ACTS

OF THE

One Hundred and Twenty-Ninth Legislature

OF THE

STATE OF NEW JERSEY

AND

Sixty-First Under the New Constitution.



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

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

S. D. DICKINSON,
Secretary of State.

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One Hundred and Twenty-ninth Legislature

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*Died January 8 1905. †Died December 2, 1904. ‡Elected February 7, 1905, to fill vacancy.

New Jersey State Library

LAWS.

(9)

ACTS

PASSED BY THE

One Hundred and Twenty-Ninth Legislature.

CHAPTER 1.

A Further Supplement to an act entitled "An act to regulate elections" (Revision of 1898) approved April fourth, one thousand eight hundred and ninety-eight.

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

Nomination to fill vacancy in Legislature.

1. That whenever a writ of election shall be issued by either the senate or house of general assembly of the state of New Jersey for the purpose of filling vacancies which shall arise from the death, resignation or otherwise of any member of either of said bodies that the political parties of the county to which such writ of election shall be directed may nominate candidates for the office in which such vacancy has occurred, in such manner and under such regulations as shall be provided by the county committee of the respective political parties.

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

JOSEPH CROSS,
President of the Senate.

JOHN BOYD AVIS,
Speaker of the House of Assembly.

Approved January 20th, 1905.

EDWARD C. STOKES,
Governor.

CHAPTER 2.

A Further Supplement to an act entitled "An act to regulate elections" (Revision of 1898) approved April fourth, eighteen hundred and ninety-eight.

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

Advertising writ of election to fill vacancy in Legislature.

1. That whenever a writ of election shall be issued by either the senate or house of general assembly of the state of New Jersey for the purpose of filling vacancies which shall arise from the death, resignation or otherwise of any member of either of said bodies the advertising of the writ of election in at least four newspapers, if so many there be in said county, said advertising shall be published as nearly as may be equally in newspapers of the different political parties so as to afford the widest possible information to all voters of every political party, and shall be published as often as required by the writ of election, shall constitute a sufficient notice of the holding of such election to the legal voters therein. The convention or body making

Nomination certified.

such nomination shall certify to the clerk of the county the name of the person or persons selected as a candidate under the hand of the presiding officer of the convention or other body making such nomination together with an acceptance of such nomination signed by the person selected as a candidate and such certificate of nomination and acceptance shall be filed with the clerk of the county six days before the time fixed by the writ for the holding of such election. The

Registration.

local boards of registry and election shall meet at the place where such election is to be held in the respective voting districts or precincts, on the Friday preceding the day set for the holding of such election at one o'clock in the afternoon and remain in session until eight o'clock in the evening for the purpose of revising and correcting the registers of voters by adding thereto the names of persons entitled to vote whose names do not appear thereon. The registers of voters used at the last preceding election shall be used at such special election. The clerk of the county in which

such election shall be called shall provide official ballots and envelopes of the same kind and under the same regulations as provided for in the law to which this is a supplement. The local boards of registry and election shall make return of the result of such election to the clerk of the county board of registry and election within twenty four hours after holding such election. The county board of registry and election shall meet on the Thursday following the holding of such election and shall canvass the vote and certify the result to the clerk of the county and the clerk of the county shall within three days after such election is held deliver a certificate of the determination of the county board of registry and election and the certificate appended thereto to the successful candidate and transmit another copy of the same to the secretary of state at Trenton. The clerk of the county shall issue to the successful candidate a certificate of election immediately after the vote shall be canvassed by the county board of registry and election. Official ballots shall be supplied to parties applying for them under the same conditions and regulations as provided in the act to which this is a supplement. Except as herein approved such special elections shall be conducted in the same manner and under the same conditions, restrictions and penalties as general elections for members of assembly.

Official ballots.

Returns.

Certificate of Election.

2. The members of the boards of registry of election shall each receive ten dollars and no more for all services rendered under the provisions of this act.

Compensation.

3. This act shall take effect immediately.

Approved January 25th, 1905.

CHAPTER 3.

An Act relative to the time of election and appointment and terms of office of officers elected or appointed in towns, townships, boroughs and other municipalities in this state.

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

Municipal and township election held in November.

1. Hereafter, in all towns, townships, boroughs and other municipalities 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 town, township, borough or other municipality, it being the intention hereby to consolidate the municipal or charter election in towns, townships, boroughs and other municipalities with the general or state election, *provided,* that nothing herein contained shall be construed to affect the election of any member of any board of education or school trustee.

Term of elective officers extended.

2. The term of office of every such elective officer (except justices of the peace) heretofore elected in any town, township, borough or other municipality, and holding office at the passage of this act, 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.

Appointed officers continued.

3. Every officer heretofore appointed or chosen by the township committee, mayor or other governing body of any town, township, borough or other municipality, 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 begins.

4. The terms of office of all officers (except justices of the peace) hereafter elected in any town, township, borough or other municipality 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 or chosen by the township committee, mayor or other governing body of any town, township, borough or other municpality, 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 township committee or other governing body of any town, township, borough or other municipality for a term of office to commence after the expiration of the term of any member of said township committee or other governing body, or by the mayor of any borough or other municipality, for a term of office to commence after the expiration of the term of said mayor.

Proviso.

Vacancies.

5. All vacancies in offices in any town, township, borough or other municipality of this state arising from or created by any other cause than expiration of term of office shall be filled for the unexpired term only.

Powers, duties, etc. continued.

6. The powers, duties and authorities 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.

Continuance 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 such 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 15th, 1905.

CHAPTER 4.

An Act concerning the levying of taxes in certain municipalities.

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

Annual tax levy made at November election. 1. In every municipality of this state where tax levies are raised or fixed by vote of the people at the local or charter elections, the said tax levies, for each annual tax levy for the succeeding taxing year, shall be hereafter voted for by the people 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 tax levy, shall be canvassed, and the result of any such election determined as now provided by law in the case of county officers, and certified to the clerk of such town, township, village or other municipality.

Moneys required. 2. It shall be lawful for the town council, township committee, trustees or other governing body of any such municipality to provide, by ordinance or resolution, at any time before July first next, for the moneys required to be raised for all lawful purposes, and placed in the tax levy for the year nineteen hundred and five;

Proviso. *provided,* that such appropriation or levy, for any item

or purpose, except for interest moneys on any outstanding municipal obligation or sinking fund purposes, shall not be more than fifteen per centum greater than any like appropriation for the preceding year, and shall be only for the same items or objects voted for by the people at the last charter or local election in such municipality.

3. This act shall take effect immediately.

Approved, February 15th, 1905.

CHAPTER 5.

A Supplement to "An act to prescribe the notice to be given of applications to the legislature for laws, when notice is required by the constitution," approved January twenty-sixth, eighteen hundred and seventy-six.

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

Giving notice of intention to repeal charter.

1. Of the intention to apply for the passage of a bill to repeal the charter of any corporation, or bill to repeal the charter and dispose of the property of any corporation, the public notice required by the first section of the act to which this is a supplement shall be given by publishing the same, in a daily newspaper published in Trenton, for at least six consecutive days prior to the introduction of such bill, and by serving a copy of the notice upon the president or secretary or a director or registered agent of the corporation, if such officer or agent can be found within this state, and if none of them can be found, then by personal service of such copy upon them or one of them out of this state, or by mailing a copy to them or one of them, directed to the residence or post-office address of such officer or agent, if known.

Repealer.

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

Approved, February 21st, 1905.

CHAPTER 6.

An Act respecting sheriffs in counties of the first class in this state, and providing salaries for such officers, and respecting the fees and duties of such sheriffs.

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

Fees, costs, etc., for sole use of county.

1. The fees, costs, allowances, percentages and all other perquisites and emoluments of whatever kind, which, by law, the sheriffs in counties of the first class in this state may receive for any official acts or services rendered by such sheriffs, or by any deputies, assistants or other person in their office or employment, for any acts done or services rendered in connection with said office of sheriff, shall continue to be payable, and shall be received and collected by the said sheriffs for the sole use of their respective counties, as public moneys belonging to the said counties, and shall be accounted for by said sheriffs and paid over as such in manner hereinafter provided.

Account kept and statement made by sheriff.

2. The said sheriffs shall respectively keep an account of all fees and moneys received by them pursuant to the provisions of this act, for the use of their respective counties, and shall, on or before the fifteenth day of each month, make a full and itemized statement and return, verified by oath, to the county collectors of their several counties, of the fees, costs, allowances, percentages and all perquisites of whatever kind received by them, or by any assistant or other person in their employment, for any acts done, or services rendered in connection with said offices, and all sums which may have been charged or taxed, or which have accrued or become payable for any such services during the month preceding the making of such statement; which statement shall be made under oath upon blanks containing a form of said statement, to be furnished to the said sheriffs by the county collectors, and shall be

filed in the offices of the county collectors, respectively, there to remain as public records; the said statement shall be forthwith audited by the county auditors or other proper county officers, and on or before the twentieth day of each month, the said sheriffs shall respectively pay over the amount of such fees and moneys to the county collectors of their respective counties, under penalty of one hundred dollars for each day's neglect to file such certificate or to pay over such moneys, to be recovered in the name of the board of chosen freeholders of such county where such default shall occur, for the use of said county, in an action upon contract in the supreme court, or in the circuit court of said county.

Statement filed and audited.

Moneys paid to collector.

3. The said sheriffs shall be personally liable to their respective counties for the payment of all such fees and costs, and for their own protection it shall be lawful for them to exact the payment of such fees and costs before receiving, filing or entering any paper, or executing writ, process, order or mandate, or performing any other services in their said offices for which costs, fees or compensation is allowed by law; and for convenience it shall be lawful for the said sheriffs to receive from suitors and their attorneys reasonable deposits of money in advance to answer such fees and costs, rendering an account thereof to the person making such deposit at least once in four months.

Sheriff's liability for fees, etc.

4. The said sheriffs in counties of the first class of this state shall be paid an annual salary of ten thousand dollars each, to be paid by the county collectors of their respective counties, in equal monthly payments, in full compensation for all services rendered by said sheriffs in lieu of all fees and other compensation whatever heretofore provided or allowed by law; said sheriffs shall select and employ the necessary deputies and assistants for said office, who shall receive such compensation as shall be approved by the boards of chosen freeholders of their respective counties, and who shall be paid monthly by the proper disbursing officers of the said counties on warrants authorized by the boards of chosen freeholders of their respective counties.

Annual salary of sheriffs.

Assistants.

All duties performed by incumbent.

5. No person hereafter elected to the office of sheriff in any county of the first class shall perform any of the duties of said office after he shall have ceased to hold said office by the expiration of the term for which he was elected, but all the duties of such office shall be performed by the person holding such office at the time when such duties are to be performed; whenever any person shall cease to hold the office of sheriff he shall deliver to his successor all process, orders, mandates and papers of every kind and nature whatosever remaining in his hands unexecuted, or unreturned, or otherwise outstanding, and also all moneys held by him; and all acts or duties which it would have been incumbent on the outgoing sheriff to perform had he not ceased to hold office shall be done and performed by his successor or successors.

Legality of all proceedings.

6. No writ, process, order, mandate, sale, deed or other paper shall abate, be delayed or otherwise become inoperative because of the expiration of the term of any sheriff hereafter to be elected in any county of the first class, but the same shall be valid and effectual in the hands of his successor or successors in office as fully and completely as if no succession in office had intervened, and the execution, sale, delivery and return thereof, as the case may be, shall operate and be effectual according to the tenor thereof the same as if remaining in the hands of the sheriff to whom the same was originally delivered.

Sheriff's liabilities.

7. Nothing in this act contained shall be held to abrogate, diminish or impair the duties or liabilities of any such sheriff; but he shall be and remain subject to all the duties, responsibilities and liabilities heretofore devolving upon him by law.

Repealer.

8. All acts and parts of acts inconsistent herewith are hereby repealed and this act shall take effect, so far as respects said offices, at the expiration of the terms of office of the present sheriffs of said counties respectively.

Approved, February 21st, 1905.

CHAPTER 7.

A Supplement to an act entitled "An act to incorporate the chosen freeholders in the respective counties of this state," approved April sixteenth, eighteen hundred and forty-six.

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

Vacancy in freeholders, how filled.

1. Whenever any vacancy occurs in the board of chosen freeholders of any county in this state by reason of the failure of any city or ward to elect a member to said board of chosen freeholders, or by reason of the death, resignation, removal, or other disqualification from any other cause of any member of said board, it shall be lawful for the governing body of such municipality to fill such vacancy until the next general election.

Repealer.

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

3. This act shall take effect immediately.

Approved February 21st, 1905.

CHAPTER 8.

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:*

Two years' extension.

1. Whenever the time limited for the completion of any railroad authorized to be constructed within this state, under any special or general act, has expired, or shall expire before the thirty-first day of December, one thousand nine hundred and five, such time shall

be and the same is hereby extended for the further period of two years from the passage of this act;

Proviso. *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

Proviso. 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.

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

Approved February 27th, 1905.

CHAPTER 9.

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 five.

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

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 fifteen 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. The Commander-in-chief is authorized and requested to make or cause to be made the following detail from the national guard, for the purposes aforesaid, to wit: Two companies of infantry from each regiment and two other companies of infantry, one from each brigade; the first troop of cavalry; the second battalion of naval reserves; the signal and telegraph corps and battery B field artillery; *provided,* that if any such company, battery or battalion, shall refuse to volunteer for such service as aforesaid, the Commander-in-chief is authorized and requested to detail or cause to be detailed any other company, battalion or battery that shall volunteer for such service.

State representation at inauguration of President.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved March 1st, 1905.

CHAPTER 10.

An Act authorizing boroughs to cause an extension or addition to be made to sewer and water systems, or either, by ordinance and providing for the issue of bonds to pay the costs thereof.

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

May extend sewer and water system.

1. Whenever a sewer and water system, or either, is owned and operated by any borough of this state, the council of said borough is hereby authorized to cause by ordinance such extension or addition to be made to said system, or either of them, as in the judgment of the said council may be deemed necessary for the public good; *provided, however,* that after the adoption of such ordinance no such extension or addition shall be actually made until a proposition for the issue of bonds to pay the cost of such extension or addition shall have been submitted to the voters of such borough and carried by a majority of the legal votes cast at such election.

Proviso.

2. This act shall take effect immediately.

Approved March 1, 1905.

CHAPTER 11.

An Act to incorporate Port Republic as a city and fix the boundaries thereof.

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

Boundaries.

1. All that portion of Atlantic county, in the state of New Jersey, formerly known as Port Republic, and a part of what is now Galloway township, and bounded

as follows: Beginning at a point in the center of Mattix's bridge and runs from thence north, seventy-nine degrees and thirty minutes west, in center of the county road leading from Absecon to Chestnut Neck to the intersection of said county road with the public road leading from Oceanville to Port Republic; thence (2) south, four degrees and thirty minutes west, down the center of said Port Republic road to the intersection of a wood road near the residence of Mark Strickland; thence (3) following the center of said wood road in a northwestwardly direction to the Pitney road; thence (4) in the center of said Pitney road south, fifteen degrees and forty-five minutes west, to the intersection of a road leading to the Moss Mill road opening near William Gold's residence; thence (5) westwardly up to middle of said road to the center of the Moss Mill road; thence (6) northwestwardly in the center of the Moss Mill road to the southwest corner of Charles Boling's farm; thence (7) north, twenty-one degrees and thirty minutes east, to a point in the center of the Egg Harbor City road, where the same intersects with the road leading to the Clark's Landing road (known as the Hay road); thence (8) northwestwardly in the center of the said Hay road to the center of the road leading to Weiss farm; thence (9) north, ninety-three degrees east, to a large pine tree at the intersection of the Clark's Landing road and the road leading to Benjamin Giberson's swamp; thence (10) up said Giberson's road in a northerly direction to the Otter pond; thence (11) down the middle of Big creek the several courses thereof to the middle of Mullica river, the division line between Burlington and Atlantic counties; thence (12) down the middle of said Mullica river following the division line between said counties to the center of the mouth of Nacott creek; thence (13) up the center of Nacott creek the several courses thereof to Beaver run; thence (14) up the middle of Beaver run to the center of Mattix's bridge, being the place of beginning, be and the same is hereby constituted a city of this state; and the inhabitants of this state residing within the limits aforesaid be and they are ordained, constituted and declared to be, from time to time forever hereafter,

Corporate name.

one body politic and corporate, in fact and in name, by the name of Port Republic.

2. This act shall take effect immediately.

Approved March 1st, 1905.

CHAPTER 12.

An Act to authorize the construction of a sewer for the state home for girls.

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

Sewer authorized.

1. The trustees of the state home for girls are hereby authorized and empowered to enter into an agreement with the city of Trenton for the construction of a sewer to connect said institution with the sewer system of the city of Trenton, said sewer to be partly constructed across lands of the state used and occupied by said home for girls, and said trustees are hereby empowered to expend for the purpose of constructing said sewer and connecting the institution therewith, such sum of money as shall be appropriated for that purpose by the present legislature.

2. This act shall take effect immediately.

Approved March 1, 1905.

CHAPTER 13.

An Act concerning the filling of vacancies in elective offices in towns and in cities of the third class.

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

Filling of vacancies by Council.

1. In all towns and cities of the third class in this state the common council, board of aldermen, or other governing body, shall have the power to fill vacancies in all elective offices, including any vacancy occurring or existing in any such common council, or board, or

body, and such officer so appointed or chosen to fill any such vacancy shall hold office until the first day of January next succeeding the next local or charter election in such city; and such vacancy shall be regularly filled for the unexpired term thereof, if any remain, at the next local or charter election held in such city in the same manner as before the passage of this act; if such vacancy occur at so short a period of time before the next annual election that such office cannot be duly filled at such election the common council, board of aldermen, or other governing body of such city, may fill such vacancy in the same manner as though the same had occurred immediately after said election, and the said vacancy shall be regularly filled at the next subsequent local or charter election in such city held thereafter; any person now holding any such elective office by virtue of any appointment made by any such common council to fill a vacancy regularly arising are hereby confirmed in such office and their title thereto is hereby validated.

2. This act shall take effect immediately.

Approved March 1st, 1905.

CHAPTER 14.

An Act for the regulation, protection and control of the planting, cultivating and the gathering or taking of oysters and clams on lands covered with water in Shark river, in the county of Monmouth.

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

Boundaries of Shark river clam and oyster district.

1. All the lands of the state of New Jersey covered with water in Shark river, in the county of Monmouth, within the following boundaries, to wit: Beginning at low-water mark at Pearch Point, in the township of Neptune, in said county; thence running in a straight line to Beckey's (or Buckey's) Point, in the township of Wall, in said county; thence up the shores at low-water mark (crossing the mouths of all brooks that empty into said river) as high up the said river as the tide flows, or as may be deemed suitable to the growth

of oysters and clams; thence beginning again at low-water mark at Pearch Point, in the township of Neptune aforesaid, and running thence in a straight line to Beckey's (or Buckey's) Point, in the township of Wall aforesaid; thence down the shores at low water and on a line with the east end of what was formerly known as James W. White's dwelling-house; thence northerly and on a straight line to a stake standing at low-water mark on the west side of Long Point, opposite Yellow Bank, in the township of Neptune; thence up the shore of said river at low-water mark to the beginning; also all that cove known as Mushquash cove, north of a line from what was formerly known as Doctor Miller's residence to Sedge island bar (all of which lands were formerly occupied by the county of Monmouth under the provisions of an act entitled "An act to authorize the planting of oysters on lands covered with water in Shark river, in the county of Monmouth, and for the protection of the same," approved March fourteenth, one thousand eight hundred and sixty-one, and the supplements and amendments thereto; which occupancy has expired by limitation), shall hereafter be known as the Shark river oyster and clam district, in the county of Monmouth, and shall be under the exclusive jurisdiction, regulation and control of an oyster and clam commissioner to be known as the oyster and clam commissioner of the district of Shark river, in the county of Monmouth; said commissioner shall be a citizen of the state of New Jersey and resident within the township of Neptune, or the township of Wall, in said county, and shall be appointed and commissioned by the governor of this state for the term of three years; he shall hold office until the appointment and qualification of his successor, and before entering upon his duties he shall file with the secretary of state an oath that he will faithfully discharge the duties of his office (which oath may be taken before any person authorized to take oaths and affirmations in this state), together with a bond, with good and sufficient surety, in the sum of one thousand dollars, conditioned for the faithful performance of his duties; which bond shall be first approved by the law judge of the county of Monmouth.

Commissioner.

Term, oath, bond.

2. The surveys and maps heretofore made of said land and the stakes set under the provisions of the act referred to in the first section of this act shall be and hereby are adopted for the purpose of leasing the same under this act, as hereinafter provided, by the said commissioner, and the same shall be leased by him in accordance therewith, that is to say, by the tract or parcel indicated thereon and thereby; but should any of said land not have been surveyed, mapped or staked under the provisions of said act said commissioner shall proceed to have the same done, the expense thereof to be defrayed out of the rentals by him received as hereinafter provided; the commissioners appointed under the act to which reference is made in the first section hereof shall turn over and deliver to the commissioner appointed under this act all the maps, surveys, leases and records in their possession relating to said land and their duties under said prior act.

Surveys and maps adopted.

Further surveys.

3. The said commissioner shall have power, and he is hereby directed, to lease and rent at public auction to the highest bidder or bidders for a period not exceeding ten years, or by private contract for a like period, the tracts or parcels of land included within the boundaries described and set forth in the first section of this act as the same appear upon the maps, surveys or by the stakes heretofore made and set as referred to in the last preceding section; *provided, however,* that if said leasing be by private contract the annual rental shall not be less than fifty cents nor more than three dollars per acre, or fraction thereof; the lessee or lessees of said tracts or parcels of land shall, in all cases, be citizens of the state of New Jersey resident within the county of Monmouth, and shall pay the rent agreed to be paid for each tract or parcel of land annually, in advance, during the term for which the same may be or are leased; failure to pay said rentals, or any of them, at the time or times stipulated shall cause the lease or leases of the person or persons so failing to pay the same to become forfeited, and the right of said person or persons to the land thereby leased to cease; and the said commissioner shall cause the said lease or leases upon which the said rent is due and unpaid as aforesaid to be canceled upon the books

Leases.

Proviso.

Failure to pay rental to forfeit right.

to be by him kept as hereinafter provided, and said forfeited land may be thereafter leased to any citizen of this state resident in said county as above provided; but before said lease or leases shall be canceled and the right of any person or persons to the land held thereunder shall be forfeited as above set forth the said commissioner shall cause notice to be personally served upon said lessee or lessees directing him, her or them to appear before said commissioner, at a place to be designated within the said townships of Neptune or Wall, in said county, within thirty days from the date of service of said notice, and show cause, if any there be, why said lease or leases should not be canceled, and why the right of said lessee or lessees to longer hold said land thereunder should not be forfeited; and if such lessee or lessees so appear and show sufficient cause why said rental has not been paid, and why said right to said land should not be forfeited, and at the same time tender the money due for said rental and pay the costs of the said notice, the said commissioner shall accept said moneys and the rights of said lessee or lessees shall not be forfeited because of such failure to pay said rental; and in case of the failure of said lessee or lessees to so appear and show cause as aforesaid the said lease or leases shall be canceled, as above provided, and the right of said person or persons to longer hold said leased land shall be declared by the said commissioner to be forfeited in the manner aforesaid; and the said commissioner shall, in such case, fix a sufficient time within which the oysters and clams upon said forfeited land shall be removed by the person or persons owning the same, and shall cause notice of the time so fixed to be personally served upon said person or persons, and the said land shall not be leased to any other person or persons until after the expiration of the time so fixed; whenever personal service of any notice is herein required, and the lessee or lessees shall, at the time of said service, be absent from the state, said commissioner shall cause a copy of said notice or notices to be published in at least one newspaper published in the county of Monmouth and circulating within the townships of Neptune and Wall aforesaid for a period of at least four weeks; which

Notice to show cause.

Commissioner may accept rental at hearing.

Cancellation of lease.

Notice, how served.

publication shall be deemed of the same force and effect as though said notice or notices had been personally served.

Prior rights of present lessees.

4. Any person or persons in possession of any of the tracts or parcels of land included within the boundaries set forth in the first section of this act, under a lease or leases heretofore executed under the provisions of the act to which reference is therein made, and the supplements and amendments to said act, shall, at the expiration of such lease or leases (for which time the rights and privileges under which lease or leases are hereby preserved to such person or persons), and upon a resale of said tracts or parcels of land by the said commissioner under the next preceding section of this act, have the preference, or prior right, to a new lease or leases therefor at the annual rental or rentals which may be bid therefor, if the same shall be put up at public auction, or at private contract, if that method shall be pursued by said commissioner; *provided,* that application therefor, in writing, be filed with the said commissioner within thirty days after the expiraton of such lease or leases, in default of which said commissioner shall have the power thereafter to lease said tracts or parcels of land in the manner and form hereinabove provided; and at the expiration of any lease granted under the provisions of this act, the same may be renewed in like manner; and in the event that any of said leases are not renewed the said commissioner shall fix the time within which the oysters and clams upon the tract or parcel of land covered by such lease shall be removed by the person or persons owning the same, and he shall cause notice of said time so fixed to be personally served in the manner and form hereinabove provided upon the person or persons aforesaid, and the said tracts or parcels of land shall not be leased to others until after the expiration of the time so fixed.

Proviso.

Removal of clams and oysters.

Exclusive right of occupation.

5. Upon the execution of any lease or leases for any tract or parcel of land under the provisions of this act, and upon the payment of the rental at the time and in the manner stipulated, the lessee or lessees and his, her or their legal representatives shall be entitled to the exclusive use and occupation of the said

tract or parcel of land during the term for which the same shall be leased for the purpose of planting, growing, cultivating and taking or gathering oysters and clams thereon, subject to the said commissioner's right of forfeiture, as hereinabove provided.

Who may plant, gather, etc.

6. It shall not be lawful for any person or persons whatsoever, other than the lessee or lessees aforesaid and their legal representatives, to plant, gather, take, injure or destroy any oysters or clams within the boundaries of any tract or parcel of land leased or rented, as herein provided, during the term or terms for which the same may be leased or rented, without the written permission or consent of the said lessee or lessees, or his or their legal representatives first had and obtained; and if any person or persons shall enter within said boundaries without such permission or consent and injure, gather, take, or destroy any oysters or clams therein planted and growing, or commit any trespass thereon, he, she or they so trespassing shall be liable to the party injured for the first offence in treble damages, to be recovered in an action of trespass in any court having competent jurisdiction thereof; and for the second offense shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding one hundred dollars, or imprisonment in the county jail not exceeding three months, or both.

Liability for trespassing.

Record kept.

