when the township committee shall meet to receive and consider objections in writing to the work and materials done and used in such improvement, and if any such objections shall appear to be well founded the township committee shall take such action thereon as in its judgment the interests of the township shall require.

Commissioners; appointment, duties, &c.

5. Three commissioners shall be appointed by resolution or ordinance of said township committee as soon as possible after the letting of contract for said work; they shall, before they enter upon the performance of their duty, file with the township clerk an affidavit which they may take before said clerk, he being hereby given the same power to administer oaths and affirmations to said commissioners as is now possessed by justices of the peace; in said affidavit they shall swear that they are

not interested in said improvement, and do not own any property along the line thereof; that they are freeholders resident in said township, and that they will execute faithfully the duties of their office; after taking said oath the said commissioners may proceed immediately to execute the duties of their office, and they shall, after first ascertaining the costs and expenses of said improvement, assess the said costs and expenses upon the land and real estate benefited by such improvement and in proportion to the benefit thereby received; in making which said assessment the same shall be made and assessed upon the several lots or parcels of land benefited by such improvement in proportion to the benefit actually received by each one of said lots or parcels of land, and no lot or parcel shall be assessed more than it is benefited, and the excess, if any, of such costs and expenses shall be assessed upon the township wherein such improvements shall lie, which assessment shall be manifested by a report in writing to the township committee, accompanied by a map, which report and map shall show, amongst other things, each lot, tract or parcel of land assessed and the amount assessed thereon, and the names of the owners thereof, as far as the same are known to the said commissioners, and the excess of such costs and expenses assessed upon said township, but no assessment shall be deemed defective by reason of any mistake in the names of said owners or omitting said names or any of them; this report and map shall be filed in the office of the township clerk, and thereafter said clerk shall publish and post a notice in the same way and manner and for the same time required for the publication and posting of the petition for said improvement, stating that the map and report of the commissioners have been filed in his office, and that the township committee will consider any objections to said assessment presented in writing, on or before a day named in said notice, to be fixed by said township committee, which day shall be at least ten days after the first publication of such notice on which day the township committee will meet to consider such objections; in

Report and map.

case objections to the assessment are made, and the township committee, after such hearing, shall not deem them to be well founded, the township committee may by resolution confirm such assessment, or if they refuse to confirm the same, they may return it to the said commissioners for such amendment as may to the commissioners seem necessary, and the township committee may thereafter, without any notice to any person, by resolution, confirm said assessment; said resolution shall ininclude the name or names of the owner or owners, if known, a brief description of the location of the lot, and the amount assessed thereon, and upon said confirmation said assessment shall constitute a first paramount lien on the property assessed for the amount of such assessment, and so remain until the said assessment is paid, notwithstanding any device, descent, alienation, mortgage or other encumbrance thereof, and shall be collected under and by virtue of an ordinance or ordinances made by the township committee for that purpose; the township committee shall in the said ordinance provide whether the assessment shall be paid in one payment or in equal annual installments, not exceeding ten, but any assessment against any lot or any or all installments thereof may be paid at any time; all assessments shall draw interest from and after the adoption of the resolution confirming said assessment at the rate of six per centum per annum; and if made payable in installments there shall be due and payable with each installment interest thereon and on the unpaid portion of such assessment at the same rate.

Objections heard.

Assessments a paramount lien.

Assessments, how paid.

6. It shall be the duty of the township clerk, within five days after the adoption of the resolution confirming said assessment, to deliver a certified copy thereof to the the collector of taxes in said township, who shall, within fifteen days after receiving the same, serve upon each owner of any lot assessed a notice which shall set forth the description of such lot contained in the resolution confirming said assessment, the amount assessed thereon, to whom assessed and the date of confirmation of said assessment, and that interest is due from that time,

Duty of township clerk.

and if payable in installments, the number and times of payment thereof; service of this notice shall be made in the following manner: by delivering the said notice to the owner in person, or by leaving the same at his place of residence, or by mailing the same, with postage prepaid, directed to said owner at his last known post-office address, or by posting a like notice upon the lot described in said resolution confirming said assessment; such assessment when collected shall be first applied to the extinguishment of any indebtedness incurred for such improvement as it matures; if no such indebtedness exist such assessments when collected may be applied to and used for any purpose for which township moneys may be lawfully expended.

Manner of serving notice.

7. If any assessment is to be paid in one payment the committee shall, at their meeting to revise the duplicate for taxes held next after the adoption of the resolution confirming said assessment, add to the duplicate a statement in writing, signed and attested by the clerk, setting forth, as to each lot whereon the assessment may not theretofore have been paid, the name of the owner, if known, and a brief description of the lot as contained in the resolution confirming said assessment, the amount due thereon, which shall include interest to the date when taxes for the current year are due and payable; such assessment and interest shall be collected by the township collector with the taxes upon real estate shown in said duplicate, and the payment of said assessment and interest shall be enforced, within the same time, in the same manner and by the same proceedings as the payment of unpaid taxes is enforced in such township.

If assessment paid in one payment.

8. If any assessment is to be paid in installments the committee shall, at their meeting to revise the duplicate of assessment for taxes held next after the adoption of the resolution confirming said assessment, and annually thereafter at such meeting, add to the duplicate a like statement in writing setting forth, as to each lot assessed, the name of the owner, if known, and a brief description of the lot as contained in the resolution confirming said assessment, the amount of the annual installment of

If assessment paid on installments.

assessment to grow due thereon for that year, with interest thereon and on the balance of said assessment computed from the time interest is due to the time when the taxes for the current year shall be due and payable; such installments and interest computed as aforesaid shall thereupon be collected by the township collector with the taxes upon real estate shown in said duplicate, and the payment of said assessment and interest shall be enforced, within the same time, in the same manner, and by the same proceedings.

Right of redemption.

9. The owner or owners, mortgagee, tenant in possession, or any other person having a legal or equitable interest in any lot of land upon which an assessment has been made, shall have the same right to redeem and the mortgagee shall be entitled to the same notice as is provided by the law of this state for the redemption of lands sold for taxes; and if any lot of land be sold for any unpaid assessment or installment thereof under the proceedings above mentioned, the certificate of sale or deed therefor, or any duly certified copy of the record thereof, shall be presumptive evidence that said certificate of sale or deed, and all proceedings prior to the execution and delivery thereof, were regularly made and had.

Improvement certificates.

10. The township committee shall have power as the work progresses to issue improvement certificates to the amount of seventy per centum of the contract price of the work done on any such street improvement, when certified to by the township engineer, and when the contract is fully completed and the work accepted by the township committee they may issue additional improvement certificates to an amount, including all former certificates for said improvement, of ninety per centum of the contract price; and in ninety days after the acceptance of the work they may issue a final certificate for the balance due unless some errors or defects in the work shall have appeared, in which case the certificate shall be withheld until the defects or errors are rectified to the satisfaction of the township committee; the improvement certificates shall bear interest at the rate to be fixed by the committee, not exceeding six per centum

per annum, shall be payable within three years from their respective dates, shall in no event exceed in amount the total cost of the improvement, including damages and all lawful expenses, and shall not be sold for less than par and accrued interest, and shall be redeemable at the pleasure of the township committee.

Bonds to meet certificates.

11. In case such certificates shall not be paid at maturity, the township committee shall have power to issue bonds, payable in not exceeding ten years, for the redemption of said certificates, which bonds shall bear interest at not exceeding five per centum per annum.

Commissioners' compensation.

12. Commissioners appointed by the township committee for making assessments for all street improvements and for all other assessment purposes shall receive for their services a sum fixed by the township committee not exceeding five dollars per day.

Issuance of certiorari.

13. No writ of certiorari to review any assessment made for any improvement authorized by this act shall be allowed or granted unless application therefor be made within three months after the confirmation of the assessment.

14. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 164.

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

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

Section amended.

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

Notice to quit; possession.

109. No judgment for possession shall be ordered in a case of tenancy at will or from year to year unless the judge shall be satisfied by due proof that such tenancy has been terminated by giving three months' notice to quit, which notice shall be deemed and taken to be sufficient, and in tenancy from month to month one month's notice shall be deemed and taken to be sufficient.

Approved March 22, 1901.

CHAPTER 165.

A Supplement to an act entitled "An act concerning executors and the administration of intestates' estates," 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:*

Acquirement and conveyance of lands by married woman as executrix; joint action of husband unnecessary.

1. Where any administratrix or executrix is a married woman and has heretofore or hereafter shall become the purchaser of lands, tenements or hereditaments covered by any mortgage forming a part of the assets of the estate in her hands at a sale upon a foreclosure of any such mortgage, the lands, tenements or hereditaments so conveyed shall be assets in the hands of such administratrix or executrix, and may be sold and conveyed by her without any order of court and without her husband joining with her in the execution of the conveyance therefor, and such conveyance shall vest in the purchaser or purchasers the title to such lands, tenements or hereditaments as fully to all intents and purposes as if said administratrix or executrix were sole and unmarried, and she shall be accountable for and pay over the proceeds of such sale as other moneys belonging to such estate in her hands.

2. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 166.

Supplement to an act entitled "An act to organize the board of chosen freeholders in the counties of this state, having within its territorial limits a population of not less than seventy-five thousand inhabitants or more than two hundred thousand inhabitants," passed May ninth, one thousand eight hundred and ninety-four.

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

Referendum

1. The provisions of the act to which this is a supplement shall remain inoperative in any county 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 first day of June in any year, adopt a resolution to submit the question of the adoption of this act to the voters of such county at the next regular election to be held therein; such resolution may be adopted at any regular or special meeting of the board, and a copy thereof shall be certified to the clerk of such county, and thereupon the question of the acceptance of the act to which this act is a supplement shall be submitted to the voters of such county at the next regular election to be 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 the act to which this act is a supplement, as the same shall be cast in such district, and such returns shall be canvassed by the county board of elections of the county

in the manner now provided for the canvassing of the returns of the votes cast for officers elected by the voters of the county; the clerk of the county shall certify the result of the election to the board of chosen freeholders; *provided, however,* that this act shall not affect or interfere with the number of the members of the board of chosen freeholders to be elected in counties where such freeholders have been elected pursuant to the provisions of the act to which this act is a supplement, nor in counties wherein the number of wards in the largest city is less than ten; *and provided further,* that this act shall not prohibit the members of the board of chosen freeholders of any county from receiving a salary for their services, in accordance with the provisions of the act to which this act is a supplement, instead of per diem fees, providing said board elects so to do by resolution duly adopted by a two-thirds vote thereof. Proviso. Proviso.

2. This act shall take effect immediately.

Passed March 22, 1901.

CHAPTER 167.

An Act to amend an act entitled "An act for the protection of mammose or young sturgeon in the Delaware bay, river and their tributaries," approved March twenty-fourth, one thousand eight hundred and ninety.

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

1. Section one of an act entitled "An act for the protection of mammose or young sturgeon in the Delaware bay, river and their tributaries," approved March twenty-fourth, one thousand eight hundred and ninety, be and the same is hereby amended so as to read as follows: Section amended.

Taking young sturgeon unlawful.

1. That it shall not be lawful for any person to cast, draw, set, anchor, drift or stake any gilling net, seine or shore net, or any other device or appliances of any kind whatosever for the purpose of catching fish commonly called or known as mammose (which are young sturgeon under four feet in length) in the waters of the Delaware bay, river and their tributaries within the jurisdiction of the state of New Jersey; and any person or persons fishing with gilling nets, drift nets, shore, seine nets, or any kind of nets, devices or appliances whatever in the Delaware bay, river or their tributaries within the jurisdiction of the above named state, who, on lifting, drawing, taking up, removing or underrunning any of said nets, devices or appliances, shall find young sturgeon or mammose under four feet in length, entangled or caught therein, shall immediately, with care and with the least possible injury to the fish, disentangle and let loose the same and transmit the fish to the water without violence; any person or persons violating any provisions of this section, or having in their possession young sturgeon or mammose under four feet in length, either for consumption or for sale, or who is known wilfully to destroy the same, for so offending shall, on conviction thereof, be punished with a fine of ten dollars for each and every fish so caught, sold or destroyed, and in default of paying such fine, on being convicted thereof, to be imprisoned in the county jail for thirty days.

If caught returned to water.

Penalty.

2. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 168.

An Act concerning elections in certain villages.

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

Charter election in villages.

1. Where any village has been, or may hereafter be, set off from and composed in whole or in part of a portion of the original territory of any township, which

township shall retain a separate township government, as such, including thereunder for township purposes the territory comprising said village, such village shall hold its annual election of village officers upon the same day upon which said township shall hold its annual election of township officers, and the term of office of all officers so elected shall commence on the first Monday in May following their election.

Repealer.

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

Approved March 22, 1901.

CHAPTER 169.

An Act to authorize any cemetery association or company to change its name.

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

Cemetery companies may change name.

1. The name of any cemetery company or association incorporated under the provisions of any act, general, special or private, in this state, may be changed by authority of its trustees, directors or managers, and a majority of its members present at any regular meeting or special meeting of such association or company, of which special meeting ten days' notice shall be given by publication in a newspaper published in the vicinity of the main office of such association or company, by certificate made and filed in the office of the secretary of state and clerk of the county in which the cemetery of said company or association is located, setting forth the former name of the company and the date of the approval of the change by the trustees, directors or managers and by the members, which certificate shall be verified by oath; no suit by or against any association or company shall be affected by such change of name.

2. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 170.

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

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

Extent of this act.

1. The provisions of the act to which this act is a supplement and the various supplements thereto be and the same are hereby extended to include all cases where any tax, assessment, water rate or water rent shall have been levied or imposed, or attempted to be levied or imposed on any land in any town, township, borough or other municipality of this state excepting cities, subsequent to the passage of the act to which this act is a supplement, and where such tax, assessment, water rate or water rent shall remain unpaid and in arrears for the period of one year.

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

Approved March 22, 1901.

CHAPTER 171.

A Supplement to an act entitled "An act concerning the docketing of judgments recovered in the courts for the trial of small causes in the state of New Jersey," approved April fourth, eighteen hundred and ninety-two.

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

Nature of affidavit.

1. It shall not be necessary to include in the affidavit of the plaintiff or his attorney required to be filed by the act to which this act is a supplement a statement that deponent believes the debtor is not possessed of goods and chattels sufficient to satisfy the amount due, or any other statement or matter other than that called for by said act, and all judgments heretofore or hereafter docketed in accordance with the act to which this act is a supplement are hereby declared to be valid and effectual in law and to have the force and effect from the time of their said docketing of judgments obtained in suits originally commenced in the court of common pleas, notwithstanding the omission from said affidavit of the statement of deponent's belief that debtor was not possessed of goods and chattels sufficient to satisfy the amount due; *provided, however,* that nothing in this supplement contained shall be construed as affecting any decision of any court of this state heretofore rendered in relation to titles to land; *and provided, however,* that this act shall not apply to any judgment on any lands for the recovery of which any suit at law or equity is now pending in any of the courts of this state.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 172.

An Act to amend an act entitled "An act to enable cities in this state to increase the number of the police force," passed February sixteenth, one thousand eight hundred and ninety-one.

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

Section amended.

1. Section one of the act entitled "An act to enable cities in this state to increase the number of the police force," passed February sixteenth, one thousand eight hundred and ninety-one, be and the same is hereby amended so as to read as follows:

Number of patrolmen.

1. It shall and may be lawful for any city in this state in which the police force is controlled by the mayor and a board of police commissioners appointed by him, to increase the said police force to the number of eighty men exclusive of superior officers.

2. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 173.

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

Action to be taken by authorities upon notification by governor, &c., that the law is being violated.

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

1. Whenever the mayor or other chief executive, or the chief of police or other head officer of police, of any

city or other municipality of this state shall be notified by a personal delivery to him of a written communication signed by the governor or the attorney-general of this state, or by a judge of the court of oyer and terminer or quarter sessions, or the prosecutor of the pleas, of any county in which such municipality is situate, that it is alleged, and that there is reason to believe it to be true that there exists in one or more places in such municipality, designated in such communication, open, continued or notorious violation of any one or more sections of the act entitled "An act for the punishment of crimes" (Revision of one thousand eight hundred and ninety-eight), approved June fourteenth, one thousand eight hundred and ninety-eight (which section or sections shall be stated in such communication), by any person or persons occupying or carrying on business in such place or places, whether such persons be known or unknown, it shall be the duty of such mayor or other chief executive or the chief of police or other head police officer, so notified, to take immediate, proper and efficient measures by complaint and arrest or by raid and arrest or otherwise, to prevent the further continuance of such illegal practices, and to bring any person or persons so alleged to be offending as aforesaid to justice, and any such official so notified as aforesaid who shall neglect or refuse for a period of ten days afer such notice shall be so delivered to him as aforesaid, to perform said duty, shall be guilty of a misdemeanor.

Authority to make complaint.

2. The receipt of such a communication as is in the foregoing section mentioned, by any official or officer therein named, shall be a sufficient warrant and authority for such official or officer to make a complaint upon information and belief founded thereon, charging that such person or persons, known or unknown, are engaging in such illegal practices and violating said crimes act as in said communication stated, and any police magistrate, or justice, or judge of any court having jurisdiction to issue criminal process, may take and receive such complaint and issue a warrant for the arrest of any person or persons, known or unknown, found upon said premises, and direct that such persons be brought before

Warrant issued.

such police magistrate, or justice, or judge, to be dealt with as law and justice shall require, and for the making of such complaint such official or officer shall not be liable to any action of a civil or criminal nature whatever by any person or persons taken upon or found in the place or places mentioned in such written communication as foresaid.

3. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 174.

An Act to repeal an act entitled "An act to regulate the practice of courts of law," approved March tenth, eighteen hundred and ninety-three, and the supplement thereto.

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

Acts repealed.

1. An act to regulate the practice of courts of law, approved March tenth, eighteen hundred and ninety-three, and the supplement thereto, approved February twenty-fifth, eighteen hundred and ninety-five, are hereby repealed

Approved March 22, 1901.

CHAPTER 175

An Act to amend an act entitled "An act concerning disorderly persons," approved April ninth, one thousand eight hundred and seventy-five.

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

1. Section thirteen of an act entitled "An act concerning disorderly persons," which act was approved

April ninth, one thousand eight hundred and seventy-five, be and the same is hereby amended so as to read as follows:

Warrant issued for apprehension.

13. Upon receiving such complaint against any husband or father provided for in section five of this act, the said justice before whom such complaint is made shall issue his own warrant, directed to any constable of the county, for the immediate apprehension of the person complained of and for bringing him before such justice, upon the return of which warrant said justice shall cause such person to enter into a bond to said overseer, in any sum not exceeding five hundred dollars, with a good security, conditioned for his appearnce before such justice at a time therein named, to answer such complaint; and in default of such person entering into such bond, and giving such security, said justice shall commit him tc the county jail to await the investigation of such complaint.

2. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 176.

A Supplement to an act entitled "An act to authorize the incorporation of rural cemetery associations and to regulate cemeteries" (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:*

Rules and regulations.

1. It shall be lawful for the trustees, directors or other body managing or controlling any cemetery in this state, whether incorporated under general or special act, to make rules and regulations for the use, care, management and protection of the property of the corporation owning the same, and of all lots, plots and graves there-

in; for regulating the planting and care of trees, plants and shrubs within the cemetery grounds; for the conduct of persons while within said grounds, and for the exclusion therefrom of any person employed or engaged by the owner of any lot, plot or grave to do any work in and upon the same, who shall be deemed objectionable by said trustees or other body managing said cemetery, and generally to make such reasonable rules and regulations for said cemetery, with such restrictions and conditions, as may be deemed necessary for the proper control thereof.

Penalty for violation of regulations.

2. Any person who, in any cemetery of this state, shall knowingly or willfully violate any rule or regulation relating thereto, or any person employed or engaged by the owner of any lot, plot or grave to do any work in and upon the same, who shall be deemed objectionable by the trustees, directors or other body controlling said cemetery, or any person who, having been excluded from said cemetery as hereinbefore in the first section of this act mentioned, shall enter or attempt to enter the same, or do or attempt to do any work whatever therein as hereinbefore in this act provided, shall for every such offense forfeit and pay such sum, not less than three dollars and not exceeding ten dollars, as shall be imposed, with costs, by any justice of the peace of the county before whom such person shall be brought,

Brought by summons or warrant.

either on a summons or a warrant, as to said justice may seem most advisable or as hereinafter in this act provided; said warrant shall be returnable forthwith, and said summons in five entire days; and if for the violation of any rule or regulation of said cemetery, shall state which of the same the defendant or defendants has or have violated, and if for the entering or attempting to enter any cemetery or doing or attempting to do any work therein by any person who has been excluded from said cemetery, shall set forth the act or acts of which complaint is made; and on the return of such process, or at the time to which such justice shall have adjourned the same, or when any person is brought before him as hereinafter in this act provided, the said justice, on com-

plaint made on oath or affirmation and without the filing of any pleadings, and after summary hearing of the facts and circumstances or upon admission of the party, shall thereupon fix the sum to be paid by the said defendant or person brought before him as hereinbefore provided; which sum so imposed shall be paid over by the said justice of the peace to the overseer of the poor of the said town, township, borough or other municipality wherein said cemetery is situated for the benefit of the poor thereof; and the said justice of the peace is further empowered to cause any person who may refuse or neglect, upon conviction, to pay the said fine so imposed with all costs and charges incident thereto, to be imprisoned in the county jail or workhouse for any number of days not exceeding one for each dollar of the said fine so imposed.

Fine paid to overseer of poor.

Imposition of penalty.

3. If any person be found in any cemetery of this state, knowingly or willfully violating any rule or regulation relating thereto, or if any person who, after being excluded from any cemetery, shall enter or attempt to enter said cemetery, or do or attempt to do any work therein, as hereinbefore in this act provided, any officer of the association, corporation, company or other body managing and controlling said cemetery, and the superintendent thereof, and all constables, police and peace officers, may lawfully apprehend and detain such person until he or she can be conveniently taken before some justice of the peace of the county wherein such cemetery is situated.

Detention of violators.

4. The costs and fees which any justice of the peace, constable or other officer shall be entitled to receive for anything done under this act shall be the same as provided for in an act entitled "An act constituting courts for the trials of small causes" (Revision), approved March twenty-seventh, eighteen hundred and seventy-four, and the supplements thereto.

Costs and fees allowed.

5. It shall be lawful for the superintendent, manager or other person in charge of any cemetery in this state to cause any person who, after being excluded therefrom, shall enter said cemetery, or do or attempt to do

When person may be ejected.

any work therein, or who, while in any cemetery, shall solicit orders for work therein, to be ejected therefrom, using no unnecessary violence.

Repealer.

6. All acts inconsistent with this act are hereby repealed, and this act shall be taken as a public act, and take effect immediately.

Approved March 22, 1901.

CHAPTER 177.

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

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

Section amended.

1. Section twenty-three of the said act to which this is a supplement be and the same is hereby amended so as to read as follows:

When execution unsatisfied debtor ordered to make discovery of property.

23. When an execution against the property of any debtor, individual, corporation, unincorporated company or voluntary association, upon a judgment recovered or docketed in the supreme court or in the circuit court or court of common pleas, in and for any county in this state, or from any of the district courts in any of the cities of this state, shall be returned by the officer to whom it is delivered, unsatisfied in whole or in part, it shall be lawful for any judge of the court out of which said execution issued, in term time or vacation, on application by the judgment creditor in manner hereinafter provided, to make order requiring the judgment debtor to appear and make discovery, on oath, concerning his, its or their property and things in action. before such judge or a supreme court commissioner, to be designated in said order, at a time and place in said order specified.

Section amended.

2. Section twenty-four of the said act to which this is a supplement be and the same is hereby amended so as to read as follows:

Sworn statement of creditor.

24. The judgment creditor, before he shall be granted such orders, shall present to said judge a petition, verified by the oath of such creditor, his agent or attorney, in which he shall state the amount due on said execution, the return made thereon by the officer to whom it was issued, and his belief that said judgment debtor hath property or money or things in action due to him, or held in trust for him, where the trust has been created by, or the fund held in trust has proceeded from himself, over and above such property as is or may be reserved by law, on presentation whereof said order shall be made; and the said judge shall further, on allegation in said petition, or in one supplementary thereto and proof by the oath of the party or of any other person, of fact and circumstances, showing that any person owes the said debtor, or hold money or property in possession or action in trust for him, or for his use as aforesaid, make order forbidding the payment of such debt, or the transfer of said property or money by or to the said debtor, or any third person, until further order to be by him made; affidavits verifying said petitions may be taken before any officer authorized by law to administer oaths, and if any person, in any affidavit or examination taken under this act, shall willfully and corruptly swear falsely, he shall be deemed guilty of perjury.

Action of court.

Installment payments to satisfy judgment.

3. Should it be disclosed upon the examination of any judgment debtor, and under the proceedings provided for in this act, that the said judgment debtor is entitled to, and is in receipt of, an income or any property or money or things in action, held in trust for the debtor, except such trust funds as are now exempt by law, then it shall be lawful for the judge granting said order for discovery, upon the return of such discovery and examination, to direct the judgment debtor to make payments at stated periods in installments, and upon such terms and conditions as the said judge may direct,

out of such income on account of the said unsatisfied judgment; application may be made at any time upon behalf of the judgment creditor or judgment debtor, to modify the terms of such order, and said judge shall have power to do so.

Repealer.

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

Approved March 22, 1901.

CHAPTER 178.

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

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

To secure riparian lands for public park.

1. Whenever any public park has been or shall hereafter be laid out or provided for, by ordinance of any city or other municipality, under the authority of any act of the legislature of this state, along or fronting upon any of the tide waters of this state, and whenever any streets or highways shall extend to said tide waters, such municipality may apply through its legislative body to the commissioners appointed under the act to which this is a further supplement, for a grant or conveyance to such city or municipality, of the lands under water within the limits of said public park and of the land in front of said streets or highways; such grant to contain a provision that any land under water granted or conveyed for park uses shall be kept and maintained as an open public park or place for public re-

sort and recreation, and that no building or other structures shall be erected on such park or on the lands under water so granted and conveyed inconsistent with its use as a public park or place for public resort and recreation; *provided, however,* that public walks and drives may be constructed along or upon any portion of the land so granted or conveyed. Proviso.

2. The commissioners may make all such grants or conveyances applied for as aforesaid, for the lands under water owned by the state extending from the inland limits of such park to the exterior line established or to be hereafter established by the said commissioners, and for all land under water within the lines of the streets or highways, and in front of the ends of such streets or highways and extending from the high water lines to said exterior line, and may in their discretion charge therefor a nominal consideration only; and said grant or conveyance shall also contain a provision that if at any time after the grant or conveyance aforesaid has been made, such public park or highway shall cease to be used as such park or place for public resort and recreation, or as such street or highway, the lands under water, granted as aforesaid in front thereof, shall at once revert to the state. Grants made by commissioners. Consideration. Reversion.

3. No conveyance shall hereafter be made by the said commissioners, except to the municipality aforesaid, of any land under water within the limits of such park or within the lines or at the end of any such public street or highway. Future conveyance.

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

Approved March 22, 1901.

CHAPTER 179.

An Act to amend an act entitled "An act to establish a system of public instruction (Revision of one thousand nine hundred)," approved March twenty-third, one thousand nine hundred.

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

Section amended.

1. Amend section seventeen so that it shall read as follows:

School fund apportioned on basis of attendance.

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 aggregate number of days attendance of all pupils attending the public schools during the year preceding that for which said apportionment shall be made, 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 amount to which such county shall be entitled.

Section amended.

2. Amend section one hundred and nineteen so that it shall read as follows:

Attendance of children remote from school-house.

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.

Section amended.

3. Amend section one hundred and ninety so that it shall read as follows:

Amount apportioned to 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. 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. Said tax shall be such an amount as will make, when added to the amount determined and appropriated as aforesaid, a sum equal to two and three-fourths mills on each dollar of valuation of the taxable real and personal property in the state as exhibited by the last abstract of ratables from the several counties made out by the several boards of assessors and filed in the office of the State Comptroller, 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 and appropriation 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 he shall transmit on or before the first day of February in

State school tax.

Amount.

Apportionment by comptroller.

each year, to the State Board of Education, a statement of the amount of said tax and appropriation, apportioned as aforesaid, and to the County Collector 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 its 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.

Section amended.

4. Amend section one hundred and ninety-five so that it shall read as follows:

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 the 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:

County superintendent to apportion.

Amount apportioned to each district.

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 districts, 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 so long as proper transportation shall be provided;

Proviso.

Proviso.

II. He shall apportion to the several school districts of the county the remainder of said moneys on the basis of the total days attendance of all pupils enrolled in the public schools thereof as ascertained from the last published report of the State Superintendent of Public Instruction. For the purpose of such apportionment an attendance upon an evening school shall be counted as

Balance of money apportioned on basis of attendance.

one-half day's attendance. If a school in any district shall, on account of contagious disease, destruction of the school house by fire or otherwise, or for other good reason, be closed for five or more consecutive days, for the purpose of this apportionment, such school shall be deemed to have been in session, and the total days attendance upon such school for the time it shall have been closed as aforesaid shall be determined by dividing the actual total days' attendance of the pupils enrolled in such school by the number of days such school shall have been actually in session, and multiplying the quotient thus obtained by the number of school days such school shall have been closed.

Sections stricken out and re-numbered.

5. Strike out sections two hundred and fifty to two hundred and fifty-three, both inclusive; make Article XXX Article XXIX; make section two hundred and fifty-four section two hundred and fifty, and renumber the remaining sections consecutively therewith.

6. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 180.

A Supplement to an act entitled "An act concerning the transportation of dead human bodies across or within this state," passed March twenty-third, nineteen hundred.

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

Section amended.

1. Section five of the act entitled "An act concerning the transportation of dead human bodies across or within this state," passed March twenty-third, nineteen hundred, be and the same is hereby amended to read as follows:

Certificate forwarded to state bureau of vital statistics by local registrar.

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 certificates of death and all the undertakers' certificates filed with him during the preceding month under the provisions of this act; and every such registrar, upon receiving a certificate from the medical superintendent of said bureau of the whole number of certificates of death and undertakers' certificates transmitted as aforesaid, shall be entitled to receive from the proper disbursing officer of the township, city or other municipality in which such registrar shall be an officer, the sum of ten cents for each death so returned, the receipt for which shall be attached to the said certificate of the medical superintendent, and no payment shall be made unless such certificate be produced; any registrar who shall refuse or neglect to transmit to said bureau all certificates of death and undertakers' certificates filed with him as aforesaid within the time hereinabove limited shall be liable to a penalty of one hundred dollars.

Registrar's fee.

2. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 181.

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

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

1. Section one of an act entitled "An act relative to the compensation of prosecutors of the pleas in certain counties of this state," approved March sixth, one thousand nine hundred, be and the said section one is hereby amended to read as follows:

Section amended.

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 forty-five thousand, and not over sixty-five thousand, the prosecutor of the pleas of such county shall receive an annual salary of fifteen hundred dollars; and whenever such population is more than sixty-five thousand and not over seventy thousand, he 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 thousand, he shall receive an annual salary of three thousand dollars; and whenever such population is more than eighty thousand and not more than ninety-five thousand, he shall receive an annual salary of four thousand dollars; such salary shall be paid 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 paid by law.

Proviso.

2. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 182.

A Supplement to an act entitled "An act concerning partition," 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 sixteen of said act be and the same is hereby amended so as to read as follows:

When property may be sold instead of partitioned.

16. If the commissioners appointed by virtue of this act shall in any case be of opinion that the tract or tracts

of land or real estate in question are so circumstanced that a partition thereof cannot be made without great prejudice to the owners of the same, they shall so report, and if it shall appear by satisfactory proof that the said tract or tracts of land or real estate cannot be partitioned among the owners and proprietors without great prejudice to their interest, then in such case the court or justice or judge to whom the application for the partition of such tract or tracts of land or real estate shall have been made, or in case of the death, resignation or removal of the said justice or judge, any other justice or judge of the same court may order the said commissioners or persons appointed to make partition as aforesaid, to sell such tract or tracts of land or real estate at public auction to the highest bidder, and if the said court, justice or judge shall see fit, the said commissioners may be ordered to sell said land or real estate at public or private sale, in their discretion, and on such terms as they may deem most advantageous to the parties concerned therein; *provided, however,* that no sale of lands, tenements, hereditaments or real estate so made at private sale shall be valid until such sale shall have been confirmed by the court upon a report of the terms thereof and proof before the court by affidavit or otherwise that the price obtained at such private sale was a fair price, and the said sale not injurious to the interests of the parties concerned therein. Proviso.

2. The provisions of this act shall apply to all sales heretofore authorized by the orphans' court of any county in this state. Application of this act.

3. All acts or 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, 1901.

CHAPTER 183.

A Supplement to an act entitled "An to amend the law relating to the property of married women," approved March twenty-seventh, one thousand eight hundred and seventy-four.

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

Married woman may convey life estate without husband joining.

1. Any married woman who is entitled to an estate for her life only in any real estate in this state may execute a conveyance of the same without her husband joining therein, and such conveyance, when duly acknowledged shall be good and effectual to convey her life estate in such real estate in the same manner and with the like effect as if she were sole and unmarried.

2. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 184.

An Act concerning the granting of licenses to inns and taverns, and for the sale of spirituous, vinous, malt and brewed liquors in cities of the third and fourth class in this state.

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

Power to grant licenses.

1. Hereafter, in all cities of the third and fourth class in this state, the licenses to keep inns and taverns, or to sell spirituous, vinous, malt or brewed liquors, shall be granted by the court of common pleas of the county in

which such city is located, and the money received for all such licenses shall be paid over by the collector of such county to the treasurer, collector or other proper financial officer of the city in which such licenses shall be granted; *provided, however,* that this act shall not apply to any city or cities where the power to grant such licenses is now vested in excise boards or excise commnissions, or to any such city having a population exceeding nine thousand, or less than two thousand. Proviso.

Mayor, &c., not to grant licenses.

2. Hereafter no mayor and common council, city council, board of aldermen, or other governing body of any city of the third and fourth class of this state, except as aforesaid, shall grant any license to keep an inn and tavern, or to sell spirituous, vinous, malt or brewed liquors; *provided, however,* that nothing herein contained shall be so construed as to prohibit the mayor and common council, city council, board of aldermen or other governing body of any city of the third and fourth class in this state, where they now have that power, from licensing druggists to sell such liquors as medicine; *provided further,* that whenever in any such city any license or licenses that is or are in force at the time of the passage of this act shall expire before the beginning of the next regular term of the court of common pleas of the county in which such city is situate, it shall be lawful for the mayor and common council, city council, board of aldermen or other governing body of any such city to renew said license or licenses until the first day of the next regular term of said court held after the passage of this act, and no longer, and all such licenses so renewed shall expire at that time. Proviso. Proviso.

Repealer.

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

Passed March 22, 1901.

CHAPTER 185.

A Supplement to an act entitled "An act authorizing the incorporated cities, towns, townships and boroughs of this state to fund their floating indebtedness and their matured and maturing bonds," approved March twenty- third, one thousand eight hundred and ninety-nine.

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

Issuance of bonds.

1. Where the management and control of the finances of any city in this state are entrusted to a board of finance, the bonds authorized by the act to which this is a supplement shall be issued only by such board of finance and in such manner and form as is now provided for the issuing of other bonds by such board.

2. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 186.

A Supplement to an act entitled "An act concerning the commitment of insane persons into hospitals for the insane, public or private, or any institution or retreat for the care and treatment of the insane in this state, and their confinement therein," approved April second, eighteen hundred and ninety-eight.

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

Certificate of doubt.

1. It shall be the duty of the medical director, medical superintendent or chief medical officer of every hos-

pital, institution or retreat for the insane, in case he has a doubt of the insanity of a patient admitted by him, to certify such doubt upon the copy of the application for admission which shall be issued by him for the purpose of an inquiry into the sanity of such patient.

Payment for insane persons not indigent.

2. In every case where a person shall have been admitted into a state hospital as an insane and indigent patient, and he shall be afterwards found, by the order of a justice or judge, to be insane but not indigent, the county whence his admission is requested shall be liable to such hospital for his support therein from the time of his admission, and the chosen freeholders of said county shall annually levy and raise the amount for which said county is liable as aforesaid, and such further sum as will probably cover all similar liabilities for one year in advance, and on demand shall pay to such hospital the sum due for such support; said county, however, shall have the right to require the estate and every individual, guardian, committee, relative, township or county, that would have been chargeable with the support of such patient if he had not been committed to such hospital, to reimburse the sums paid to such hospital by the county under said liability, with interest from the day of paying the same, by action at law with costs.

County reimbursed.

Support of patients without legal residence.

3. Where a patient in a state hospital shall be found by the order or certificate of a justice or judge to be an insane and indigent patient not having a legal settlement in any county of this state, the support of such patient in said hospital from the time of his admission thereto shall be chargeable to and paid by the state; and it shall be the duty of the comptroller, upon receiving from the warden of the hospital a bill for such support, and a copy of said order or certificate, to issue a warrant for the payment of said bill; and it shall be the duty of the state treasurer upon said warrant to pay the same to said hospital.

Ascertainment of residence and county chargeable.

4. The justice or judge, in every inquiry respecting a person alleged to be insane and indigent, shall by his order ascertain, if possible, the legal settlement of such

person; and the county in which such person is so ascertained to have a legal settlement shall be chargeable with his support in a hospital for the insane from the time of his admission thereto, or the said county and the state shall be chargeable with his support in the proportion now fixed or hereafter to be fixed by law.

Inquiry as to settlement and sanity.

5. Whenever an inquiry shall be made as to the sanity and condition or legal settlement of a patient who is confined in a state hospital as an indigent person, it shall be lawful for the board of chosen freeholders of the county wherein such inquiry is held, acting by themselves or their counsel or attorney, to attend such inquiry, call and examine witnesses and be heard therein; and to this end the justice or judge shall give three days' notice to such board, or their counsel or attorney, of such inquiry; and said board shall allow and pay fair compensation to their counsel or attorney for his services rendered in such inquiry.

Repealer.

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

Approved March 22, 1901.

CHAPTER 187.

An Act to authorize the trustees of churches and religious societies to take and hold property in trust for certain purposes.