7. Said commissioner shall keep an accurate record of all leases of any of the tracts or parcels of land by him leased under the provisions of this act, which record shall be known as a book of leases; he shall also keep a record of his official acts and proceedings, and shall collect and receive all moneys due and to become due from time to time for rentals of the tracts and parcels of land under the leases herein provided for, or from any other source by virtue of this act; he shall annually, on or before the first day of October, report, under oath, to the state comptroller his receipts and disbursements, and after said report shall be audited and approved by the state comptroller, he shall pay to the state treasurer the balance of money remaining in his hands as shown by said report; he shall receive for his services, each year, one-half of

Annual report.

Compensation.

the gross receipts from said oyster and clam grounds, which amount shall be ascertained from his annual report, and shall be paid by the state treasurer on the warrant of the state comptroller, after his said report shall be audited and approved as aforesaid; said commissioner shall also annually report to the bureau of shell fisheries of this state, on or before the first day of November, his receipts and disbursements, a memoranda of all leases entered into by him with lessees of said land; and shall also file with said bureau a copy of all maps and surveys of the land comprised within said boundaries; and, when required by the chief of said bureau, shall also file any other records, papers, writings or data or reports pertaining to his office and the land over which he is to have jurisdiction by virtue of this act.

Report to bureau of shell fisheries.

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

Repealer.

Approved March 7, 1905.

CHAPTER 15.

An Act to establish the office of deputy register of deeds and mortgages in counties of this state in which the office of register of deeds and mortgages now exists or may hereafter exist.

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

1. Any register of deeds and mortgages of any county of this state may, in his discretion, from time to time, select and appoint some competent person as deputy register of deeds and mortgages for the county in which said register of deeds and mortgages holds office, which deputy shall hold his office during the pleasure of the register of deeds and mortgages of such county for the time being, and who shall, in the absence or at the request, but under the direction of the register of deeds and mortgages, have full power to perform all the duties of the office of the register of deeds and mortgages, in as full a manner as the

Deputy register of deeds and mortgages.

Duties.

register of deeds and mortgages could perform such duties, including the signing of the name of such register of deeds and mortgages upon any or all documents left for record in the office of such register of deeds and mortgages and upon any or all transcripts of any records in said office now or hereafter made, which signature, when so made by said deputy register of deeds and mortgages, shall have the same effect as if made by said register of deeds and mortgages.

Oath.

2. Before entering upon the duties of his appointment, such deputy register of deeds and mortgages shall take and subscribe the following oath before one of the judges of the court of common pleas of said county: "I (name of appointee), having been appointed deputy register of deeds and mortgages by the register of deeds and mortgages of the county of (name of county for which appointed), do solemnly swear (or affirm) that I will truly, faithfully and impartially execute the office of deputy register of deeds and mortgages of said county, agreeably to law, according to the best of my skill and understanding, so help me God;" which oath or affirmation shall, by the judge before whom the same is taken, be delivered or safely transmitted to the secretary of state, to be filed among the public papers of his office.

Bond.

3. Such deputy register of deeds and mortgages shall, if the register of deeds and mortgages appointing so demand, enter into a bond to such register of deeds and mortgages, in such sum and with such sureties as such register of deeds and mortgages shall request, conditioned that such deputy register of deeds and mortgages shall well, truly, faithfully and impartially execute, perform and discharge the duties of his office, and that he will pay over and account for all moneys that shall come to his hands.

Compensation.

4. Any deputy register of deeds and mortgages appointed under this act in any county where the compensation of the register is determined, or may hereafter be determined, by salary fixed by law, shall be entitled only to receive such compensation as may from time to time be fixed and determined upon by the board of freeholders of such county, which compensation the board of freeholders of any county in this

state where such deputy register of deeds may be appointed is hereby authorized and empowered to fix and determine, and which shall be paid in the same manner as the compensation of other assistants in the offices of registers of deeds and mortgages in the counties of this state are paid.

Vacancy. 5. Any vacancy in the office of deputy register of deeds and mortgages shall be filled as hereinbefore provided.

Repealer. 6. All acts or parts of acts inconsistent with this act are hereby repealed.

7. This act shall take effect immediately.

Approved March 7, 1905.

CHAPTER 16.

An Act to authorize cities in this state to issue and dispose of bonds, to take up and pay off other bonds about to mature, to pay which no funds have been otherwise provided.

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

Bond issue to meet maturing bonds. 1. Where, in any case, bonds have been heretofore lawfully issued by any city or by any board of any city in this state and such bonds are about to fall due, and no provision has been made for the payment of the same, it shall be lawful for such city to make provision for the payment of the same by issuing for that purpose other bonds of the city; all bonds issued under authority of this act shall be issued in the corporate name of such city, signed by the mayor of the city and attested by the city clerk, and such bonds shall be signed, attested and countersigned by such other officials, if any, as the board having the control of the finances of the city may direct, and it is hereby made mandatory upon any such official named in any resolution of the common council of such city to sign and countersign the same as therein directed; such bonds shall be payable in not less than twenty nor more than

Time and rate.

fifty years from the date of their issue and shall draw such interest, not exceeding five per centum per annum, payable semi-annually, and be issued in such sums, not less than one hundred dollars each, and shall be in such form as the common council or other governing body of the city shall by resolution determine; such bonds may be coupon or registered bonds, or both, and convertible from one kind to the other kind of bonds, from time to time, as the common council or other governing body shall determine, and when such bonds are coupon bonds they shall have semi-annual coupons attached in such form and attested in such manner as the common council or other governing body shall determine; all bonds issued under the authority of this act may be sold by the city at public or private sale for the best price that can be obtained therefor, but at not less than par; and the said city shall use the proceeds of said sale to pay off the bonds falling due to provide for the payment of which the bonds hereby authorized are issued and the proceeds of the sale of the bonds so to be issued shall be used exclusively for that purpose, until the bonds falling due are fully paid.

Sale of.

Sinking fund to meet payment.

2. It shall be the duty of the city in which any bonds shall be issued under the authority of this act to provide for the payment of the same by establishing a sinking fund sufficient to pay off the principal and interest thereof, and shall provide by taxation for raising the money for this purpose and shall place the moneys derived therefrom under the control of the sinking fund commissioners of such city; *provided, however,* that in any such city provision may be made for the sinking fund to extinguish and pay off the said bonds in whole or in part from the income arising in such city from water rates or water rents not otherwise pledged where the bonds to be taken up and paid have been issued for obtaining or maintaing a water-supply for such city.

Proviso.

3. This act shall take effect immediately.

Approved March 8, 1905.

CHAPTER 17.

An Act to amend an act entitled "An act to enable boards having control of the water supply in the cities of this state to construct reservoirs for the storage of water," approved February twenty-fifth, one thousand eight hundred and ninety-two.

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

1. Section four of the above-recited act is hereby amended so that the same shall read as follows: Section amended.

4. When such reservoir or reservoirs so constructed as aforesaid shall have been fully completed, or so far completed that the entire cost can be accurately estimated, and the amount thereof shall be certified by the engineer in charge, it shall be the duty of the board or body having charge of the construction of the same, and the control of the water supply in such city, to make and file with the clerk of such city a statement of the entire cost and expense of construction, including the cost of the lands acquired, and all other expenses so ascertained and estimated, and the said city shall thereupon issue bonds, negotiable in form, to run for a period of not less than twenty nor more than fifty years, sufficient in amount to pay the entire expense connected with the construction of the said reservoir or reservoirs, and to take up and redeem the temporary loan bonds or certificates from time to time issued for the purpose of raising the money necessary to carry on such work; such bonds shall bear interest at a rate not exceeding five per centum per annum, and shall be of such form as such common council or other governing body or board having control of the finances may determine; the interest thereon shall be paid semi-annually, and they shall not be disposed of at less than par; the proceeds thereof shall

Ascertainment of cost.

Bond issue.

Rate.

be used exclusively for the purposes hereinbefore set forth.

Section amended.

2. Section five of the above-recited act, is, also, hereby amended so that the same shall read as follows:

Portion of receipts to meet principal.

5. For the purpose of providing a fund to pay the interest on said bonds while outstanding, and the principal when due, there shall be set apart from the net revenue received from water rents and water rates in the said city not otherwise pledged, such sum as shall be sufficient to pay the interest as it falls due and the principal of the said bonds at maturity; *provided, however,* that if it shall be found that the receipts thus pledged are insufficient to furnish a fund from which to pay the annual interest on the said bonds and to provide a sinking fund of not less than one per centum of the principal of the said bonds per annum, then it shall be the duty of the common council or other governing body or board having control of the finances of such city to raise a sum sufficient for this purpose in the annual tax levy of such city, and to apply the sum raised for interest to the payment of the annual interest on the said bonds, and to pay over the sum raised as a sinking fund to the sinking fund commissioners of such city for the redemption of said bonds when due.

Proviso.

Repealer.

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

Approved March 8, 1905.

CHAPTER 18.

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

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 Orvil, in the county of Bergen, hereinafter set forth and described, are hereby constituted and declared to be a body corporate in fact and in law by the name of "The Borough of Orvil," 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 centre line of the Hohokus brook where the same is intersected by the prolongation southwesterly of the centre line of a certain lane on the northwesterly side of the homestead plot formerly of Elijah Rosencranz, said point of beginning being in the easterly line of Ridgewood township, from thence running (1) along said prolongation and said centre line of said lane north, fifty-eight degrees east, one thousand feet, more or less, to the centre of Franklin turnpike; thence (2) south, eighty-five degrees and forty-five and one-half minutes east, one thousand six hundred and seventy and three-tenths feet to the northwest corner of lands of E. M. Blauvelt; thence (3) along the dividing line between the lands of E. M. Blauvelt and John T. Ackerman south, sixty-six degrees and fifty-one minutes east, two thousand eight hundred and fifty-five feet to a corner; thence (4) still along the dividing line between lands of said Blauvelt and Ackerman north, five degrees and twenty minutes east, one hundred and sixty-two feet to a corner; thence (5) still along the

dividing line between lands of said Blauvelt and Ackerman south, sixty-six degrees and forty-three minutes east, six hundred and seventy-four and seven-tenths feet to the easterly side of the West Saddle River road; thence (6) along the same south, seven degrees and thirty-three minutes east, one hundred and eighty and five-tenths feet to the dividing line between lands formerly of Blauvelt and lands of Ackerman; thence (7) along the same south, sixty-six degrees and twenty minutes east, one thousand five hundred and ten and five-tenths feet to the west bank of Saddle River; thence (8) north, fifty-eight degrees and twenty-four minutes east, two hundred and five feet to a point in the centre line of the east Saddle River road where the same is intersected by the centre line of the Mill road; thence (9) along the last-mentioned road and also the southerly line of Saddle River borough south, eighty degrees and twelve minutes east, three hundred and twenty-three and seventy-five hundreths feet to a bend; thence (10) still along the same south, seventy-three degrees and twenty-nine minutes east, two hundred and twenty-one and thirty-five hundreths feet to a bend; thence (11) still along same south, seventy-seven degrees east, five hundred feet to a bend; thence (12) still along the same south, seventy-five degrees and fifteen minutes east, six hundred feet to a bend; thence (13) along centre line of said Mill road south, seventy-six degrees and twenty-five minutes east, eight hundred feet to a bend; thence (14) still along the same south, sixty-eight degrees and forty-seven minutes east, two hundred and fifty feet to a bend; thence (15) still along the same south, seventy-three degrees and twenty-five minutes east, one thousand seven hundred and fifty-six feet to the centre line of the road leading to Hillsdale; thence (16) southwesterly and southerly along the westerly line of Washington township to the northerly line of Ridgewood township; thence (17) westerly and northwesterly along the line of said Ridgewood township to the place of beginning.

3. This act shall take effect immediately.

Approved March 8, 1905.

CHAPTER 19.

An Act to enable cities to appropriate moneys for the proper celebration of their semi-centennial and centennial anniversaries as cities.

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

Appropriation for anniversary observances.

1. It shall be lawful for any city, by resolution of its board of aldermen, council or other governing body, approved by its mayor, to appropriate such sum of money as it may deem suitable for the proper celebration of the centennial or semi-centennial of the corporate existence of such city; and to borrow said sum when appropriated, and to include the amount of said appropriation in the annual tax levy of said city.

2. This act shall take effect immediately.

Approved March 8, 1905.

CHAPTER 20.

A SUPPLEMENT to an act entitled "An act to reduce the number of members of the boards of chosen freeholders in counties of this state, and to fix the salaries and provide for the election of the members of said boards," approved March twenty-sixth, one thousand nine hundred and two.

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

Validating election, the legal notice not given.

1. Any election heretofore had for the adoption of the act to which this is a supplement shall be valid and effectual, notwithstanding that notice of the submission of the adoption of said act to vote at such election

New Jersey State Library

shall not have been given, as provided in the seventh section of said act to which this is a supplement, and notwithstanding any defect or want of compliance with said act to which this is a supplement in the manner or position in which the propositions "For the law reducing the number of freeholders" and "Against the law reducing the number of freeholders" may have appeared upon said ballots; *provided,* that the said propositions shall have been printed upon said ballots; *and provided further,* that the sum of the ballots cast for and against the adoption of said act was, at least, fifty per centum of the entire number of ballots cast in said county for members of the general assembly at such election.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved March 8, 1905.

CHAPTER 21.

An Act to amend an act entitled "An act to regulate the sale of spirituous, vinous, malt and brewed liquors, and to repeal an act entitled 'An act to regulate the sale of intoxicating and brewed liquors,' passed March seventh, one thousand eight hundred and eighty-eight," approved March twentieth, one thousand eight hundred and eighty-nine.

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

Section amended.

1. Section eleven of an act entitled "An act to regulate the sale of spirituous, vinous, malt and brewed liquors, and to repeal an act entitled 'An act to regulate the sale of intoxicating and brewed liquors,' passed March seventh, one thousand eight hundred and eighty-eight," approved March twentieth, one thousand eight hundred and eighty-nine, is hereby amended so as to read as follows:

Limitation in granting licenses.

11. No license to sell spirituous, vinous, malt or brewed liquors by less measure than one quart shall

be granted by any court, excise board or other board or authority having power to grant licenses in any store, apartments or place in which any grocery store or mercantile business is carried on (excepting, however, the keeping of a restaurant and the sale of tobacco and cigars by retail), nor any new place within two hundred feet of a church, schoolhouse or armory; the two hundred feet limit herein mentioned shall be ascertained by measurement from the nearest point of the church edifice, school-house or armory to the nearest point of the building wherein such liquors or any of them are intended to be sold; any person, whether licensed or unlicensed, engaging in the sale of any of said liquors, directly or indirectly, contrary to the provisions of this section shall be guilty of the offense of keeping a disorderly house.

2. This act shall take effct immediately.

Approved March 8, 1905.

CHAPTER 22.

An Act providing for the appointment and election of an overseer of the poor in cities of this state in which the power is not conferred by the charter of such cities, and providing for their compensation.

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

Overseer of poor in cities not having same.

1. In any city of this state the charter of which makes no provision for an overseer of the poor, it shall be lawful for the common council, or other governing body, of such city to appoint an overseer of the poor, who shall serve until the first day of January next succeeding his appointment; and in all such cities an overseer of the poor may be elected at the next general election for the term of three years; the term of the person so elected shall begin on the first day of January next succeeding his election.

Term.

Duties.

2. The powers and duties of such overseer of the poor appointed or elected pursuant to the provisions

of this act shall be the same as overseers of the poor in townships.

Compensation.

3. The compensation of such overseer of the poor shall be fixed by the common council, or other governing body, of such city.

4. This act shall take effect immediately.

Approved March 8, 1905.

CHAPTER 23.

An Act respecting sewers and sewer connections in incorporated towns of this state.

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

Council to build house connections to curb.

1. In all incorporated towns where sewers are now laid and constructed, or now being laid and constructed, or which may hereafter be laid and constructed in any street or highway of any incorporated town, the common council, board of aldermen or other municipal body charged by law with the construction of such sewers in such incorporated towns, shall have power and authority to build and construct house connections from such sewers proper to the curb line of the lots fronting on the street or streets or highways through which such sewer or sewers shall or may be built, laid or constructed.

Payment for such connections already built.

2. In all incorporated towns where sewers are now laid and constructed in any street or streets, highway or highways, and house connections from such sewers proper to the curb line of the lots fronting on said street or streets, highway or highways, have been made and constructed, and the person or persons making and constructing such house connections have not been paid by the said town or towns, or by any person or persons, for the work, labor and material used in the making and constructing such house connections, it shall be lawful for, and the said common council, board of aldermen, or other municipal body, charged with the construction of such sewers in such incorporated town or towns, is hereby authorized and empowered to accept on behalf of such town or towns, the said house

connections so built and constructed, and to pay for the same, and upon such payment being made by such town, to the person or persons entitled to receive the same, the said house connections, so built and constructed, shall become and be the property of such town.

Connections shown on map.

3. Said house connections shall be shown on a map, to be prepared by said body or board before the introduction of an ordinance or final resolution providing for the acceptance of, or construction of such house connections, which map shall be open to the inspection of the property owners of said town for at least ten days prior to the passing of such ordinance or final resolution providing for the acceptance of or construction of such house connections.

Costs charged directly to lots benefited.

4. The costs and expenses of making and providing such house connections with such sewers shall be charged to and borne by the lots and subdivisions of lots especially benefited thereby, and shall be assessed against the same in the same manner and by the same authority making assessments for sewers or other public improvements in said incorporated towns; the words "house connections" in this act shall be construed to include connections made or to be made or pipes laid or to be laid between the line of any sewer and the curb line of any street or avenue in which said sewer is laid, whether or not there shall be any house or building upon the property or lot in front of which such connection is or shall be laid.

5. This act shall take effect immediately.

Approved March 10, 1905.

CHAPTER 24.

An Act to incorporate the borough of Oaklyn, 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, contained within the limits hereinafter set forth, are hereby constituted

and declared to be a body politic and corporate in fact and in law by the name of "The Borough of Oaklyn," 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 centre of the White Horse turnpike where it crosses Newton creek, continuing in a southwestwardly direction following the centre line of Newton creek to a point in the centre of the Mount Ephraim and Blackwood turnpike; thence south along the centre of the Mount Ephraim and Blackwood turnpike to the centre of Peters creek; thence in an eastwardly direction following the centre line of Peters creek by its various courses to a point in the centre of the White Horse turnpike, twenty-five feet, more or less, north from the north line of Nicholson road; thence north following in the centre of the White Horse turnpike to a point in line with the line dividing the property of William Bettle and property of the Bettlewood Land Company, or the land formerly owned by Edward Bettle; thence in an eastwardly direction at right angles with the White Horse Turnpike along the line dividing the property of William Bettle and the property of the Bettlewood Land Company to a point in the centre of Newton creek; thence in a northerly direction changing to a westwardly direction to a southwestwardly direction following down the centre line of Newton creek by its various courses to the centre of the White Horse turnpike, or the place of beginning.

Holding of first election.

3. The first election of officers in and for said borough of Oaklyn shall be held within thirty days after the passage of this act, and notice thereof shall be given by the clerk of the said township of Haddon, county of Camden aforesaid; 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 prescribed for the election of borough officials.

4. This act shall take effect immediately.

Approved March 13, 1905.

CHAPTER 25.

An Act to amend an act entitled "A supplement to an act entitled 'An act to establish standard packages for cranberries,' approved March twenty-third, one thousand eight hundred and eighty-eight," which supplement was approved April fourteenth, nineteen hundred and three.

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

Section amended.

1. Section one of the act entitled "A supplement to an act entitled 'An act to establish standard packages for cranberries,' approved March twenty-third, one thousand eight hundred and eighty-eight," which supplement was approved April fourteenth, nineteen hundred and three, is amended to read as follows:

Standard cranberry barrel.

1. The legal and standard barrel to be used for buying and selling cranberries in this state, or for transporting the same outside of this state, shall be of the following size, to wit: head, sixteen (16) inches diameter, including the bevelled edge; staves, twenty-eight and one-half (28½) inches long, bilge fifty-eight and five-eighths inches (585-8) inches, outside circumference; distance between heads, inside measurement, twenty-five and one-half (25½) inches, and such barrel shall be branded or stenciled in a durable manner "standard."

2. This act shall take effect immediately.

Approved March 13, 1905.

CHAPTER 26.

An Act to incorporate the borough of Audubon, 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 contained within the limits hereinafter set forth, are hereby constituted and declared to be a body politic and corporate, in fact and in law, by the name of "The Borough of Audu-

bon," 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: Beginning at a point in the centre of the Blackwoodtown turnpike road, also in the centre of Peter's creek; thence along the centre line of the said Camden and Blackwoodtown turnpike road, in a southeasterly direction to the centre line of the south branch of the Newton creek; thence up the middle of the same the various courses and distances thereof, to the centre line of the road leading from Haddonfield to Mount Ephraim, which said point is a corner to the borough of Haddon Heights; thence along the centre of said road leading from Haddonfield to Mount Ephraim and along the boundary line of the borough of Haddon Heights northeastwardly, crossing the White Horse turnpike road, to a point in the boundary line of the borough of Haddonfield, and also another corner to the boundary line of the borough of Haddon Heights; thence along said boundary line of the borough of Haddonfield northwestwardly, and continuing along the northerly line of the Brickyard road, to the westerly line of Cuthbert's or the Mill road; thence along the same southwestwardly, to the middle of the White Horse turnpike road; thence along the same southeastwardly, to the middle of the aforesaid Peter's creek; thence down the same, the various courses and distances thereof, to the place of beginning.

Holding of first election.

3. The first election of officers in and for said borough of Audubon, shall be held within thirty days after the passage of this act, and notice thereof shall be given by the clerk of the said township of Haddon, county of Camden aforesaid; 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 prescribed for the election of borough officials.

4. This act shall take effect immediately.

Approved March 13, 1905.

CHAPTER 27.

An Act appropriating the sum of five hundred dollars towards the erection of a monument to commemorate the battle of Monocacy, Maryland, fought July ninth, one thousand eight hundred and sixty-four.

Preamble.

WHEREAS, The battle of Monocacy, Maryland, fought July ninth, one thousand eight hundred and sixty-four, was participated in by troops from the states of New Jersey, New York, Pennsylvania, Vermont and Maryland; and,

WHEREAS, A similar appropriation is now being considered by the legislative bodies of the states of New York, Pennsylvania and Maryland, the state of Vermont having already appropriated five hundred dollars for the purpose above named, and an appropriation of the said sum by the state of New Jersey being necessary towards the erection of said monument, in order to fully carry out the plans of said monument committee; now therefore,

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

Appropriation.

1. The sum of five hundred dollars is hereby appropriated towards erecting a monument on the battlefield of Monocacy, Maryland, the same to be paid as hereinafter provided.

Payment, and when made.

2. The comptroller of the state of New Jersey is hereby directed to issue to W. H. Lanius, treasurer of the Monocacy battle monument committee, or his successor in office, a warrant for the said sum of five hundred dollars, drawn on the treasurer of the state of New Jersey, whenever the adjutant-general and the quartermaster-general of New Jersey, shall certify to said comptroller in writing, that said monument has been erected on said battlefield, at a cost of not less than twenty-five hundred dollars.

Approved March 13, 1905.

CHAPTER 28.

A Supplement to an act entitled "An act making appropriations for the support of the state government and for several public purposes for the fiscal year ending October thirty-first, nineteen hundred and five," approved April fifth, nineteen hundred and four.

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

Inaugural expenses.

1. Four thousand seven hundred and fifteen dollars and seventeen cents is hereby appropriated to defray the incidental expenses incurred by the joint committee of the legislature on the inauguration of the governor.

Payment.

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

3. This act shall take effect immediately.

Approved March 13, 1905.

CHAPTER 29.

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

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

Proposals for city printing.

1. In any city which has adopted or shall hereafter adopt the act to which this is a supplement, in all public work done in such city costing more than five hundred dollars, the city council of such city shall cause plans and specifications to be prepared for such work and shall cause public notice to be given, inviting sealed proposals for such work, by advertisement in

two newspapers printed in such city, of the work to be done and the materials to be used therefor, for at least ten days before awarding contract for same, and the contract, when awarded, shall be to the lowest bidder.

2. This act shall take effect immediately.

Approved March 14, 1905.

CHAPTER 30.

An Act to provide for the appointment of a commission to revise and codify the laws of this state relative to corporations.

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

Commission to revise corporation laws.

1. The governor is hereby authorized to appoint a commission, consisting of three persons, residents of this state, to revise and codify "An act concerning corporations (Revision of 1896)," approved April twenty-first, one thousand eight hundred and ninety-six, and the several subsequent acts supplementary thereto, amendatory thereof and relative thereto as they may deem wise and necessary to perfect the system of laws of this state relating to business companies.

Compensation, organization, assistants.

2. Said commissioners shall each receive a compensation of not more than five hundred dollars. They shall organize by the election of one of their own members as president. They shall have power and authority to adopt their own rules of procedure, to appoint and employ a secretary, stenographer and such other assistants as in their judgment may be necessary for the transaction of their business, to fix the compensation of such employes, together with any other expenses incurred for printing or otherwise; which expenses shall from time to time be paid by the state treasurer upon the certificate of the president and the warrant of the state comptroller.

Duties and report.

3. The commissioners shall perform the work assigned them as speedily as practicable, and submit the bill or bills prepared by them with such suggestions or reports as may by them be deemed expedient, to the legislature at this session or on the first day of its next session.

Vacancy.

4. The governor may fill any vacancy in said commission occurring for any cause.

5. This act shall take effect immediately.

Approved March 14, 1905.

CHAPTER 31.

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

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

Corporate name.

1. The inhabitants of all that portion of the township of Harrington, in the county of Bergen, and hereinafter set forth and described, are hereby constituted and declared to be a body corporate in fact and in law by the name "The Borough of Norwood," and as such shall be governed by the general laws of the state relating to boroughs.

Boundaries.

2. The boundary of said borough shall be as follows:

Beginning at a point on the westerly side of Anderson avenue where the same is intersected by the Dwars Kill, said point being distant about four hundred (400) feet north from Ruckman road, said point also being at the intersection of the northerly line of the borough of Closter with the westerly line of the borough of Alpine; thence (1) following said westerly line of the borough of Alpine along the west side of Anderson avenue to the northerly end of said avenue; thence (2) easterly and at right angles with Anderson avenue along the boundary line of the borough of Alpine about eleven hundred and fifty (1150) feet;

thence (3) northerly, still along the westerly boundary of the borough of Alpine, to a point where said line is intersected by the northerly line of lands now or late of the Alpine land company, formerly belonging to Clinton Gilbert; thence (4) northwesterly along the northerly boundary of said Alpine land company to the westerly side of Sparkill road; thence (5) southwesterly, along the westerly side of said road about one hundred twenty-five (125) feet more or less, to the division line between the properties of Thomas H. Bentley and Nickolas Harring estate; thence (6) northwesterly along said line or the same produced to a point where the same is intersected by the "Ludlow Ditch"; thence (7) southerly along said Ludlow ditch to the northerly line of a street designated on a map entitled "Map of Norwood," which map is filed in the office of the clerk of Bergen county, as Rockland avenue; thence (8) northwesterly along said northerly line of Rockland avenue to the easterly line of a street designated on the aforesaid map as High street; thence (9) northerly along said easterly line of High street to the division line between the properties of Thomas H. Bentley and Nickolas Harring estate, or a prolongation thereof; thence (10) northwesterly along said line to the westerly side of Tappan road and the north boundary line of lands belonging to Charlotte DeWitt Allison; thence (11) running northwesterly along the boundary line between the lands belonging now or formerly to Charlotte DeWitt Allison and Jane Blauvelt, and following this course produced in a straight line until it intersects the center line of the right of way of the West Shore railroad; thence (12) running westerly and parallel with the southern boundary line of the farm belonging formerly to David M. Edsall, in a straight course until said land intersects the easterly boundary line of the Old Tappan borough; thence (13) southerly along the Old Tappan line to the fork of Norwood avenue, known as Hochstedt corner; thence (14) southerly in a straight line to a point where the center line of the right of way of he West Shore railroad is intersected by the eastern boundary line of the farm now or formerly belonging to R. H. Costner; thence (15) southerly along said

eastern boundary line to the northwest side of Tappan road; thence (16) easterly along said road about two hundred (200) feet to a point where the same is intersected by the westerly boundary line of the lands belonging to the estate of Patrick Hodnett or a prolongation thereof; thence (17) southeasterly along said western boundary line to the Dwars Kill or the northerly boundary of the borough of Closter; thence (18) northerly, easterly, southeasterly along its various courses and through the center of Naugle's mill pond, to the point or place of beginning.

3. This act shall take effect immediately.

Approved March 14, 1905.

CHAPTER 32.

An Act to enable cities of this state to acquire, by purchase or condemnation, rights of way through, on, across and along private property of others for the purpose of constructing and maintaining in and along said right of way a sewer or sewers forming a part of or used in connection with the sewer system of said city.

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

Acquire private right of way for sewers.

1. It shall be lawful for any city in this state to acquire by purchase from the owner or owners of any land within or without the boundaries of said city a right of way for the purpose of constructing and maintaining in and along said right of way a sewer or sewers forming a part of or used in connection with the sewer system of said city.

Right of condemnation.

2. Whenever such city cannot acquire such right of way by agreement with the owner, whether by reason or disagreement as to price, or legal incapacity or absence of the owner, or his inability to convey valid title, said city may condemn such right of way for the purpose aforesaid; and in such case such con-

demnation proceedings shall be had and taken in conformity with the provisions of the general laws of the state of New Jersey regulating the ascertainment and payment of compensation for property condemned or taken for public use. The width of such right of way shall be such distance as may be necessary and appropriate for the use of said land for the purposes aforesaid; *provided,* that nothing in this section contained shall authorize the condemnation of the property of any railroad corporation necessary for the proper operation of its railroad. Proviso.

3. Whenever such city shall have acquired such right of way, either by purchase or condemnation, it shall be lawful for such city to at all times enter upon said right of way and lay such sewer pipe or pipes as may be necessary or useful for the purpose aforesaid, and at all times to maintain and operate such sewer pipe and to enter upon said lands at all times for the purpose of inspection, repairs, and additions thereto, doing no more damage on said land than is necessary in the premises, and the owner of said land shall at no time plant any trees within the boundaries of such right of way. Right of entry.

4. This act shall take effect immediately.

Approved March 14, 1905.

CHAPTER 33.

An Act to authorize cities in this state to insure their buildings.

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

1. It shall be lawful for the common council or other governing body of any city in this state to insure the property of such city and any property owned or under the control of any department or co-ordinate body in the government thereof against damage or loss by fire or otherwise, by the establishing of an Municipal insurance.

insurance fund for the purpose of meeting any such loss to said property.

Fund created.

2. For the purpose of creating such fund, the common council or any other body having charge of the finances of any such city, may appropriate thereto any amount of money under their control, not raised or appropriated for any other purposes, and may add to such fund yearly in the same manner or by raising such an amount in the tax levy as they may yearly decide and fix upon.

Amount and use of fund.

3. The common council or other body having charge of the finances of any such city, shall have full power and authority to designate by resolution the maximum and minimum amount of any such fund, and from time to time to provide for the disposition or use of any excess over and above the maximum amount so fixed, or of the interest or profits arising from such fund when the said fund shall have reached the amount fixed as the maximum limit thereto.

Commissioners of fund.

4. The mayor of any such city may, with the advice and consent of the common council or other governing body thereof, appoint three commissioners, to be known as the "Insurance Fund Commissioners," who shall hold office without compensation for a term of three years and until their successors are appointed,

Duties.

whose duty it shall be to invest any such fund and all additions and accretions thereto, subject to the qualifications set forth in the last aforesaid section, in such manner as they shall deem best suited for such purpose, and who shall have the power to adopt rules and regulations to govern themselves in the investing and control of such fund; they shall at all times keep on hand such sum of money as they may deem sufficient, or have the same invested in such securities as can be immediately sold for cash, for the purpose of paying any loss by fire which may occur to any of the buildings or property so insured.

Payments, how made.

5. All payments made by such commissioners out of such fund shall be made upon the requisition of the common council or other body having charge of the finances of any such city, which board or body shall fix, by the resolution authorizing the requisition, the amount to be so paid, the department, commission,

officer or person to whom the payment shall be made, and the mode of payment.

Sinking fund commissioners may act.

6. It shall be lawful for the mayor of any such city, by and with the consent of the common council or other governing body of any such city, to intrust the management and investment of any such fund to the sinking fund commissioners of such city in lieu of commissioners specially appointed as aforesaid, who, when so designated as the custodians of such fund, shall have the same powers and authority as if specially appointed for such purpose.

Not carry other insurance.

7. No city, board, commissioners or any department of any city, where such a fund shall be established, shall carry any other insurance upon any building or property owned thereby or under the control thereof without the consent of the finance committee of the common council or other body having charge of the finances thereof.

Repealer.

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

9. This act shall take effect immediately.

Approved March 14, 1905.

CHAPTER 34.

An Act to amend an act entitled "An act to provide for assistant prosecutors in the several counties of this state," approved April third, nineteen hundred and two.

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

Sections amended.

1. Sections two, three and four of the act to which this is an amendment be and the same are hereby amended so as to read as follows:

When paid by prosecutor.

2. In counties which now have or hereafter may have a population of not more than eighty thousand inhabitants the services of such assistant prosecutor shall be paid for by the prosecutor of the pleas making

the appointment out of the salary or fees of such prosecutor of the pleas.

When salaried, paid by county.

3. In counties which now have or hereafter may have a population of more than eighty thousand and not more than ninety-five thousand inhabitants, the assistant prosecutor shall receive an annual salary of one thousand five hundred dollars; in counties which now have or hereafter may have a population of more than one hundred thousand and not more than one hundred and fifty thousand inhabitants, the assistant prosecutor shall receive an annual salary of two thousand five hundred dollars; in counties which now have or hereafter may have a population of more than one hundred and fifty thousand and not more than two hundred thousand inhabitants, the assistant prosecutor shall receive an annual salary of three thousand dollars; and in counties which now have or hereafter may have a population of more than two hundred thousand inhabitants, the assistant prosecutor shall receive an annual salary of five thousand dollars.

How and when paid.

4. The county collector of each county which now has or hereafter may have a population of more than eighty thousand inhabitants shall pay to the assistant prosecutor appointed for such county his salary, as hereinbefore provided, in equal monthly installments out of the funds of such county, and such salary shall be in addition to the salary, fees and allowances received by the prosecutor of the pleas of such county.

2. This act shall take effect immediately.

Passed March 15, 1905.

CHAPTER 35.

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

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

Corporate name.

1. The inhabitants of that portion of the township of Raritan, in the county of Middlesex and state of

New Jersey, hereinafter 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 Highland Park," and shall be governed by the general laws of this state relating to boroughs.

Boundaries.

2. The boundaries of said borough shall be as follows: beginning at a point in the boundary line of said township of Raritan, in the Raritan river, at a point where the dividing line between the townships of Raritan and Piscataway intersects said river, and from thence running along said dividing line between said two townships in a northeasterly direction to a point in said dividing line which would be intersected by the center line of the road described in the records of roads of said county of Middlesex, in book C of roads for said county, on page two hundred and seventy-five, thence along the center of said road as described in said record to where a brook known as Mill Brook intersects the said road at or near the property of Edward Kitchenmeister, thence along the center line of said brook its several courses and distances, in an easterly direction to the center line of Duclos Lane, thence southerly along the center line of said Duclos Lane to the center line of the road leading from New Brunswick to Bonhamtown, formerly known as the New Brunswick and Woodbridge Turnpike road, thence along the center line of said last mentioned road in a westerly direction to the center line of Crowell's Lane, thence southerly along said center line of said lane to the northerly boundary of the farm known as Crowell's farm, thence along the northerly boundary of said farm to the northeasterly corner thereof, in the line of property now or formerly of Michael Fuchs, thence southerly along the dividing line between the said Crowell property and Fuchs property to the Raritan river and boundary line of said township of Raritan, thence up said river its several courses and distances along said township boundary line to the place of beginning.

3. This act shall take effect immediately.

Approved March 15, 1905.

CHAPTER 36.

An Act to amend an act entitled "An act concerning the levying of taxes in certain municipalities," approved February fifteenth, one thousand nine hundred and five.

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

Section amended.

1. Amend section one of the act entitled "An act concerning the levying of taxes in certain municipalities," approved February fifteenth, one thousand nine hundred and five, so that it shall read as follows:

Tax levy voted in November.

1. In every municipality of this state, where taxes are raised or fixed by vote of the people at the local or charter elections, except school districts, the said tax levies, for each annual tax levy for the succeeding taxing year, shall be hereafter voted for by the people 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 tax levy, shall be canvassed, and the result of any such election determined as now provided by law in the case of county officers, and certified to the clerk of such town, township, village or other municipality.

2. This act shall take effect immediately.

Approved March 15, 1905.

CHAPTER 37.

An Act to repeal an act entitled "An act for the licensing and taxation of foreign corporations," approved March twenty-ninth, one thousand nine hundred and four.

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

Act repealed.

1. The act entitled "An act for the licensing and taxation of foreign corporations," approved March

twenty-ninth, one thousand nine hundred and four, be and the same is hereby repealed.

2. This act shall take effect immediately.

Approved March 17, 1905.

CHAPTER 38.

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

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

1. Section forty of said act be amended so that the same shall read as follows: Section amended.

40. The acceptance of the provisions of either section thirty-eight or thirty-nine shall be submitted to the qualified voters of any city 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 city, or the board of education of any school district situate in such city 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 city, as shown by the election returns of the last municipal election in such city, shall, by their petition, duly signed and delivered to the clerk of such city, have requested that such question shall be so submitted; *provided further*, after the question of accepting the provisions of either section thirty-eight or thirty-nine shall have been submitted to the legal voters of any city, the question of the acceptance of the provisions of such section shall not again be submitted until at least five years shall have elapsed; in any city school district, until the Referendum. Proviso. Proviso. Management ad interim.

organization of a board of education in such school district as provided in section thirty-eight or thirty-nine 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 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 forty-five 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 and 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 thirty-eight or thirty-nine, the board of education or other body theretofore having charge of the public schools in such school district, or in such city, or having custody, charge or management of any fund or property used for or in the maintaining of public schools in such district or city, and having no other function, shall be ipso facto abolished; *provided further,* that in any town which heretofore has or hereafter shall have adopted the provisions of article six of this act, in which the members of the board of education shall have been elected at the annual charter election, such members of the board of education shall continue to be elected at such charter election until such town shall have adopted the provisions of either section thirty-eight or thirty-nine of this act.

Powers of board.

When board abolished.

Proviso.

2. This act shall take effect immediately.

Approved March 17, 1905.

CHAPTER 39.

A Supplement to an act entitled "An act concerning district courts (Revision of 1898)," approved June fourteenth, one thousand eight hundred and ninety-eight.

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

Sergeant-at arms; duties, term, bond.

1. The judge of any district court may appoint one or more sergeants-at-arms who shall, respectively, during their continuance in office be invested with and possess all the rights, privileges, powers and duties of a constable of such city or county in all matters and proceedings appertaining to such court; and all papers, warrants and processes issued out of said court shall be as binding and effectual if served or executed by such sergeants-at-arms, respectively, as if served or executed by a constable; such sergeant-at-arms shall exercise all powers conferred on sergeants-at-arms by the act to which this act is a supplement; sergeants-at-arms, respectively, when appointed, shall hold office during the pleasure of the judge appointing them; before entering upon the discharge of their duties, such sergeants-at-arms, respectively, shall file in the office of the city clerk of the city in which the district court to which they, respectively, are attached is located a bond, with like condition, surety and penal sum as is required by law to be filed by constables, which bond shall, before being so filed, be approved as to form and sufficiency of surety by the judge making such appointment or appointments; *provided,* nothing herein shall affect any bond heretofore filed by any sergeant-at-arms, nor require any sergeant-at-arms heretofore appointed to file a new or additional bond.

Proviso.

2. This act shall take effect immediately.

Approved March 20, 1905.

CHAPTER 40.

A Supplement to 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*:

Validating bonds issued for street paving.

1. All bonds heretofore or hereafter issued by any city in this state, in accordance with the provisions of the act to which this act is a supplement, are hereby authorized, validated and confirmed, as valid and legally binding obligations of said city, in all cases where the proceeds thereof have been or are to be applied for the purpose of paying for street improvements heretofore contracted for, and completed in such city, under the provisions of said act, notwithstanding the fact that the ordinance passed by city council authorizing said improvement did not specifically name the kind or character of pavement with which such street or streets were to be improved.

Assessments for benefits validated as first lien.

2. All assessments of benefits heretofore or hereafter made upon the lands and real estate benefited by the improvements of any street in any city of this state, improved under the provisions of the act to which this act is a supplement, are hereby authorized and validated as a first lien upon the lands and real estate affected thereby, notwithstanding the fact that the ordinance passed by city council authorizing said improvement did not specifically name the kind or character of pavement with which such street or streets were to be improved.

3. This act shall take effect immediately.

Approved March 21, 1905.

CHAPTER 41.

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, one thousand eight hundred and ninety-nine.

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

Season for taking oysters above southwest line.

1. No oyster 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, above a line running direct from the mouth of Straight creek to Cross Ledge light-house, and commonly known as the "southwest line," except from and including the first day of May to and including the thirtieth day of June of each year.

Unlawful to have or sell.

2. 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, Delaware bay or Maurice river cove above the said "southwest line," except from and including the first day of May to and including the thirtieth day of June of each year.

Season below southwest line.

3. 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 thirtieth day of June then next, both inclusive, of each year; but the oyster superintendent or any member of the state oyster commission may, upon aplication, 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

Protection of oysters.

advisable; but no oysters shall be permanently removed from said grounds during said closed season.

Trespassing a misdemeanor.

4. Any person or persons who shall hereafter dredge upon or throw, cast or drag an oyster dredge, or any other instrument or appliance used for catching oysters, upon any of the lands of the state lying under the tidal waters of the Delaware bay or Maurice river cove, in this state, below the said "southwest line," other than land or ground for which such person or persons then hold a lease from the state oyster commission, under the act to which this is a supplement, or the several acts amendatory thereof or supplementary thereto, shall be guilty of a misdemeanor..

Permission to inspect unleased grounds.

5. The oyster superintendent, or any member of the state oyster commission, may, upon application, give permission, in writing, to any prospective lessee or lessees of any unleased oyster ground or grounds, to examine and inspect, with proper appliances, any of the unleased lands of the state, below said "southwest line" for the purpose of determining the suitability or adaptability of such lands for oyster culture or propagation, but no oysters shall be permanently removed from any such lands by virtue of any such permit.

Application of act.

6. None of the foregoing sections shall apply to any creek tributary to said Delaware bay, Delaware river or Maurice river cove, nor shall any or the foregoing provisions 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.

Penalties.

7. Any person violating any of the provisions of this act shall be guilty of a misdemeanor.

Right to arrest.

8. 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.

9. 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 cultivating 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. Revocation of license.

10. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall be deemed a public act and take effect immediately. Repealer.

Approved March 21, 1905.

CHAPTER 42.

An Act to ratify and confirm a compact or agreement between the States of New Jersey and Delaware respecting the Delaware river and bay, and to authorize the execution thereof.

WHEREAS, by joint resolution of the Legislature of the State of New Jersey, approved February fourteenth, one thousand nine hundred and five, Edward C. Stokes, Governor; Robert H. McCarter, Attorney-General; Franklin Murphy and Chauncey G. Parker were appointed and constituted commissioners of the State of New Jersey to confer with like commissioners representing the State of Delaware for the purpose of framing a compact or agreement between the said States and legislation consequent thereon, to be submitted to the Legislatures of the said two States for action thereon looking to the amicable termination of the suit between said two States now pending in the Supreme Court of the United States, and the final adjustment of all controversies relating to the boundary Preamble.

line between said States and to their respective rights in the Delaware river and bay; and

WHEREAS, by like joint resolution of the General Assembly of the State of Delaware, approved February thirteenth, one thousand nine hundred and five, Preston Lea, Governor; Robert H. Richards, Attorney-General; Herbert H. Ward and George H. Bates were appointed to represent the said State as commissioners to confer with the commissioners of the State of New Jersey for the purpose before recited; and

WHEREAS, the commissioners of the said two States, having duly conferred as directed by said resolutions, have framed and submitted to this Legislature a proposed compact or agreement between the said States; and

WHEREAS, the compact or agreement so framed and submitted is in the words following, that is to say:

COMPACT BETWEEN THE STATE OF NEW JERSEY AND THE STATE OF DELAWARE RELATING TO THE BOUNDARY CONTROVERSY BETWEEN SAID STATES.

WHEREAS, a controversy hath heretofore existed between the States of New Jersey and Delaware relative to the jurisdiction of such portion of the Delaware river as is included within the circle of twelve miles radius, an arc of which constitutes the northern boundary of the State of Delaware, and it is the mutual desire of said States to so settle and determine such controversy as to prevent future complications arising therefrom; and

WHEREAS, there is now pending in the Supreme Court of the United States a cause wherein the said State of New Jersey is the complainant and the said State of Delaware is the defendant, in which cause an injunction has been issued against the State of Delaware restraining the execution of certain statutes of the State of Delaware relating to fisheries in said river, which said litigation hath been pending for twenty-seven years and upwards; and

WHEREAS, for the purpose of adjusting the differences between the said two States arising out of said conflict of jurisdiction, Edward C. Stokes, Robert H.

McCarter, Franklin Murphy and Chauncey G. Parker have been appointed commissioners on the part of the State of New Jersey by joint resolution of the Legislature of said State, and Preston Lea, Robert H. Richards, Herbert H. Ward and George H. Bates have been appointed commissioners on the part of the State of Delaware, by joint resolution of the General Assembly of said State, to frame a compact or agreement between the said States and legislation consequent thereon, to be submitted to the Legislatures of said two States for action thereon, looking to the amicable termination of the said suit between said States now pending in the Supreme Court of the United States and the final adjustment of all controversies relating to the boundary line between said States, and to their respective rights in the Delaware river and bay;

Compact entered into.

Now, therefore, the said State of New Jersey, by its commissioners above named, and the said State of Delaware, by its commissioners above named, do hereby make and enter into a compact or agreement between said States as follows:

Serving criminal process issued by New Jersey.

ARTICLE I. Criminal process issued under the authority of the State of New Jersey against any person accused of an offence committed upon the soil of said State, or upon the eastern half of said Delaware river, or committed on board of any vessel being under the exclusive jurisdiction of that State, and also civil process issued under the authority of the State of New Jersey against any person domiciled in that State, or against property taken out of that State to evade the laws thereof, may be served upon any portion of the Delaware river between said States from low water mark on the New Jersey shore to low water mark on the Delaware shore, except upon Reedy and Pea Patch islands, unless said person or property shall be on board a vessel aground upon or fastened to the shore of the State of Delaware, or the shores of said islands, or fastened to a wharf adjoining thereto, or unless such person shall be under arrest or such property shall be under seizure by virtue of process or authority of the State of Delaware.

Serving criminal process issued by Delaware.

ARTICLE II. Criminal process issued under the authority of the State of Delaware against any person accused of an offence committed upon the soil of said State, or upon the western half of said Delaware river, or committed on board of any vessel being under the exclusive jurisdiction of that State, and also civil process issued under the authority of the State of Delaware against any person domiciled in that State, or against property taken out of that State to evade the laws thereof, may be served upon any portion of the Delaware river between said States from low water mark on the Delaware shore to low water mark on the New Jersey shore, unless said person or property shall be on board a vessel aground upon or fastened to the shore of the State of New Jersey, or fastened to a wharf adjoining thereto, or unless such person shall be under arrest or such property shall be under seizure by virtue of process or authority of the State of New Jersey.

Common fishing rights.

ARTICLE III. The inhabitants of the said States of Delaware and New Jersey shall have and enjoy a common right of fishery throughout, in and over the waters of said river between the low water marks on each side of said river between the said States, except so far as either State may have heretofore granted valid and subsisting private rights of fishery.

Joint commission to draft laws relative to fishing.

ARTICLE IV. Immediately upon the execution hereof the Legislature of the State of New Jersey shall appoint three commissioners to confer with three commissioners to be immediately appointed by the General Assembly of the State of Delaware for the purpose of drafting uniform laws to regulate the catching and taking of fish in the Delaware river and bay between said two States, which said commissioners for each State respectively shall, within two years from the date of their appointment, report to the Legislature of each of said States the proposed laws so framed and recommended by said joint commission. Upon the adoption and passage of said laws so recommended by the respective Legislatures of said two States, said laws shall constitute the sole laws for the regulation of the taking and catching of fish in the said river and bay between said States. Said laws shall

Report to legislatures.

remain in force until altered, amended or repealed by concurrent legislation of the said two States. Said commissioners shall also ascertain the dividing line between said river and bay, and upon each of the shores of said two States, where said dividing line extended shall intersect the same, shall, at the joint expense of said States, erect a suitable monument to mark the said dividing line. Said dividing line between said monuments shall be the division line between the said river and bay for the interpretation of and for all purposes of this compact, and of the concurrent legislation provided for therein. Dividing lines.

The faith of the said contracting States is hereby pledged to the enactment of said laws so recommended by said commissioners, or to such concurrent legislation as may seem judicious and proper in the premises to the respective Legislatures thereof. Pledge.

Each State shall have and exercise exclusive jurisdiction within said river to arrest, try and punish its own inhabitants for violations of the concurrent legislation relating to fishery herein provided for. Exclusive jurisdiction.

ARTICLE V. All laws of said States relating to the regulation of fisheries in the Delaware river not inconsistent with the right of common fishery hereinabove mentioned shall continue in force in said respective States until the enactment of said concurrent legislation as herein provided. When existing laws to continue.

ARTICLE VI. Nothing herein contained shall affect the planting, catching or taking of oysters, clams or other shell fish, or interfere with the oyster industry as now or hereafter carried on under the laws of either State. Oyster industry not affected.

ARTICLE VII. Each State may, on its own side of the river, continue to exercise riparian jurisdiction of every kind and nature, and to make grants, leases and conveyances of riparian lands and rights under the laws of the respective States. Riparian jurisdiction.

ARTICLE VIII. Nothing herein contained shall affect the territorial limits, rights or jurisdiction of either State of, in or over the Delaware river, or the ownership of the subaqueous soil thereof, except as herein expressly set forth. Rights in Delaware river preserved.

Execution of agreement and submission to Congress.

ARTICLE IX. This agreement shall be executed by the said commissioners when authorized to do so by the Legislature of the said States. It shall thereupon be submitted to Congress for its consent and approval. Upon the ratification thereof by Congress it shall be and become binding in perpetuity upon both of said States; and thereupon the suit now pending in the Supreme Court of the United States, in which the State of New Jersey is complainant and the State of Delaware is defendant, shall be discontinued, without costs to either party and without prejudice. Pending the ratification hereof by Congress said suit shall remain in *statu quo*.

Suit discontinued.

Duplicate agreement.

Done in two parts (one of which is retained by the commissioners of Delaware, to be delivered to the Governor of that State, and the other one of which is retained by the commissioners of New Jersey, to be delivered to the Governor of that State) this day of , in the year of our Lord one thousand nine hundred and five.

Therefore,

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

Compact authorized.

1. The foregoing compact or agreement, and every clause, matter and thing therein contained, be and the same is hereby adopted, ratified and confirmed as and for the act and deed of the State of New Jersey, and the commissioners of the said State are hereby authorized and empowered on its behalf to execute the same in duplicate, and to deliver one copy thereof to the commissioners of the State of Delaware.

Governor to transmit copy to the President.

2. It shall be the duty of the Governor, at or before the next session of the Congress of the United States, to transmit a duly certified copy of this act to the President of the United States, with the request that it be communicated to Congress for its action thereon.

3. This act shall take effect immediately.

Approved March 21, 1905.

CHAPTER 43.

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

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

Validating appropriation.

1. That any appropriation of money heretofore made by the common council, board of finance or other body of any city or other municipality, pursuant to the seventy-sixth section of the act to which this is a supplement, is hereby validated and confirmed, notwithstanding that the statement of the amount of money appropriated, delivered by the board of education of such municipality to the members of the board of school estimate, and the determination of the board of school estimate fixing the amount of money necessary shall state the purpose of raising the money to be for school accommodations instead of for the purchase of land for school purposes, or for erecting, enlarging, repairing or furnishing a school house or school houses, as designated in the said seventy-sixth section of the act to which this is a supplement; *provided,* however, that the proceedings had by the board of education and the board of school estimate and the common council, board of finance or other body of such municipality, shall be in all other respects in accordance with the directions of said section of the act to which this is a supplement, and the money so appropriated shall be used for the purposes therein designated. And such municipality is hereby authorized and empowered to borrow such sum of money as may have been thus appropriated and may secure the repayment of the sum or sums of money so borrowed by the issue of bonds in the corporate name of such municipality as provided in said section of the act to which this is a supplement.

Proviso.

Empowered to borrow money.

2. This act shall take effect immediately.

Approved March 21, 1905.

CHAPTER 44.

An Act to incorporate Northfield, in the county of Atlantic, as a city, and fixing the boundaries thereof.

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

Boundaries.