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

Churches may hold property given in trust; application of income.

1. It shall be lawful for the trustees of any church or religious society, being incorporated under any general or special law of this state, to take and hold any property, real or personal, given, bequeathed or devised upon trust to apply the income thereof to the improve-

ment of any burial-ground or cemetery belonging to such corporation, or to the erection or preservation of any buildings, structures, fences or walks erected or to be erected in any such burial-ground or cemetery, or to preserving, maintaining and keeping in repair forever any tomb, monument, grave-stone, fence or other erection in or around any cemetery lot or plot in any such burial-ground or cemetery; and any gift, bequest or devise heretofore made to the trustees of any such corporation, and the trust thereby created, for any of the purposes aforesaid, shall be as valid and effectual to all intents and purposes as if the same had been made after the passage of this act.

2. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 188.

An Act regulating proceedings against garnishees by virtue of a writ of attachment issued by a justice of the peace.

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

Proceedings against garnishee in attachment.

1. In attachment proceedings before a justice of the peace where the plaintiff shall garnish any person or persons for or on account of any moneys, goods, chattels or effects of the defendant in attachment or for or on account of any debt due or alleged to be due to the defendant in attachment from the garnishee or garnishees, if the garnishee or garnishees neglect or refuse to deliver up any such moneys, goods, chattels or effects, or to pay over to such justice any such debt, the plaintiff in attachment shall within sixty days from the day of garnishment proceed against the garnishee or garnishees in the manner provided by law, and in default thereof

the garnishee or garnishees shall be freed and discharged of all liability under or by reason of said garnishment, and said garnishment shall be void and of no effect;

Proviso.

provided, that every such garnishment heretofore made, where the garnishee or garnishees shall have neglected or refused to deliver up or pay over the moneys, goods, chattels, effects or debt which is or are the subject of such garnishment, shall be void and of no effect unless the plaintiff in attachment shall within sixty days from the day on which this act takes effect proceed against the garnishee or garnishees as provided by law.

2. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 189.

A General Act concerning taxation.

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

Table of aggregates to be prepared.

1. It shall be the duty of the county board of assessors of each county of this state, and of the county board of equalization in counties of this state where such boards exist, when assembled at the annual meeting as provided by law, to fill out a table of aggregates, copied from the duplicates of the several assessors and enumerating the following items: (1) the total number of acres or lots assessed; (2) the value of real estate assessed; (3) the value of personal estate assessed; (4) the total amount of deductions for debts claimed and allowed in each taxing district; (5) the total amount of exemptions allowed firemen, veterans and members of militia; (6) total net valuation taxable; (7) the number of polls assessed; (8) the tax on each poll; the total valuation of property exempt from taxation in each taxing district, specifying particularly and by separate items: (a) the amount of public school property; (b) the amount

of other school property; (c) the amount of public property other than school property; (d) the amount of church and charitable property; (e) the amount of cemetery property and graveyards; (f) the total value of exempt property in each taxing district; (10) the amount apportioned to each taxing district for state school tax; (11) the amount apportioned to each taxing district for county expenses; (12) the tax rate per one hundred dollars of valuation in each taxing district; the blanks for filling out these tables of aggregates shall be provided by the state board of taxation and sent by the said board to the county collectors of the several counties, to be by them transmitted to the county boards of assessors or county boards of equalization at their annual meetings.

Blanks provided.

2. Such table of aggregates shall be correctly added by columns, and shall be signed by each and every assessor present, and by the members of the county board of equalization in counties where such boards exist, and shall, within three days after such meeting, be transmitted to the county collector, who shall file the same and cause it to be printed in its entirety, and shall transmit a certified copy of such printed table of aggregates to the state comptroller, the state board of taxation and the clerk of each municipality in such county.

Totals approved and forwarded to collector, &c.

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

Repealer.

4. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 190.

An Act to perfect the title of real estate held by the board of education of the township of Union, county of Ocean, in the state of New Jersey.

Preamble.

WHEREAS, About the year one thousand eight hundred and fifty-nine, the school trustees of Union township acquired title to certain lands and premises, by conveyance made to them; AND WHEREAS, the deed conveying said land has not been recorded, and has either been lost or destroyed, and the parties who conveyed said land to said trustees are all deceased and their heirs cannot be found, therefore,

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

Title perfected.

1. The title to the following described lands be perfected by vesting the same in the board of education of the township of Union, county of Ocean, to wit, situated in the township of Union, county of Ocean, and state of New Jersey, beginning at the southeast corner of Samuel Perrine lot, on Brook street, in the village of Barnegat, and runs thence (1) south, fifty-seven degrees thirty minutes east, seventy-seven feet and four inches along Brook street to the southeast corner of Brook and School streets; thence (2) north, twenty-eight degrees east, one hundred and eight feet and three inches on School street to the southeast corner of the old cemetery lot; thence (3) along the line of said cemetery lot north, fifty-nine degrees west, seventy feet and six inches to Samuel Perrine's line; thence (4) along Samuel Perrine's east line south, twenty-nine degrees west, one hundred and seven feet and ten inches to the place of beginning, containing twenty-two hundredths of an acre.

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

Approved March 22, 1901.

CHAPTER 191.

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

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

1. Section thirty-two of the act entitled "An act for the punishment of crimes" (Revision of one thousand eight hundred and ninety-eight), approved June fourteenth, one thousand eight hundred and ninety-eight, is hereby amended so that the same shall read as follows: Participation by freeholder in contract a misdemeanor.

32. Any member of any board of chosen freeholders, or any township committee, or any board of aldermen or common council, or any board of education or school trustees in any city, or any board of commissioners of any county, township, city, town, borough or school district in this state, who shall be directly or indirectly concerned in any agreement or contract for the construction of any bridge or building of any kind whatsoever, or any improvement whatever to be constructed or made for the public use or at the public expense, or shall be a party to any contract or agreement, either as principal or surety, between the county, township, city, town, borough or school district, as the case may be, and any other party, or who shall be directly or indirectly interested in furnishing any goods, chattels, supplies or property of any kind whatsoever to or for the county, township, city, town, borough or school district, the

contract or agreement for which is made or the expense or consideration of which is paid by the board, council or committee of which such member is a part, shall be guilty of a misdemeanor.

2. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 192.

An Act relating to wharves and docks in cities of the third class.

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

Lease docks and wharves.

1. Where cities of the third class in this state own the wharves and docks located within such city limits, it shall be lawful for such cities to lease said wharves and docks to any person or corporation for a term not exceeding five years.

Terms of rental.

2. The common council of such cities, for the purpose of executing the provisions of this act, shall by resolution fix the amount of the rent and the term of the lease.

Repealer.

3. All acts and parts of acts, whether special or general, inconsistent herewith be and the same are hereby repealed.

4. This act shall be deemed a plublic act, and take effect immediately.

Approved March 22, 1901.

CHAPTER 193.

An Act to amend an act entitled "An act to regulate the practice of dentistry in the state of New Jersey, and to repeal certain acts now relating to the same," approved March seventeenth, eighteen hundred and ninety-eight.

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

Section amended.

1. 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:

Continuance of present board.

2. The members and officers of the state board of registration and examination in dentistry, as now constituted pursuant to chapter one hundred and forty-three of the laws of eighteen hundred and ninety, may continue to hold office until the expiration of their terms, unless previously removed; the New Jersey state dental society shall, at each of its annual meetings, recommend to the governor for appointment as a member of said board a dentist of good repute, residing and practicing in this state, whom the governor shall appoint; the member so appointed shall hold office for five years, or until his sucessor is appointed; the governor shall also fill, for the unexpired term only, vacancies occurring in the board by reason of death, resignation or otherwise; cause being shown before him, he may remove a member from office upon proven charges of inefficiency, incompetency, immorality or professional misconduct; the board shall, at its annual meeting, elect from its members a president and secretary; it shall hold at least two meetings annually for examining and licensing persons to practice dentistry in this state, at which meetings three members shall constitute a quorum; said board shall

Appointments.

Vacancies.

Semi-annual examinations.

have the power to determine the good standing and repute of any dental school, college or department of a university, and may from time to time designate in some public manner schools, colleges or departments of universities whose diplomas will be received by it; it shall annually make a report of its proceedings to the governor and to the New Jersey State Dental Society; the seal heretofore adopted by it shall continue to be the common seal of the board; it may sue or be sued, and in all actions brought by or against it, the board shall be designated as "The State Board of Registration and Examination in Dentistry."

Annual report.

Corporate name.

Section amended.

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

Licenses to practice dentistry.

6. Said board shall register as licensed dentists, and under its seal and the hand of its president and secretary, issue to all persons who shall successfully pass said examination, its license to practice dentistry in this state; the board may also, without the examination hereinabove provided for, issue its license to any applicant therefor who shall furnish proof satisfactory to it that he has been duly licensed after examination to practice dentistry in any state after full compliance with the requirement of its dental laws; *provided, however,* that his professional education shall not be less than that required in this state; every license so given shall state upon its face the grounds upon which it is granted, and the applicant may be required to furnish his proof upon affidavit; the fee for such license shall be twenty-five dollars.

Proviso.

Section Amended .

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

Act construed.

8. This act shall not be construed to prohibit an unlicensed person from performing mechanical work upon inert matter in a dental office or laboratory; or to prohibit the registered student of a licensed dentist from assisting his preceptor in dental operations while in his presence and under his direct and immediate personal supervision; or to prohibit a duly licensed physician from treating the diseases of the mouth or performing operations in oral surgery; nothing in the provisions of

this act shall be construed to permit the performance of dental operations by any unlicensed person under cover of the name of a registered practitioner; any person now registered as a student may present himself for examination to the board upon complying with the provisions of this act relative to examination, and presenting to the board a certificate, under oath from the dentist or dentists with whom he has studied, that such applicant has studied as a student with the dentist or dentists so certifying for not less than five years continuously; *provided, however,* such applicant shall have filed, on or before the first day of June, eighteen hundred and ninety-eight, a notice with the board that it is his purpose to avail himself of the exemption hereby made; the board may, however, at any time, upon proof of the violation of any of the provisions of this act by such student, revoke his right to present himself for and pass such examination; any person shall be regarded as practicing dentistry within the meaning of this act who shall use the words "doctor of dental surgery," "doctor of dental medicine," or the letters "D.D.S." or "D.M.D." in connection with his or her name, or any other title intended to imply or designate him or her as a practitioner in dentistry in all of its branches, and who, in connection with such title or titles, or without the use of such titles, shall practice dentistry in any of its branches; *and it is further provided,* that the use of any one of the aforementioned titles or the exposition of a sign, circular, advertisement or any other device or information indicating thereby the occupation of the person or persons, shall be taken and considered in the trial of any indictment which may be found for the violation of any of the provisions of this act, or in the trial of any civil action for penalties under the provisions of this act, as prima facie evidence.

Proviso.

Proviso.

4. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 194.

A Supplement to 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.

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

Time for holding

1. The court of quarter sessions shall hold annually in each county three stated terms, at the times and places prescribed by law for holding the circuit court in such county, and also such special terms as the court may from time to time appoint, or as may be convened pursuant to law.

Adjournments.

2. It shall be lawful for the court of quarter sessions in any county 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 indictments, 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 said court had been adjourned from day to day.

3. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 195.

A Supplement to an act entitled "An act relating to the court of common pleas," approved March twenty-third, one thousand nine hundred.

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

Three terms annually.

1. The court of common pleas in each county shall hold annually three stated terms at the times and places prescribed by the supreme court pursuant to law.

2. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 196.

Supplement to an act entitled "An act constituting courts for the trial of small causes" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

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

Defense in abatement.

1. In actions on contract, whether under seal or not, hereafter brought in the court for the trial of small causes, established by law in this state, the defendant may set up as a defense in abatement of the debt or damages to be recovered by the plaintiff, a defect in or partial failure of the consideration of the contract sued on; and may also recoup any damages which he may have sustained by reason of the non-performance or de-

fective performance of any part of the same contract by the plaintiff; *provided,* that in all cases where such defense is set up, it shall be necessary to file with the justice on the day now required by law for filing a set-off, a bill of particulars of such defense or counter-claim; and if the defendant shall recoup damages, and the amount of such damages shall be found to exceed the demand of the plaintiff, judgment shall be given in favor of the defendant and against the plaintiff in such action for such excess, with costs.

Proviso.

2. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 197.

An Act to amend an act entitled "An act to incorporate the borough of Brooklyn, in the county of Sussex, and to fix the boundaries thereof," approved April second, one thousand eight hundred and ninety-eight.

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

Section amended.

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

Corporate name and government.

1. The inhabitants of that portion of the township of Byram, in the county of Sussex and state of New Jersey, hereinafter mentioned and described, shall be and they are hereby set off from said township of Byram, and they are hereby constituted and declared to be a body corporate in fact and in law by the name of "the borough of Hopatcong," and shall be governed by the general laws of this state relating to boroughs.

2. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 198.

An Act to authorize corporations organized for religious, educational, benevolent or charitable purposes to take, hold and convey property in trust.

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

Powers of religious, &c., associations.

1. Any corporation of this state, organized for religious, educational, benevolent or charitable purposes, shall be capable of acquiring and holding by purchase, gift, devise, bequest, or otherwise, and also of conveying, such real and personal property as may be deemed necessary for its purposes, and may also act as trustee, and execute trusts of every description relating to property given, conveyed, devised, or bequeathed to it in trust for said purposes.

Repealer.

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

Approved March 22, 1901.

CHAPTER 199.

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

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

Section amended.

1. Section eighty-one of an act entitled "A general act relating to boroughs (Revision eighteen hundred

and ninety-seven)," approved April twenty-fourth, eighteen hundred and ninety-seven, be and the same is hereby amended so as to read as follows:

Joint action by municipalities regarding sewerage.

81. Two or more boroughs by their councils, or a borough and one or more other municipalities by their respective governing bodies, may enter into a contract to obtain plans, surveys, assessments of the cost of and to construct an outlet or trunk sewer, or to provide a plant or works for collecting and disposing of sewage for their respective municipalities, and any borough or other municipality may in the same manner acquire the right to use any outlet or trunk sewer or sewer system that may be or may have been constructed in any borough or municipality on such terms as may be agreed upon; *provided,* the assent in writing to the making of any such contract shall be given by the owners of at least one-half of the value of the real estate in each of said municipalities, subject to taxation in the year then next preceding, according to the tax duplicate of such year, and in case any such outlet or trunk sewer or sewer sytem shall be constructed jointly by two or more boroughs, or by a borough and one or more other municipalities, the part of the cost thereof that shall be paid by each borough or other municipality, or by assessment on lands therein, shall be determined in manner to be provided in such contract, and any proceeding necessary to be taken to acquire the property, or to construct such sewer or sewerage system, shall be taken by the governing bodies of each borough or other municipality acting in joint meeting, and in the corporate names of the boroughs or other municipalities represented by them; but all obligations for money borrowed to construct such sewer or system shall be made by the governing bodies of said boroughs or other municipalities parties to such contract, and all proceedings to raise money and to impose and collect asessments for the cost of such sewer or system or part thereof in the respective boroughs or other municipalities, shall be taken as if each of said boroughs or other municipalities had constructed the part of the sewer or system therein under this act as an independent sewer or system.

Proviso.

Obligations made by governing body.

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

Approved March 22, 1901.

CHAPTER 200.

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

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

1. Where any corporation owns any lot or lots, parcel or parcels of land specified in said act and authorized to be sold in fee-simple thereby, or has any lien or liens thereon, then the same proceedings in all things in regard thereto as are required by said act to be taken concerning the lot or lots, parcel or parcels of land specified in the said act and authorized to be sold in fee-simple thereby where any person or persons own or have any lien or liens upon the said lot or lots, parcel or parcels of land, and all the provisions of the said act shall apply thereto; except that the service of the certified copy of the rule to show cause required by the third section of the said act shall be made by the same being sent by mail, with the postage thereon fully prepaid, directed to the said corporation by its name, to its Proceedings against corporations same as in individual cases.

Except in serving rule to show cause.

principal office in this state, and in case the principal office of the said corporation in this state cannot be ascertained upon careful inquiry, that then a notice, of the kind as required by the said third section of the said act, in case where upon careful inquiry a person named in the said order to show cause is found not to be resident within this state, directed to the said corporation, by name, shall be published in some newspaper published or circulating in the town, township, borough or other municipality in which the lot or lots, parcel or parcels of land are situated; and that said copy of the said rule to show cause shall be mailed as aforesaid within thirty days from its date, or the said notice shall be published as aforesaid within the same time from the date of the said order to show cause; and upon the return day of the said order to show cause there shall be presented to the court proofs of the time and manner of mailing of the said certified copy of said order to show cause, or of the publication of the said notice and of the manner in which inquiry has been made for the said principal office of the said corporation; that if the court shall not be satisfied by the proofs that due inquiry has been made for such principal office, or in other respects is not satisfied with the manner in which such certified copy of the said rule to show cause has been served, or in which said notice has been published, or deems that further or other notice shall be given, the hearing may be continued to a later day and further order made for the service or publication of the said order, or both, in such manner as the court may deem proper.

Return presented to court.

2. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 201.

An Act to amend an act entitled "An act concerning disorderly persons," approved April ninth, one thousand eight hundred and seventy-five.

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

1. Section fourteen of an act entitled "An act concerning disorderly persons," which act was approved April ninth, one thousand eight hundred and seventy-five, be and the same is hereby amended so as to read as follows:

Section amended.

14. At the time of the appearance mentioned in said bond, or times appointed for such investigation, the justice shall proceed to hear the witnesses produced to substantiate and rebut the said complainant, and shall decide whether such person is guilty or not guilty thereof; if he decides such person guilty, he shall judge him to be a disorderly person, and, in lieu of the penalties now prescribed for disorderly persons, such justice may make an order requiring such person to pay such sum weekly to said overseer, for the support and maintenance of his family, as to said justice may seem proper; but if such person acknowledge himself guilty, then said justice may forthwith make such adjudication and order, and in either case the said justice shall cause such person to enter into a bond with said overseer, in any sum not exceeding five hundred dollars, with good security, conditioned to abide all orders, judgments and decrees that have been made against him touching said complaint.

May order weekly payments in lieu of penalties.

Bond must be given.

2. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 202.

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:*

Relative to appointment of umpire to appraise fire losses.

1. When any contract or policy of fire insurance covering property in this state contains any clause or provision for the ascertainment by appraisers of the amount of any loss or damage to the property described in such contract or policy, and the clause or provision for such ascertainment of loss by appraisers provides that the insured and the insurer shall each select an appraiser and the two appraisers so chosen shall select an umpire, and a loss to the property described in such contract or policy of fire insurance shall have occurred, and the insured and the insurer shall have each selected an appraiser, and the appraisers so selected shall have failed or neglected, for a space of ten days after they have both been chosen, to agree upon and select an umpire, it shall be lawful for either the insured or the insurer to apply to the inferior court of common pleas of the county in which said property is or was situated, on five days' notice, in writing, to the other party of his or its intention so to do, to appoint a competent and disinterested umpire; and said notice in writing, when served by the insured, may be served upon any local agent of the insurer; and the judge or judges of said inferior court of common pleas shall, on proof by affidavit of the failure or neglect of the said appraisers to agree upon and select an umpire within the time aforesaid, and of the service of the notice aforesaid, forthwith appoint a competent and dis-

interested person to act as umpire in the ascertainment of the amount of said loss; and the acts of the umpire so appointed shall be binding upon the insured and the insurer to the same extent as if such umpire had been selected in the manner provided for in said contract or policy of insurance.