1. All that part and portion of the county of Atlantic, formerly a part of Egg Harbor township, beginning in the middle of the Shore road leading from Somers Point to Absecon where the same is intersected by the southwest line of the borough of Pleasantville; thence extending (1) northwestwardly partly along said line of the borough of Pleasantville and partly along said line extended to a point distant one hundred and fifteen chains northwestwardly at right angles from the middle line of the Shore road; (2) southwestwardly parallel with Shore road about ninety chains to the middle of Maple run; (3) southeastwardly and southwestwardly along the middle of Maple run the several courses and distances thereof to the middle of Patcong creek; (4) southwardly along the middle of Patcong creek to point in range of the northeast line of the borough of Linwood; (5) southeastwardly along the northeast line of the borough of Linwood the several courses and distances thereof to a point distant forty-five chains southeastwardly at right angles from the middle line of Shore road; (6) northeastwardly parallel with the Shore road about one hundred and forty chains to a point in range of the southwest line of the borough of Pleasantville; (7) northwestwardly to the place of beginning, be and is hereby constituted a city of this state, and all the inhabitants of the state residing within the limits aforesaid be and they are hereby ordained, constituted and declared to be from time to time forever hereafter one body politic and corporate, in fact and in name, by the name of Northfield.

Corporate name.

2. This act shall take effect immediately.

Approved March 21, 1905.

CHAPTER 45.

An Act to provide for the appointment, term of office and salary of assessors in certain cities in this state, and prescribing their duties.

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

Assessors at large.

1. In any city of this state now or hereafter having within its territorial limits a population of more than fifteen thousand and less than thirty-five thousand inhabitants it shall be lawful for the common council or other governing body of such city, in its discretion, to appoint in and for such city three assessors-at-large, who, when so appointed, shall perform and discharge the same duties as are now required by law of assessors and valuers heretofore elected or appointed in such city, and they shall hold office for the term of three years from the first day of the month of January next preceding the date of their appointment, and until their successors are appointed and qualify; and in case of vacancy in the office of any such assessors during such term, either by death, resignation, or other cause, such vacancy shall be filled by the common council or other governing body of such city by appointment for the unexpired term only; the said assessors appointed under the provisions of this act shall each receive as compensation for the performance of their duties as such assessors an annual salary, which shall be fixed by the common council or other governing body of such city, but which shall not be less than two hundred dollars nor more than one thousand dollars, which said salary shall be in lieu of all other compensation or fees heretofore allowed to assessors and valuers in any such city for the performance of their duties, and shall not be increased or decreased during their said term of office.

Duties.

Term.

Vacancy.

Compensation.

Assessment districts.

2. Within fifteen days after the first and every subsequent appointment of assessors in any such city under the provisions of this act the common council or other governing body of such city shall, by resolution, divide such city into three assessment districts of substantially equal area, and shall, by the same resolu-

tion, assign one of the assessors so appointed to each of said districts for the term of his office.

How selected.

3. The said assessors may be appointed by the common council or other governing body of such city at any time after the passage of this act, and upon their appointment shall immediately enter upon the discharge of their duties, and the offices and terms of office of all assessors and valuers existing in any city wherein the provisions of this act may be adopted, and assessors-at-large be appointed as aforesaid, shall cease and be abolished and vacated upon the appointment of the said assessors under this act, who shall be taken to be and are hereby declared to be the successors of the assessors and valuers whose offices are vacated by this act; *provided,* that in any such city having more than three wards there shall not be more than one of the said assessors-at-large appointed from the same ward; *and provided further,* that such city shall have as many votes in the board of county assessors in the county in which such city is located as there shall be wards in any such city.

Present assessors superseded.

Proviso.

Proviso.

Repealer.

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

Approved March 22, 1905.

CHAPTER 46.

An Act to authorize cities which have heretofore adopted or which shall hereafter adopt the provisions of an act entitled "An act relating to, regulating and providing for the government of cities," approved April third, anno domini one thousand nine hundred and two, to authorize the bridging of their streets under certain circumstances.

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

Street bridges to connect properties.

1. Every city of this state which has heretofore adopted or which shall hereafter adopt the provisions of an act of the state of New Jersey entitled "An act

relating to, regulating and providing for the government of cities," approved April third, anno domini one thousand nine hundred and two, shall have power to authorize and grant the right to property owners, being the owners or lessees of properties abutting on opposite sides of any street in such city, to connect such properties by constructing and maintaining across such street bridges of such elevation above the street and of such size and construction as will not, in the judgment of the city council of such city, obstruct public travel on such street nor constitute an injury to other properties abutting thereon.

Repealer.

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

Approved March 22, 1905.

CHAPTER 47.

An Act for the establishment of forest park reservations by and in the state of New Jersey, and for the appointment of a state board of forest park reservation commissioners, and defining its powers and duties.

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

Forest park reservation commissioners.

1. There is hereby established a state board of forest park reservation commissioners, to consist of five members, which said board shall be a body politic and corporate, with perpetual succession under the name of "state board of forest park reservation commissioners," with power to sue and be sued, with power to adopt and use a corporate seal, and the right, power and authority to acquire, hold and use all such property, real and personal, as may be proper or necessary, and with all other powers proper or necessary to carry out and effectuate the purpose for which said board is created; of this board the governor and the

Powers and duties.

Ex-officio members.

state geologist shall be ex-officio members, and the other members shall be citizens of the state appointed by the governor, by and with the advice and consent

Terms.

of the senate; the terms of office of the said commissioners shall be three years, the term of the governor and of the state geologist to run concurrently with their term as governor and state geologist respectively; the term of the three appointed members to begin from the date of their first appointment, which said appointments shall be made promptly upon the taking effect of this act; of those so first appointed, one shall be for a term of one year, one for a term of two years and one for a term of three years; and thereafter all such appointments shall be for the terms of three years as

Vacancy.

aforesaid; any vacancy that may occur by death, resignation or otherwise shall be filled by the governor but for the unexpired term only.

Acquirement of lands.

2. Said board shall have power to acquire a fee simple estate in any lands to be taken for the purposes of forest park reservations, as in this act hereafter directed, or any easement or profit a prendre that said board in its discretion may deem best; the said acquisition may be accomplished either by deed, gift or devise, or, if necessary, by condemnation proceedings, to be instituted by and in the name of said board, under and pursuant to an act entitled "An act to regulate the ascertainment and payment of compensation for property condemned or taken for public use (Revision of 1900)," being chapter fifty-three, laws of one thousand nine hundred, with any amendments thereof or supplemental thereto; said board shall have power to hold said lands and any estate, easement or profit a prendre therein for the benefit of the people of the state of New Jersey; and said lands so held by said board shall not be sold, aliened or encumbered in any way, except pursuant to an act of the legislature.

Preservation and management.

3. The care, management and preservation of the forest reserves, and the forests thereon, as well as future growths thereon, and all moneys appropriated in that behalf, or collected therefrom in any way, and all personal property acquired to carry out the purposes of this act, are hereby confided to and vested in said board, as the same may be herein or in subsequent

acts defined and required; the board shall observe, keep in view, and, so far as it can, put in operation the best method to reforest cut-over and denuded lands, to forest waste and other lands, to prevent injury of forests by fire, the administering and care of forests on forestry principles, the encouragement of private owners in preserving and growing timber for commercial and manufacturing purposes, and the general conservation of forest tracts around the headwaters and on the water-sheds of all the water courses of the State, said board shall make reports of its work, conclusions and recommendations to each session of the legislature, and from time to time publish, in a popular manner, and print for popular distribution, in bulletin or other form, such of its conclusions and recommendations as may be of immediate public interest; whenever it shall appear that the welfare of the state, with reference to reforestization and the betterment of state reservations, will be advanced by cutting or selling or disposing of any of the timber on forestry lands, the board is hereby empowered to cut and sell such timber on terms most advantageous to the State; and said board is hereby empowered to make or execute contracts in the name of the state for the carrying out of the purposes of this act; the board shall have power to employ such persons as are necessary for carrying out the provisions of this act and to fix their compensation.

Reports.

As to cutting or selling timber.

Employes.

4. Any person or persons who shall set, or cause to be set, any fire upon any of the forestry reservations of this state, except in accordance with such rules or regulations as may be prescribed by said board, or who shall set or cause to start any forest fire upon property near or adjoining any state forestry reservation whereby the timber of said reservation is damaged, or who shall cut or remove any timber whatever from any forestry reservation, except in accordance with the rules and regulations of the board, shall be guilty of a misdemeanor, and may be punished accordingly; all fines and penalties when collected shall be paid to the executive officer of said board, who is hereby directed to pay the same over to the state treasurer.

Misdemeanor to cause fires or to cut timber.

5. If said board, in its discretion, shall appoint any fire wardens under section three of this act, all such

Fire wardens.

fire wardens, while in the performance of their duties, shall, within the territories of any forest reservations, have power to abate any nuisance existing therein; it shall be their duty, furthermore, to prevent and extinguish forest fires and to enforce the rules and regulations of the said board by arrest if necessary.

Title to rest in state.

6. The title of all lands acquired by the state for forestry reservations shall be taken in the name of the state, and all such forestry reservation lands shall be exempt from taxation from the time of their acquisition; in all cases where lands have been purchased, or may hereafter be purchased, by said board for forest reservations, where there are public roads, regularly established, running into or through said lands, said board, under such rules and regulations as the said board is hereby authorized to make, may expend such sum per mile in each year as said board shall deem wise for the maintenance, repair or extension of any such roads; all expenses that may be thus incurred shall be subject to the approval of the board and of the governor of the state, and shall be paid in the same manner as other expenses are provided for in this act.

Maintain roads.

Right of eminent domain.

7. No title or interest in any of said lands held by said board as aforesaid shall be subject to be taken by any body corporate, whether municipal or private corporation, or any person whatsoever possessing the power of eminent domain, by condemnation proceedings, in the exercise of said power of eminent domain against the said board or the state of New Jersey, as respects all lands or interests therein included in said reservations.

Action to establish forest reservation.

8. When it shall seem expedient and proper to the majority of said board that a forest park reservation be established in any portion of this state, it shall be the duty of this board to have proper surveys and a map thereof made of the lands about to be acquired, showing each portion of said tract owned by each different proprietor thereof, and of all persons, whether natural or bodies corporate, holding whatsoever estate, lien or interest therein; said map shall be filed with the secretary of the said board, and a certified copy of said map shall be filed with the county clerk or register of deeds of each county in which are situate any lands

Map.

to be taken for any particular forest park reservation; for the space of two years from the date of such filing any improvements made in said lands shall not be considered in the estimation of compensation or damages to be paid to said owner, lienor or such other persons who in said lands may hold an interest, if in the acquisition of said lands the said board shall be compelled to resort to condemnation proceedings; prior to filing of said map in the office of the secretary, said board shall, by a majority vote, pass a resolution stating its purpose to acquire all the land within the area by it desired to be converted into a forest park reservation; said resolution shall be spread in full upon the minutes of said board and signed by the president and attested by the secretary, and upon a failure of said board to adopt said resolution recorded and authenticated in the manner aforesaid, the filing of said map shall be null, void and of no effect whatever.

As to improvements.

Prior resolution by board necessary.

9. There shall be a secretary to said board, who shall be elected by a majority of the board, whose term of office shall be three years from the date of his first appointment, his successor to be immediately appointed upon the expiration of his first term; the salary of said secretary shall be fixed by the board, payable in monthly installments upon warrant of the comptroller by the state treasurer; it shall be the duty of the said secretary to keep proper records of said board, and any copy of any record, under the seal of the board, signed by the secretary, shall be or the same evidential effect in all the courts of this state as an exemplified copy of any recorded deed, according to law as now constituted.

Secretary of board.

Duties.

10. The governor shall be ex-officio president of the board, and the state geologist shall be executive officer thereof; the three appointed members of the board shall serve without compensation, the expenses of the members of said board incurred in the business of the board shall be payable out of the treasury of the state on the certificate of any member certifying to the comptroller what expenses have been incurred; *provided*, the same is attested by the secretary.

Officers of board.

Proviso.

11. The purchase money for lands acquired, and all expenses incurred in said purchase, and all ex-

Expenses.

penses incurred in connection with the management and holding of the state forestry reservations, shall be paid by the state treasurer from moneys in the state treasury not otherwise appropriated, on warrant of the comptroller upon vouchers certified by the secretary, duly approved by resolution of the board; *provided, however,* such sums shall not exceed the amount annually appropriated therefor by the legislature; all moneys received by said board from sources other than by legislative appropriations shall be paid into the state treasury.

Proviso.

Seal.

12. Said board shall have an official seal, which seal shall bear inscribed on it "board of state forest reservation commissioners of the state of New Jersey," with some proper emblem therein, to be adopted by said board.

13. This act shall take effect immediately.

Approved March 22, 1905.

CHAPTER 48.

An Act to authorize religious corporations, which have heretofore acquired lands in this state on condition for burial or cemetery purposes, to convey the same, in certain cases, to the municipal corporations wherein they are situated for the uses and purposes of public parks, and to authorize such municipal corporations to receive, hold and maintain and to embellish and improve the same for such uses and purposes.

Preamble.

WHEREAS, Many religious corporations have heretofore acquired lands in this state on condition that the same should be used for burial or cemetery purposes, and for no other purpose; and in many such cases such corporations have either conveyed away most of such lands, or out of deference to public sentiment have ceased to dispose of the same, and the care of such burial-grounds, or cemetery, is a grievous burden to

such corporations; and where such burial-grounds, or cemeteries, are in thickly-populated districts in growing cities they are a hindrance to the development of the neighborhood in which they are situated and a menace to the public health; therefore,

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

Conveyance of burial grounds to municipalities.

1. It shall be lawful for any religious corporation which has heretofore acquired lands in this state for the uses and purposes of a burying or burial ground, or for the uses of a cemetery, to grant and convey the same (or so much thereof as it still owns) in fee-simple to the municipal authorities of the municipality in which the same may be situate for the uses and purposes of a public park or parks.

Acceptance and use.

2. It shall be lawful for any municipal corporation to receive, hold and maintain any lands so granted and conveyed, and to embellish and improve the same, from time to time, for the uses and purposes of a public park or parks.

Approved March 23, 1905.

CHAPTER 49.

An ACT to authorize the conveyance to the "mayor and aldermen of the city of Paterson" of certain lands heretofore granted by the state of New Jersey for cemetery purposes, and to authorize the said "the mayor and aldermen of the city of Paterson" to accept and maintain the same as a public park or parks.

Preamble.

WHEREAS, The state of New Jersey, by deed dated March sixteenth, one thousand eight hundred and twenty-six, granted to the trustees of the First Presbyterian society of Paterson a tract of three acres in the town of Paterson, "for the use and purposes of a burying-ground, and for no other use or purpose whatso-

ever;" and, by deed dated July first, one thousand eight hundred and thirty-five, granted to the trustees of St. Paul's church of Paterson a tract of five acres and a right of way through the lands belonging to the state, "for the uses and purposes of a burial-ground forever;" and, by deed dated September fifth, one thousand eight hundred and thirty-nine, granted to "the trustees of the Roman Catholic St. John's chapel in Paterson" a tract of three acres in the township of Paterson, "for the use of a cemetery, and for no other purpose;" and, by deed dated February nineteenth, one thousand eight hundred and forty-six, conveyed the said last-mentioned tract to the corporation last aforesaid in fee simple, without limitation or condition; and, by deed dated February thirteenth, one thousand eight hundred and forty-four, granted to the trustees of the First Particular Baptist church of Paterson a tract of three acres in the township of Paterson, "for the use of a cemetery, and for no other purpose;" and

WHEREAS, The city of Paterson has grown up to and about said cemeteries to such an extent that they are a material hindrance to the development and the improvement of the city in their vicinity, and it has been found impracticable to preserve said cemeteries with a proper regard for the purpose for which they were set apart, and the several religious corporations to which they were granted have for many years refused to sell lots therein, and a large proportion of those originally interred therein have been removed to suburban cemeteries, and the burial-grounds aforesaid are neglected, offensive and injurious to their neighborhood and to the city, but could, at small cost, be transferred into public parks, located in the heart of the city; therefore,

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

Authorizing conveyance of burial grounds to Paterson.

1. It shall be lawful for the trustees of the First Presbyterian society of Paterson, the rector, wardens and vestrymen of St. Paul's Protestant Episcopal church of Paterson, the corporation of St. John's Roman Catholic church of Paterson, and the trustees

of the First Particular Baptist church of Paterson, and the grantees of the said several religious corporations, to convey to "the mayor and aldermen of the city of Paterson," in fee simple, for the uses and purposes of a public park or parks, the lands in the said city of Paterson heretofore granted by the state of New Jersey to said several religious corporations, respectively, or to any one of them, for burial or cemetery purposes.

Acceptance and use.

2. It shall be lawful for the said "the mayor and aldermen of the city of Paterson" to accept the conveyance of any such lands as aforesaid, for the uses and purposes of a public park or parks, and to improve, embellish and maintain the same for said uses and purposes at the public expense.

Approved March 23, 1905.

CHAPTER 50.

An Act authorizing cities having a population of less than twelve thousand bordering upon the Atlantic ocean to make improvements on any lands bordering on said ocean, owned by and within the limits of any such city for public purposes, and to issue bonds for any such purpose.

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

Bond issue for improvements.

1. The common council or board of aldermen, or other governing body of any city in this state having a population of less than twelve thousand bordering upon the Atlantic ocean, shall have power to make such improvements as said council, board of aldermen or other governing body may deem necessary on any land bordering on said ocean, owned by and within the limits of said city and used for public purposes, and in order to obtain the money necessary for the making of such improvement, the common council, board of aldermen or other governing body of said city is

Amount.

hereby authorized to issue bonds to an amount not exceeding one hundred thousand dollars, which may be in excess of the limit of bonded indebtedness of any such city, which bonds when issued shall be payable within forty years from the date of their issue and bear interest at a rate not exceeding five per centum per annum, and shall be sold at not less than par; the bonds may be in such denominations and for such amounts, not exceeding the said one hundred thousand dollars, as the said common council, board of aldermen or other governing body shall determine; *provided,* that said bonds shall not issue unless approved by a majority of the governing body of said city, and then submitted to the voters of the city at any annual or special election, and a majority of the votes cast at such election shall have been in favor thereof.

Time and rate.

Proviso.

Sinking fund to meet principal and interest.

2. It shall be the duty of the city in which any bonds shall be issued under the authority of this act to provide for the payment of the same by establishing a sinking fund sufficient to pay off the principal and interest thereof, and shall provide by taxation for raising the money for this purpose and shall place the moneys derived therefrom under the control of the sinking fund commissioners of such city.

3. This act shall take effect immediately.

Approved March 23, 1905.

CHAPTER 51.

An Act authorizing cities bordering upon the Atlantic ocean to make additions or extensions to any sewer system owned and operated by any city, and to rebuild the same and providing for the payment of the cost of any such improvement.

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

Bond issue to extend sewer system.

1. The common council or board of aldermen of any city in this state bordering upon the Atlantic ocean owning and operating any sewer system is hereby

authorized to construct additions or extensions thereto, and for the payment of the cost of any such addition or extension, to issue bonds to the amount of fifty thousand dollars, which may be in excess of the limit of bonded indebtedness of said city, which bonds shall be signed by the mayor and payable within forty years, bear interest at a rate not exceeding five per centum per annum, and be sold for not less than par; *provided* that said bonds shall not issue unless approved by a majority of the governing body of said city, and then submitted to the voters of the city at any annual or special election, and a majority of the votes cast at such election shall have been in favor thereof. This act shall be construed as additional legislation touching the powers of cities to lay sewers and issue bonds therefor, and shall not operate to repeal any existing legislation empowering any city to lay or construct sewers or issue bonds therefor or make assessments for all or any portion of the cost thereof.

Amount

Time; rate.

Proviso.

Act construed.

2. It shall be the duty of the city in which any bonds shall be issued under the authority of this act to provide for the payment of the same by establishing a sinking fund sufficient to pay off the principal and interest thereof, and shall provide by taxation for raising the money for this purpose and shall place the moneys derived therefrom under the control of the sinking fund commissioners of such city.

Sinking fund to meet principal and interest.

3. This act shall take effect immediately.

Approved March 23, 1905.

CHAPTER 52.

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

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

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

Section amended.

33. The council shall have power and authority by ordinance to:

Power to lay out streets, etc.

I. Lay out, open, widen, straighten, alter or vacate any road, street, avenue or section of the same, and to take and appropriate for any of such purposes any lands and real estate, upon making compensation to the owner by purchase thereof at a price agreed upon, and where an agreement as to compensation cannot be made, by the payment of damages as hereinafter mentioned and provided;

To improve streets, etc.

II. To grade or re-grade, curb or re-curb, gutter or re-gutter, pave or re-pave, or otherwise improve the streets and gutters in any street, avenue or section of the same, to construct public walks along any beach or ocean front, to provide suitable protection for property from encroachment by the sea, and to cause the cost of such improvement to be assessed upon the lands fronting on the street, avenue or section thereof so improved to the extent of the benefit received; it shall be lawful to provide in one and the same ordinance for the making of more than one of the above improvements, provided the same be made on the same street, avenue or section thereof; *provided,* that the commissioners of assessment shall assess and return separately the damages incurred, or benefits received thereby;

Proviso.

Sidewalks.

III. By general or special ordinance to provide for constructing, re-laying, repairing and keeping in repair the sidewalks on any and all streets, roads or public places in the borough at the cost and expense of the owner or owners of the lands in front of which the same may be so constructed, re-laid or repaired.

2. This act shall take effect immediately.

Approved March 23, 1905.

CHAPTER 53.

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

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

Out-patients at soldiers' home.

1. Honorably discharged soldiers, sailors and marines who served in the volunteer or regular army or navy of the United States in the war of the late rebellion, or in the war with Spain in the year one thousand eight hundred and ninety-eight, on complying with the other terms and provisions of the act to which this is a supplement, and on proof that the applicant has either been a resident of this state for two years next before the date of such application, or that he was accredited to this state, shall be admitted to, or entitled to, relief as an out-patient of said home.

2. This act shall take effect immediately.

Approved March 25, 1905.

CHAPTER 54.

A Further Supplement to an act entitled "An act to provide for the organization of the New Jersey home for disabled soldiers, sailors, marines and their wives," approved April twentieth, one thousand eight hundred and ninety-eight.

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

Who may be admitted.

1. Applicants for admission to the home organized under the act to which this act is a supplement, on complying with the other terms and provisions of said act, and on proof that the soldier, sailor or marine named in said application has either been a resident of

this state for two years next before the date of such application, or that he enlisted from this state, shall be admitted as patients at said home.

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

Approved March 25, 1905.

CHAPTER 55.

An Act to provide for short courses in practical and scientific agriculture in the state agricultural college.

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

Establish short courses. 1. The trustees of the state agricultural college of New Jersey be, and they are, hereby required to establish in said state agricultural college a department which shall provide short courses in agriculture, equipped and designed for the practical education of students, in both general and specific lines of farming.

Subjects of instruction. 2. Said department shall offer special instruction to students on soils, crops, fertilizers, manures, drainage, farm machinery, farm building; breeds of live-stock, stock judging, animal diseases and remedies; production and handling of milk and cream, the manufacture of butter and cheese; the growth of fruits, berries, management of orchards, market garden and vegetable crops, and insects injurious to the various plants, diseases of plants; animal nutrition, including the use of forage crops, cereal grains, fine feeds, and all other matters pertaining to general and specific lines of farm practice.

Buildings and apparatus. 3. Said department shall be provided with suitable buildings for stock judging, butter making, milk testing and lecture-rooms; said buildings shall be equipped with the necessary apparatus and machinery for carrying out the specific instruction provided for in section two.

4. Said trustees shall employ to conduct this department competent instructors of the necessary education and scientific acquirements, who shall teach the theoretical and practical part of the subjects herein provided for. Instructors.

5. There shall be appropriated out of the general revenues of the state the sum of twenty-four thousand dollars, to be expended in the organization, equipment and maintenance of said department, as provided for in the first four sections of this act for the current year, and then shall be appropriated from the same fund the sum of six thousand five hundred dollars annually hereafter, beginning on the next succeeding year for the salaries, supplies and all other expenses for the maintenance of said department; *provided,* that such sum or sums shall first be appropriated in the annual appropriation bill. Appropriation. Proviso.

6. This act shall take effect immediately.

Approved March 25, 1905.

CHAPTER 56.

An Act to repeal an act entitled "An act to cede jurisdiction to the United States of America over certain lands in the county of Bergen, and state of New Jersey, to be occupied as a military and national park, upon the palisades of the Hudson, and for the purposes herein specified," approved March fifth, eighteen hundred and ninety-six.

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

1. The act entitled "An act to cede jurisdiction to the United States of America over certain lands in the county of Bergen, and state of New Jersey, to be occupied as a military and national park, upon the palisades of the Hudson, and for the purposes herein Act repealed.

specified," approved March fifth, eighteen hundred and ninety-six, be and the same hereby is repealed.

2. This act shall take effect immediately.

Approved March 25, 1905.

CHAPTER 57.

An Act to create the office of commissioner of charities and corrections and to define his powers and duties.

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

Commissioner of charities and corrections.

1. The office of commissioner of charities and corrections is hereby established for this state. This office shall be filled by some suitable person who shall be nominated by the governor and confirmed by the senate; he shall hold office for the term of three years from the date of his appointment and until his successor is appointed and has qualified; said commissioner shall receive a salary of three thousand dollars per annum and shall have his office in the state house.

Term.

Salary.

Duties.

2. It shall be the duty of said commissioner to inspect such charitable and correctional institutions of the state as in any way receive funds from the state treasury. He shall have the power to see all state wards, and it shall be his duty to see, at least once a year, all state wards in private institutions. He shall keep in his office a record of all state wards, their names and addresses, and such other information as may be necessary. He shall have the power to require from the various institutions, which it is his duty to inspect, such reports as he may need, and it shall be the duty of the proper officials of such institutions to render to said commissioner of charities and corrections such information and in such form as he may require. He shall report annually to the governor.

Investigate management of state institutions.

3. He shall, at the request of the governor, make investigations concerning the management of the state institutions or other institutions that receive, in any way, funds from the state treasury. To this end the

governor may appoint a committee not to exceed two persons to aid such commissioner in such investigations.

Oversight of buildings and improvements.

4. All plans and specifications for state buildings or for improvements to state institutions shall be prepared under the direction of said commissioner of charities and corrections. He shall ascertain whether such buildings or improvements are necessary and shall make reports thereon at least once in each year before January first, or, as the legislature or the governor of the state may require.

Architect.

Salary.