Repealer.

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

3. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 203.

Supplement to an act entitled "An act relative to past-due taxes and assessments in towns and townships," passed March fourth, one thousand eight hundred and ninety.

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

Settlement of taxes due a town or township that has become part of a city.

1. The provisions of the act to which this is a supplement shall extend to past-due taxes and assessments, and the interest and penalties thereon, which have been or may hereafter be assessed or imposed in any township or town, and the property or subject taxed or assessed has or shall thereafter become part of a city or other municipal corporation, and such tax or assessment has or shall become due to a city or other municipal corporation; the common council or governing body of such city or municipal corporation shall be vested with the same power and authority to make such abatement, revision, alteration, adjustment and settlement that is vested in the township commitee or town council by the first section of the act of which this is a supplement.

2. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 204.

An Act to establish an excise department in cities of the first class in this state.

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

Excise commissioners.

1 In all cities of the first class in this state there shall be and hereby is established a board of excise commissioners to consist of four persons for the terms hereinafter specified, each of whom shall be elected at large in such city as hereinafter provided.

Method of election.

2. Within the time provided by law, before the election held next after the passage of this act for the election of municipal officers in any city of the first class, two persons shall be nominated for excise commissioner, one for a term of two years and one for a term of one year, by each political party or petitioning body of citizens having the right by law to nominate candidates for municipal offices, to be voted for at such election; and at such election the two persons receiving the highest number of votes for excise commissioner for each of said respective terms shall be the duly elected excise commissioners for the terms so specified; such commissioners shall be elected in the same manner as other municipal officers in said city, subject, however, to this proviso: that no ballot shall contain the name of more than one commissioner for each of said terms; the terms of office of said commissioners shall begin at twelve o'clock noon, on the first day of January next succeeding their election, and expire at twelve o'clock noon on the first day of January next succeeding the election of their successors respectively.

Future elections.

3. Within the time prescribed by law, before each election thereafter held for the election of municipal

officers in cities of the first class, one person shall be nominated for excise commissioner for the two-year term herein designated, by each political party or petitioning body of citizens having the right by law to nominate candidates for municipal offices, to be voted for at such election; and at such election the two persons receiving the highest number of votes for excise commissioner for said term shall be the duly elected excise commissioners for the term so specified, and shall hold office for two years, and until their succesors are elected; but at such elections after the first, no ballot shall contain the name of more than one person for excise commissioner.

Vacancies.

4. Any vacancy in such board occurring from any other cause than the expiration of a term, shall be filled for the unexpired term thereof by the governor of this state, who shall appoint a resident legal voter of such city, but such appointee shall be taken from the same political party as his predecessor.

Salary.

5. The annual salary of such commissioners shall be one thousand dollars each, and shall be paid to them by the city treasurer in monthly installments out of the license fees.

Power to license, regulate, &c.

6. Such board of excise commisioners shall have the sole power in such cities to license and regulate inns, taverns, restaurants, bêer saloons, and all places where any kind of vinous, malt, brewed, spirituous, or other intoxicating liquor is sold, and after the licensing, to revoke and transfer such licenses under the laws of this state pertaining thereto, and under such regulations as said commissioners, subject to such laws may prescribe; and no license for such purposes within any such city shall be granted by any other authority, and any license purporting to be granted for such purposes by any other authority shall be unlawful and void; *provided, however,* that any such license lawfully granted before the passage of this act shall, subject to its conditions, remain valid and in full force and effect until the expiration of the term for which it was legally granted, but no such license shall be granted after the passage of this act, and

Proviso.

before the date when such board of excise commissioners is by the terms hereof to organize, excepting for such intervening time, and one month thereafter, and nothing in this act shall prevent such board of excise commissioners from revoking any existing license for proper cause.

License fees.

7. The fees for licenses granted by said board of excise commissioners shall be such as are from time to time prescribed by law in such cities, and when the amount is by law discretionary with the licensing authority, then such as said commissioners shall by ordinance provide, and all fees for licenses so granted by said commissioners shall be paid to the city clerk, who shall, in addition to his other duties, act as clerk of said commissioners, and such fees shall be by him paid over to the city treasurer forthwith.

Power to alter and repeal ordinances relating to licenses.

8. Said board of excise commissioners shall have power, and after it is first organized no other authority in such city shall have power to pass, alter and repeal ordinances regulating the granting, revoking and transferring of such licenses, but the granting, revoking and transferring of individual licenses within the rules covered by such ordinances may be done by resolution; the acts of any three members of the board shall be the acts of the board; the board shall meet on stated days at least twice in each month.

Fees deposited before action on application.

9. No application for license shall be acted upon by the excise commissioners until the fees required by law for such license shall have been deposited with the city clerk, and the excise commissioners shall act upon and grant or refuse each application for license within thirty days after the filing of such application and the payment of said fees, and in case any application shall be refused the fees so deposited shall be returned to the applicant, unless there shall be an appeal from the refusal or grant of such license, in which case said fees shall remain on deposit until the determination of such appeal.

Appeal may be taken to court of common pleas.

10. Any applicant who shall be refused a license by the said excise commissioners, or whose application for license is not granted or refused by such commissioners

within thirty days from the date of filing thereof in accordance herewith, or any party who shall have opposed before said board the granting of a license, may within thirty days after such refusal or grant, or such failure to refuse or grant, appeal to the court of common pleas of the county in which such application is made, and said court shall forthwith summarily hear the application de novo, and finally determine upon the grant or refusal of such application for license as the facts of the case may require, and certify its decision to said board of excise commissioners, who shall thereupon grant or refuse such license forthwith, in accordance with such decision of the court.

Oath subscribed by commissioners.

11. Each of such commissioners shall, before he enters upon the duties of his office, take and subscribe an oath to faithfully, fairly and impartially perform the duties of his office, and to neither grant nor withhold a license by reason of the past or present political faith or affinity of any applicant therefor, and such oath shall be filed with the city clerk, there to remain of record, and perjury may be assigned thereon in case of any willful violation thereof.

Organization

12. Said board of excise commissioners shall meet for organization annually on the first day of January, except when the first day of January is on Sunday, in which event they shall meet on the second day of January.

Repealer.

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

14. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 205.

An Act to amend an act entitled "An act concerning the military and naval forces" (Revision of nineteen hundred.)

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

Section amended.

1. Section eight of an act entitled "An act concerning the military and naval forces" (Revision of nineteen hundred), approved March twenty-third, nineteen hundred, be and the same is hereby amended so as to read as follows:

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; there shall also be warranted one standard-bearer to the commander-in-chief, with the rank of sergeant.

Section amended.

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

Artillery companies.

15. Each battery of field artillery 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 ser-

geant, four sergeants, eight corporals, two artificers, two trumpeters, and not less than thirty nor more than sixty-four 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.

Section amended.

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

Pay of officers and men.

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 of instruction, or other 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 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, the same pay and allowance as are allowed to officers of equal grade in line; all mounted officers and all members of any troop, battery or signal and telegraph corps, mounted and equipped, shall be paid two dollars per day for each horse actually used by them; for the performance of actual service of this state (not in the service of the United States, and not including drills and parades).

Section amended.

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

Part of medical department.

67. All surgeons and assistant surgeons, commissioned as officers of the national guard, with specified rank, and hospital stewards warranted as such, 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.

Section amended.

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

Court, how appointed.

96. The commanding officer of each regiment shall appoint the court for the regiment; the commanding officer of each battalion of the naval reserve shall appoint the court for the battalion; the commanding officer of each brigade shall appoint the court for the other organizations attached to the brigade; the division commander shall provide for the appointment of the court for any organization not otherwise provided for in this act.

Section amended.

6. Section one hundred and twelve of said act be and the same is hereby amended so as to read as follows:

Board to examine 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.

Section amended.

7. Section one hundred and nineteen of said act be and the same is hereby amended so as to read as follows:

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 his company shall be attached, or to his commanding officer, if he be attached to other than a regi-

mental organization, or shall secrete or remove any such uniform or equipments with intent to sell or dispose thereof without the written consent of his regimental commander, or that of his commanding officer, if he be attached to other than a regimental organization, 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 unlawfully disposing of equipments.

8. Section one hundred and twenty-nine of said act be and the same is hereby amended so as to read as follows:

Section amended.

129. The money appropriated for the objects specified in sections one hundred and twenty-six, one hundred and twenty-seven and one hundred and twenty-eight 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.

Moneys, how distributed.

9. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 206.

An Act to incorporate the borough of Roselle Park, in the county of Union, and fix the boundaries thereof.

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

1. The inhabitants of that portion of the township of Union, in the county of Union, hereafter set forth, are hereby constituted and declared to be a body corporate in fact and in law, by the name of Roselle Park,

Corporate name.

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 center line of the Central railroad of New Jersey, where the same is intersected by the easterly line of Cranford township; thence northerly along the easterly line of Cranford township to its intersection with the center line of Colfax avenue; thence easterly along the center line of Colfax avenue, about two thousand nine hundred and fifty feet to an angle in said avenue; thence northerly at right angles with the Central railroad of New Jersey nine hundred and twenty feet, more or less, to the center line of Sumner avenue; thence easterly along the center line of Sumner avenue and a continuation thereof to the center line of Galloping Hill road; thence southeasterly along the center line of Galloping Hill road and a continuation thereof, to the center line of the Central railroad of New Jersey; thence westerly along the center line of the Central railroad of New Jersey, to the point of beginning.

3. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 207.

An Act to authorize municipalities to modify the terms of any contract heretofore or hereafter made for a new water-supply.

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

Modification of contract for water-supply.

1. It shall and may be lawful for the board having charge and control of the water-supply and the board having charge of the finances in any municipality of this state, to modify, by resolution, the terms of any contract heretofore or hereafter made by such municipality for the construction and purchase of a new water-

supply for said municipality, as to area of the watershed or the proportion of the flow of any river or stream tributary thereto, or the capacity of the storage reservoirs thereof, whenever in the judgment of said boards such modifications are needed to ensure the construction of the works for such new water-supply and the delivery thereof to the municipality; *provided,* the contractor and his sureties shall assent to such modifications; *and provided, further,* such modifications shall not relieve said contractor or his sureties from furnishing and delivering to the municipality the quantity and quality of water required by the original contract.

Proviso.

Proviso.

2. The action of such boards shall be certified and forwarded to the mayor, who shall have power to veto the same within ten days thereafter, and unless each of said boards shall by a two-third vote at its next meeting after receiving notice thereof, vote to sustain said action, notwithstanding said veto, said action shall be void.

Mayor notified of boards' actions.

3. This act shall take effect immediately.

Approved March 22, 1901.

JOINT RESOLUTION, No. 1.

Joint Resolution in relation to medals for the survivors of the officers and men who enlisted from the state of New Jersey during the war of the rebellion under the proclamation of the president, dated April fifteenth, one thousand eight hundred and sixty-one, and in consequence of the requisition of the war department for our quota of seventy-five thousand men from this state, dated April seventeenth, one thousand eight hundred and sixty-one, and to be known as the "first defenders' medal."

WHEREAS, The president of the United States did, on the fifteenth day of April, one thousand eight hundred

Preamble.

and sixty-one, issue a proclamation calling for seventy-five thousand of the militia of the several states under the act of congress approved February twenty-eighth, one thousand seven hundred and ninety-five, to "suppress insurrection," and on the seventeenth day of April a requisition was made by the war department upon the governor of the state of New Jersey for the quota of this state, and our said governor did, by his proclamation and order, detach one regiment from each of the four military divisions of the state, which said proclamation bears even date with said requisition;

AND WHEREAS, Under and by virtue of the proclamation and requisition aforesaid the "New Jersey brigade—militia" was organized, consisting of the "first," "second," "third" and "fourth" regiments, and was mustered into the service of the United States for three months, at Trenton, May first, one thousand eight hundred and sixty-one, and on the sixth day of May reported to the president at Washington, D. C., and was the first fully-organized brigade to arrive for the defense of the national capital;

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

First defenders' medal.

1. The governor of this state be and is hereby authorized to cause a medal to be prepared and presented to each of the honorably-discharged survivors of the officers and men who enlisted from the state of New Jersey during the war of the rebellion in the "New Jersey brigade—militia," consisting of the "first," "second," "third" and "fourth" regiments, and which was mustered into the service of the United States for three months, at Trenton, May first, one thousand eight hundred and sixty-one; said medal to be known as the "first defenders' medal," to commemorate their services to their country during this eventful period, the cost not to exceed twelve hundred dollars; and that this resolution take effect immediately.

Cost.

Approved March 22, 1901.

JOINT RESOLUTION No. 2.

Joint Resolution to enforce the payment to the state treasurer by the officers of the Maurice river cove and Delaware bay oyster association of funds in their hands belonging to the state of New Jersey:

Preamble.

WHEREAS, The Maurice river cove and Delaware bay oyster association, organized under the act entitled "A further supplement to an act entitled 'An act entitled "An act for the better enforcement in Maurice river cove and Delaware bay of the act entitled 'An act for the preservation of clams and oysters,' " approved April fourteenth, one thousand eight hundred and forty-six, and of the supplements thereto,' " has, by force of subsequent legislative enactment, ceased to exist; and

WHEREAS, The officers of said association retain in their hands and refuse to pay over funds which, under the provisions of the laws of this state regulating the disposition of the funds received by the collector of said association, are made payable to the state treasurer to be applied to the state school fund; therefore,

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

Moneys must be paid to state treasurer.

1. The collector of the oyster fund of the Maurice river cove and Delaware bay oyster association, or such other officer or officers, or any member of the executive commitee thereof as may have possession, custody or control of said fund, shall forthwith pay to the treasurer of the state of New Jersey all moneys in his or their hands collected or received under the provisions of any act of the legislature providing for the collection thereof, to be appropriated as provided by the laws regulating the disposition of the same, together with all records, books

and documents of said association in anywise relating to the official transactions thereof.

If not paid to force compliance.

2. In the event of failure on the part of said association, or the collector or any officer thereof, to pay over said funds and to deliver said records, books and documents as herein directed, the attorney-general be and he hereby is authorized and directed to take measures to enforce compliance with the terms of this resolution against the collector or any officer of said association or the bondsmen of any deceased officer or collector thereof.

Approved March 22, 1901.

CHAPTER 208.

An Act to defray the incidental expenses of the legislature of New Jersey for the session of one thousand nine hundred and one.

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

Treasurer authorized to pay certain amounts.

1. It shall be lawful for the treasurer of the state of New Jersey to pay, upon the warrant of the comptroller, to the several persons hereinafter named, the following amounts, that is to say:

Item No. 1. To each clergyman for opening sessions of the senate and house of assembly with prayer, during session one thousand nine hundred and one, ten dollars, $10 00

Item No. 2. To each officer of the senate and house of assembly of the session of one thousand nine hundred, who were present and rendered services in opening the session of one thousand nine hundred and one, 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 Matthias Plum, for bill files, printing names of members and attaching labels, minute files and passed bills files for the house of assembly, session of one thousand nine hundred and one, seven hundred and forty-two and ninety one-hundredths dollars, $742 90

Item No. 5. To J. L. Hendricks, for engrossing oaths of senators and members of the house of assembly and officers of the one hundred and twenty-fifth legislature, session of one thousand nine hundred and one, fifty dollars, $50 00

Item No. 6. 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 and one, four hundred and thirty-seven and sixty one-hundredths dollars, $437 60

Item No. 7. To the John L. Murphy Publishing Company, for furnishing stationery and supplies to Wm. J. Bradley, speaker of assembly, eighty-one and fifteen one-hundredths dollars, $81 15

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 and one, twenty-nine and five one-hundredths dollars, $29 05

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 of one thousand nine hundred and one, seventy-one and ninety-five one-hundredths dollars, $71 95

Item No. 10. To the John L. Murphy Publishing Company, for supplies furnished Frank Tantum, sergeant-at-arms to house of assembly, session one thousand nine hundred and one, eighty-five and thirty one-hundredths dollars, $85 30

Item No. 11. To Matthias Plum, for stationery furnished officers and members of house of assembly, session of one thousand nine hundred and one, six hundred and five and fifty-three one-hundredths dollars, $605 53

Item No. 12. To Frank Zahn, for stationery, house of assembly, session of one thousand nine hundred and one, seven hundred and sixty-six and twenty-five one-hundredths dollars, $766 25

Item No. 13. To Banister and Pollard, furnishing stationery for house of assembly, session one thousand nine hundred and one, three hundred and seventy-seven and twenty-five one-hundredths dollars, $377 25

Item No. 14. To DeWitt Banister, page of the house of assembly, session of one thousand nine hundred and one, one hundred dollars, $100 00

Item No. 15. To John Oestrich, for services as head page of the house of assembly, session of one thousand nine hundred and one, one hundred dollars, $100 00

Item No. 16. To Irwin T. West, for services as keeper of the gentlemen's gallery of the house of assembly, session of one thousand nine hundred and one, three hundred and fifty dollars, $350 00

Item No. 17. To Brice P. Walling, for services as keeper of the ladies' gallery of the house of assembly, session of one thousand nine hundred and one, three hundred and fifty dollars, $350 00

Item No. 18. To Harry Carter, for services as assistant to the supervisor of bills of the house of assembly, session of one thousand nine hundred and one, three hundred and fifty dollars, $350 00

Item No. 19. To George Higgins, services as doorkeeper of the house of assembly, session of one thousand nine hundred and one, three hundred and fifty dollars, $350 00

Item No. 20. 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 and one, five hundred dollars, $500 00

Item No. 21. To Howard W. Shaner, for services as doorkeeper of the house of assembly, session of one thousand nine hundred and one, three hundred and fifty dollars, $350 00

Item No. 22. To MacCrellish & Quigley, for books, calendars and stationery furnished house of assembly, session of one thousand nine hundred and one, one hundred and forty dollars, $140 00

Item No. 22½. To George Powell, for furnishing stationery to house of assembly, session of one thousand nine hundred and one, seventy-six dollars, $76 00

Item No. 23. To John J. Matthews, for furnishing one hundred and fifty copies of members' pocket calendars for the senate and house of assembly, session of one thousand nine hundred and one, one hundred and fifty dollars, $150 00

Item No. 24. To George R. Hoyt, for services as assistant bill clerk of the senate, session of one thousand nine hundred and one, five hundred dollars, $500 00

Item No. 25. To Lawrence Rhoades, for services as coat-room keeper of the senate, session of one thousand nine hundred and one, three hundred and fifty dollars, $350 00

Item No. 26. To William Joynes, for services as coat-room keeper of the senate, for the session of one thousand nine hundred and one, three hundred and fifty dollars, $350 00

Item No. 27. To James A. Mets, for services as clerk of committee on appropriations of the senate, session of one thousand nine hundrd and one, three hundred and fifty dollars, $350 00

Item No. 28. To Gandy S. Robinson, services as clerk to senate committee on judiciary, session of one thousand nine hundred and one, three hundred and fifty dollars, $350 00

Item No. 29. To Victor Carlson, for services as clerk to senate committee on municipal corporations, session of one thousand nine hundred and one, three hundred and fifty dollars, $350 00

Item No. 30. To Alfred M. Jones, for services as clerk of committee of boroughs and townships of the senate, session of one thousand nine hundred and one, three hundred and fifty dollars, $350 00

Item No. 31. To Arthur Van Buskirk, for services as clerk to senate committee revision of laws, and extra services as stenographer to the senate, session of one thousand nine hundred and one, five hundred dollars, $500 00

Item No. 32. To John Meseroll, for services as clerk to senate committee railroads and canals, session of one thousand nine hundred and one, three hundred and fifty dollars, $350 00

Item No. 33. To William E. Bedle, for services as clerk to committee on education of the senate, session of one thousand nine hundred and one, three hundred and fifty dollars, $350 00

Item No. 34. To Aaron Demarest, for services as clerk to senate committee on corporations, session of one thousand nine hundred and one, three hundred and fifty dollars, $350 00

Item No. 35. 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 and one, one hundred and forty-one dollars and thirty-five cents, $141 35

Item No. 36. To T. F. Fitzgerald, to furnishing stationery to the senate for the session one thousand nine hundred and one, four dollars and fifty cents, $4 50

Item No 37. To Walter E. Edge, for printed lists of commissioners of deeds, for the session of one thousand nine hundred and one, nine dollars and forty-six cents, $9 46

Item No. 38. To the John L. Murphy Publishing Company, for stationery and supplies furnished the senate for the session of one thousand nine hundred and one, nine hundred and sixty-three dollars and eighty-five cents, $963 85

Item No. 39. To the John L. Murphy Publishing Company, for stationery furnished Jesse R. Salmon, supervisor of bills for senate, session of one thousand nine hundred and one, one hundred and twenty-eight dollars and ninety cents, $128 90

Item No. 40. To the John L. Murphy Publishing Company, for stationery furnished Walter E. Edge, secretary of the

senate, for the session of one thousand nine hundred and one, seventy-eight dollars and eighty-eight cents, $78 88

Item No. 41. To MacCrellish & Quigley, for books, calendars, stationery and supplies furnished the senate, session of one thousand nine hundred and one, five hundred and eighteen dollars and fifty-three cents, $518 53

Item No. 42. To B. Frank Buck, for services as clerk to the committee on corporations, house of assembly, session of one thousand nine hundred and one, three hundred dollars, $300 00

2. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 209.

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 and one," approved March twenty-third, one thousand nine hundred.

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

Supplementary appropriations.

1. The following sums, or so much thereof as may be necessary, be and they are hereby appropriated out of the state fund for the several purposes herein specified, and for supplying deficiencies in former appropriations for the fiscal year ending October thirty-first, one thousand nine hundred and one:

1.

OFFICE OF THE COMPTROLLER.

Comptroller.

For additional allowance for blanks and stationery for use in the office of the comptroller, one hundred dollars;

For additional allowance for postage, expressage and other incidental expenses for the comptroller's office, one hundred dollars.

2.

OFFICE OF THE TREASURER.

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.

3.

OFFICE OF THE SECRETARY OF STATE.

Secretary of state.

For the preservation of the early records of this state, in the office of the secretary of state, one thousand dollars;

For preparing a new index of the record of wills, intestates, etc., in the office of the secretary of state, seven hundred dollars;

For eighteen hundred copies of the corporation laws, nine hundred dollars.

4.

STATE BOARD OF ASSESSORS.

State assessors.

For compensation for clerical service in the office of the state board of assessors, for the purpose of carrying into effect the provisions of chapter one hundred and

ninety-five of the laws of one thousand nine hundred, fifteen hundred dollars.

5.

DEPARTMENT OF BANKING AND INSURANCE.

Banking and insurance.

For additional allowance for necessary appraisals of real estate and all other incidental expenses in connection with examinations of building and loan associations, one thousand dollars; which sum is hereby transferred from the appropriation of seven thousand two hundred dollars for actual and necessary traveling and incidental personal expenses of building and loan association examiners in the act to which this act is a supplement.

6.

BUREAU OF STATISTICS.

Statistics.

For additional salary for the deputy chief of the bureau of statistics, three hundred dollars, pursuant to chapter seventy-five of the laws of nineteen hundred.

7.

STATE DAIRY COMMISSIONER.

Dairy commissioner.

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 dollars.

8.

COURT OF CHANCERY.

Court of chancery.

For additional compensation of sergeants-at-arms, two hundred dollars;

For compensation of stenographer for the chancellor, three hundred dollars;

For expenses incurred in moving to the new chancery chambers in Jersey City, twenty-five dollars.

9.

LAW AND EQUITY REPORTS.

For additional allowance for the publication of the chancery reports, one thousand dollars. Chancery reports.

10.

NAVAL RESERVE.

SECOND BATTALION.

For pay and expenses of officers and men on annual cruise, two thousand five hundred dollars. Naval cruise.

11.

PAN-AMERICAN EXPOSITION.

For the board of commissioners appointed to represent the state of New Jersey at the Pan-American exposition to be held at Buffalo, in the state of New York, in the year one thousand nine hundred and one, twenty-seven thousand five hundred dollars. Buffalo exposition.

12.

ADJUTANT-GENERAL'S DEPARTMENT.

For additional allowance for clerical service, compiling data for the roster of officers and men of New Jersey in the revolutionary and other wars, at Washington, D. C., or elsewhere, fifteen hundred dollars; Adjutant-general.

For additional allowance for clerical service in the adjutant-general's office, in preparing a revised compila-

tion of the roster of officers and men of New Jersey in the revolutionary and other wars, seven hundred dollars;

For printing and binding roster of officers and men of New Jersey in the revolutionary and other wars, pursuant to joint resolution number one, approved March twenty-second, one thousand eight hundred and ninety-eight, five hundred dollars;

For the John L. Murphy Publishing Company, for printing and binding for the office of the adjutant-general, from June eleventh to December fourteenth, one thousand nine hundred, two hundred and thirteen dollars.

13.

QUARTERMASTER-GENERAL'S DEPARTMENT.

Quartermaster-general.

For additional salary for the quartermaster-general, from March twenty-third to October thirty-first, one thousand nine hundred, seven hundred and eighty-nine dollars and seventy-six cents.

14.

STATE HOSPITALS.

State asylums.

For additional allowance for traveling expenses of managers, two hundred dollars.

15.

COUNTY LUNATIC ASYLUMS.

County asylums.

For additional allowance for support of county patients in the Passaic county lunatic asylum, from April first to October first, nineteen hundred, one thousand eight hundred fifty-nine dollars and forty-five cents;

For additional allowance for support of county patients in the Gloucester county lunatic asylum, two hundred dollars;

For additional allowance for support of county patients in the Salem county lunatic asylum, five hundred dollars;

For additional allowance for support of county patients in the Atlantic county lunatic asylum, two hundred dollars.

16.

BLIND AND FEEBLE-MINDED.

For additional allowance for clothing, maintenance, support and instruction of the blind persons, inhabitants of this state, eight hundred dollars. Blind.

17.

ADVERTISING.

For additional allowance 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 cetra, five hundred dollars. Advertising.

18.

PRINTING.

For additional allowance for printing and binding public documents, five thousand dollars. Printing.

19.

COLLATERAL INHERITANCE TAX.

For additional allowance for surrogate's fees, appraisers' compensation and expenses, legal and other disbursements, pursuant to chapter two hundred and ten of the laws of one thousand eight hundred and ninety-four, five thousand dollars. Inheritance tax.

20.

STATE PRISON.

State prison. For additional allowance for furniture, appliances and repairs and for sidewalk and curbing in Third street on property of the state prison, six thousand one hundred nineteen dollars and seventy-two cents.

21.

NEW JERSEY OYSTER AND SHELL COMMISSION.

Oyster and shell commission. For the purpose of carrying into effect the provisions of chapter one hundred and eighty-five of the laws of one thousand nine hundred, six hundred dollars.

22.

INSURANCE.

Insurance. For additional allowance for insurance upon state house and contents thereof, seven hundred and fifty dollars.

23.

MANUAL TRAINING AND INDUSTRIAL SCHOOL FOR COLORED YOUTH.

Bordentown school. For additional allowance for maintenance of the manual training and industrial school for colored youth, at Bordentown, one thousand dollars.

24.

EMERGENCY.

Emergencies. For additional allowance 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.

25.

ASSEMBLY COMMITTEE OF INQUIRY.

Assembly investigation.

To Fred. Hoey, for desk, table and chairs furnished the assembly committee of inquiry, appointed January eighteenth, one thousand eight hundred and ninety-eight, thirty-eight dollars and fifty cents.

26.

STATE BOARD OF TAXATION.

Board of taxation.

For the members of the state board of taxation for expenses incurred in attending to their official business, seven hundred eighty-three dollars and eighty-eight cents;

For the secretary of the state board of taxation for expenses incurred in attending to his official business, one hundred ninety-five dollars and ninety-seven cents.

27.

STATE HOSPITAL AT TRENTON.

Trenton asylum.

For allowance for deficit for maintenance of county patients to November first, nineteen hundred, one thousand two hundred thirty-two dollars and thirteen cents;

For additional allowance for support of indigent patients, five thousand dollars;

For the purpose of connecting the state hospital with the sewerage system of the city of Trenton, twenty-two thousand five hundred dollars.

28.

STATE HOME FOR GIRLS.

Girls' school.

For the trustees, for instantaneous locking device in old building, for new boardwalk and for laying tile under drains, one thousand one hundred ninety-one dollars and ten cents;

For the trustees, for wire lathing and instantaneous locking system in new building, for new boiler for heating and for a conduit from boiler-house to new building, five thousand dollars;

For the trustees, for the purpose of connecting the instiution with the sewerage system of the city of Trenton, two thousand five hundred dollars.

29.

HOME FOR FEEBLE-MINDED WOMEN.

Feeble-minded women.

For the board of managers for the purpose of constructing a sewer to connect with the sewer in the city of Vineland, for furniture and equipment of new building and for old building, for heating new building and supplementary heating of old building and for other improvements, six thousand dollars;

For the board of managers for amount lapsed from last year's appropriation for new building, nine hundred ninety-seven dollars and seventy-five cents.

30.

PUBLIC ROADS.

Road commissioner.

For additional salary of state commissioner of public roads, from March twenty-third to November first, one thousand nine hundred, six hundred and five dollars.

31.

STATE HOUSE COMMISSION.

State house commission.

For the governor, treasurer and comptroller, constituting the state house commission, to make such altera-

tions and additions to the present capitol as they may deem necessary, to furnish proper accommodations for the use of the state departments and the furnishing thereof, twenty thousand dollars.

32.

PRESERVATION OF RECORDS.

Revolutionary records.

For the purpose of completing a publication of "documents relating to the revolutionary history of the state of New Jersey," six hundred dollars.

33.

STATE NORMAL SCHOOL.

Normal school.

For additional allowance for the support of the state normal school, two thousand dollars.

34.

TEACHERS' LIBRARIES.

Teachers' libraries.

For additional allowance for the establishment of libraries for use of teachers, three hundred dollars.

35.

NEW JERSEY HOME FOR DISABLED SOLDIERS, SAILORS, MARINES AND THEIR WIVES.

Vineland soldiers' home.

For services of architect, installing elevator, new floor second story laundry building, weather stripping, furniture, seventeen new bed-rooms, connecting with the sewer in the city of Vineland, and for fencing and improving burial plot, seven thousand seven hundred dollars.

36.

STATE OYSTER COMMISSION.

Oyster commission.

For expenses incurred for making survey of the grounds of the Delaware bay and Maurice rive cove, two

thousand seven hundred dollars and sixty-six cents, being the amount lapsed from last year's appropriation.

37.

STATE BOARD OF CHILDREN'S GUARDIANS.

Children's guardians.

For the state board of children's guardians for additional allowance for expenses, two thousand dollars.

38.

GLOUCESTER COUNTY LUNATIC ASYLUM.

Gloucester asylum.

For the support of county patients in the Gloucester county lunatic asylum, from July first, one thousand eight hundred and seventy-three, to July first, one thousand eight hundred and ninety-one, seven thousand one hundred and forty dollars; *provided,* that the commitments were made in accordance with the then existing laws.

Proviso.

39.

PENSIONS.

Pensions.

For allowance to Randolph F. Disbrow, a pensioner of this state, as commutation for two hands lost at Yorktown, Virginia, October nineteenth, one thousand eight hundred and eighty-one, one hundred dollars.

40.

REFUNDED RAILROAD TAX.

Refunded tax.

For the Erie railroad company for amount of railroad tax overpaid to the state, as adjusted and corrected by the state board of assessors in conformity with an order of the supreme court, one hundred sixty-nine dollars and fifty-three cents.

41.

COURT EXPENSES.

For compensation of judges of the court of common pleas, pursuant to section forty-nine, chapter one hundred and forty-nine of the laws of one thousand nine hundred, four hundred and forty dollars. Court expenses.

42.

FARNUM PREPARATORY SCHOOL.

For repairs to, and apparatus for, the Farnum preparatory school, fifteen hundred dollars. Farnum school.

43.

For additional salary due the late adjutant-general, from March twenty-third to October twenty-ninth, one thousand nine hundred, seven hundred and eighty-two dollars and seventy-seven cents. Salary due late adjutant-general.

44.

INAUGURATION OF THE PRESIDENT OF THE UNITED STATES.

For transportation and other necessary expenses incurred by the national guard to enable the state of New Jersey to take part in the inaugural parade, at Washington, District of Columbia, on March fourth, one thousand nine hundred and one, ten thousand dollars. Presidential inauguration.

45.

STATE BOARD OF EXAMINERS.

For expenses incurred by the state board of examiners and compensation for the person appointed by State examiners.

the state board of education, two hundred and fifty dollars.

46.

CENSUS ENUMERATORS.

School census.

For allowance for census enumerators appointed by the state superintendent of public instruction, five hundred dollars.

47.

Burial of shipwrecked bodies.

For clearing, grading and fencing burial grounds purchased under an act entitled "An act for the purchase of grounds for the burial of dead bodies thrown upon the shores of this state by shipwreck," approved April nineteenth, one thousand eight hundred and ninety-eight, two hundred and twenty-five dollars.

48.

TRENTON BATTLE MONUMENT.

Trenton monument.

For repairs to the Trenton battle monument, two hundred and fifty dollars.

49.

COUNTY SUPERINTENDENTS.

County superintendents.

For county superintendents of schools, for salaries, twenty-two thousand seven hundred and forty dollars.

50.

Representative at convention on trusts.

For Edward Q. Keasbey, for expenses incurred in going to Chicago in August, one thousand eight hundred and ninety-nine, to represent the state of New Jersey at the civic federation on trusts, sixty-six dollars and seventy cents.

51.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

For additional allowance 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, five hundred dollars. State superintendent.

52.

PUBLIC LIBRARY COMMISSION.

For necessary traveling and other incidental expenses incurred by the commission, pursuant to chapter sixty-two, laws of one thousand nine hundred, two hundred dollars. State library.

53.

SPANISH-AMERICAN WAR.

For pay of state military officers for service in the state during the Spanish-American war, as allowed by the auditor for the war department of the United States, and received by the governor and turned into the state treasury, two thousand four hundred sixty-five dollars and seventy-three cents. Pay to state military officers.

54.

HOME FOR DISABLED SOLDIERS.

To the board of managers of the home for disabled soldiers at Kearny for the purchase of a tract of land situated in Kearny, Hudson county, fourteen thousand seven hundred dollars, pursuant to chapter fifty-six, laws of nineteen hundred and one. Soldiers' home.

55.

For Eugene A. Hults, M. D., health officer of the port of Perth Amboy, pursuant to chapter sixty-nine, laws Health office at Perth Amboy.

of nineteen hundred, six hundred forty-three dollars and forty-five cents.

56.

NEW JERSEY REFORMATORY.

Rahway Reformatory.

For traveling and other official expenses of commissioners, one thousand dollars;

For the superintendent, for salary, one thousand five hundred dollars;

For the subordinate officers and employes, for salaries, ten thousand dollars;

For maintenance of prisoners, eighteen thousand four hundred dollars;

For furniture, appliances and repairs, five thousand one hundred and fifty dollars;

For expenses in transferring prisoners to and from state prison, seven hundred dollars;

For equipment of tailor and shoe shops, two thousand dollars;

For machinery for brush industry, two thousand five hundred dollars;

For superintedent's house, repairs, etc., four thousand five hundred dollars;

For stockade, four thousand dollars;

For necessary work on present buildings, ten thousand dollars;

For railroad siding, for purchase of water-front property and construction of water-pipe, system, six thousand five hundred dollars;

For mantenance, two thousand dollars.

57.

STATE HOSPITAL AT MORRIS PLAINS.

Morris Plains asylum.

For the board of managers of the state hospital at Morris Plains, for lapsed appropriations, amounting to twenty-eight thousand one hundred eighty-six dollars and twenty-seven cents;

For allowance for deficit for maintenance of county patients to November first, one thousand nine hundred, four thousand two hundred forty-two dollars and eighty-three cents;

For improvements at state hospital at Morris Plains, as follows:

For stand-pipes and fire hose for new building, twelve hundred dollars;

For concrete walks, sixteen hundred dollars;

For plastering basement in new building, four thousand two hundred eighty dollars and eighty-five cents;

For electric and gas fixtures in new building, one thousand dollars;

For running gas main from gas-house to new building, fourteen hundred dollars;

For special contracts of Patrick Reynolds, Reeve and Burr, and others covering mason work, elevators, service pipe and tunnel, outside drains and showers in north wings, the sum of three thousand nine hundred eighty-three dollars and ninety-one cents;

For Blake and Williams contract for connecting new boilers, and for pipe covering, two thousand eight hundred and eighty dollars.

58.

RIPARIAN COMMISSION.

Riparian commission.

For expenses incurred in the removal to, and furnishing new office in Jersey City, for the riparian commission, five hundred dollars.

59.

PATERSON ARMORY.

Paterson armory.

For additional allowance for maintaining, heating and lighting the armory in the city of Paterson, two thousand five hundred dollars.

60.

LEGISLATURE.

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, seven thousand five hundred dollars.

61.

REFUNDING TAXES ON EXEMPTED MISCELLANEOUS CORPORATIONS.

Refunding taxes.

For additional allowance for taxes improperly levied upon exempted corporations and to be refunded pursuant to law, four thousand dollars.

62.

STATE OYSTER COMMISSION.

Oyster commission.

For the enforcement of the laws of this state for the protection of the oyster beds and seed oysters thereon under the tidal waters of the Delaware river and Delaware bay, three thousand dollars; *provided,* such sum is authorized by enactment of the present legislature.

Proviso.

63.

First defenders' medal.

For the governor to cause a medal to be prepared and presented to each of the honorably-discharged survivors of the officers and men who enlisted from the state of New Jersey during the war of the rebellion in the "New Jersey brigade-militia," consisting of the "first," "second," "third" and "fourth" regiments, and which was mustered into the service of the United States for three months, at Trenton, May first, one thousand eight hundred and sixty-one; said medal to be known as the

"first defenders' medal," to commenorate their services to their country during this eventful period, the sum of one thousand dollars; *provided,* such sum shall be authorized by enactment of the present legislature. Proviso.