5. Said commissioner may appoint, subject to the approval of the governor, an assistant who shall be an architect by profession, at a salary not to exceed twenty-five hundred dollars per annum, who shall devote all his time to the duties of the office; said commissioner shall select and employ necessary clerical assistants who shall receive such compensation as shall be approved by the governor. The salaries of these assistants shall be paid monthly by the treasurer, upon warrant of the comptroller.

Assistants.

Advisory board.

6. Said commissioner shall have power to summon and shall have as an advisory board the superintendents, medical directors, commandants and keepers or other chief executive officers of the state institutions and of all institutions in the state receiving funds from the state treasury. These shall meet with him at least quarterly to discuss and consider matters pertaining to the charitable, penal and reformatory system of the state.

7. This act shall take effect immediately.

Approved March 25, 1905.

CHAPTER 58.

An Act to provide for the permanent improvement of public roads in this state (Revision of 1905).

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

Improvements of roads by freeholders.

1. The board of chosen freeholders of any county in this state may, at any time, by resolution, direct that any public road or section of road, located within said county, being at least thirty-three feet in width and at least one mile in length, or, being less than one mile in length, is an extension of or connection with some permanently improved or paved road or street, be improved by the construction of a macadamized road, or a telford or other stone road, or a road constructed of gravel, oyster shells or other similar materials, in such manner that the same, of whatever materials constructed, shall, with reasonable repairs thereto, at all seasons of the year, be firm, smooth and convenient for travel. When more roads are applied for than can be constructed in any one year, the board of chosen freeholders and state commissioner of public roads shall have power and authority to select from the roads petitioned for the ones first to be constructed, having first regard to the most important roads and the distribution of the benefits of this act to all parts of their counties. The board of chosen freeholders may, before approval of any road, require as a condition of said approval that the township or townships or other municipality, through which said road runs, shall pay ten per centum of the cost of said improvement, said payment to be applied to the improvement of roads constructed under this act.

Selection of roads.

Township assistance.

Survey made.

2. The said board, after the passage of the resolution, shall cause a survey of said road so to be improved to be made, and plans, cross sections and specifications of the work to be done on the same to be prepared. The survey shall indicate the width and length of said road, and shall also show how much of said road may be improved by deviation from the then existing lines, but no survey shall be commenced until the consent of the state commissioner of public

roads shall have been first obtained. When the said plans, cross sections and specifications shall have been prepared, they shall be submitted to the board of chosen freeholders for its approval or rejection. If such board shall approve the same, they shall then be submitted to the state commissioner of public roads for his approval or rejection, whose duty it shall be, before approving of said plans, cross sections and specifications, to ascertain, by personal inspection or otherwise, the natural character of the soil upon which such road is proposed to be constructed, and any and all other facts that he may deem important. If, after examination of the plans, cross sections and specifications, and an inspection of the road, as aforesaid, he shall be satisfied as to the advisibility of the improvement of the road as contemplated, and that one-third of the cost of the construction of said road, together with one-third of the cost of the construction of all other roads or sections of roads in this state, under plans and specifications previously approved by him, will not in any one year exceed the sum of four hundred thousand dollars, or such sum as shall in each year be appropriated for that purpose, then he shall approve said plans, cross sections and specifications, otherwise he shall reject the same.

Approval by board and Commissioner.

Limit of State expenditure.

3. Within thirty days after approval of the plans, cross sections and specifications by the commissioner of public roads, it shall be the duty of the board of chosen freeholders to advertise for bids for said work in two or more of the public papers printed in said county, and in at least one engineering journal published in the city of New York, for three weeks successively, at least once in each week. This advertisement shall state the place where bidders may examine said plans, cross sections and specifications, and the time and place where bids for said work will be received by the board of chosen freeholders, or committee of said board. Each bidder must accompany his bid with a certified check, payable to the director of the board of chosen freeholders, for one thousand dollars, as a guarantee that if said work is awarded to him he will enter into a contract with said board for the same. This contract must be executed, together

Proposals invited.

Bidder's guarantee.

Contract.

with a bond of the successful bidder, in the penal sum of at least the estimated cost of said work, with two or more sureties, freeholders of the county, or a surety or trust company created by this state, or a surety or trust company of another state, authorized to transact business within this state, to be approved by the director of the board of chosen freeholders, conditioned for the faithful performance of said work in strict conformity with the plans, cross sections and specifications for the same, within thirty days from the awarding of the contract. The contract, before any work is done thereunder, must be exhibited to the state commissioner of public roads for his approval, in writing, thereon, and said commissioner is hereby authorized, whenever, in his judgment, the best interests of the county require him so to do, to reject the same, in which case he shall write upon said contract the word "rejected" and append thereto his signature and official title of office, and said contract and the bond required to accompany the same shall, from the time of such rejection, be absolutely null and void, but such rejection shall in nowise operate to prevent said board from readvertising for bids and proceeding thenceforth under the provisions of this act; *provided,* such action is taken within four months after such rejection, otherwise said approval shall be null and void. The time and manner of payment for work done under any contract awarded under this act shall be set forth in said contract, and at least five per centum of the contract price shall not be paid to the contractor until after the expiration of one year from the completion of the work and acceptance thereof in writing by the commissioner of public roads.

Approved by commissioner.

May reject contract.

Proviso.

As to payment under contract.

Limit to county expenditures.

4. The estimated amount of all contracts for road improvements awarded in any one year by the board of chosen freeholders, together with the estimated cost of repairs of roads already constructed, shall not exceed one-half of one per centum of the ratables of the county, as reported to the state comptroller for the preceding year, exclusive of the state appropriation for road purposes apportioned to any county.

Copies of plans, etc., filed with commissioner.

5. A true copy of the survey, contract, plans, cross sections and specifications for road improvements, certified to be such by the director of the board of chosen freeholders, shall, immediately after the awarding of any contract, be furnished by the board of chosen freeholders to the state commissioner of public roads, to be filed and remain of record in the office of such commissioner.

Supervisor appointed by commissioner.

6. Immediately after the awarding of any contract under the provisions of this act, the state commissioner of public roads shall appoint a competent supervisor to take charge of the work required to be performed under said contract, who shall receive for his services the sum of three dollars per day, to be paid to the said supervisor, out of the sum hereinafter appropriated for the one-third of the cost of all roads constructed under this act, on the approval of the state commissioner of public roads. Such supervisor, before assuming the duties of his office, shall make and subscribe an oath or affirmation, before any officer authorized to administer the same, that he will faithfully and to the best of his ability and understanding perform all the duties of his office. The state commissioner of public roads may, however, summarily discharge any supervisor and may appoint a new supervisor in the place of the one so discharged. Where any contract provides for partial payments based upon the amount of work done, it shall be the duty of the supervisor, as each payment becomes due, to present to the board of chosen freeholders a certificate, signed by such supervisor and the engineer, in which certificate shall be stated, as near as can be, the amount of work done for which payment is to be made, and that the same has been done, in all respects, in strict conformity with the contract, plans and specifications. When the work done under any contract shall have been fully completed, the supervisor and engineer shall prepare a detailed and itemized statement, in quadruplicate, of the cost of the improvement, one copy whereof shall be filed with the board of chosen freeholders, one with the clerk of the county and two with the state commissioner of public roads.

Per diem.

Oath.

May be summarily dismissed.

Certificate of partial payments.

Final statement on completion of contract.

State appropriation.

7. One-third of the cost of all roads constructed under this act, not exceeding in any one year the sum of four hundred thousand dollars, shall be paid out of the state treasury, out of any moneys not otherwise appropriated, if the same be first appropriated in the annual appropriation act. The governor and state commissioner of public roads shall, between December fifteenth and thirty-first of each year, certify to the state comptroller the amount to be paid to any county, township, town, borough, village or other municipality for such year, and the state comptroller shall draw his warrant on the state treasurer in favor of the county collector or collector of the township, town, borough, village or municipality, as the case may be, for the amount so certified, and the state treasurer shall thereupon pay the same.

Payment to various municipalities.

Notice to county board of assessors.

8. On or before the day fixed by law for the meeting of the county board of assessors in any county in each year, the board of chosen freeholders of such county shall certify to the said county board of assessors, either in the annual tax budget or separately, two-thirds of the estimated cost of all work contracted for under the provisions of this act since the day fixed by law for the meeting of the board of assessors in the year next preceding. The county board of assessors shall include in their assessment of county taxes the sum so certified, and the same shall be collected and paid over to the county in the same manner and at the same time that other county taxes are collected and paid over; if a deficiency shall exist, in consequence of the cost exceeding the estimate, or in consequence of the receipt of less than one-third of the cost from the state, the board of chosen freeholders shall have authority to borrow, on temporary loans, such deficiency, and the said board shall certify to the county board of assessors the total amount of such deficiency, which shall be included in the next annual tax levy, and shall be assessed, collected and paid over as other taxes are assessed, collected and paid over. If there be a surplus, by reason of the estimate exceeding the cost, the same shall be retained and used in the construction of other roads under this act, or in repairs to roads constructed under this act.

Assessment and collection of road moneys.

If deficiency.

If surplus.

Bonds instead of tax.

9. The board of chosen freeholders may, instead of certifying to the county board of assessors the two-thirds cost of any work done under this act, as required by the eighth section of this act, by resolution, adopted by a vote of at least two-thirds of all its members, issue bonds of the county for two-thirds of the estimated cost of said work. These bonds shall be designated as "road improvement bonds," and shall be for such sums and in such amounts, payable in not less than six nor more than thirty years from date thereof, with interest at a rate not exceeding five per centum per annum, payable annually or semi-annually, as said board of chosen freeholders, by said resolution, may determine. The said bonds shall be signed by the director of the board of chosen freeholders and by the county collector, sealed with the seal of the board, properly numbered, and a registry thereof kept by the board, and may be either coupon or registered bonds; if coupon bonds, the coupons shall be signed by the director of the board, and shall be numbered to correspond to the several bonds to which they shall be severally attached. The board of chosen freeholders shall, when bonds are issued under the provisions of this section, certify to the county board of assessors, in each and every year, so long as any of said bonds remain outstanding, a sum sufficient to pay the interest accruing on said bonds for said year and the principal of any bond or bonds that shall mature in said year, and the said county board of assessors shall include the said sum in the annual tax levy or assessment for said year, and the same shall be collected and paid over in the same manner and at the same time as other county taxes.

Amount, rate, time.

Amount annually raised.

Improved roads to be county roads.

10. Any road constructed under the provisions of this act or of any previous act bearing the same title shall forever hereafter be a county road, and the duty of keeping the same in repair shall devolve exclusively upon the board of chosen freeholders and the county supervisor, as hereinafter mentioned, and all other powers and duties respecting such road shall be imposed upon and vested in the said board of chosen freeholders to the exclusion of all township, town, borough, village or other municipal officers. If any

Maintenance.

Payment withheld upon failure to maintain roads.

such road shall become out of repair, and shall not be repaired within sixty days after notice in writing so to do, given by the state commissioner of public roads to the board of chosen freeholders or to its director, the said commissioner of public roads shall certify such neglect or refusal to the state comptroller, who shall withhold payment to such county of any moneys already apportioned, or that may thereafter be apportioned to such county by the state, and no payment shall be made to said county until the state commissioner of public roads shall certify to the state comptroller that said road has been placed in a good state of repair.

County supervision of roads.

11. After the first county road shall have been constructed under this act in any county, it shall be the duty of the board of chosen freeholders to appoint some suitable person as county supervisor of roads, who, before assuming the duties of his office, shall make and subscribe an oath or affirmation that he will faithfully perform all the duties of his office to the best of his ability and understanding. Such supervisor shall hold his office for three years and until his successor is appointed and qualified. He shall give bond to the board of chosen freeholders in the penal sum of one thousand dollars, conditioned for the faithful performance of the duties of his office, with such surety or sureties as the board shall approve, and shall receive such compensation for his services as the said board shall determine. Said supervisor may be summarily dismissed at any time by the board of chosen freeholders or the state commissioner of roads, whenever in their or his judgment such supervisor is incompetent or neglectful in the performance of his duties, in which event the board of chosen freeholders shall immediately appoint a new supervisor to hold for the unexpired term of the supervisor so discharged. The said board of chosen freeholders shall appropriate all moneys necessary to keep any and all roads constructed under this act in good repair, and free from obstructions, and if the board shall have no money which may be lawfully used for such purposes, it shall have the power to borrow the same, on the credit of the county, until the

Term.

Bond.

Subject to dismissal.

Moneys for maintenance and repairs.

next annual taxes shall have been levied and collected. The cost of all repairs and removal of obstructions shall be paid by the county collector upon the order of the board of chosen freeholders, and all bills for repairs and removal of obstructions shall be verified by affidavit and shall be certified to be correct by the county supervisor of roads.

Cost of repairs paid by county collector.

12. Whenever it is deemed advisable by the board of chosen freeholders of any county of this state to acquire land for the purpose of laying out, widening, changing or straightening any road to be made or improved under the provisions of this act, said board is hereby authorized to agree with the owner or owners of any land or lands required for that purpose as to the compensation to be paid by said board for a conveyance of said land or lands, and to make compensation therefor out of any moneys applicable for road improvement purposes, or, if there be no money on hand for such purpose, said board may borrow the necessary sum or sums, on temporary loans, on the credit of the county, until the next annual taxes shall have been levied and collected. In case said board cannot agree with the owner or owners of any land for the acquisition of the same by the said board for road improvement purposes, said board shall have the power to acquire said land by condemnation, in the manner prescribed by law, and shall have authority and power to pay all necessary costs and expenses from any moneys applicable for road improvement purposes, or may borrow so much as may be necessary on temporary loans, on the credit of the county, until the next annual taxes shall have been levied and collected; nothing in this act contained, however, shall be so construed as to prevent said board from acquiring any land for road improvement purposes by gift.

Acquire lands for road purposes.

By purchase.

By condemnation.

13. If all the owners of property abutting on any road or highway, in any county, which has not been improved, or is not undergoing improvement, desire said road, or any section thereof, to be improved, and shall certify, in writing, to the board of chosen freeholders, that they are willing to bear the entire expense of such improvement, the county engineer, or other competent engineer, shall prepare plans, cross

Improvement of road by abutting owners.

sections and specifications for the work to be done on such road or any section thereof, so to be improved, and shall submit the same to the owners, and, if satisfactory to such owners, they are hereby authorized to enter into contract for such work, said contract to be first submitted to the board of chosen freeholders for its approval. Upon the completion of the work to the satisfaction of the county supervisor and the board of freeholders, and upon the submission to said board of proper receipts showing full payment for all work done, the said board of chosen freeholders may by resolution, declare that said road, or any portion thereof, be thereafter a county road. The location of any portion of said road may be changed, if deemed desirable, upon acquiring the consent, in writing, of the owner or owners of land abutting on such portion of road so to be changed, and upon acquiring, without expense to the county, the land necessary for such change. The county supervisor shall be paid the sum of twenty-five dollars for supervising said work, to be paid by said owners.

Such road to be a county road.

Change of location of road.

Improve approaches to dwellings.

14. The board of chosen freeholders shall have full power to lay out, open, construct and improve all necessary approaches to any dwelling along the line of such road which may have been destroyed or damaged by any alteration in the existing grade, whether within or without the line of such road, and all costs and expenses incurred therefor shall be paid by the said board of chosen freeholders in the same way and manner as other work done under this act is paid for.

Improvement of roads bordering on state property.

15. Whenever any public road is sought to be improved under the provisions of the thirteenth section of this act, upon which road any lands or real estate owned by the state of New Jersey may front or border, the board of managers, or other body having the control and management of said lands and real estate, are hereby authorized to consent to the improvement of said road and to enter into contract for the same in the manner directed by said section, and to pay for said improvement out of any moneys appropriated to said board of managers, or other governing body.

Boundary line roads.

16. The provisions of this act shall extend to the improvement of any road, or section of road, consti-

tuting the boundary line between two counties, whenever said improvement shall be agreed to by the board of chosen freeholders of both counties.

Act not to apply to cities.

17. The provisions of this act shall extend to townships, towns, boroughs, villages or any municipality or municipalities, except cities. The common council or other governing body, the assessor or assessors, the mayor or other chief executive officer, the clerk and collector, respectively, of any township, town, borough, village, or other municipality, shall have the power and shall perform all the duties as are in this act cast upon the board of chosen freeholders, the county board of assessors, the director of the board of chosen freeholders, the county clerk and county collector, respectively. Any of said municipalities may raise, by taxation, funds with which to pay for the cost of the construction of any road or roads, or may issue bonds for the payment of the same, in the same manner, as nearly as may be, as the board of chosen freeholders may do under this act, it being the expressed intention of this section to confer upon townships, towns, boroughs, villages, or other municipalities, full power to improve any road, or section of road, under the provisions of this act, all proceedings conforming, as nearly as may be practicable, to the provisions of this act. Any such road, or section of road, so constructed by any township, town, borough, village, or other municipality, other than by the county, shall be exclusively under the jurisdiction and control of such township, town, borough, village, or other municipality, and shall be repaired and maintained by such municipality. Nothing, however, contained in section four of this act shall be held to apply to any township, town, borough, village or other municipality.

Right of municipalities to improve roads.

Control thereof.

Exception.

As to roads in cities.

18. Whenever any road, or section of road, constructed by the board of chosen freeholders, shall lie within the corporate limits of any city, such city may enter into an agreement, in writing, with the board of chosen freeholders for the repair and maintenance of said road, or section of road, and from and after the making of said agreement and the approval thereof by the state commissioner of public roads, said road shall be exclusively under the jurisdiction and control of

such city, and shall be repaired and maintained by the same.

Repealer.

19. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed; *provided,* that this repealer shall not revive any act heretofore repealed, nor shall any proceeding for the improvement of any public road entered into before the passage of this act abate, but such proceeding shall continue as prescribed in the act under which the improvement was commenced.

Proviso.

20. This act shall take effect immediately.

Approved March 27, 1905.

CHAPTER 59.

An Act to extend the territorial boundaries of borough of Sea Isle City, in the county of Cape May and state of New Jersey, by the annexation of portions of the townships of Dennis and Upper.

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

Portion of Ludlam's island annexed to Sea Isle City.

1. All that land or real estate in the county of Cape May, this state, on Ludlam's beach or island, south of the center line of Polk avenue extended, as laid on a plan of the Whale beach tract, on file in the clerk's office at Cape May Court House, this state, being portions of the townships of Dennis and Upper, in this state, be separated from said townships of Dennis and Upper and annexed to said borough of Sea Isle City, so that the same shall be hereafter a part of and within the territorial limits of said borough.

2. This act shall take effect immediately.

Approved March 27, 1905.

CHAPTER 60.

An Act to provide for the consolidation of county hospitals for the insane in any county in this state and for the erection of new buildings, and for the sale of buildings and lands rendered unnecessary for such purpose.

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

Consolidation of county lunatic asylums.

1. Whenever in any county of this state the board of chosen freeholders of such county shall determine by a resolution, which shall receive the affirmative votes of at least two-thirds of all the persons elected to membership in said board, that it is expedient that all the county hospitals for the care and treatment of the insane, which shall, at the time of the adoption of such resolution, be maintained by such board, shall be consolidated and brought together in one place, upon lands owned by said county and suitable for such purpose, said board may proceed by appropriate action to order and cause such consolidation to be effected; and may erect a suitable building or buildings upon lands owned by such county to be used for a hospital for the care and treatment of the insane and furnish and maintain the same.

Buildings.

Bond issue.

2. For the purpose of obtaining means for the erection of such hospital building or buildings, and the furnishing thereof, it shall be lawful for the board of chosen freeholders of any such county to issue and sell the corporate bonds of said county to an amount not exceeding one-half of one per centum of the ratables of said county; said bonds shall bear interest at a rate not exceeding four per centum per annum, and the principal thereof shall be payable at a time not exceeding forty years from their date, and such board of chosen freeholders shall establish a sinking fund, to be raised by taxation from year to year, sufficient to pay off and discharge said bonds at their maturity, and shall also include in the annual county tax levy a sum sufficient to pay the interest thereon.

Amount.

Rate and time.

Sinking fund.

Freeholders may sell property not needed.

3. The board of chosen freeholders of such county may sell any lands and buildings owned by said county and used for the purposes of a hospital for the insane which are located in a part of the county remote from the site of the hospital buildings so consolidated and erected under the provisions of this act, and which are rendered unnecessary to be used for such hospital purposes, and the sale and conveyance thereof by such board shall vest in the purchaser title in fee to the premises so sold; the proceeds of the sale may be applied by said board, if necessary, to the erection of new buildings, or otherwise such proceeds shall be paid to the county collector as unappropriated money of the county, to be thereafter duly appropriated according to law.

Repealer.

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

Approved March 27, 1905.

CHAPTER 61.

An Act to provide for the participation of the State of New Jersey in the Jamestown ter-centennial exposition, to be held on and near the waters of Hampton Roads, in the State of Virginia, in the year nineteen hundred and seven, in commemoration of the first permanent settlement made in the United States, by English speaking people, in the year sixteen hundred and seven.

Preamble.

WHEREAS, The United States by an act of congress has determined it to be desirable to commemorate, in a fitting and appropriate manner, the birth of the American nation, the first permanent settlement of English speaking people on the American continent, made at Jamestown, Virginia, on the thirteenth day of May, in the year sixteen hundred and seven, in order that the great events of American history which

have resulted therefrom may be accentuated to the present and future generations of American citizens; and has inaugurated in the year nineteen hundred and seven, on and near the water of Hampton Roads, in the State of Virginia, an international naval, marine and military celebration, beginning on the thirteenth of May and ending not later than the first day of November, in the year nineteen hundred and seven; and

WHEREAS, The State of Virginia by an act of its general assembly did provide for the celebration of said event, by the holding of an industrial and historical exposition, which is to be held on the shores of Hampton Roads contemporaneously and in conjunction with the celebration inaugurated by the United States government; and

WHEREAS, The State of New Jersey has been invited to participate in said exposition by exhibiting its extensive resources and thereby increasing its agricultural, manufacturing and industrial interests; and also by exhibiting to the world the prominent part this State has taken in the historical development of this great country, and thereby stimulating State and national pride and inculcating more lofty patriotism; therefore,

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

Jamestown exposition commission.

1. There shall be appointed by the governor eleven persons, residents of this State, one of whom shall be chief commissioner and so named by the Governor, who shall constitute a New Jersey commission for the Jamestown ter-centennial exposition, to be held on and near the water of Hampton Roads, in the State of Virginia, in the year nineteen hundred and seven, to co-operate with the board of directors of the Jamestown exposition company, in encouraging and forwarding the objects for which said exposition is to be held, and to organize, prepare, superintend and have the general management of the New Jersey department at the said exposition. Said commission when appointed shall meet at such time and place as the Governor may appoint and organize by the election of

Organization.

a president, a vice-president and a secretary; a majority of said commission may constitute a quorum for the transaction of business. The commission shall have the power to make rules and regulations for its own government, not to conflict with the laws of the State or with the rules and regulations governing said exposition. The members of said commission shall not be entitled to any compensation, except their actual expenses when necessarily absent from their homes on the business of said commission. Said commission shall have power to fix the compensation of its secretary, and to employ such agents and assistants as may be necessary. Said commission shall continue in office until it shall have completed and settled the business connected therewith. All vacancies in said commission which occur by death, resignation or otherwise shall be filled by the Governor.

No compensation.

Expenses.

Vacancies.

Duties of commission.

2. Said commission shall have charge of the interests of the State of New Jersey, and its citizens, in the collection, preparation and exhibition at said exposition of the manufactures, arts and natural and industrial products of this State, illustrating its history, progress, moral and material welfare, growth, enterprise and development, and all other matters tending to advance the interests or reputation and prosperity of this State at said exposition. It shall collect, obtain and disseminate throughout the State all necessary information regarding the said exposition; secure the co-operation of scientific, agricultural, mechanical, manufacturing, historical and other associations in the several counties of the State in promoting the objects of the exposition; and in general to have and exercise full authority in relation to the participation of the State of New Jersey and its citizens, in the Jamestown tercentennial exposition, including the planting and construction of a suitable permanent building to be known as the New Jersey State building and furnishing and maintaining the same.

Building

Disposition of building.

3. After the said exposition shall have been closed, the said commission is hereby authorized to sell or otherwise dispose of the buildings and property of the State of New Jersey then on the exposition grounds,

on or near Hampton Roads, and deposit the moneys received therefor in the State treasury, and any money in possession of the said commission belonging to the State shall be paid to the State treasurer, and the accounts of the commission fully settled within six months after the close of the said exposition.

Payment of expenses.

4. All the necessary expenses attendant upon the carrying out by the said commission of the objects for which it is created shall be paid out of such sum as may be appropriated therefor by the Legislature, upon the certificate of the president of said commission.

Appropriation.

5. To carry out the provisions of this act the sum of twenty-five thousand dollars is hereby appropriated.

6. This act shall take effect immediately.

Approved March 27, 1905.

CHAPTER 62.

An Act authorizing boroughs bordering on the Atlantic ocean and owning certain land to lease the same.

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

Lease of lands bordering on ocean by boroughs.

1. Any borough in this state bordering on the Atlantic ocean and owning any land on the landward side of the board-walk not used for public parks, is hereby authorized to lease such lands for any term not exceeding ten years to any person, company or corporation upon such terms, conditions and restrictions as the borough council may deem proper for the public good.

2. This act shall take effect immediately.

Approved March 28, 1905.

New Jersey State Library

CHAPTER 63.

An Act to provide for the extension and maintenance of public roads in this state.

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

Extension of highways to become county roads.

1. Whenever the common council, board of aldermen, town council, township committee or other governing body of any city, town, township, borough or other municipality in this state shall, by resolution in writing, consent to the extension of any public road, boulevard, or highway constructed under the provisions of chapter ninety-seven of the laws of one thousand nine hundred and three, or any supplement thereto or amendment thereof, or by any board of freeholders or under the jurisdiction of any board of freeholders in this state, under any act authorizing such construction, and which lies partly within such municipality, and shall, in such resolution, request the further extension of such public road, boulevard or highway as a county road for the purpose of making and effectuating a complete and continuous county road in or through or partly in such municipality, then and in such case it shall be lawful for the board of chosen freeholders of the county wherein said city, town, township, borough or other municipality is situated, by resolution to lay out, open, construct, reconstruct, extend, improve and maintain an extension of any such public road in and through any such city, town, township, borough or other municipality; and for such purpose such board of chosen freeholders shall have the right to improve, reconstruct, take over, accept and maintain any public road, or section of road, already laid out in such city, town, township, borough or other municipality, in such manner as the said board of chosen freeholders shall deem necessary.

Rights of freeholders.

Conditions of acceptance.

Such extension of such public road can be authorized, accepted and adopted by said board of chosen freeholders only upon the following conditions:

Necessary.