64.

MORRIS CANAL COMMISSION.

For expenses in connection with the proposed abandonment of the Morris canal for navigation purposes and the proposed devotion of the property of the Morris canal and banking company, or of its lessee the Lehigh Valley railroad company, to other public uses, five thousand dollars; *provided,* such sum shall be authorized by enactment of the present legislature. Morris canal commission. Proviso.

65.

COURT OF CHANCERY.

For additional allowance for the vice-chancellors, for salaries, five thousand five hundred dollars. Court of Chancery.

66.

VILLAGE FOR EPILEPTICS.

For mantenance of patients, nine thousand five hundred dollars; Epileptics.

For repairs to old buildings and insurance, fifteen hundred dollars;

For purchase of live stock, seeds, fertilizers, machinery and farming implements, three thousand dollars;

For completion of two brick cottages and for furniture for new buildings, eight thousand seven hundred and sixty-five dollars;

For laundry building and fixtures, four thousand dollars;

For lighting, heating and water-supply, five thousand dollars;

67.

STATE SCHOOL TAX.

School tax. For the purpose of reducing the state school tax to be assessed for the year one thousand nine hundred and one, a sum equal to thirty-five per centum of the entire amount to be so raised is hereby appropriated, approximating eight hundred and thirteen thousand seven hundred and fifty dollars.

68.

NATIONAL GUARD.

National guard. For pay of officers and enlisted men and expenses incurred in connection with the annual encampment of one thousand nine hundred, one thousand four hundred fifty-five dollars and twenty-four cents.

69.

FISH AND GAME COMMISSION.

Sturgeon interest. For the purpose of carrying into effect the provisions of "An act to authorize the board of fish and game commissioners of this state to co-operate with the states of Pennsylvania and Delaware in assisting to restore the sturgeon fisheries in the Delaware river and bay, and making an appropriation therefor," seven hundred and fifty dollars; *provided,* such sum is authorized by enactment of the present legislature.

Proviso.

70.

VILLAGE FOR EPILEPTICS.

Additional to epileptics. For allowance for additional surveying and engineering, one thousand five hundred dollars;

For repairs to roads, three thousand dollars.

71.

AGRICULTURAL 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," three thousand dollars. Experiment station.

2. This act shall take effect immediately.

Approved March 22, 1901.

CHAPTER 210.

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 two.

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

1. The following sums, or so much thereof as may be necessary, be and they are appropriated out of the state fund for the respective public officers and for the several purposes herein specified, for the fiscal year ending on the thirty-first day of October, in the year one thousand nine hundred and two, namely: Annual appropriations.

1.

EXECUTIVE DEPARTMENT.

For the governor, for salary, ten thousand dollars; Executive department.

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, six hundred dollars;

For postage, expressage and other incidental expenses for the comptroller's office, nine 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, eleven hundred dollars;

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, twelve thousand two hundred and fifty 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 dollars;

For compiling and indexing the election laws, two hundred dollars;

For preparing a new index of the record of wills, intestates, et cetera, in the office of the secretary of state, three hundred 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, fifty-five hundred dollars;

For blanks and stationery for use in the office of the attorney-general, two hundred and fifty dollars;

For postage, expressage and other incidental expenses for the attorney-general's department, three hundred dollars;

For master's fees for taking affidavits for the attorney-general's office, which shall include all such service required for the year, one hundred dollars;

For the contingent fund, to be expended only with the approval of the governor and comptroller, for the fees of assistant attorneys and counsel in litigations which may arise under chapter one hundred and fifty-nine of the laws of one thousand eight hundred and eighty-four and chapter two hundred and eight of the laws of one thousand eight hundred and eighty-eight, in the enforcement of corporate taxation, one thousand dollars.

6.

STATE BOARD OF ASSESSORS.

Board of assessors.

For the members of the state board of assessors, for salaries, ten thousand dollars;

For secretary of the state board of assessors, for salary, twenty-five hundred dollars;

For compensation for clerical service in the office of the state board of assessors, forty-five hundred dollars;

For blanks and stationery for use in the office of the state board of assessors, 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;

For compensation for clerical service in the office of the state board of assessors, for the purpose of carrying into effect the provisions of chapter one hundred and ninety-five of the laws of nineteen hundred, fifteen hundred 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, seven thousand one hundred and eighty 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, six thousand two hundred dollars;

For necessary appraisals of real estate and all other incidental expenses in connection with examinations of building and loan associations, two 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 the members of the state board of taxtion for expenses incurred in attending to their official business, one thousand two hundred dollars;

For the secretary of the state board of taxation for expenses incurred in attending to his official business, three hundred 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.

State 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 five hundred dollars;

For blanks, stationery, postage, expressage and other incidental expenses for the state library, five hundred dollars.

STATE TRAVELING LIBRARIES.

Traveling libraries.

For the board of commissioners of the state library, five hundred dollars, pursuant to chapter one hundred and seventy-five of the laws of one thousand eight hundred and ninety-eight.

10.

STATE BOARD OF HEALTH.

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, seven thousand four hundred and forty dollars;

For compensation to the secretary of said board, pursuant to said chapter, twenty-five hundred dollars;

For expenses to be incurred pursuant to chapter two hundred and twenty-five, laws of one thousand eight hundred and eighty-six, one thousand dollars;

For blanks and stationery for use in office of state board of health, twelve hundred dollars;

For maintenance of the bacteriological laboratory, four thousand dollars;

For legal expenses incurred by the state board of health, two 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 statisics, two hundred and ninety-four dollars;

For additional clerical assistance in the office of the state board of health, three hundred dollars.

11.

STATE BOARD OF HEALTH.

Board of health for purity of foods, &c.

For the purpose of carrying into effect the provisions of "An act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof," passed at the legislative session of nineteen hundred and one, and "An act to prevent deception in the sale of oleomargarine, butterine or any imitation of dairy products, and to preserve the public health," pursuant to chapter 84 of the laws of one thousand eight hundred and eighty-six, twelve thousand dollars.

12.

BUREAU OF STATISTICS.

Bureau of statistics.

For the chief of the bureau of statistics, for salary, twenty-five hundred dollars;

For the deputy chief of the bureau of statistics, for salary, eighteen 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.

13.

STATE HOUSE COMMISSION.

Statehouse 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.

State 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, and for the continuance of forestry investigation, ten 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, 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 forty nine of the laws of one thousand nine hundred, two 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, fifty-four thousand dollars;

For compensation of sergeants-at-arms, thirty-seven 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-seven hundred and fifty dollars;

For miscellaneous expenses in connection with such rooms, two hundred dollars;

For compensation of stenographer for the chancellor, six hundred dollars;

For allowance for stationery for the court of chancery, five 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, twelve thousand dollars;

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.

Court of pardons.

For per diem allowance and mileage for judges of court of pardons, one thousand dollars;

For compensation of subordinate officers, three hundred dollars.

22.

LAW AND EQUITY REPORTS.

Legal reports.

For the publication of the chancery reports, four thousand five hundred dollars;

For the publication of the law reports, four thousand dollars;

For salary of chancery reporter, five hundred dollars;

For salary of supreme court reporter, five hundred dollars;

For binding chancery and law reports, twelve hundred dollars.

23.

NATIONAL GUARD.

National guard.

For expenses for division, brigade and regimental headquarters, thirty-five hundred dollars;

For allowances for two gatling-gun companies, fifteen hundred dollars;

For allowances to two cavalry troops, two thousand dollars;

For allowances to companies of the national guard, at the rate of five hundred dollars each, twenty-four 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, one thousand dollars;

For transportation of disabled soldiers to the home at Kearny, fifty dollars;

For maintaining, heating and lighting the armories in Jersey City, Camden, Newark and Paterson, the sum of four thousand dollars for each armory, sixteen thousand 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, one thousand dollars;

For ordnance stores, uniforms, camp and garrison equipage, quartermaster's stores, miscellaneous supplies and freight and express charges, fifteen thousand dollars.

NAVAL RESERVE.

Naval reserve.

First battalion, in lieu of company allowances, fifteen hundred dollars;

For pay and expenses of officers and men on annual cruise, two thousand five hundred dollars;

For battalion headquarters, three hundred dollars;

For pay of ship-keeper, maintenance and expenses, six thousand dollars;

Second battalion, in lieu of company allowances, fifteen hundred dollars;

For battalion headquarters, three hundred dollars;

For pay of ship-keeper, maintenance and expenses, four thousand five hundred dollars.

24.

ADJUTANT-GENERAL'S DEPARTMENT.

Adjutant-general.

For the adjutant-general, for salary, two thousand five hundred dollars;

For compensation for clerical service in the adjutant-general's office, four thousand dollars;

For additional allowance for clerical service in the adjutant-general's office, one thousand two hundred 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 printing and binding roster of officers and men of New Jersey in the revolutionary and other wars, pursuant to joint resolution number one, approved March twenty-second, one thousand eight hundred and ninety-eight, two thousand dollars.

25.

QUARTERMASTER-GENERAL'S DEPARTMENT.

Quartermaster-general.

For the quartermaster-general, for salary, two thousand five hundred dollars;

For compensation for assistants in the department of the quartermaster-general, eighty-seven hundred dollars;

For blanks and stationery for use in the quartermaster-general's department, two hundred dollars;

For postage, expressage and other incidental expenses for the quartermaster-general's department, two hundred and fifty dollars.

26.

MONMOUTH BATTLE MONUMENT.

Freehold monument.

For the commission having in charge the Monmouth battle monument and grounds, pursuant to chapter one hundred and eighteen of the laws of one thousand eight hundred and eighty-six, five hundred dollars.

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 two hundred and eighty-four 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.

War claims. For claims of volunteers in the civil war, for state pay, pursuant to chapter thirteen of the laws of one thousand eight hundred and sixty-one, one hundred dollars.

31.

WASHINGTON ASSOCIATION OF NEW JERSEY.

Washington association. For trustees of the Washington association of New Jersey, twenty-five hundred dollars.

32.

STATE BOARD OF AGRICULTURE.

Board of agriculture. For the state board of agriculture, six thousand dollars;

For the state board of agriculture for the purpose of carrying out the provisions of an act to prevent the introduction into and spread of injurious insects in New

Jersey, to provide a method for compelling their destruction, to create the office of state entomologist, to authorize inspection of nurseries and to provide for certificates of inspection, one thousand dollars.

33.

TUBERCULOSIS COMMISSION.

For expenses and payments by the state tuberculosis commission, ten thousand dollars; Tuberculosis commission.

For additional allowance for expenses and payments by the state tuberculosis commission, five thousand dollars; *provided,* such sum shall be authorized by enactment of the present legislature; Proviso.

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.

For salaries and expenses of the agricultural experiment station, fifteen thousand dollars; Experiment station.

For printing bulletins of the agricultural experiment station, one thousand dollars.

For expenses incurred by the New Jersey agricultural experiment station in carrying out the provisions of "An act concerning the regulation of the sale of concentrated commercial feeding stuffs," three thousand dollars.

35.

BOARD OF VISITORS TO THE AGRICULTURAL COLLEGE OF NEW JERSEY.

For the board of visitors to the agricultural college of New Jersey, for personal expenses incurred pursuant to Board of visitors to agricultural college.

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, six hundred dollars;

For expenses in transferring insane convicts, two hundred dollars;

For medical examination of insane convicts, three hundred dollars.

STATE HOSPITAL AT TRENTON.

At Trenton.

For maintenance of county patients, fifty thousand dollars;

For support and clothing of insane convicts, at the rate of five dollars per week for each insane convict, nine thousand dollars;

For support of indigent patients, at the rate of three dollars per week, and cost of clothing, eleven 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 ASYLUMS.

County asylums.

For the support of county patients in the 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 dollars;

In the Passaic county lunatic asylum, four thousand dollars;

In the Gloucester county lunatic asylum, seventeen hundred dollars;

In the Cumberland county lunatic asylum, twelve thousand dollars;

In the Salem county lunatic asylum, two thousand dollars;

In the Atlantic county lunatic asylum, five thousand seven hundred dollars.

39.

STATE PRISON.

State 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 employees, for salaries, ninety 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.

STATE HOME FOR BOYS.

Home for boys.

For the trustees of the New Jersey state home for boys, sixty-two thousand dollars;

For the trustees of said home, for expenses incurred by them in the discharge of their duties, two hundred and fifty dollars.

41.

STATE HOME FOR GIRLS.

Home for girls.

For the trustees of the New Jersey state home for girls, for the support of and necessary repairs to the home, twenty-four thousand dollars;

For the trustees of said home, for expenses incurred in the discharge of their duties, three hundred dollars.

42.

STATE BOARD OF ARBITRATION.

Board of arbitration.

For the members of the board of arbitration, for salaries, six thousand dollars;

For the secretary of the state board of arbitration, for salary, two hundred dollars;

For blanks, stationery and other incidentals for use in the office of the state board of arbitration, fifty dollars.

43.

BOARD OF FISH AND GAME COMMISSIONERS.

Fish and game commissioners.

For the fish and game wardens, including the fish and game protector, for compensation, fifteen thousand six hundred dollars;

For expenses of the fish and game wardens and fish and game protector, five thousand one hundred dollars;

For 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, four thousand dollars;

For expenses of the fish and game commissioners, one thousand 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 eight hundred dollars;

For clothing, maintenance, support and instruction of the feeble-minded persons, inhabitants of this state, fifty-two thousand dollars;

For maintenance, support and instruction of feeble-minded women, twenty thousand dollars;

For the board of managers of the home for feeble-minded women, for the purpose of constructing a sewer to connect with the sewer in the city of Vineland, three thousand five hundred dollars.

45.

FACTORIES AND WORKSHOPS.

Factories.

For the inspector and six deputy inspectors of factories and workshops, for salaries, eighty-five hundred dollars;

For the necessary expenses incurred by the inspector and his deputies in the discharge of their duties, two thousand dollars.

46.

STATE CHARITIES AID ASSOCIATION.

Charities aid association.

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.

Sinking fund.

For the state treasurer for "sinking fund account," for payment of interest on civil war debt falling due January first, one thousand nine hundred and two, two thousand one hundred and thirty dollars;

For the state treasurer for expenses in foreclosure and other necessary legal proceedings relative to sinking fund account, five hundred dollars.

49.

ADVERTISING.

Advertising.

For advertising proclamations issued by the governor, notices of the attorney-general in relation to delinquent miscellaneous corporations, and notices of the comptroller in regard to public printing, et cetera, three thousand dollars.

50.

PRINTING.

Printing.

For printing and binding public documents, thirty-five thousand dollars;

For compensation of an expert printer for services in preparation of specifications for bids, supervision of work, examination of bills, and such other duties as may by law be imposed upon him, six hundred dollars;

For preparing index of session laws, one hundred dollars;

For printing and circulation of the laws, nine thousand dollars.

51.

PUBLIC ROADS.

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;

For the state commissioner of public roads, for salary, two thousand five 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;

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, two thousand dollars.

Oyster and shell commission.

NEW JERSEY OYSTER AND SHELL COMMISSION.

For the purpose of carrying into effect the provisions of chapter one hundred and eighty-five of the laws of nineteen hundred, one 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 employees 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, 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 thou-

sand eight hundred and ninety-four, ten thousand dollars.

55.

INSURANCE.

For insurance upon state house and contents thereof, nineteen hundred dollars. Insurance.

56.

REFUNDING TAXES ON EXEMPTED MISCELLANEOUS CORPORATIONS.

For taxes improperly levied upon exempted corporations and to be refunded pursuant to law, five hundred dollars. Refund taxes.

57.

WEATHER SERVICE.

For the continuance of weather stations and preparation, printing and distribution of reports, pursuant to chapter two hundred and fifty-eight of the laws of one thousand eight hundred and ninety-two, one thousand dollars. Weather service.

58.

BODIES THROWN UPON SHORES OF THE STATE BY SHIPWRECK. Shipwrecked bodies.

For expenses incurred in viewing bodies cast upon shores by shipwreck, one hundred dollars.

59.

BOARD OF PILOT COMMISSIONERS.

For expenses incurred by the commissioners, pursuant to chapter three hundred and seven of the laws of one Pilot commissioners.

thousand eight hundred and ninety-five, twelve hundred dollars.

60.

AGRICULTURAL COLLEGE FUND.

Agricultural college.

To the treasurer of Rutgers College, for interest on forty-eight thousand dollars, certificate of indebtedness of the state of New Jersey due January first and July first, one thousand nine hundred and two, 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 sunken vessels.

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 FOR COLORED YOUTH.

For maintenance of the manual training and industrial school for colored youth, at Bordentown, five thousand dollars. Bordentown school.

65.

NEW JERSEY SCHOOL FOR THE DEAF.

For the New Jersey school for the deaf for the teaching, maintenance and clothing of pupils taught therein, for purchase and repair of furniture, school apparatus and other appliances, for making needed improvements and repairs in the buildings and grounds, for insurance thereof, and for maintaining the system of manual and industrial education in said school, forty-five thousand dollars. Deaf-mute school.

66.

STATE NORMAL SCHOOL.

For the support of the state normal school, forty-eight thousand dollars; Normal school.

For necessary repairs to the grounds, buildings and furniture, and for keeping the same insured, four thousand dollars.

67.

FREE SCHOOL LIBRARIES.

For the formation of libraries in the free public schools of the state, five thousand five hundred dollars. School libraries.

68.

FARNUM PREPARATORY SCHOOL.

For the support of the Farnum preparatory school at Beverly, twelve hundred dollars. Farnum school.

69.

INDUSTRIAL EDUCATION.

Industrial education.

For payments to schools established for industrial education, pursuant to chapter one hundred and sixty-four of the laws of one thousand eight hundred and eighty-one, ten thousand dollars;

For payments to schools for manual training, pursuant to chapter ninety-six of the laws of one thousand nine hundred, thirty-six thousand dollars.

70.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

Educational department.

For salary of state superintendent of public instruction, three thousand dollars;

For salary of assistant state superintendent and for clerical services in the office of state superintendent of public instruction, seven thousand five hundred dollars;

For stationery and blanks, two thousand dollars;

For necessary incidental expenses incurred by the state superintendent of public instruction in the performance of his official duties and for supervision of manual training, two thousand five hundred 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.

For expenses of teachers' institutes, three thousand dollars. Teachers' institutes.

74.

TEACHERS' LIBRARIES.

For the establishment of libraries for use of teachers, six hundred dollars. Teachers' libraries.

75.

COUNTY SUPERINTENDENTS.

For county superintendents of schools for salaries, twenty-six thousand dollars. County superintendents.

76.

EMERGENCY.

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. Emergencies.

77.

STATE BOARD OF EXAMINERS.

For expenses incurred by the state board of examiners and compensation for the person appointed by the state board of education, two hundred and fifty dollars. Examinations.

78.

BOARD OF STATE CANVASSERS.

Board of canvassers.

For per diem allowance and mileage for members of the board of state canvassers and incidental expenses connected therewith, two hundred and fifty 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.

Proviso.

For rent and necessary expenses of the commissioners, two thousand five hundred dollars; *provided*, said expenses are approved by the governor.

80.

NEW JERSEY HOME FOR DISABLED SOLDIERS, SAILORS, MARINES AND THEIR WIVES.

Soldiers' home at Vineland.

For salaries and expenses, ten thousand dollars.

81.

STATE OYSTER COMMISSION.

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, twelve thousand three hundred and twenty-three dollars;

For expenses incurred for making survey of the grounds of the Delaware bay and Maurice river cove, one thousand dollars.

82.

STATE BOARD OF CHILDREN'S GUARDIANS.

To the state board of children's guardians for expenses, five thousand dollars. Children's guardians.

83.

CIVIL WAR DEBT.

For amount required to pay the last installment of the principal of the civil war debt, due January first, nineteen hundred and two, seventy-one thousand dollars. War debt.

84.

PUBLIC LIBRARY COMMISSION.

For the purpose of carrying into effect the provisions of chapter sixty-two, laws of nineteen hundred, one thousand dollars; Library commission.

For necessary traveling and other incidental expenses incurred by the commission, three hundred dollars.

85.

TRENTON ARMORY.

For the purpose of erecting an armory in the city of Trenton, pursuant to chapter fifteen of the laws of nineteen hundred and one, fifty thousand dollars. Trenton armory.

86.

NEW JERSEY REFORMATORY.

For traveling and other official expenses of commissioners, one thousand dollars; Rahway reformatory.

For the superintendent, for salary, three thousand dollars;

For the subordinate officers and employees, for salaries, twenty-five thousand dollars;

For maintenance of prisoners, thirty thousand dollars;

For furniture, appliances and repairs, five thousand three hundred dollars;

For the superintendent for payments to discharged prisoners, one thousand dollars;

For expenses in transferring prisoners to and from state prison, five hundred dollars.

87.

STATE OYSTER COMMISSION.

State oyster commission.

For the enforcement of the laws of this state for the protection of the oyster beds and seed oysters thereon under the tidal waters of the Delaware river and Delaware bay, two thousand dollars; *provided,* such sum is authorized by legislative enactment.

Proviso.

88.

Ovsetr propagation.

For the director of the biological department of the New Jersey Agricultural college experiment station, at New Brunswick, to establish and maintain one or more stations for the scientific investigation of oyster propagation, two hundred dollars; *provided,* such sum be authorized by legislative enactment.

Proviso.

89.

MORRIS CANAL COMMISSION.

Morris canal commission.

For expenses in connection with the proposed abandonment of the Morris canal for navigation purposes and the proposed devotion of the property of the Morris canal and banking company, or of its lessee, the Lehigh Valley railroad company, to other public uses, five thousand dollars; *provided,* such sum shall be authorized by legislative enactment.

Proviso.

90.

COMMISSIONERS OF THE PALISADES INTERSTATE PARK.

Palisades park.

For the purchase of lands as provided in "An act to amend an act entitled '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,' approved March twenty-second, nineteen hundred," fifty thousand dollars; *provided,* this sum shall not be available unless the governor shall be assured that sufficient sums from other sources shall be forthcoming to fully complete the palisade park scheme as now contemplated; *and provided further,* that such sum shall be authorized by legislative enactment.

Proviso.

Proviso.

91.

VILLAGE FOR EPILEPTICS.

Epileptics.

For the superintendent, for salary, two thousand five hundred dollars;

For the warden, for salary, one thousand dollars;

For maintenance, thirteen thousand dollars;

For repairs to buildings and roads, improvements to grounds, building and repairing fences and purchase of stock, two thousand five hundred dollars;

For ice house, one thousand dollars.

92.

STATE SCHOOL TAX.

School tax.

For the purpose of reducing the state school tax to be assessed for the year nineteen hundred and two, a sum equal to thirty-five per centum of the entire amount to be so raised is hereby appropriated, approximating eight hundred and thirteen thousand seven hundred and fifty dollars.

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 two:

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 devoted to specific purposes, namely, state school tax, United States appropriation to agricultural college, United States appropriation for disabled soldiers, United States appropriation for disabled soldiers, sailors, marines and their wives, agricultural college fund and taxes for the use of taxing districts in this state, 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 and one.

Approved March 22, 1901.

PROCLAMATIONS.

(477)

PROCLAMATIONS BY THE GOVERNOR.

PROCLAMATION.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, It has been satisfactorily made to appear that in the list of New Jersey corporations reported to the Governor of said State, on the 2d day of May, 1900, was inadvertently included the corporation known as "Union Water Company," organized in the year 1891 in pursuance of an act of the legislature entitled "An act to incorporate the Union Water Company," approved March 17th, 1870, as one of the corporations which had for two successive years failed, neglected or refused to pay the State taxes which had been assessed against them in the year 1897 under the laws of the State of New Jersey, and made payable into the State treasury;

AND WHEREAS, It appears that all taxes due from said Union Water Company have been paid by said company to the proper officers of said State, and the said company is not liable to the penalty set forth in the proclamation of the Governor of said State, bearing date the 2d day of May, 1900, although said corporation known as the Union Water Company, as organized in the year 1891 under said act of the legislature, is included in the list of corporations classified in said proclamation;

NOW, therefore, I, FOSTER M. VOORHEES, Governor of the State of New Jersey, do hereby issue this my proclamation revoking so much of the proclamation of May 2d, 1900, above referred to, as applies to said corporation named therein as "Union Water Company," and

said last-named corporation is hereby declared to be restored to all its corporate rights, powers, privileges and franchises as fully as if said proclamation of May 2d, 1900, had not been issued and published as aforesaid.

And I do further direct that this proclamation be filed in the office of Secretary of State of the State of New Jersey.

In witness whereof I have hereunto set my hand and caused the great seal of the said State of [SEAL.] New Jersey to be hereto affixed, at the city of Trenton, this twenty-ninth day of June, A. D. 1900.

FOSTER M. VOORHEES,
Governor.

By the Governor:
GEORGE WURTS,
Secretary of State.

PROCLAMATION.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, William D. Daly was, at the general election held on the Tuesday next after the first Monday in November, in the year eighteen hundred and ninety-eight, elected by the voters of the Seventh Congressional District to represent this State in the House of Representatives of the United States, and subsequently duly qualified himself as such Representative; and after such election and qualification, to wit, on the thirtieth day of July, nineteen hundred, departed this life, thereby causing a vacancy to exist in the representation of this State in the House of Representatives of the United States;

Therefore, I, FOSTER M. VOORHEES, Governor of the State of New Jersey, pursuant to law, do hereby issue this my proclamation directing that an election be held

according to law in said Congressional District, on Tuesday, the sixth day of November next, ensuing the date hereof, for the purpose of electing a member of the House of Representatives to fill the vacancy caused by the death of the said William D. Daly.

Given under my hand and the great seal of the State of New Jersey, at Trenton, the twenty-seventh day of September, in the year of our [SEAL.] Lord nineteen hundred, and of the independency of the United States the one hundred and twenty-fifth.

FOSTER M. VOORHEES,
Governor.

By the Governor:

GEORGE WURTS,
Secretary of State.

PROCLAMATION.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, William M. Johnson was, at the general election held on the Tuesday next after the first Monday in November, in the year eighteen hundred and ninety-eight, elected by the voters of the county of Bergen to represent the said county in the Senate of this State, and subsequently duly qualified himself as such Senator; and after such election and qualification, to wit, on the twenty-third day of August, nineteen hundred, he resigned the said office of Senator, thereby causing a vacancy to exist in the Senate of this State;

Therefore, I, FOSTER M. VOORHEES, Governor of the State of New Jersey, pursuant to law, do hereby issue this my proclamation directing that an election be held according to law in said county, on Tuesday, the sixth day of November next ensuing the date hereof, for the

purpose of electing a Senator for said county to fill the vacancy caused by the resignation of the said William M. Johnson.

Given under my hand and the great seal of the State of New Jersey, at Trenton, the twentieth day of October, in the year of our Lord nineteen [SEAL.] hundred, and of the independency of the United States the one hundred and twenty-fifth.

FOSTER M. VOORHEES,
Governor.

By the Governor:
GEORGE WURTS,
Secretary of State.

PROCLAMATION.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, Allan L. McDermott was, at the general election held on the Tuesday next after the first Monday in November, in the year eighteen hundred and ninety-eight, elected by the voters of the county of Hudson to represent said county in the Senate of this State, and subsequently duly qualified himself as such Senator; and after such election and qualification, to wit, on the fifteenth day of September, nineteen hundred, he resigned the said office of Senator, thereby causing a vacancy to exist in the Senate of this State;

Therefore, I, FOSTER M. VOORHEES, Governor of the State of New Jersey, pursuant to law, do hereby issue this my proclamation directing that an election be held according to law in said county, on Tuesday, the sixth day of November next ensuing the date hereof, for the purpose of electing a Senator for said county to fill the vacancy caused by the resignation of the said Allan L. McDermott.

Given under my hand and the great seal of the State of New Jersey, at Trenton, the twentieth day of October, in the year of our Lord nineteen hundred, and of the independency of the United States the one hundred and twenty-fifth.

[SEAL.]

FOSTER M. VOORHEES,
Governor.

By the Governor:
GEORGE WURTS,
Secretary of State.

THANKSGIVING PROCLAMATION.

The century draws near to its close. We await the beginning of the era to come.

As a people we have been blessed. We have been guided with safety through imminent peril. We have found strength in times of trial. We have averted dangers that threatened. Governments have come and gone since the morning of its birth, yet our nation still lives. Our people have grown in power and in influence; they have increased in knowledge and in happiness; they yield to none in comforts enjoyed; their toil is rewarded; opportunity is not withheld; they are better in thought and in deed; the claims of fellow-man are respected; for the poor, the unfortunate and the dependent there is a deeper regard; the Christian spirit more abounds; all have been blessed in mind, in body and in store.

The watchful care and guiding hand of the Wise Ruler of nations have attended us. His mercies and blessings have not been withheld in the year that ends the century. For those of the past and for those which we now enjoy, we should give thanks and praise to the Giver of every good and perfect gift.

Therefore, I, FOSTER M. VOORHEES, Governor of the State of New Jersey, do hereby designate Thursday, the

twenty-ninth day of November instant, for public thanksgiving and praise. I do recommend to the people of this State that they then abstain, so 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 His mercy, and to invoke His continued favor in behalf of our nation, our State and people.

Given under my hand and the privy seal at the Executive Chambers, in the city of Trenton, on the thirteenth day of November, in the year of [SEAL.] our Lord one thousand nine hundred, and of the independence of the United States the one hundred and twenty-fifth.

FOSTER M. VOORHEES,
Governor.

Attest:
HOBART TUTTLE,
Private Secretary.

PROCLAMATION BY THE GOVERNOR.

It is my painful duty to announce to the people of this State the sad intelligence of the death of ex-Governor George C. Ludlow, on the 18th day of December, 1900.

Justice Ludlow was born at Milford, Hunterdon county, April 6th, 1830, of ancestry distinguished in the history of our State. At an early age he removed to New Brunswick, where he lived and died.

The law was his chosen profession. He entered public life as city counsel. Later he became President of the Board of Education of New Brunswick, and served also as a member of the Board of Freeholders of Middlesex county.

He was elected State Senator in 1876, and in 1878 served as President of the Senate with distinction.

He was chosen Governor in 1880, and appointed a Justice of the Supreme Court, June 13th, 1895, in which capacity he continued to serve until the day of his death.

He was a good citizen and a just one. His conduct in public station and in private life won from all a deep regard and respect. His sense of duty was strict and he was faithful to the interests of the people whom he served so long and so well. His judgment was broad, his integrity unswerving, and his character fearless and independent.

On the taking away of so eminent a citizen and so worthy an official, it is meet that due respect be paid to his memory;

Therefore, I, FOSTER M. VOORHEES, Governor of the State of New Jersey, do hereby direct that all the public buildings be draped in mourning for the period of thirty days, and that until the day succeeding the funeral obsequies, the flags thereon be placed at half-staff, and during the funeral services the public offices be closed and the proper salute be fired.

In witness whereof I have hereunto set my hand and caused the privy seal of the State to be hereunto affixed, at Trenton, this nineteenth day [SEAL.] of December, in the year of our Lord one thousand nine hundred.

FOSTER M. VOORHEES,
Governor.

Attest:
HOBART TUTTLE,
Private Secretary.

PROCLAMATION.

WHEREAS, The Comptroller did, on the twenty-first day of January, 1901, 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 the two years next preceding such report, failed, neglected or refused to pay the State taxes which had been assessed against them for the year 1898 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 1898.

A. Ashfield Baker Company,
A. A. Zimmerman Manufacturing Company,
Absorbent Fibre Co.,
Acetylene Gas Construction Company,
Acetylene Gas Light Company of Merchantville, New Jersey,
Adams Nomatch Light Company,
Admiralty Island Alaska Gold Mining and Development Company,
Adrian Box Company of New Jersey,
Advertisers Cellutype Company,
Aetna Advertising Agency,
Agricultural Development Company,

A. J. McIntosh Manufacturing Company,
Alaska Gold Prospecting and Commercial Association,
Alaska and Greater New York Mining and Trading Company,
Alaska and Klondike Gold Mining and Prospecting Co.,
Alaska and Klondyke Consolidated Gold Mining Company,
Alaska Klondyke Promoting Association,
Alaskan and Dominion Construction and Development Company,
Albert A. Cryer Company,
Allen Manufacturing Company,
Allied Press,
Alphonso Mining and Milling Company,
Amazonas Company,
American Aerial Navigation Company,
American Air Motor Company,
American Association for the Advancement of Education,
American Bottle Company,
American Concrete Construction Company,
American Creditors Alliance,
American Cryptograph Company,
American Drug and Chemical Company,
American Electric Forge Company,
American Electric Traction Company,
American Extractor Company,
American Fire-Resisting Paint Company,
American Fuel Economizer and Engineering Company,
American Gas Engine Company,
American Introduction Company,
American Kneipp Cure Company,
American Lasting Machine Company,
American Lighting Company,
American Manufacturing and Metal Company,
American Medical Service and Burial Company,
American Planter Company,
American Power Company,

American Printing Ink Company,
American Protective Company,
American Stave and Cooperage Company,
American Stock Yards Abattoir and Cold Storage Company,
American Stomatine Company,
American Trunk Hardware Company,
American Type Telegraph,
American Water and Gas Corporation,
Anton Reznicek Company,
Antrim Association of America,
Appalachia Mines Company,
Argil Company,
Arizona Onyx Company,
A. R. King Manufacturing Company,
A. R. Taylor Company,
Art Trades Publishing and Printing Company,
Asbury-Paine Manufacturing Company,
Asbury Park and Belmar Street Railway Company,
Associated Dentists of Philadelphia,
Associated Manufacturers Trades Special,
Astor Building Company,
Atlantic Amusement Company,
Atlantic City Light, Heat and Power Company,
Atlantic City and Pleasantville Bicycle Track Company,
Atlantic Coast Glass Company,
Atlantic Fish Company,
Atlantic and Lake Nicaragua Railroad and Navigation Company,
Atlantic Refrigerating Company,
Atlantic Roofing Company,
Audubon Manufacturing Company,
Auerback-Woolverton Electric Company,
Auto Electric Car Lighting Company,
Automatic Cycle Fittings Company,
Automatic Fire Detector Company,
Bacheller, Baldwin & Company,
Bangor Royal Slate Mining and Manufacturing Company
Baoba Blue Stone Company,

Bard Cycle Company,
Barnard Engineering Company,
Basking Ridge Land and Improvement Company,
Bayonne Tool Works,
Bayvelgere Cycle Company,
Beach Front Land Company,
Beacon Lithographic Company,
Beet Sugar Manufacturing and Development Company,
Beinecke & Company,
Belknap Machine Addressing and Mailing Company of Penna.,
Belvidere Roller Mill Company,
Benke Manufacturing Company,
Bergen Coal Company,
Bergen Manufacturing Company,
Berjah Invention and Introduction Company,
Berkshire Printing and Engraving Company,
Berry-Kellner-Corbett Company,
Berry & Pierce Company,
Bevan Brothers Furniture Company,
Bicycle Protective Association,
Bicycle Replacement Company,
Bicycle Supply Company,
Binder Cooperage Company,
Bird Manufacturing Company,
Bismarck Metallic Bung Company,
Blauvelt Cycle Company,
Bornn & Company,
Brandywine Sand Company,
Brasseur Company,
Brewer Pottery Company,
Brewers and Distillers Mercantile Agency of America,
Bronx Chemical Company,
Brooks Shoe Manufacturing Company,
Bruckner Smoke Consumer Manufacturing Company,
Buckley Automatic Car Coupling and Brake Company,
Buell Mining Company,
Buffington Light Company,

Building Societies Investment and Publishing Company,
Burgess Light and Fuel Company,
Butler Publishing Company,
Caldwell Land Company,
Camden Fuel Gas Generator Company,
Camden Ice Manufacturing Company,
Camden Post Printing and Publishing Company,
Camden Thread Company,
Capella Silk Company,
Cape May City Athletic Club,
Cape May Court House Water Company,
Capital Binder Company,
Captain Jack Crawford Alaska Prospecting and Mining Corporation,
Caracas Electric Light, Heat and Power Company,
Carr-Curran Paper Mills,
Carriage Specialty Company,
Carteret Improvement Company,
Carthage Brown Stone Company,
Cassidy Cure Company,
Celluloid Emery Wheel Company,
Central Realty Company,
Champion Bicycle Hanger Company,
Chappaqua Crystal Water Company,
Charles Ackerman & Company,
Church Machinery Company,
Church Saddle Company,
Citizens Coal Company of New Jersey,
Clinton Terrace Land and Improvement Company,
Clover Hill Coal and Land Company,
Clover Manufacturing Company,
C. L. Wright & Company,
Coenens Malt and Coffee Roasting Company,
Columbia Bottlers Supply Company,
Columbia Gas Illuminating Company,
Columbia Gold Mining and Developing Company,
Columbia Metallic Cushion Company,
Columbia Motor Manufacturing Company,
Columbian Secret Service Bureau,
Columbus Building Company, Limited,

Commercial Travelers Benefit Association,
Commonwealth Electric Construction Company,
Conant Manufacturing Company,
Coney Island and Manhattan Beach Excursion Company,
Conley Open Hearth Steel Furnace Company,
Conner Elevator Safety Appliance Company,
Consolidated Acetylene Machine Company of New Jersey,
Consolidated Gold Fields of the Black Hills,
Consolidated Mining and Development Company,
Consolidated Roller Bearing Company,
Consolidated Telephone and Telegraph Company,
Continental Co-operative Mining Company,
Continental Lighting Company,
Copper River Mining and Development Company,
Cornelius & Rowland Company,
Corporation Bureau of New Jersey,
Cortland Condensed Milk Company,
Cosmopolitan Manufacturing Concern,
Cottrell Manufacturing Company,
Courier Publishing Company,
Cramer Hill Ferry Company,
Crandall Bicycle Attachment Company,
Cranford Mutual Telephone Company,
Creamery Construction Company,
Crescent Crucible Company,
Crystal Bottle Sealing Company,
C. S. Swallow Company,
Cullen Brothers & Lewis Steel Company,
Cycle Danger Signal Company,
Cyclist Indemnity Company,
Cyclone Street Sweeping Machine Company,
Daily Investment News Company,
Daisy Fly Plate Company,
D. A. Lindsay Company,
Dayton Pressed Brick Company of Dayton, Ohio,
Dehamme-Delettre Brush Company,
De La Vergne Bottle and Seal Company,
Delaware County Gas Manufacturing Company,
Delaware Hard Vein Slate Company,