(a) The extension must be, in the judgment of such board of chosen freeholders, of public importance.

(b) The state commissioner of public roads shall approve the resolution authorizing such extension before the same shall become effective. Approval by road commissioner.

(c) The consent presented to such board of chosen freeholders by any such city, town, township, borough or other municipality must be accompanied by a certificate that the whole of the proposed road, or section of road, if any, which is to be used for the purpose of such extension, has been permanently improved without state or county aid by the construction thereon of a macadamized road or telford or other stone road, so that the same is, or shall be, with reasonable repairs thereto, firm, smooth and convenient for travel at all seasons of the year; and accompanied by a map or survey of such road, or section of road, and a brief description of the specifications under which such improvements were made, together with evidence that full payment to the contractor or contractors for all work done has been made. Certificate of consent. Capable of repairs. Map.

Any such extension of such county road, upon its acceptance by any such board of chosen freeholders, shall forever thereafter be a county road and subject to the exclusive jurisdiction of said board of chosen freeholders, except as hereinafter provided; it shall be constructed, reconstructed, laid out, improved and maintained under the provisions of chapter ninety-seven of the laws of one thousand nine hundred and three, or any supplement thereto or amendment thereof, and the duty of keeping the same in repair shall devolve exclusively upon such board of chosen freeholders. Freeholders to have exclusive jurisdiction.

2. Except for the purpose of maintaining such road in good repair for the purposes aforesaid, and for such other purposes as are set forth in chapter ninety-seven of the laws of one thousand nine hundred and three, or any supplement thereto or amendment thereof, such city, town, township, borough or other municipality in which such extension shall be constructed, reconstructed, laid out, improved and maintained, shall have the right to light the same, as part of the system of streets in such city, town, township, borough or other municipality. Lighted by municipality.

Repealer.

3. Chapter one hundred and twenty-nine of the laws of one thousand eight hundred and ninety-seven, and all other acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

4. This act shall take effect immediately.

Approved March 28, 1905.

CHAPTER 64.

An Act to amend an act entitled "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," which supplement was approved March twenty-fifth, one thousand eight hundred and eighty-five, approved April eleventh one thousand nine hundred and four.

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

Section amended.

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

Authority to enlarge or locate cemeteries.

6. It shall not be lawful to locate any new cemetery or burying-ground, or to enlarge any cemetery or burying-ground in this state without the consent and approval of the governing board or body and board of health of the city, town, township, borough or other municipality in which it is proposed to locate or enlarge such cemetery or burying-ground, upon application in writing for that purpose made; and in case of the refusal of said municipal boards to grant such application, then the person or persons or corporation making such application as aforesaid may, within thirty days after such refusal, appeal to the state board of health, which said board shall have power to hear said appeal and to consider all sanitary questions involved in the location of such cemetery, and in case said state board of health shall decide that the location

or enlargement of such cemetery or burying-ground shall be detrimental from a sanitary standpoint, their decision shall be final; in case said state board of health shall decide that said location or enlargement of said cemetery or burying-ground shall not be objectionable on sanitary grounds they shall have the power to grant to the person or persons or corporation appealing to said board under the provisions of this act a certificate under the seal of said board to the effect that said location or enlargement of such cemetery or burying-ground is not objectionable from a sanitary standpoint; and the person or persons or corporation obtaining such certificate from the state board of health shall have the right, within thirty days from the date of the issuing of said certificate, to the appeal to the supreme court, which court shall have power to hear said appeal and confirm or reverse the refusal of such municipal boards in its discretion; and in case such governing board or body and board of health of any city, town, township, borough or municipality shall grant any application for the location or enlarging of any cemetery or burying-ground to be located or enlarged within such municipality, and such location or enlarging shall be deemed objectionable by the inhabitants of such municipality, then and in such case ten resident freeholders of said municipality may, within thirty days after the granting of such application, appeal to the state board of health, which said board shall have power to hear said appeal and consider all sanitary questions involved, and the proceedings taken under said appeal shall in all respects conform to the method provided for in this section in the case of a refusal by the local governing board or body or board of health to grant such application, and in case said state board of health shall decide that the location or enlargement of such cemetery or burying-ground shall be objectionable from a sanitary standpoint, their decision shall be final and no appeal from their decision shall be taken; in case said state board of health shall decide that said location or enlargement of said cemetery or burying-ground shall not be objectionable on sanitary grounds, they shall have the power to issue a certificate under the seal of

Decision by state board of health.

Right of appeal.

Hearing

Certificate of approval.

said board to the effect that said location or enlargement of such cemetery or burying-ground is not objectionable from a sanitary standpoint, and in case said certificate shall be issued, either of the parties interested shall have the right, within thirty days from the date of the issuing of said certificate, to appeal to the supreme court, which court shall have power to hear said appeal and to confirm or reverse the granting of such application by such local municipal boards, in its discretion; all persons or corporations making any application provided for in this section for the location or enlargement of any cemetery shall accompany the same with a descriptive map of the land and premises proposed to be used and occupied for such cemetery or the enlargement thereof, a copy of which map shall be filed in the office of the clerk of the county wherein such cemetery is proposed to be located or enlarged, and in case an appeal shall be made, as provided for in this section, a copy of said map shall also be filed with the secretary of the state board of health and the clerk of the supreme court.

Appeal to supreme court.

Maps.

Repealer.

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

Approved March 28, 1905.

CHAPTER 65.

An Act concerning paid fire departments in certain municipalities of this state, and for the relief of members thereof, their widows, dependent parents and children.

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

Pension fund in paid fire departments.

1. In all municipalities of this state, other than cities of the first class, which now have or which shall hereafter have, a paid fire department, it shall be lawful for the members of such department to associate

themselves together, as a body corporate, for the purpose of providing and maintaining a fund to pension firemen, their widows, dependent parents and children.

Method of formation.

2. For the purpose of forming such a corporation the chief engineer of such fire department shall notify each company in the department to choose not more than three delegates to attend a meeting to be held not less than five days after the giving of such notice, to consider the formation of a corporation in accordance with this act; said notice shall be in writing, and shall specify the time and place of the meeting of the delegates; if two-thirds of the delegates present at such meeting shall vote in favor of forming such a corporation, they shall adopt a resolution to that effect, and shall choose a name for the corporation, and they shall send a copy of such resolution to the board of fire commissioners or other municipal board having charge and control of such paid fire department, and shall recommend to such board or body four members of such fire department as trustees; the first trustees created under this act shall prepare and sign a certificate reciting the adoption of the resolution by the delegates, as hereinbefore directed, the name adopted, the appointment of trustees, the organization and the names of officers, and execution of the certificate for the purpose of forming a corporation under this act, for the purposes herein set forth, which certificate shall be recorded in the office of the clerk of the county wherein such corporation shall be organized, and shall then be filed in the office of the commissioner of banking and insurance at Trenton, and thereupon such trustees, their associates and successors shall be and become a body politic and corporate in law with all the powers incident thereto.

Corporate name.

Trustees.

Certificate of organization.

Filed with commissioner of banking and insurance.

Management of fund.

3. Such pension fund shall be under the control and mangagement of the board of five trustees, to be composed of the chief engineer of such fire department, ex-officio, and four members thereof, appointed by the board of fire commissioners or other municipal board having control of such fire department; the first board of trustees selected as in section two of this act shall serve until the month of January following the incorporation of such association, at which time a

Terms of trustees.

board of trustees shall be appointed as heretofore provided in this section, one for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four, who shall serve for the respective terms for which they each were chosen, and thereafter annually, in the month of January of each year, a member of said board of trustees shall be chosen for a full term of four years to serve in the place and stead of the trustee whose term shall have then expired, so that the term of office of but one member shall expire in each year.

Bonds.

4. Such trustees and all other officers of the said corporation shall give bonds with some duly authorized security company as surety thereon for the faithful performance of their duties as shall be fixed by the by-laws of the corporation.

Officers of fund.

5. The said board of trustees shall at the first annual meeting elect a chairman, secretary and treasurer, the secretary may be one of their own members or the clerk of the board of fire commissioners or other municipal board having control of such fire department, the board of trustees shall fix the compensation of the secretary and treasurer, the chairman shall serve without compensation.

Payments.

6. All moneys paid out of such pension fund shall be paid by the treasurer, upon warrants signed by the chairman of the board of trustees and countersigned by the secretary thereof; and no warrant shall be drawn except by the order of said board upon a yea and nay vote recorded in the minutes of said board; such board of trustees may deposit such fund in any of the banks or trust companies of such municipalities, and may invest the same in bonds secured by first mortgages on improved property worth at least twice the amount loaned, or in bonds of the United States, or of this state, or any city or county in this state; all income, interest or dividend which shall be paid or agreed to be paid on account of any loan or deposit shall belong to and constitute a part of said fund.

Investments.

Semi-annual reports.

7. The board of trustees shall make a semi-annual report of the condition of such fund and the manner in which the same is invested, to the board of fire commissioners or other municipal board having control of

such fire department, in the months of January and July in each year, and at such other times as they may be requested to do so by the board of fire commissioners or other municipal board having control of such fire department.

Counsel to trustees.

8. The corporation attorney and counsel of such municipality shall, without additional compensation, and under the direction of such board of trustees, prosecute all actions or proceedings at law or in equity which said board may wish to institute for the enforcement of the several provisions of this act, and shall defend, on behalf of said board, any action or proceeding which may be brought against it.

Pensions exempt from legal process.

9. All pensions granted under this act shall be exempt from execution, attachment or any other legal process whatever.

Source of fund.

10. Such pension fund shall be provided and sustained as follows:

From insurance companies;

I. By one-half of the two per centum of the premiums for insurance effected in such municipalities by foreign insurance companies, which is now, by law, required to be paid to local firemen's relief associations in such municipalities; and upon and after the creation of a pension fund, under and by virtue of this act, it shall be lawful for agents and brokers of such foreign insurance companies to and they shall pay said one per centum of the premiums received by them for insurance on property in such municipalities to the treasurer of the corporations herein authorized; and when it is so paid and taken for the uses of such pension fund it shall be taken and accepted in lieu and bar of any and all claims for relief which any member of said pension fund or his widow or children might have or may have had upon the local relief fund from thenceforth where and while there are other beneficiaries upon such local relief fund entitled to relief therefrom, except cases where such paid firemen may thereafter be injured or contract serious illness while doing actual fire duty, or any special or extra duty, upon which he may be detailed;

Fines.

II. By all fines, penalties and forfeitures assessed upon and collected from any officer or member of such fire department;

Rewards.

III. By all rewards, fees, gifts or emoluments paid or given for extraordinary services rendered by any officer or member of said fire department, except when the same is allowed by the board of fire commissioners or other municipal board having charge and control of the said department to be retained by such officer or member, or when the same is especially given to endow a medal or other competitive reward;

Donations.

IV. By all appropriations, donations, devises and bequests that may be made or given to such pension fund by any such municipality or other corporation or person;

Fees.

V. By all fees received for permits issued by such board of fire commissioners or municipal board, and the moneys obtained by the sale of old materials and property of such paid fire department other than real estate;

Chimney fires.

VI. By all fines that may be imposed upon persons whose chimneys are negligently set on fire;

Theatre licenses.

VII. By such license fee as is now or shall hereafter be imposed upon and collected by the municipality from the owners or lessees of theatres in such municipality for each performance therein, which shall be paid to the treasurer of such corporation for the benefit of such fund;

Tax on explosives.

VIII. By all taxes on the sale or storage of explosives as now or hereafter to be provided by the law of this state;

Assessment on firemen's salary.

IX. If the amount of any such pension fund shall at any time be less than twenty thousand dollars, the board of trustees of any such corporation may assess and collect from each and every member of such department a sum not exceeding one per centum of his salary, said sum shall be paid by each and every member monthly to the treasurer of such corporation, and such assessment and collection shall be made in manner and form as may be provided in the by-laws of the corporations; and it shall be lawful for any municipality in this state to pay to the board of trustees of any such corporation an amount equal to the one per centum of the salary of each and every member of such department whenever such municipality,

through its common council or other governing body, may appropriate a sufficient amount for such purpose.

Pensions how paid.

11. Pensions shall be paid from such fund in the following manner:

Age and service.

I. In all municipalities of this state in which this act shall become operative, all members of such departments who shall have honorably served therein twenty years, and who shall have reached the age of sixty years shall, upon application of the board having charge of the fire department in such municipality, be retired by such board, and shall thereupon receive from such pension fund an amount annually, equal to one-half of the salary received by such member at the time of his retirement;

Physical incapacity thru service.

II. If any officer or man permanently employed in such department whose duty requires active service in the extinguishment of fires shall have become or shall hereafter become incapacitated, either mentally or physically, for the performance of such duty, whenever such incapacity is or shall be the result of injury received or sickness contracted while on duty, either in the performance or attempted performance of any duty connected with employment in such fire department, or in the performance or attempted performance of any extra or special duty upon which such officer or man may be detailed, he shall be retired by such board of fire commissioners or other municipal board having charge of such fire department, and shall thereupon be entitled to receive, and shall receive, from such pension fund an amount equal to one-half of his salary received by him at the time of his retirement; in all applications made under this paragraph the officer or member applying for retirement shall furnish to the board of fire commissioners, or other municipal board having charge of such fire department, a certificate signed by at least three practicing physicians of the municipality in which said fire department is located, stating that, in their opinion, he is incapacitated, either mentally or physically, for the performance of his duty in such department, and which certificate shall further state how such incapacitation was brought about, and said certificate, when signed as above, and containing the information above required, shall be conclusive proof

Physicians' certificate.

to the said board of the incapacitation of such applicant;

In case of death.

III. If any officer or man permanently employed in any fire department in any said municipality shall be fatally injured while on duty, either in the performance or attempted performance of any duty connected with employment in such fire department, or in the performance or attempted performance of any extra or special duty, upon which such officer or man may be detailed, or shall die as a direct result of sickness or illness contracted or incurred either in the performance or attempted performance of any such duty, the widow, if any there be, or if there be no widow, then the child or children of such deceased officer or man shall receive from such fund an annual pension equal to one-half of the salary received by such officer or man at the time of his death to be paid in equal monthly installments to such widow during her widowhood; if such officer or man should not leave a widow, but shall leave a child or children, such pension shall be applied, under the direction of the board of trustees of said corporation, to the support of such child or children until they shall have attained the age of sixteen years; if such officer or man shall not leave a widow or any children him then surviving, but shall leave a dependent parent or parents, to whom the said officer or man was the only support, such parent or parents shall receive from such fund an annual pension equal to one-half of the salary received by such officer or man at the time of his death, to be paid in equal monthly installments to such dependent parent or parents so long as they, or either of them, shall remain dependent;

Pension to widow or children.

When pension to parents.

If pensioner die, disposition of pension.

IV. When any officer or man in such department shall die, after having been retired and pensioned, as aforesaid, the widow, if any there be, or if there be no widow, then the child or children of such deceased officer or man shall receive from such fund an annual pension equal to the pension received by such officer or man at the time of his death, to be paid in equal monthly installments to such widow until their youngest child shall reach the age of sixteen years, after which time she shall receive an annual pension equal to one-half the pension received by her husband

at the time of his death to be paid in equal monthly installments to such widow during her widowhood; if such officer or man shall not leave a widow, but shall leave a child or children, such pension shall be applied, under the direction of the board of trustees of such corporation, to the support of such child or children until they shall have attained the age of sixteen years; if such officer or man shall not leave a widow or any children him then surviving, but shall leave a dependent parent or parents, to whom the said officer or man was the only support, such parent or parents shall receive from such fund an annual pension equal to one-half of the pension received by such officer or man at the time of his death, to be paid in equal monthly installments to such dependent parent or parents so long as they, or either of them, shall remain dependent.

As to pensions from local relief associations.

12. In any municipality of this state, other than cities of the first class, having a paid fire department, and where the said paid department has the sole control of the two per centum on the premiums received for insurance effected in such municipalities by foreign insurance companies, and which is now by law required to be paid to local firemen's relief associations in such municipalities, and where local firemen's relief associations are under the sole control of the members of said paid fire department; it shall be lawful in any of said municipalities to pension such members of the fire departments of said municipalities as are entitled to pensions under this law direct from the funds of the local firemen's relief association in any of the said municipalities; *provided, however,* that there are sufficient funds under the control of said association to properly care for the widows and orphans that are dependent upon the said association and are entitled to relief therefrom under the laws now governing firemen's relief associations.

Proviso.

Penalty for false oath.

13. Any person who shall willfully or knowingly swear falsely in any oath or affirmation for the purpose of obtaining or procuring any pension or the payment thereof, under the provisions of this act, shall be deemed guilty of perjury, and upon conviction thereof, shall be punished by law for such crime.

Unlawful retention of funds at bar.

14. Any member of the fire department of any municipality in this state who shall unlawfully retain any of the funds, properties, moneys or effects of any corporation organized under this act shall forever be debarred from receiving any relief from the funds of the corporation which he has thus defrauded.

Repealer.

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

Approved March 28, 1905.

CHAPTER 66.

Supplement to an act entitled "An act relating to, regulating and providing for the government of cities," which act was approved April eighth, one thousand nine hundred and three.

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

Board of health divided into classes.

1. In all cities of this class the board of health of such cities shall consist of seven members, citizens of said city; they shall be appointed by the mayor of such city immediately after this act goes into effect. The members appointed under this act shall be divided into classes as to their terms of office: one class of one member to hold office one year; one class of two members to hold office two years; one class of two members to hold office three years; and one class of two members to hold office four years; and thereafter all appointments shall be for the term of four years; any vacancy in such board shall be filled for the unexpired term only.

Repealer.

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

Approved March 29, 1905.

CHAPTER 67.

An Act to abolish the state board of taxation and to create in lieu thereof a board for equalization, revision, review and enforcement of tax assessments.

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

Board of Equalization of Taxes.

1. There shall be established a board for the equalization, revision, review and enforcement of taxation, to be called the Board of Equalization of Taxes of New Jersey, which shall consist of a president, who shall be a counsellor-at-law, and four associate members, who shall all be appointed by the Governor, by and with the advice and consent of the senate. Their term of office shall commence on the first Monday of April, and shall be for a period of five years, except as hereinafter provided in reference to the associate members thereof first appointed hereunder, and each member before entering upon the discharge of his duties shall file with the secretary of state an oath that he will faithfully discharge the duties of his office. The president shall receive an annual salary of five thousand dollars, and each associate member shall receive an annual salary of three thousand five hundred dollars, which salaries shall be payable monthly, and shall be in lieu of any allowance for expenses. The said board, immediately after its organization, shall appoint a clerk, whose term shall be for five years and whose salary shall be two thousand five hundred dollars a year, payable monthly; the expenses of said clerk actually incurred in the prosecution of his duties, when certified to by the president of said board, shall likewise be paid by the treasurer, on the warrant of the comptroller; said board shall also have the power to employ such other clerical assistants as it shall deem necessary, who shall be paid such reasonable compensation as shall be fixed by its members, and approved by the governor. Immediately after the organization of said board, its associate members shall by lot determine which of said associate members shall continue in office for four years, which for three years,

Term and oath.

Salaries.

Clerk.

Assistants.

Compensation.

Determination of terms by lot.

which for two years and which for one year; and thereupon their terms shall be for the period thus resulting, and a minute thereof shall be deposited with the secretary of state.

Records and rules.

2. The said board shall keep a full record of its proceedings, and have the power to make rules, orders and directions as it may deem necessary to carry into effect the objects of this act. It shall have the power to compel the attendance of witnesses and the production of books and papers before it, and it may examine witnesses, or cause witnesses to be examined before it, under oath, which any of its members may administer, and in case of the failure of any person or corporation to obey any such order of the said board he, she or it shall be liable to be punished as for contempt by said board as hereinafter provided. The said board may, as occasion shall require, by order, refer to one or more of its members the duty of taking testimony in any matter pending before it, and report thereon to the board, but no determination shall be made therein except as herein provided.

Compel witness to testify.

In case of complaint, board shall investigate justice of assessment.

3. In case it shall, by written complaint of any taxing district or any county in this state, appear that any other taxing district or any other county that is by taxes contributing to a common cause with such complainant, is by inequality of valuation or otherwise avoiding or escaping from its fair share of the common burden, the said board shall thereupon cause an investigation of such complaint to be made, and shall render such aid and assistance as it may be able to give for the purpose of arriving at a fair and equitable adjustment of values of both real and personal property of any and every kind, and belonging to any person or corporation whatsoever, including such property of railroad and canal companies as contributes to such common cause; to this end the said board may examine any assessor or board of assessments, under oath, as to his or their assessments, both as to the valuation as a whole and as to any particular piece of property or as to any property omitted from assessment, and may inquire by the testimony of witnesses concerning the same, and if it shall

Method of conducting investigation.

deem proper it may make a personal examination of any property in any taxing district or county, for the purpose of equalizing assessments between such districts or between counties bearing a common burden of taxation. If it shall appear that the value of any property contained in any taxing district or county, including railroad and canal property bearing such common burden, is relatively less than the value of any other property contributing by taxation to a common burden, or that property, real or personal, that should be assessed therefor has been omitted from assessment, the said board may, after giving the notice hereinafter provided, for the purpose of fixing or adjusting the proportion or quota of taxes to be levied as aforesaid, after a comparison of the values, or a like examination as to any omissions from the tax ratables, add thereto such sum or amount as shall seem equitable, and to be warranted by such comparison and examination; or if it shall appear to said board upon such investigation that the assessment of any property lying in any such taxing district or county, including such property of any railroad or canal company, and taxed for a common benefit, is greater than the true value thereof, it may, for the purpose aforesaid, in order to equalize the valuations throughout the territory which contributes to the common burden, reduce said assessment to the amount of the true value of the property therein, and at the same time make such increases in the valuation as shall be warranted and as herein provided, and the said board may further, in any year in which such reduction or increase is made and the tax rate has already been fixed, in order to do justice, equitable equalize the assessment of any piece or pieces of property. Before any change shall be made in value the assessors of the taxing district in which the change is proposed and the owner of such property shall be notified in writing that the said board proposes to make the same, and he shall be directed to show cause, at a time and place to be in said notice designated, before the board why the said change should not be made; such notice shall be sufficient if published in one of the newspapers circulating in the county, at least five days before such hearing, and mailed to the post-office ad-

When board may increase assessment.

When reduce assessment.

Before action notice to owner.

dress of such assessor and owner or served personally on them, at least five days before such hearing. When the several taxes shall be amended in the particulars aforesaid, the taxes for said district shall be levied and collected based upon the said corrected valuation.

Taxes levied on valuation.

Investigate methods of local assessors.

4. It shall be the duty of the said board to investigate the method adopted by local assessors in the assessment of real and personal property in this state, to furnish the local assessors information to aid them in making assessments, to examine all cases where evasion of proper taxation is alleged, and to ascertain wherein existing tax laws are defective or are improperly or negligently administered. It shall annually report to the legislature, particularly specifying any means or practices or devices used for the evasion of proper taxation, and it shall annually submit to the legislature such recommendations as it may find necessary to prevent the evasion of just and equal taxation; and from time to time also report to the legislature what changes, if any, it considers should be made either in the laws governing the method of taxation or any change of the rate of tax upon property of any person or corporation, including railroad and canal companies, in order to produce equality of taxation.

Annual report to legislature with recommendations.

Power to review and correct.

5. Where complaint shall be made to said board in writing, verified by the oath of any complainant, on or before the first day of April following the assessment of property of any kind, whether belonging to individuals, corporations, railroads or canals, said board shall have power to review and correct the action of the local assessors or other taxing officers and of all boards of tax review, by reducing or increasing such assessment, and the corrected tax shall bear interest from the time fixed by the law under which said tax was originally levied until paid; *provided, however,* said board shall have power at any time, on application of the property owner or owners, with the consent of the mayor or assessor of the municipality affected, to correct errors, mistakes or omissions in the assessment of any persons or corporations.

Proviso.

Power to increase assessment or direct re-assessment.

6. When the said board has reason to believe from information or otherwise, that any property, including the property of railroad and canal companies, has been

assessed at a rate lower than is consistent with the purpose of securing uniform and true valuation of property for the purpose of taxation, the said board shall have the power, after due investigation, to increase the assessment made upon such property; and for this purpose, if necessary, may direct an assessor or other taxing officer to make a reassessment of such property, according to the rules which the said board shall establish, and if such assessor or other taxing officer shall fail or refuse to comply with the order so given, the board shall have power to appoint some other person to make the new assessment under the direction of the board; and the assessment so made and affirmed by the board shall be and be deemed to be the assessment of such property for the year. The board may also assess and add to the tax list and duplicate any property omitted, and may correct misnomers or other errors in assessments on notice to parties concerned.

Correction of tax duplicate.

7. It shall be the duty of the board to meet from time to time as it shall deem proper, and any taxpayer feeling himself aggrieved by the apportionment of taxes against the taxing district wherein he is taxed, or any taxing district aggrieved by the action of the county board of assessors of equalization, may, within such time as said board shall by rule prescribe, file a petition of appeal to the board setting forth therein the cause of complaint and asking relief, and the board shall make such order respecting the procedure in such case as to it shall seem just; and shall hear summarily, and determine such complaints and revise and correct the apportionment of taxes and the determination of such county board of assessors or of equalization by fixing the amount of each taxing district shall raise, in just proportion according to the true value of the taxable property therein, and the assessment so corrected and dtermined by said board shall be final and conclusive; such corrected rate of assessment shall be certified by said board to the collector of the taxing district where such property is taxable, and shall be collected in the same manner that other taxes in said taxing district are collected.

Right of appeal.

Complaint summarily heard.

Corrected rate.

Investigation at instance of board of freeholders.

8. When complaint shall be made in writing to the board by the board of chosen freeholders of any county in this state, or by the governing body of any taxing district that the taxable property of any county has been undervalued or omitted by the assessors therein, it shall be the duty of the board to investigate the assessment of the property subject to taxation in such county complained of; the board shall certify and file the result of every such investigation in the office of the state superintendent of public instruction and in the office of the comptroller of the state, and shall in such certificates specify, first, whether substantially all the real and personal property in each county so investigated has been listed, assessed and valued, and if not all, what percentage; second, whether or not such property subject to taxation has been assessed and valued by the respective assessors and taxing officers in such county at substantially its true value, and if not at such value at what percentage of such value; third, what should be the valuation of the property, both real and personal, in each county investigated; and such determination of the proper valuation on the part of the board shall for all purposes of the state comptroller, the state superintendent of public instruction and the state board of education be deemed to be the true valuation of each county or counties investigated, until otherwise determined by the board under the provisions of this act. For such investigation the board may disburse as may be necessary, not exceeding for any one county the sum of one hundred dollars, which shall be paid by the state treasurer from any fund available for that purpose, upon their filing in his office a certificate specifying in detail the items of such disbursement.

Result filed; stating, etc.

Expenses of such investigation.

Evidence of determination.

9. The determination of any matter brought before said board shall be evidenced by a judgment duly signed by at least three of its members, and filed with its clerk; copies thereof, duly certified by said clerk, shall be evidence in any cause or proceeding. When the said board shall be satisfied that any person, officer or corporation has failed to comply with its said judgment, although fully apprised thereof, it shall have full power, upon procedure and rules to be adopted by

Punish for contempt.

it, to attach such delinquent for contempt and to punish accordingly.

Board of taxation abolished.

10. The State Board of taxation created by section thirty-two of an act of the legislature of the State of New Jersey entitled "An act for the assessment and collection of taxes," approved April eighth, one thousand nine hundred and three, and the supplements thereto, approved February first, one thousand nine hundred and four, be and the same is hereby abolished, and all offices and positions arising thereunder or depending thereon be and the same are hereby vacated, but all proceedings heretofore commenced and now pending before said State Board of Taxation shall continue before and be determined by the board hereby established, which board is hereby vested with full power and authority to determine the same, as if they had been commenced before it.

Continuation of proceedings previously begun.

Constitutionality of act.

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

Repealer.

12. All acts and parts of acts inconsistent herewith be and the same are hereby repealed, but said repealer shall not revive any laws heretofore repealed.

13. This act shall take effect immediately.

Approved March 29, 1905.

CHAPTER 68.

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

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

Section amended.

1. Section thirty-four of an act entitled "An act concerning railroads (Revision of 1903)," approved April fourteenth, nineteen hundred and three, be and the same is hereby amended to read as follows:

Road through cities may be elevated.

34. In any city, except a city of the first class, the municipal authorities may permit any railroad company to lay and construct its tracks along and upon any street or highway, or above such street or highway by means of an elevated structure, and may contract with such railroad company, fixing terms and conditions as to maintenance of crossing, speed of trains and payment of consideration for such use, and may do all things necessary to carry out such contracts, and any such contract heretofore made is hereby ratified and confirmed; *provided,* that no such railroad shall be constructed along or above any such street or highway until the company shall have acquired the right of the owners abutting thereon by agreement or condemnation proceedings.

Proviso.

2. This act shall take effect immediately.

Approved March 30, 1905.

CHAPTER 69.

An Act concerning the division of wards in cities of the second class in this State.

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

Re-arrangement of ward lines upon petition.

1. Whenever in any city of the second class of this State, fifty per centum or more of the board of aldermen, common council or other governing body, shall petition the mayor or chief executive officer of such city, that in their opinion a change of the ward lines of said city is necessary for the proper representation of the residents of said city, it shall be the duty of the said mayor or chief executive officer of such city to whom said petition shall be addressed, within thirty days after receiving said petition, to appoint by writing under his hand, three residents of such city, commissioners, whose duty it shall be, within thirty days after their appointment, to divide the city in and for which they are appointed, into wards (without increasing the number of wards) as herein provided. Not more than two of said commissioners so appointed shall be of the same political party and they shall, within ten days after their appointment, having first taken and subscribed before some officer duly authorized to administer oaths and affirmations, an oath or affirmation faithfully and impartially to execute and perform the duties imposed upon them, proceed to divide such city into wards; all such wards shall be formed of contiguous territory, and in dividing the same the said commissioners shall have regard to equality of population; the boundary and dividing lines of all such wards shall be properly described and a map defining the lines and showing the extent and boundaries of such wards shall be made and filed by the said commissioners in the office of the city clerk or with the mayor of such city, with a description or statement of such lines, all of which shall be attested and certified by said commissioners, under their hands, and shall there remain of record; the acts of a majority of said commissioners shall be deemed and taken to be

Commissioners appointed.

Wards how divided.

Map.

the acts of all the said commissioners, and shall be valid and binding when done in pursuance of this act;

Compensation and expenses.

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

Proviso.

Repealer.

2. All acts and parts of acts, whether general, special, local, supplemental or otherwise, in anywise inconsistent or in conflict with the provisions of this act, be and the same are hereby repealed.

3. This act shall take effect immediately.

Approved March 30, 1905.

CHAPTER 70.

An Act to amend an act entitled "An act regulating the pay of officers and policemen in certain cities of this State," approved May ninth, eighteen hundred and eighty-nine.

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

Section amended.

1. Section one of the act entitled "An act regulating the pay of officers and policemen in certain cities of this State," is hereby amended so as to read as follows:

Salaries of police force.

1. In all cities of this State, other than those known as seaside resorts, the pay or salaries of the following-named officers shall be as hereinafter specified respectively:

Aids, sergeants and lieutenants, each not less than thirteen hundred and fifty dollars per year; detectives, each not less than thirteen hundred dollars per year; round-sergeants, or roundsmen, each not less than eleven hundred dollars per year, and policemen, each not less than seven hundred and fifty dollars for the first year of service, not less than eight hundred dollars for the second year of service, not less than eight hundred and fifty dollars for the third year of service, not less than one thousand dollars for the fourth year of service, and not less than one thousand dollars for the fifth year of service; *provided,* that each policeman now receiving one thousand dollars per year, and each policeman who under the provisions of this act shall have served for two years at one thousand dollars per year, shall receive each year an increase of five per cent. per annum on his annual salary until such salary shall reach the sum of twelve hundred dollars, when such increase shall cease.

Proviso.

Inoperative until assented to by voters.

2. This act shall take effect immediately, but its provisions shall remain inoperative in any city until the same shall be accepted by the voters of said city by a majority of the votes cast for or against such act at any general election hereinafter to be held in such city. If a majority of those voting for or against the acceptance of this act shall be in favor of its acceptance, the provisions thereof shall be deemed to be accepted by such city, and such city shall be bound by the terms thereof. When the question of the acceptance of this act shall be submitted to the voters, there shall be printed upon the official ballots for every election precinct, district or ward of the city the word "for" and the word "against" above and immediately preceding the words "the act to increase compensation of police department." If the word "for" be marked off or defaced upon the ballot, it shall be counted as a vote against acceptance of this act; if the word "against" be marked off or defaced upon the ballot, it shall be counted as a vote in favor of the acceptance of this

Referendum.

act; and in case neither the word "for" nor the word "against" be marked off or defaced upon the ballot, it shall not be counted as a vote either for or against such acceptance. There shall be a canvass and return of the votes upon the question of the acceptance of this act made by the election officers in the same way and manner as for officers voted for at such election, and if the majority of the votes cast for or against the acceptance of this act shall be found to be in favor of its acceptance, it shall then, but not otherwise, become operative and binding upon the city wherein such vote shall have been taken.

Canvass of votes.

Question submitted at general election.

3. In all cities which have heretofore accepted the provisions of the act to which this act is amendatory, the question of the acceptance of this act shall be submitted at the general election to be held in such city first after the passage of this act, and thereafter the question of the acceptance or rejection of this act may be submitted at any general election upon the order of the common council or other governing body of such city, expressed by resolution and voted for by a majority of all the members of said body.

When increase effective.

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

Repealer.

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

Approved March 30, 1905.

CHAPTER 71.

An Act respecting soldiers' monuments.

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

1. The body having the control of the affairs of any town in this State may, in its discretion, pay the expense of the erection and completion of any soldiers' monument to an amount not to exceed one tenth of the cost thereof. Towns may erect monuments.

2. This act shall take effect immediately.

Approved March 30, 1905.

CHAPTER 72.

An Act to incorporate the borough of Bloomsbury, in the county of Hunterdon.

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

1. The inhabitants of those portions of the township of Bethlehem, in the county of Hunterdon, contained within the limits hereinafter set forth, are hereby constituted and declared to be a body politic and corporate in fact and in law by the name of "The Borough of Bloomsbury," and shall be governed by the general laws of this state relating to boroughs. Corporate name.

2. The territorial limits of the said borough shall be as follows, to wit: Beginning at a point in the middle of the Musconetcong river, in the line dividing the counties of Warren and Hunterdon, where the lands of Joseph B. Boss and John E. Taylor and others corner, and runs thence along the division line of their lands (passing four feet easterly of a large white oak tree standing on the south bank of said river) (1) south, eight and a half degrees east, fifty-one chains and six links to a corner in the division line of lands of said Jacob V. Williver and Taylor's in the south line of the right of way of the Easton and Boundaries.

Amboy Railroad; thence following said south line of said railroad (2) south, seventy-seven degrees and fifteen minutes east, twenty-one chains, to a corner in said line; thence (3), still along the said line, south, seventy-five degrees west, eight chains; thence (4), by the same line, south, seventy-one degrees west, five chains; thence (5) south, seventy and a half degrees west, one hundred and forty-eight chains, to a corner in said line where the switch leading to the Warren paper mills leaves the main line of said railroad; thence (6), following the south side of said switch, south, forty-seven degrees west, two chains; thence (7), along south side of said switch, south, forty-three and a half degrees west, one chain; thence (8), along said switch, south, twenty-five degrees west, six chains, to a point in said south line; thence (9) south, forty-two degrees west, five chains and sixty links, to a large rock on south side of said switch; thence (10) north, thirty-two and a half degrees west, seven chains, passing through a buttonwood tree near the said river to the middle of said river, about one hundred yards southerly from the culvert over the said river known as the "Pine Hollow culvert" of the Easton and Amboy railroad; thence (11) up said river, following the line between the counties of Warren and Hunterdon, the several courses and distances, to the place of beginning.

3. This act shall take effect immediately.

Approved March 30, 1905.

CHAPTER 73.

An Act to establish criminal courts of record in municipalities in counties of the first class, upon the recommendation of the prosecutor of the pleas of such counties, and regulating the jurisdiction, duties and duties and powers of such courts.

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

Method by which this act becomes effective.

1. In any county of the first class in this State, on the recommendation of the prosecutor of the pleas, with the approval of the justice holding the circuit of the supreme court, or the judge of the court of general sessions in any such county of the first class, the provisions of this act shall become effective and operative, and the criminal courts, recorder's court, police court or courts and the magistrate or magistrates thereof shall be governed by and shall be amenable to the provisions of this act, whether such magistrate is a recorder or a police justice, either elected by a vote of the people or who holds the said office by virtue of an appointment thereto, and the provisions of this act shall apply to the conduct of and shall be the law regulating and governing the criminal court, recorder's court or police court and the magistrate thereof, in any such municipality, and the said criminal courts, recorder's court or police court and the said magistrate in any such court shall, in addition to the powers conferred by this act, have and possess all the jurisdiction and power heretofore vested in or exercised by said court or by said magistrate, whether conferred by statute or otherwise, and the said magistrate shall perform all the duties heretofore imposed by law upon or exercised by any such magistrate or court.

Power and jurisdiction.

Court of record.

2. In municipalities of any county of the first class in this State where the provisions of this act shall have been recommended and become operative, the court theretofore known as the criminal court, police court or recorder's court shall be a court of record and have an official seal, and all persons shall be amenable to punishment for contempt of said court in the same manner as in other courts of record of this State having power to punish for contempt of court,

and the said court shall hereafter be the criminal court of the municipality in which it is established, and the magistrate of said court shall be designated as the recorder or the police justice—or by whatever name or title any such magistrate may now be known—of the said criminal court of any such municipality, and the magistrate shall make such rules and regulations as shall be necessary for the orderly conduct of the business and proceedings of said court.

Rules and regulations.

Extent of jurisdiction.

3. The said criminal court in any such municipality shall have, possess and exercise jurisdiction now allowed or conferred by law to said court or magistrate thereof, and try and determine all cases of assault, assault and battery, petit larceny, malicious mischief, embezzlement, where the amount alleged to have been taken is not more than twenty dollars; obtaining money under false pretences, where the amount alleged to have been obtained is not more than twenty dollars; receiving stolen property, where the property alleged to have been received does not exceed twenty dollars; and other criminal offence, the penalty for the violation of which does not exceed a fine of one hundred dollars or imprisonment for a term not exceeding six months, where any of the specified crimes are committed within the corporate limits of the municipality in which any such criminal court is established, *provided* the person or persons charged with any such offence shall in writing waive indictment and trial by jury.

Proviso.

When trial by jury.

4. No person tried in such criminal court shall be entitled to a trial by a jury, except in all suits for the violation of the ordinances or regulations of any such municipality, and in cases arising under section thirteen of an act concerning disorderly persons and under an act for the maintenance of bastard children.

Penalties.

5. Upon any conviction under this act the magistrate of any such criminal court may impose such penalty or penalties as may be provided by law for the offence of which the defendant shall be convicted.

As to other violations of crimes act.

All other violations of the act for the punishment of crimes approved June fourteenth, A. D. one thousand eight hundred and ninety-eight, and the supplements thereto, not herein provided for and regulated by the

fifth section of this act, are to be heard and disposed of in any such criminal court as the law may direct.

As to bail.

6. Any person waiving indictment and trial by jury, as provided in the third section of this act, may be held to bail to appear for trial in any such criminal court at such time as may be fixed, and in default of such bail any such person may be temporarily committed to the common jail of the county in which any such court may exist, and on the order of the magistrate making such commitment the person so committed shall be brought before the said criminal court for trial. In case of default of appearance of any such defendant on bail the said recognizance may be collected in the same manner as the same might have been had the said recognizance been taken in a proceeding in "courts for the trial of small causes."

Arrest for violation of ordinance.

7. Any person found violating any ordinance or regulation of any such municipality may be arrested by any police officer of any such municipality, or by any employee of any board of such municipality whose duty it shall be to enforce said ordinances and regulations, and taken before any such criminal court, where the case shall be summarily heard and disposed of by the magistrate of any such criminal court without the filing of any pleading. In any proceeding for the purpose of recovering a penalty for the violation of any ordinance or regulation of any such municipality such ordinance may be proved by the copy thereof certified by the clerk of the municipality, under the seal of such municipality, or by the introduction in evidence of any printed compilation of the ordinances of any such municipality, duly authorized and recognized as such compilation, and due publication of all ordinances and regulations by any board of any such municipality shall be presumed to have been made. If the defendant shall be found guilty the magistrate of any such criminal court may impose upon the person so convicted a fine not exceeding the penalty provided by said ordinance, and in default of the payment of the said fine the defendant shall be committed to the common jail or the workhouse in any such county for such a term as is now provided for by law.

Hearing.

Recovery of penalty.

Imprisonment in default of fine.

Judgment must be satisfied.

8. Whenever judgment shall be rendered in any such criminal court, upon conviction of any of the offences specified in the third section of this act, such proceedings shall be had thereupon for the purpose of obtaining satisfaction of the fine and costs, warrant or warrants in the nature of a capias ad satisfaciendum, shall not have the effect to discharge the defendant or defendants from imprisonment, pursuant to the judgment of the court, until such judgment shall be satisfied.

Conviction reviewable.

9. It shall be lawful for the judge of the Court of General Sessions or the justice holding the circuit of the Supreme Court in any such county of the first class wherein any such court is established, upon application made for that purpose by any person summarily convicted in any such criminal court, after due notice of such appeal has been given to the prosecutor of the pleas of the county in cases of a criminal character, or the corporation attorney of the municipality in which any such criminal court is established in cases of convictions in violations of ordinances, to order the complaint and warrant (if there be a complaint and warrant), the commitment and the record of conviction, to be forthwith brought before him, and if such complaint, warrant, record of conviction or commitment shall be found illegal, such conviction shall be forthwith set aside and the persons so convicted discharged from further custody.

Magistrate may sit in other courts; when justice of peace may sit.

10. It shall be lawful for a magistrate of any such criminal court to sit as a magistrate in any other of said courts, within the same limit of jurisdiction, and any duly qualified justice of the peace, at the request of the magistrate of such court, may sit in the place and stead of any such magistrate, and the said magistrate or justice of the peace so sitting shall have the same power and authority as the magistrate of said court. That said criminal court shall have, possess and exercise, in addition to the powers, authority and jurisdiction which the said court and the magistrate thereof may now have, all the powers, authority and jurisdiction in criminal cases of the court of two justices of the peace and of the justices of the peace in and of the several counties of the State.

Clerk and docket of court.

11. The magistrate in any criminal court, established under the provisions of this act, shall have power to appoint a clerk of the said criminal court, whose duty it shall be to attend the sessions of any such criminal court and the examinations, trials and proceedings had therein, and shall keep a docket in which shall be entered a brief record of all matters which shall come before any such criminal court, and he shall perform such other duties and services appertaining to the said criminal court business as the said magistrate may require. The said clerk shall, unless otherwise expressly directed by law, receive all fees and penalties imposed in any such criminal court, and shall account for and pay the same over to the proper officers and authority at least once each month, and shall keep a record of such fees and penalties and the disposition thereof. Every such clerk appointed as aforesaid shall hold office during good behavior, and shall be removed for cause only, after opportunity to be heard respecting the cause assigned for removal, and any such order for removal shall not be effective and operative until said proceedings are reviewed and approved by the judge of the court of general sessions or the supreme court or the justice holding the circuit in the county; the clerk appointed to any such criminal court may exist.

Fees and record of.

Term and removal of clerk.

Clerk's oath and bond.

12. The clerk appointed by the magistrate of any such criminal court shall, within ten days after his appointment, take and subscribe the usual oath or affirmation taken by officers of any such municipality; the clerk appointed to any such criminal court shall be required to enter into a bond to the said municipality wherein any such criminal court is established—in the corporate name of any such municipality—in the sum of three thousand dollars, with at least two sufficient sureties to be approved by the board or body having control of the finances of any such municipality, conditional upon the faithful performance of duty, which bond shall be renewed annually. The magistrate of any such criminal court may, in the absence of the clerk thereof, designate in writing an acting clerk, who temporarily shall have authority to write for the clerk of any such criminal court and to sign the said clerk's

Acting clerk.

name to all papers, the said clerk being responsible for all the acts of the said acting clerk.

Docket open to inspection.

13. The docket required to be kept by the clerk of any such criminal court shall always be open to the inspection of any person lawfully entitled thereto, and all complaints, warrants and record of conviction of offenders, or other papers in every cause tried in any such criminal court under the provisions of this act, shall be filed and remain in said court and to be delivered to his successor, and it shall not be necessary to take in writing or keep any record of conviction other than the record in said docket. A transcript of said docket, certified by the clerk under the seal of the court, shall be received and taken in all courts and places as evidence of the matter therein contained, and have the same probative force as the docket itself. The clerk shall furnish to any person requiring the same a transcript of the record from said docket in any cause upon the payment to him of a fee of fifty cents.

Transcript in evidence.

Signing of processes, etc.

14. It shall be lawful for all commitments, writs and other processes of any such criminal court either to be signed by the magistrate thereof or to be attested in the name of the said magistrate and signed by the clerk of the said court, and the said clerk shall have authority to take any complaint or complaints, or affidavit or affidavits, to be used in said court respectively, and to administer any oath or affirmation proper to be administered in said court, and by the instruction of the magistrate to receive in the magistrate's absence the verdict of any jury, and in the absence of the magistrate to adjourn the court to the following day. And the said clerk shall have all the power and authority appertaining by law to clerks of courts of record, and the magistrate of any such criminal court, or the clerk thereof, in his absence, may take bail in all cases except treason, murder, manslaughter, robbery or other crimes not bailable in said court; *provided* that the amount of such bail, when taken by the clerk, shall have been fixed by the magistrate of any such criminal court.

Power of clerk.

Proviso.

Issuance of summons or warrants.

15. In all cases, when a complaint shall be made in any such criminal court, a summons or warrant may

be issued thereon, in the discretion of the magistrate thereof; if a summons is issued it shall, as near as may, be served and returned in the same manner as in courts for the trial of small causes, except that the summons may be made returnable in one day from the service. If any trial or examination before the said court shall be adjourned the magistrate or clerk thereof may take bail that the defendant shall appear in said court at the time to which said trial or examination is adjourned, and not depart the said court without leave.

Take bail.

16. If any person shall be convicted in any such criminal court, it shall be sufficient for the conviction to set out the name of the defendant and the number of the section and the title of the statute or ordinance under which the conviction is had, the names of the witnesses sworn and a list of the exhibits produced at the trial, and a statement that the defendant was convicted, with the date of such conviction, which conviction may be signed by the magistrate of any such criminal court or attested in the name of the magistrate and signed by the clerk thereof under seal of such court. It shall not be necessary to set forth in said conviction the whole or any part of the testimony upon which such conviction is had.

Sufficiency of conviction.

17. In case any person convicted in any such criminal court shall have been committed to the workhouse or common jail in default of paying the fine or penalty imposed upon such conviction, it shall be lawful for the magistrate imposing such fine or penalty to remit the whole or any portion thereof, to discharge the person so committed from further custody; and in case any person convicted in said court shall have been committed to the workhouse or common jail without a fine, it shall be lawful for the magistrate before whom such conviction was had, upon application made to him for that purpose, to order the person so committed to be brought before him for a rehearing, and if it shall appear to the satisfaction of said magistrate that the persons so convicted should have been discharged from further custody, it may be lawful for said magistrate to discharge said person.

As to discharge after conviction and commitment.

Costs of trial.

18. In each cause tried by said court for any violation of "An act for the punishment of crime," approved June fourteenth, anno domini one thousand eight hundred and ninety-eight, and the supplements thereto, under the provisions of this act the sum of five dollars, together with the fees of the witnesses on the part of the State, shall constitute the costs of the trial. All fines and costs collected shall be paid by the clerk of any such criminal court to the treasurer of the municipality, as hereinbefore directed.

Salary of judge and clerk.

19. The magistrate of any such criminal court shall receive an annual salary of thirty-five hundred dollars, and the clerk of any such crimnal court shall receive an annual salary of eighteen hundred dollars. The said salaries shall be payable monthly in the same manner as the salaries of other officers of any such municipality shall be paid.

When act effective.

20. This act shall take effect immediately, but its provisions shall remain inoperative, unless its adoption shall be recommended by the prosecutor of the pleas of any county of the first class of this State and approved by the judge of the court of general sessions or the justice holding the circuit of the supreme court in any such county of the first class as hereinbefore provided for.

Repealer.

21. All acts or parts of acts, general, special and local, and all charter provisions, so far as they conflict herewith, be and the same are hereby repealed.

Approved March 30, 1905.

CHAPTER 74.

An Act relative to the care of insane female patients.

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

Female attendant to accompany women removed from institutions.

1. Whenever any female insane patient is to be removed from any county almshouse to a State hospital or asylum for the insane, or from one State hospital or asylum for the insane to another State hospital

or asylum for the insane, or from the home of such insane patient to an almshouse, hospital or asylum, or when returned from such institution to her home, it shall be the duty of the court under whose order such patient is committed, or of the freeholders or commissioners of the county, or the overseer of the poor of the district to which such patient is chargeable, if not committed by the court, to provide a female attendant for every female patient in transit, at the expense of the proper county or poor district.

Penalty for not observing this act.

2. Any public officer, superintendent, steward, overseer of the poor or other person, transferring as aforesaid any such female insane patient, who shall refuse or neglect to observe the provisions of this act, shall be subject to a penalty of fifty dollars for such refusal or neglect, which penalty may be sued for and recovered by a suit at law by any citizen of the municipality from which the patient was removed, in the name of the State of New Jersey, in an action upon contract.

3. That this act shall take effect immediately.

Approved March 30, 1905.

CHAPTER 75.

An Act for the better regulation and control of the taking, planting and cultivating of oysters and clams on lands lying under the tidal waters of the county of Atlantic, in the state of New Jersey.

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

Control of oyster lands in Atlantic county.

1. All oyster grounds, lands and beds included within lands of the state of New Jersey under the tidal waters of the county of Atlantic shall be under the exclusive regulation and control of a state oyster commission (known as the oyster commission for the district of Atlantic county, and hereafter whenever the words "commission" or "state oyster commission" appear in this act they shall be held to mean the aforesaid state oyster commission for the district of

Oyster commission.

Atlantic county), which shall consist of three members, who shall be appointed by the governor of this state 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 Atlantic county; 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, 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 for the first year and three hundred dollars for each year thereafter, payable quarterly; two members of the state oyster commission shall constitute a quorum at any meeting thereof, and any official act shall be valid which has been authorized by a majority of the commissioners at a regular meeting; they shall keep a record of all their official acts and proceedings, and shall annually report to the bureau of shell fisheries, 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 a bond to the state in the sum of one 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 Atlantic; said bond shall hold for the term of three years.

Oath.

Salary.

Records.

Report.

Bond.

Oyster superintendent: salary, bond, duties.

2. The governor of this state shall appoint a person to be known as the oyster superintendent, who shall be a citizen of Atlantic county, to hold office for a term of three years, at an annual salary of one thousand dollars, and which shall be paid in equal monthly payments; before entering upon the duties of his office the oyster superintendent shall give bond to the state in the sum of five thousand dollars, with good and sufficient surety, conditioned for the faithful performance of his duties, which bond shall be first approved as to sufficiency by the law judge of the said county of Atlantic; said bond shall be for the term of

three years; 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.

Power and duty of state oyster 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 and cultivating of oysters in the tidal waters of Atlantic county, in this state, in and not repealed by this act, and in furtherance and not in limitation of the above provisions they shall have power to employ such surveyors, guards and other employes as they may deem necessary, and to provide guard-boats and a sufficient number of men to protect all oyster beds and grounds in the tidal waters of said county of Atlantic, in this state; and to incur such expenses as they may consider proper to fully carry out the provisions of this and the said other acts, and for the preservation and improvement of the said oyster beds or grounds; they shall, however, before leasing any grounds, set apart a portion of the lands under the tidal waters of the county of Atlantic, to be known and held as public clam grounds, and all natural seed beds, and any other lands under the tidal waters of the county of Atlantic, which the commissioners shall consider suitable and necessary for the improvement, preservation and extension of the seed beds or propagating grounds.

Clam grounds and seed beds.

Office.

4. The state oyster commission shall establish and maintain an office within the county of Atlantic, at some place convenient to persons engaged in the oyster industry, which office shall also be the office of the oyster superintendent; stated meetings of the state oyster commission shall be held at their office at least once a month.

Lease grounds.

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 county of Atlantic not set apart as public clam grounds, save and excepting those lands set apart as natural seed beds and grounds, to be exclusively enjoyed by such lessees for the taking, planting and cultivating of oysters; *pro-*

Proviso.

vided, however, that no lease or leases shall be granted to any person who shall not be at the time of granting said lease or leases, and shall not have been for twelve months next preceding, a citizen and actual resident of this state; *provided,* that no lease shall be granted for more than ten acres; *and provided further,* that nothing in this act shall be construed to give said commissioners any jurisdiction or control over any lands to which the riparian grant has been made by the riparian commissioners of this state.

Proviso.

Proviso.

Terms of lease.