Delaware River Rapid Transit Company,
Delaware River Stone Company,
Diebold-Mosler-Damon Company,
D. M. Crosby & Company,
Dodd's Advertising and Checking Agency,
Donally Manufacturing Company,
Dover Gas Light, Heat and Power Company,
D. V. Martin Company,
Eagle Tail Mining and Milling Company,
E. Alsdorf Company,
E. Alter Jewelry and Optical Company,
East Merchantville Land Company,
Eastern Chromate Company,
Eastern Press Association,
Eastern Ripley Brom Lithia Company,
Eclipse Stencil Machine Company,
Eclipse Switch and Signal Company,
Economic Incandescent Gas Light Company,
Eden Mills Paper Company,
Edgemont and Union Hill Smelting Company,
Edgewater Coal Company,
E. F. Church Company,
Egg Harbor Woven Label Company,
Electric Portable Lamp Company,
Electrical Appliance Company (No. 1),
Electrical Appliance Company (No. 2),
Electrical Novelty Company,
Electro Bicycle Lamp Corporation,
Electro Chemical Reduction Company,
Elephant Bazaar Company,
Elevator Barge Company,
Elkanah Drake Company,
Elk Shirt Company,
Empire Pure Water Supply Company of New Jersey,
Empire Self-Lighting Oil Lamp Company,
E. M. Roche Novelty Company,
Equitable Brokerage and Investment Company,
Esperanza and Francisca Mining Company,
E. S. Reeve Boot and Shoe Company,
Essex County Realty Company,
Essex Glass Company,

Essex-Hudson Light and Heat Company,
Essex Land Company,
Everard Steamboat Company,
Excelsior Gold Mining Company,
Excelsior Slate Company,
Fahrig Bleaching and Refining Compound Company,
Fahrig Chemical Company,
Fairhill Home Outfitting Company,
Fairmount Park and Beach Company,
Fairview Hall Association,
Farmers Supply Company,
Farmingdale Improvement Company,
F. B. Salisbury Company,
Fidelity Improvement Company,
Fifth Avenue Opera Company,
Finance Corporation,
Financial and Commercial Company,
F. M. Jobson Company,
Forbesdale Land and Improvement Company of the City of Perth Amboy, N. J.,
Forestwood Pottery Company,
Forster Manufacturing Company,
Fortuna Mining Company,
"Forty-nine" Mining Company,
Franco-American Casting Company,
Franklin Telephone and Electric Company,
Free Postage Company,
Freight Shippers Association,
Fulton Real Estate Company,
Garden and Forest Publishing Company,
General Equipment and Engineering Company,
General News Company,
George H. Regar Company,
George P. Steel Iron Company,
George Washington Manufacturing Company,
George W. Downs Paper Mills,
German-American Horse Export Company,
Germania Rubber Company of Trenton, N. J.,
Gibbon's Superheating Company,
Gibbs & Williams Company,
Gilbert-Arnold Land Company,

Globe Caster Company,
Globe Electric Heating Company,
Goat Hill Quarry and Construction Company,
Goff Arc Lamp Manufacturing Company,
Goff Fuel Saving Company,
Golden Dream Consolidated Mining Company,
Golden Rod Silk Company,
Golden Seal Gold Dredging Company of B. C.,
Gold King Mining and Milling Company,
Gold Saver Mill Company,
Graham Manufacturing Company,
Grand Valley Canning Company,
Greason Manufacturing Company,
Greene County Coal Company,
Greenwood Lake Steamboat Company,
Groel & Nugent Company,
Groeschel Brothers Company,
Growers and Consumers Basket Company,
Gulf Commercial Company,
Gulf Red Cypress Lumber Company,
Hackettstown Manufacturing Company,
Haines Electric Company,
Hall Needle Company,
Hallowell House Heating Company,
Hamilton Company,
Hamilton Metallic Bung Company,
Hanover Construction Company,
Hardware Manufacturing and Export Company,
Harry W. Volkmar Company,
Hartmann Lignosulfit Company,
Havens Machinist and Plumbing Company,
Health Shoe Company,
Hecla Company,
Helios Carbide Specialty Company,
Hendrickson Manufacturing Company,
Herbert Booth, King & Brother Publishing Company,
Hercules Pressed Brick Company,
Herring-Hall-Marvin Company,
Highland Beach Improvement Company,
Highland Beach Land, Building and Improvement Company of New Jersey,

Highland Lumber Company,
Highlands Water and Light Company,
Hingher Manufacturing Company,
Holdfast Nut Company,
Home Queen Publishing Company,
Home Supply Company (No. 2),
Home Telephone Company,
Hondur American Improvement Company,
Hotel Brunswick Company of Lake Hopatcong, New Jersey,
Howard Chainless Cycle Company,
Howland Chemical Company,
Hoyt Brothers Company,
Hurtzig, Fleming & Company,
Hydraulic Construction Company,
Hygienic Food Company,
Illustrated American,
Imperial Electric Company,
Imperial Prospecting and Developing Company,
Improved Nozzle Manufacturing Company,
Industrial Chemical Company,
Interlaken Inn and Sanatorium Company,
International Artillery Range Finder and Relocator Company,
Internationl Cyanide Company,
International Homestead Company,
International Sanatory Company,
International Transportation Bureau, Limited,
International Underground Electric Company,
Inter State Construction Company,
Inter-State Improvement Company,
Inter-State Investment Company,
Iowa Creamery Company,
James H. Mason Company,
Jersey Lightning Extinguisher Company,
Jersey Wheel Company,
John Pettit Realty Company,
John R. Anderson Company,
Joseph P. Murphy Company,
Julius Fehr Company,
Katie Emmet Amusement Company,

Kees-James Harness Company,
Kentucky Chemical Company,
Keystone Air Chamber and Refrigerator Company,
Keystone Oil and Refining Company,
Keystone Textile Mills Company,
Kings County Furniture Company,
Kinsey and Champlin Drug Company,
Kio Manufacturing Company,
Klondike-Alaska Gold Company,
Klondike Snow Locomotive Company,
Klondike and St. Elias Alps Prospecting and Mining Company,
Klondyke Mining and Investment Company,
Klondyke, Yukon and Northwestern Gold Mining and Development Company,
Kluenter Furniture Company,
Knickerbocker Building, Land Improvement and Mining Company,
Knickerbocker Construction Company,
Knickerbocker Hall Company,
Knickerbocker Silk Company,
Knight Asbestos Manufacturing Company,
La America Latina Publishing Company,
La Gloria Mining Company,
La Panza Gold Mining Company,
La Providencia Mining and Milling Company of Mexico,
Ladies Gazette Publishing Company,
Lake Dorr Improvement Company,
Lawrence Mining Company,
Lawyers Realty and Collection Company,
L. D. Frenot Nut Lock Company of the United States of America,
Leonia Company,
Leo Stern & Company,
Liberty Rubber Shoe Company,
Liebler & Miner Company,
Liebmann Company,
Lincoln Park and Steamboat Company,
Lock Sprocket Company,
Long Key Cocoanut Company,

Lovett Company,
Lumberman's Review Publishing Company,
Lyon Dickey Company,
Lyons Silk Company,
Malt Food Company,
Manhattan-Alaskan Trading and Mining Company,
Manhattan Manufacturing Company, Limited,
Manhattan Material Company,
Manhattan Wine Importing Company,
Mannesmann Cycle Tube Works,
Maritime Company,
Marsh Bog Cranberry Company,
Martini Manufacturing Company,
Max Williams Company,
Maywood Real Estate Company,
McCape Manufacturing Company,
McMunn & Barclay Silk Manufacturing Company,
Mead Manufacturing Company,
Mead & Shaw Manufacturing Company,
Medical Aid and Funeral Supply Company,
Medico-Electrical Appliance Company,
Meloharp Company,
Mercantile Premium Company,
Merchants Coupon Exchange Company,
Merchants Interstate Discount League,
Meriden Spring Hinge Company,
Mesinger Bicycle Saddle Company,
Metropolitan Correspondence College,
Metropolitan Real Estate and Improvement Company,
Metuchen Publishing Company,
Mexican Welsbach Light Company,
Milliners Guide Publishing Company,
Mollinger Medicine Company,
Monarch Cigarette Company,
Monmouth Specialty Company,
Monon Improvement Company,
Montgomery Gold Mining and Development Company,
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Pleasant Home Company,
Plymouth Amusement Company,
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Richland Improvement Company,
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Rochester Lamp Company,
Rockdale Park Improvement Company,
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Ruether Clothing Company,
Saddlery Hardware Manufacturing Company,
Safety Third Rail Electric Company,
Salvador Mining and Milling Company,
Sampolo Company,
Sandford Clark Company,
San Juan Canning Company,
San Pedro Mining Company,
Saxonia Brewing Company,
Sayre Machine Company,
Scenic Railway Company of Atlantic City, N. J.,
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Schloerb Chair and Furniture Manufacturing Company,
Schrader Improved Quilling Machine Company,
Schroeder Gas Company,
Seacoast Electric Light and Power Company,
Seaside Amusement Company,
Seide, Wall & Henchy,
Severy Impression Process Company of New York,
Sherman Company,

Shippers Warehouse Company,
Short Line Improvement Company,
Shuttleworth Electric Company,
Siddall Contracting Company,
Simon Blaut Company,
Sir Richard Arkwright & Company, Limited,
Smith Mercantile Company,
Snedeker & Boynton Company,
Snyder Pharmacal Company,
Snyder Pharmacal and Extract Company,
Solenoid Company,
Somerville Publishing Company,
South Amboy Marginal Railway, Dock and Ferry Company,
South Easton Wire Nail Company,
South Jersey Land and Transportation Company,
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Southern Electric Light and Power Company,
Southern Guarantee and Brokerage Company,
Southern Oil Company,
Spartan Plaster and Cement Company,
Specialty Fixture Company,
Speer Electric Transit Company,
Spring Lake Supply Company,
Standard Casket Company,
Standard Construction Company,
Standard Development Company,
Standard Foundry Supply Company,
Standard Gold Recovery Company,
Standard Sash and Door Company,
Standard Steel Shade Roller Company,
Star Commercial Company,
Star-Lighthouse Consolidated Globe and Chimney Company,
Staten Island and Elizabeth Ferry Company,
Staten Island Opera House Company,
Sterling Machine Tool Company of New York,
St. Louis Shoe Company,
Stodder Punctureless Tire Company,
Sucrose Company,
Superior Fast Black and Chemical Company,

Taylor Company,
Technic Electrical Works,
Tellmic Manufacturing Company,
Temple Amusement Company,
Texas Siftings Company,
Tiger Cycle Company,
Totowa Mining Company,
Township Water Works Company,
Trackless Door Hanger Company,
Traders and Travelers Protective League,
Transit Equipment Company,
Travelers Company,
Trenton Floral Company,
Trenton Manufacturing Site Company,
Trenton Side-Dumping Wagon Company,
Tucker Press,
Twitchell Bottle Stopper Company,
Tyler Manufacturing Company,
Union Fruit Basket and Carrier Company,
Union Metallic Rod and Flange Packing Company,
Union Telephone and Telegraph Company,
United Fuel Gas Generator Company,
United Mines and Trading Company,
United Railway Supply Company,
United Refiners Export Oil Company,
United Securities Company,
United States Adding Machine Company,
United States Air Refrigerating and Power Company,
United States, British Columbia and Klondike Mining and Development Company,
United States Concrete and Paving Company,
United States Cotton Compress Company,
United States Cycle Fittings Company,
United States Filtering and Purifying Company,
United States Manufacturing and Retailing Company,
United States Mercantile Company,
United States Nut and Bolt Company,
United States Pneumatic Dispatch Company,
United States Poultry Company,

United States Stock and Grain Company,
United States Time and Weather Service Company of Philadelphia,
Universal Heating, Lighting and Power Company,
Vernon Manufacturing Company,
Vitascope Company,
V. R. Schenck Company,
Wakefield Box and Paper Company,
Waldshloss Brewing Company,
Walker Construction and Engineering Company,
Walsh Packing Company,
Waring-Prindle Pump Company,
Watch Hill Hotel and Cottage Company,
W. C. Boone Manufacturing Company,
Weaver Cycle Material Company,
Webster Car Fender Company,
Western Associated Press,
Western Sanitary Ware Company,
Westfield Improvement Company,
Westmoreland Hotel Company,
West Park Ice Palace and Amusement Company,
Wheeling and Lake Erie Railway Coal Company,
Whiffen-Lake Lasting Machine Company,
Whiffen Lasting Machine Company,
Whiting Brothers,
Wholesalers and Retailers Commercial Exchange and Purchasing Agency Association,
Wigwam Publishing Company,
Wilkinson Matchless Mineral Water Company,
William Ottman & Company,
W. M. Cathrall, Incorporated,
Wm. Smith's Sons Company,
Wolf Run Mining and Manufacturing Company,
Worcester Hygiene Ice Company,
Wright Smith Silk Mfg. Company,
Wyoming Oil Syndicate,
Yukon Klondyke Gold Mining and Trading Company,
Yukon Railway Company,
Zelienople Extension Company,

are void, and all powers conferred by law upon such

corporations and each of them, are hereby declared inoperative and void.

And I direct that this proclamation shall be filed in the office of the Secretary of State and be published for one week in the following newspapers, namely: "The Jersey City Journal," of Jersey City; "The Newark News," of Newark; "The Freie Zeitung," of Newark; "The Newark Daily Advertiser," of Newark; "The Paterson Morning Call," of Paterson; "The State Gazette," of Trenton; "The True American," of Trenton; "The Camden Post-Telegraph," of Camden.

In witness whereof I have hereunto set my hand and caused the great seal of the State to be [SEAL.] affixed, at Trenton, this fourteenth day of March, nineteen hundred and one.

FOSTER M. VOORHEES,
Governor.

By the Governor:
GEORGE WURTS,
Secretary of State.

PROCLAMATION.

WHEREAS, on the 31st day of May, 1898, under an act to repeal the charters of all corporations that have heretofore failed to pay State taxes imposed on them by law, approved March 26th, 1891, I did issue my proclamation on that date that the charters of certain corporations reported to me by the Comptroller as in default in the payment of taxes imposed on them by law, were repealed and declared null and void;

AND WHEREAS, it is established to my satisfaction that the Mountain Water Company, one of the corporations named in said proclamation, did not refuse or neglect to pay said tax within two consecutive years after the date of the levy thereof;

Now, therefore, in pursuance of Section 2 of an act of the legislature of this State, entitled, "An act to amend an act concerning corporations, approved April

7, 1875, which amendatory act was approved March 20, 1891," approved March 13, A. D. 1893;

I, FOSTER M. VOORHEES, Governor of the State of New Jersey, do hereby correct the mistake of including the said Mountain Water Company in said proclamation, and do make the same known in this my proclamation to be filed in the office of the Secretary of State.

In witness whereof I have hereunto set my hand and caused the great seal of the State to be affixed [SEAL.] this twenty-ninth day of March, one thousand nine hundred and one.

FOSTER M. VOORHEES,
Governor.

By the Governor,
GEORGE WURTS,
Secretary of State.

PROCLAMATION.

WHEREAS, on the 31st day of May, 1898, under an act to repeal the charters of all corporations that have heretofore failed to pay State taxes imposed on them by law, approved March 26th, 1891, I did issue my proclamation on that date that the charters of certain corporations reported to me by the Comptroller as in default in the payment of taxes imposed on them by law, were repealed and declared null and void;

AND WHEREAS, it is established to my satisfaction that the Commonwealth Water Company, one of the corporations named in said proclamation, did not refuse or neglect to pay said tax within two consecutive years after the date of the levy thereof;

Now, therefore, in pursuance of Section 2 of an act of the legislature of this State, entitled, "An act to amend an act concerning corporations, approved April 7, 1875, which amendatory act was approved March 20, 1891," approved March 13, 1893;

I, FOSTER M. VOORHEES, Governor of the State of New Jersey, do hereby correct the mistake of including

the said Commonwealth Water Company in said proclamation, and do make the same known in this my proclamation to be filed in the office of the Secretary of State.

In witness whereof I have hereunto set my hand and caused the great seal of the State to be affixed [SEAL.] this twenty-ninth day of March, one thousand nine hundred and one.

FOSTER M. VOORHEES,
Governor.

By the Governor,
GEORGE WURTS,
Secretary of State.

DECREE OF DISSOLUTION.

(509)

DECREE OF DISSOLUTION.

IN CHANCERY OF NEW JERSEY.

BETWEEN LYONS M. MUSSINA, *Complainant,* *and* KOLBE, BAKER AND COMPANY, *Defendant.*	On Bill, &c. Order of Distribution.

This matter being opened to the Court by Charles V. D. Joline, Receiver in the above-stated cause, and it appearing that by order of this Court, made on the fourteenth day of August last past, the said Receiver had in his hands for distribution the sum of two thousand and six dollars and eighty-eight cents; and it further appearing that, since said date he has received the sum of twenty dollars, and that he has paid out the sum of one dollar and seventy-five cents, thus leaving in his hands for distribution, at this time, the sum of two thousand and twenty-five dollars and thirteen cents; and it further appearing that at said time the said matter was continued until the first day of October instant, and it further appearing that the taxes due the State of New Jersey for the years eighteen hundred and ninety-eight, eighteen hundred and ninety-nine and nineteen hundred, are a first lien on the said fund after the payment of the costs of said receivership, and it further appearing that the claims of John Kerns, Frank Groff and Lyons M. Mussina (hereinafter named) are a second lien:

It is on this first day of October, nineteen hundred, on motion of Charles V. D. Joline, said Receiver, ordered that out of the funds in his hands for distribution, he first pay to himself for his services as

said Receiver, the sum of five hundred dollars, together with his taxed costs; that he then pay to John G. Horner, the solicitor of the complainant, the sum of fifty dollars, together with his taxed costs; that he then pay to the State of New Jersey the taxes for the years eighteen hundred and ninety-eight, eighteen hundred and ninety-nine, and nineteen hundred, assessed against said company; and that he then pay to John Kerns the sum of thirteen dollars, to Frank Groff the sum of seven dollars, to Lyons M. Mussina the sum of one hundred and twenty-one dollars and ninety-eight cents; and that, out of the residue remaining in his hands, he pay to the creditors of said company, who have proved their claims, the amount thereof pro rata.

And it appearing to the Court that the complainant's bill has heretofore been duly taken as confessed as against the defendant corporation, Kolbe, Baker and Company, and that said corporation was incorporated under the laws of this State, and no cause appearing to the contrary, it is further ordered, adjudged and decreed that said Kolbe, Baker and Company be and the same is hereby dissolved as a body corporate and the charter thereof is hereby declared forfeited and void; and it is further ordered that a copy of this decree be filed forthwith in the office of the Secretary of State of this State, as required by law.

Respectfully advised,

W. J. MAGIE, *C.*

ALFRED REED, *V. C.*

A true copy.

L. A. THOMPSON,
Clerk.

Endorsed: "Filed Nov. 21, 1900, George Wurts, Secretary of State."

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