6. Leases may be granted for terms not exceeding ten years at an annual rental of not less than one dollar nor more than three dollars per acre, or fraction thereof; the rental for the first year of any lease shall be paid at the time the lease is granted, and the yearly rental for each succeeding year of said lease shall be paid within thirty days after the beginning of said year; failure to pay said rentals at the time or times herein directed shall, as hereinafter provided, cause the lease or leases of the person or persons so failing to pay said rentals to become forfeited, and the right of said person or persons to the oyster ground or grounds to cease; and the state oyster commission shall cause the said lease or leases upon which said rent is due and unpaid as aforesaid to be canceled upon the books of the state oyster commission, and said forfeited ground or grounds may be hereafter leased to any resident of this state, as above provided for; but before said lease or leases shall be canceled and the right of any person or persons to the oyster ground or grounds held thereunder shall be forfeited as above mentioned, the state oyster commission shall cause notice to be served personally upon said lessee or lessees directing him, her or them to appear before said commission at their office within thirty days from the service of said notice, and show cause, if any there be, why said lease or leases should not be canceled, and why the right of said lessee or lessees to longer hold said oyster ground or grounds thereunder should not be forfeited; and if such lessee or lessees so appear and show sufficient cause why said rental has not been paid, and why said right to said ground or grounds should not be forfeited, and at the same time tender

Unpaid leases canceled.

Upon proper showing lease not forfeited.

the money due for said rental, and pay the costs of the said notice, the state oyster commission shall direct the oyster superintendent to accept said moneys, and the rights of said person or persons shall not be forfeited because of said failure; and in case of the failure of said lessee or lessees to so appear and show cause as aforesaid, the said lease or leases shall be canceled as above provided, and the right of said person or persons to longer hold said leased ground or grounds shall be declared by the state oyster commission to be forfeited; and the state oyster commission shall in such case fix a sufficient time within which the oysters upon said forfeited ground shall be removed by the person or persons owning said oysters, and shall cause notice of the time so fixed to be personally served upon said person or persons, and the said ground or grounds shall not be leased to any person until after the expiration of the time so fixed; *provided, however,* that whenever personal service is herein required, and the lessee or lessees shall at time of said service be absent from the state, then the said commission shall cause to be published a copy of said notice in at least one newspaper published in said county of Atlantic for a period of at least four weeks, and said publication shall be considered as personal service. Proviso.

First entitled to lease.

7. Any person or persons having, on the fifteenth day of September, anno domini one thousand nine hundred and one, ground or grounds staked up in said tide waters of Atlantic county under any present law, usage or custom, shall be first entitled to apply for and receive a lease or leases for such ground or grounds; *provided,* application therefor, in writing, be filed at the office of the state oyster commission within sixty days after this act shall take effect, in default of which application the commission shall have power thereafter to lease such ground or grounds to any resident of this state, as above provided, and at the expiration of the term of any lease the same shall be renewed to the original lessee or lessees; *provided,* such lessee or lessees apply therefor within sixty days from the expiration of the term of such lease; and if application for any lease or renewal thereof for ground Proviso.

Renewal of lease. Proviso.

or grounds named in this section is not filed within the time limited the state oyster commission shall fix a time within which the oysters upon said ground or grounds shall be removed by the person or persons owning said oysters, and shall cause notice of said time so fixed to be at once personally served upon said person or persons, and the said ground or grounds shall not be leased to others until after the expiration of the time so fixed; *provided,* that this section shall not apply to any lands set apart as seed beds or propagating grounds, as provided for in section three of this act.

Proviso.

Lands measured, marked.

8. The state oyster commission shall, from time to time, as applications are made for leases, cause the lands leased under said tidal waters of Atlantic county to be measured and the metes and bounds thereof ascertained and located by ranges, monuments or other means, so that the limits of the land embraced within such leases may be accurately fixed and easily located; the state oyster commission shall cause such leased land to be mapped, and the said maps to be filed in the office of the state oyster commission and of the bureau of shell fisheries, and shall also cause the lease so made to be recorded in books kept in the office of the state oyster commission for that purpose.

Maps.

Right to occupy.

9. Nothing in this act shall be interpreted to strengthen, confirm or verify the title of any person to any lands excepted from leasehold by the provisions of section five of this act; *provided, however,* that any person who has held and planted grounds within the limits therein excepted shall be granted one year's time from June first, one thousand nine hundred and five in which to remove said oysters and cultch planted thereon by him.

Proviso.

License to take oysters.

10. The oyster superintendent shall issue a license, duly certified by himself, to each and every person entitled by law to engage in tonging or catching oysters on the state seed beds and grounds in the said tidal waters of Atlantic county that shall pay the license fees fixed therefor by this act; and no person shall catch or tong for oysters on state seed beds and grounds in the said tide waters of Atlantic county, in this state, without first obtaining a license for that

purpose from the said oyster superintendent and paying to him therefor the license fee of two dollars and fifty cents; 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 person so licensed shall at all times, while engaged in operating under such license, display in plain view upon the port bow of his boat the number of said license in black figures at least six inches in length; and upon the failure or neglect of any person so licensed to so display said number as above required such person so neglecting or failing shall forfeit said license; *provided, however,* that a period of five days shall be given after issuing said license for such person to comply with the above requirements; *provided, however,* that no person without a license shall gather more than two bushels of oysters in any one day.

Fee.

Record.

Must display license number.

Proviso.

Proviso.

11. The state oyster commission, before issuing any lease to any person as provided for in this act, shall cause the person applying for said lease to make and file with them an oath that he is a citizen and actual resident of this state, and has been for twelve months next preceding such application, and that he will properly plant, or cause to be planted, and cultivate oysters thereon; and the oyster superintendent, before issuing any license to any person to catch oysters or engage in the oyster business shall cause the person applying for such license to make and file with him an oath that he is a citizen and actual resident of this state, and has been for twelve months next preceding said application; 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; *provided further, however,* that no person shall acquire by lease more than ten acres; *and provided further,* that no lands acquired by lease shall be sub-let under penalty of cancellation of said lease.

Statement of applicant for license.

Proviso.

Proviso.

12. All unexpired licenses issued by the state oyster shell commission previous to the time when

Unexpired licenses of shell commission.

this act shall take effect shall remain in full force and virtue for the unexpired terms thereof, and shall have the same force and effect as licenses issued by the oyster superintendent.

List of unexpired licenses.

13. The secretary of the state oyster shell commission is hereby required, within fifteen days after this act shall take effect, to prepare and deliver to the said oyster superintendent a written or printed statement showing the names of all persons previously licensed by said shell commission within the bounds of Atlantic county whose licenses shall not then have expired, which statement shall also show the numbers of the said licenses issued by them.

All moneys paid to state.

14. All money due for ground rentals, license fees or otherwise, made collectible under the provisions of this act, shall be received and collected by the oyster superintendent, for the sole use of the state of New Jersey, as public money belonging to the state, and shall be accounted for and paid over as such in manner hereinafter provided.

Statement of fees reported monthly to comptroller.

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 blank containing 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 said oyster superintendent shall pay over the amount of such money received to the state treasurer; he shall also make detailed monthly reports, verified by oaths, to the state oyster commission of all moneys collected or received by him; all bills incurred by the state oyster commission in carrying out the provisions of this act shall be certified by the state oyster commission to the state comptroller monthly for payment, and he shall draw his warrant on the state treasurer therefor; *provided, however,* that any excess

Proviso.

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.

No digging in unleased lands.

16. No oysters or clams shall be tonged for, raked or taken from any of the unleased lands of the state under the tidal waters of the county of Atlantic; *provided,* that this section shall not prevent the taking of seed oysters from the lands set apart for state seed beds and grounds from and including the first day of October to and including the thirtieth day of April of each year; *provided further,* that this section shall not prevent the taking of clams from the grounds set apart for clamming purposes; no oysters shall be taken from any leased land or state seed beds and grounds, except between sunrise and sunset. Proviso. Proviso.

As to culling.

17. All oysters, oyster shells and other material tonged or in any manner raised or taken from any of the natural oyster seed beds and grounds, shell beds or reefs under the tidal waters of the county of Atlantic, in this state, shall be culled as soon as the same are emptied out of the tongs on the culling board or deck of the boat or vessel employed for the purpose, and before the same are shoveled back from that portion of the boat used for emptying the tongs; 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 tongs aforesaid, shall not contain more than ten per centum of shells and other material; and if any person or persons shall neglect or refuse to cull as aforesaid all oysters, oyster shells and other material, he or they shall be deemed guilty of a misdemeanor; when any person or persons licensed under the provisions of this act is hailed or signaled by any officer of the state oyster commission and refuses to stop and permit any officer or officers of

Right to stop boat and inspect.

said state oyster commission to board his or their 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 or licenses of said person or persons so refusing as aforesaid.

Power to arrest without warrant.

18. 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 tidal waters of said county of Atlantic in force and not repealed by this act.

Revocation of license.

19. It shall be the duty of the state oyster commission to revoke the license of any person who shall violate, or cause to be violated any of the provisions of this act, or any other law of this state regulating the taking, planting or cultivating of oysters in the tidal waters of said county of Atlantic 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 person for such period of time as the commission may fix and determine.

Prohibited persons and boats.

20. Nothing in this act shall in anywise be 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 tidal waters of Atlantic county, or 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.

Not dredge on unleased grounds.

21. No person or persons shall pass, throw or use a dredge upon any of the unleased oyster grounds of this state under the tidal waters of the county of Atlantic; *provided,* that any person holding planted oyster land leased from said state oyster commission may dredge upon his own leased land.

Proviso.

Penalty for violation of act.

22. 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 cultivating of oysters in the tidal waters of said county of Atlantic in force and not repealed by this act, shall be deemed guilty of misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars, or imprisonment in state prison not exceeding five years, or both, at the discretion of the court.

Repealer.

23. 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 30, 1905.

CHAPTER 76.

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

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

Police commissioners in cities under 100,000 inhabitants. Terms.

1. In every city of the second class in this state under one hundred thousand inhabitants, in which police commissioners have not been appointed in pursuance of any law of this state, and notwithstanding that the provisions of the act to which this is a supplement may not have been accepted by the voters of such city in the manner provided therein; the mayor may, in his discretion, appoint a board of police commissioners, consisting of four persons resident in such city, not more than two of whom shall be of the same political party; such commissioners, when appointed, shall hold office for the following terms respectively: one from the date of his appointment until the expiration of one year from and after the first day of January following his appointment; one from the date of his appointment until the expiration of two years from and after the first day of January following his appointment; one from the date of his appointment until the expiration of three years from and after the

first day of January following his appointment, and one from the date of his appointment until the expiration of four years from and after the first day of January following his appointment; that successors to such commissioners shall be appointed in the manner provided in the act to which this is a further supplement; that commissioners appointed in pursuance of this act shall meet within ten days after their appointment and organize by the election of a president and secretary, and shall thereupon possess all the powers and exercise all the duties conferred or imposed by the act to which this is a further supplement.

Organization and powers.

2. This act shall take effect immediately.

Approved March 30, 1905.

CHAPTER 77.

An Act to authorize incorporated towns and townships to construct sewers, drains and a sewerage disposal plant or plants and to provide for the payment and cost thereof.

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

Control of water and sewer systems in towns and townships.

1. It shall be lawful for the board of commissioners, or other governing body of any incorporated town or township, to provide by ordinance or resolution that the board having the charge of any system of water works which has been or hereafter shall be erected, shall take the control, charge and management of the sewer, drains and sewerage disposal plant or plants of such town or township, and shall be known as the board of water commissioners, and if there be no board in such municipality having charge of such water works, then the governing body shall appoint such a board.

Limit to cost of construction.

2. It shall be lawful for any incorporated town or township in this state to expend not more than one hundred thousand dollars for the purpose of con-

structing sewers, drains and sewerage disposal plant or plants in said town or township, when the provisions of this act shall have been adopted as herein provided.

Bond issue to pay expenses.

3. To pay the expenses of constructing and building such sewers, drains and sewerage disposal plant or plants, the governing body of such incorporated town or township may issue bonds bearing interest at a rate not more than four per centum per annum, which bonds shall be payable in not less than ten or more than thirty years, and shall be of such denomination as the said governing body of the said municipality shall determine. The order of the payment of said bonds shall be the same as the order or the numbers of the bonds. For the redemption of said sewer bonds at maturity, said governing body shall create a sinking fund especially applicable to the payment thereof, and shall keep a particular and separate account of said fund. To provide for the interest on said bonds and a sinking fund to take up and pay off said bonds at maturity, the board of water commissioners shall first apply all the income derived from rentals charged for the use of said sewers, and if such sewer rents are not sufficient, then the income derived from the water plant; *provided* that the expenses of operating the water plant and the interest on water bonds shall first be paid out of the water rentals; and second, from said income from the water plant shall be set aside a sum sufficient, with accumulations at the rate of three per centum per annum, compound interest, to pay off and discharge the principal of said water bonds at maturity. If said sewer rentals and surplus water rents shall not be sufficient to pay the annual interest on and provide for a sinking fund for taking up the sewer bonds at maturity, then said board or governing body shall annually certify to the assessor the amount necessary to be raised by taxation, and the assessor of said municipality shall include the sum thus certified to him in the annual tax levy or assessment, and the same shall be assessed and collected as other town and township taxes are assessed and collected, and when collected shall be paid over to the body having charge of the management of the said

Rate.

Time.

Create sinking fund to redeem bonds.

Proviso.

If rentals insufficient to meet charges then tax levy.

sewer system, who shall apply such money first to pay operating expenses, then the interest on the sewer bonds, and the surplus shall be deposited in the sinking fund hereby created.

Governing body authorized to construct sewers, etc.

4. Whenever the provisions of this act shall be adopted by any incorporated town or township in this state, the governing body of such municipality shall be and hereby are authorized to construct sewers, drains and sewerage disposal plant or plants as they may deem necessary from time to time, with such erections, works, establishments and fixtures as may be in their opinion required to effectuate the objects of this act, and to lay all pipes under the streets or through private property that may be needed to connect said sewers or drains to the disposal plant or plants, and for these purposes said governing body may make all such contracts, employ all such engineers, workmen and laborers as they may deem necessary, subject, however, to the restrictions hereinafter provided.

Acquirement of private land by purchase or condemnation.

5. If it should be necessary, in the opinion of the said governing body, to lay pipes through any private lands, or to establish or construct on any private lands any sewerage disposal plant or plants, and no agreement can be made with the owner or owners thereof as to the amount of compensation to be paid for the laying of such pipes through such lands, or the constructing and establishing of a sewerage disposal plant or plants on said lands, or the price of such lands, as the case may be, or for any reason whatever, then the governing body shall be and hereby are authorized to proceed to acquire such lands by condemnation under the provisions of "An act to regulate the assessment and payment of compensation for property condemned or taken for public use (Revision of 1900)," approved March twentieth, one thousand nine hundred, and the several supplements thereto and amendments thereof.

Right to enter upon private lands to make repairs.

6. Whenever it shall become necessary to make any repairs or alterations in any sewers, drains and sewerage disposal plant or plants, which has been or hereafter may be constructed or erected, in whole or in part, through or on any private lands, it shall be lawful for the said governing body or the body

appointed to manage and care for the said plant, with their workmen and agents, and with necessary vehicles, tools and implements, to enter upon said lands and to make necessary repairs and alterations, doing no unnecessary damage; *provided* always that nothing in this section shall be construed as to protect said governing body, or the body having charge of said plant or other workmen or agents, from any action that may be brought against them individually by the owner or owners of said lands for any damage which they may have unlawfully done.

Proviso.

7. This act shall take effect immediately, but its provisions shall remain inoperative in any incorporated town or township in this State until assented to by a majority of the legal voters thereof voting at an election to be held in said town or township at any time to be fixed by the governing body of said town or township, or at any annual election, of which election the town clerk of said municipality shall cause public notice of the time and place of holding the same to be given by advertisements, signed by himself, and set up in at least five public places in said town or township, and published in one or more newspapers printed therein, for two insertions, at least eight days previous to the day of such election; and said clerk shall provide for each voter voting at such election, ballots, to be printed or written, or partly printed and partly written, on which shall be either the words "for the adoption for this town or township of the provisions of an act entitled 'An act to authorize incorporated towns and townships to construct sewers, drains and a sewerage disposal plant or plants and to provide for the payment and cost thereof,'" or "against the adoption for this town or township of the provisions of an act entitled 'An act to authorize incorporated towns and townships to construct sewers, drains and a sewerage disposal plant or plants and to provide for the payment and cost thereof,'" that the polls for such election shall be held at the usual places of holding the annual charter election in said town or township, and shall be opened at one o'clock in the afternoon and closed at six o'clock in the afternoon, or if at an annual election, during the hours fixed by law

When act effective.

Notice of election to adopt this act.

for holding the same; and such election shall be conducted by the proper election officers of said town or township for the time then being, and such officers shall return to the governing body of said town or township a true and correct statement, in writing, under their hands, of the result of said election, the same to be entered at large upon the minutes of said body.

Conduction of election.

Regulations and charges for use.

8. The board having charge of the sewer system shall have authority to prescribe such rules, regulations, conditions and restrictions as to the connection with and use of the said sewer system as in their opinion may be proper and necessary, and to fix the amount to be paid as rentals for the use of such systems and shall have power to employ suitable and proper engineers, laborers, workmen, clerks, collectors and assistants in the conduct, management and care of said sewer system upon such terms as they may deem reasonable; *provided,* that no regular salaries shall be allowed or paid by said board to any employee until the agreement therefor shall have been first submitted to and approved by the board of commissioners or other governing body of said town or township.

Assistants.

Proviso.

Interest on charges; a lien.

9. The charges for connections with and rent for the use of the said sewer system so fixed by the said board shall draw interest from the time they become due, and shall be and remain, until paid, a lien upon the premises with which such sewer system shall be connected, the same as taxes against real estate, and said board shall have similar remedies for the collection of said rents, with interest and costs, as the said town or townships have by law for collecting taxes against real estate.

Water commissioners to report to town commissioners.

10. The said board shall cause a careful estimate to be made of the cost of managing, keeping in repair and operating the said sewer system once in each and every year, and estimate approximately the rents to be collected therefrom for the ensuing year, and shall report the same in writing to the board of commissioners or other governing body of said town or township on the first Monday of April each and every year.

If deficiency, 3 per cent. added to tax levy.

11. In case of any deficiency from the revenue of said sewer system and the surplus from water rents as herein provided to meet the expenses thereof and

the principal, interest and sinking fund on the bonds issued to construct the same, as they may become due, then it shall be the duty of the board of commissioners or other governing body of said town or township to add to such deficiency so reported three per centum of the cost of managing and keeping in repair and operating the said sewer system, to cover losses and contingencies, and to assess such deficiency and said three per centum so added as aforesaid upon all the taxable property in said town or township in the same manner as other taxes are assessed, and said sums shall be collected by the collector and other officers of said town or township who are by law required to collect taxes, and if not paid by the time required by law for the payment of other town or township taxes, shall be collected by warrant, and by and in the same manner as other taxes are collected in said town or township, and shall be a lien upon the property whereon the same are assessed in like manner as other taxes of the said town or township.

Deposit of funds.

12. It shall be the duty of the said board to keep all funds which may come to their hands on deposit with one or more of the banks located in said towns, and they shall draw said funds by checks to be signed by at least two of their members, which said checks shall specify briefly the purposes for which the same are drawn.

Account of receipts and disbursements.

13. It shall be the duty of the said board to keep an accurate account of the receipts and disbursements connected with said sewer system in proper books to be provided for that purpose, which shall always be open for the inspection of the board of commissioners or other governing body of said town or township and their authorized agents, and which accounts shall be annually, in the month of March, audited by a committee of said board of commissioners or other governing body, and a short abstract thereof shall be published with the annual statement of the town or township finances.

Annual statement.

Compensation of water commissioners.

14. In addition to the amount which the said water commissioners are now entitled by law to receive, they shall receive and be paid as full compensation for all time, attention, trouble and labor

bestowed by them upon said sewer system, the sum of fifty dollars each per year.

Work and materials procured by contract.

15. The work and materials which the said governing body are hereinbefore authorized to procure shall be obtained by contract, whenever the expenditure for any particular work and material shall exceed two hundred dollars, and that notice shall be given by said governing body by public advertisement, so that ample time may be given for the reception of proposals therefor. In any advertisement, the proposals invited shall be set forth with as much precision as possible, and it shall be distinctly stated in such advertisement that no extra allowance above the contract price agreed upon will be made under any pretext whatsoever. Each contract shall, in all cases, be awarded to the lowest bidder therefor, who shall give bond, with ample security, for the faithful performance of the contract. All such bonds shall be executed to the town or township in its corporate name, and deposited for safe keeping with the clerk of said town or township, and no extra allowance shall be made by said governing body to any contractor or contractors. All contracts involving a greater amount than two hundred dollars, and all contractors' bonds shall be presented to and approved of by the governing power of said town or township before said contract shall take effect.

Proposals invited.

Contract awarded.

Contractor's bond

16. This act shall take effect immediately.

Approved March 31, 1905.

CHAPTER 78.

An Act authorizing the New Jersey commission to the Louisiana purchase exposition, held at St. Louis in one thousand nine hundred and four, to remove from St. Louis the New Jersey state building and to re-erect the same on the state grounds at Sea Girt and to furnish the same.

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

New Jersey State building at St. Louis removed to Sea Girt.

1. The New Jersey commission to the Louisiana purchase exposition, held at St. Louis in one thousand nine hundred and four, are authorized to remove the New Jersey state building from the grounds at St. Louis to the state camp grounds at Sea Girt and to re-erect the same thereon at such location as may be determined by the governor of this state, and to place in said building when so re-erected the furniture used in the building at St. Louis; *provided,* that said commission shall first pay all debts incurred by it as such commission, and shall not expend for the purpose aforesaid more than fifteen thousand dollars; *and provided further,* that nothing herein contained shall be held to relieve said commission from accounting as provided for in the act creating such commission.

Proviso.

Proviso.

2. This act shall take effect immediately.

Passed March 30, 1905.

CHAPTER 79.

An Act to authorize the erection of a monument on the battlefield of Red Bank, in the county of Gloucester, and to appropriate money to pay the cost thereof.

Preamble.

WHEREAS, The battle of Red Bank, which resulted in a victory for the colonial troops, was one of the most important engagements for the success of the American arms during the revolutionary war; and

WHEREAS, The United States congress has recently enacted a law ceding to the county of Gloucester twenty acres of said battle-ground, to be kept as a public park forever; and

WHEREAS, The said battle-ground is not marked by a monument to show a proper appreciation of the importance of said victory; therefore,

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

Appropriation for monument.

1. The sum of fifteen thousand dollars is hereby appropriated, when included in the appropriation bill, for the purpose of erecting a monument on the battle-field of Red Bank, in the county of Gloucester; said sum to cover all expenses incident to the erection of said monument.

Commission to select site, etc.

2. The governor of the state shall, upon the making of such appropriation, appoint a commission, to consist of three persons, citizens of this state, to select a design, to contract for, erect and finish a suitable monument or statute on a site to be selected by said commission, and also to grade the grounds immediately surrounding said monument on the said battle-field of Red Bank; said commissioners shall receive no compensation for their services, and the governor shall fill all vacancies that may occur by death, resignation or otherwise.

Payment.

3. The comptroller of this state shall draw his warrant, in payment of all bills approved by said commission, and the treasurer of this state shall pay all warrants so drawn to the extent of the amount appropriated by the legislature.

Report at completion of duties.

4. After the said monument or statue shall be completed and unveiled and the grounds properly graded as aforesaid the commission shall make report to the governor of this state, to be laid before the legislature on the first day of the session next succeeding the completion of the work, and then the duties of said commission shall cease, and the care and supervision of said monument or statue shall devolve upon and be vested in the board of chosen freeholders of the county of Gloucester.

Care of monument.

5. This act shall take effect immediately.

Passed March 30, 1905.

CHAPTER 80.

An Act to provide a method for locating and destroying mosquito-breeding areas, authorizing appropriations for said purposes and providing State aid for freeing salt marsh areas from mosquitoes.

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

Investigation of source or breeding places of mosquitoes.

1. It shall be lawful for the mayor, or executive officer, or the board of health of any city, borough, incorporated town, village or the governing body or board of health of any township or county to make request in writing to the Director of the Agricultural Experiment Station in this State, or to the person appointed by said director for the purposes of this act, to investigate, or cause to be investigated, the source of breeding places of mosquitoes which may or do infest said city, borough, incorporated town, village, township or county; and it shall be the duty of such director, or the person appointed by him, as soon as may be, after such application is made, to investigate, or cause to be investigated, the source or breeding places of such mosquitoes, and he shall as soon thereafter as possible, report to the officer or body making such application, the results of the investigation made, and also the measures that should be adopted to destroy such breeding places, or render them free from future mosquito breeding.

Report.

2. If such investigation shows that the sources or breeding places of the mosquitoes complained of are wholly within the jurisdiction of the city, borough, incorporated town, village, township or county from which the application is made, a report shall be made to the officer or body requesting the investigation, and if such request does not come from a board of health, a copy shall also be forwarded to the board of health of such applying city, borough, incorporated town, village, township or county, which report shall specify in such detail as is possible such breeding places as may be abolished by such board under the powers conferred upon it by the laws relating to such boards; if the investigation shows that the mosquitoes complained of

breed wholly, or in part, at a point or points without the jurisdiction of the city, borough, incorporated town, village, township or county from which the application is made, a copy of the report showing this result shall also be sent to the board or boards of health in the jurisdiction or jurisdictions where such breeding places are found, or if there be no organized board of health in any such jurisdiction, then the copy shall be sent to mayor, or executive officer of said city, borough, incorporated town, village, or the governing body of such township or county; the copy of the report above provided for, when sent to any officer, board or governing body in any jurisdiction other than the one from which the request for the investigation originated, shall be accompanied by a statement giving the origin of the request, the reasons leading to the conclusion that the breeding places for mosquitoes lying within the jurisdiction to which the report is sent, are supplying specimens found in the neighboring jurisdiction, and submitting the measures that should be taken to abolish these breeding places.

Statement to accompany report.

Municipalities may make appropriation to abate nuisance.

3. Whenever an investigation made as aforesaid shall disclose the fact that the mosquitoes infesting the community and causing the nuisance complained of are those breeding on the salt marsh areas within the jurisdiction of any city, borough, incorporated town, village, township or county from which the application is made or adjacent thereto, and a copy of the report shall be sent to the board or boards of health of the municipality or municipalities in which the breeding places are situated, attaching statements specifying the localities affected by the marsh breeding areas, the extent of the dangerous area, the character of the work necessary to prevent further mosquito breeding and the probable cost of the work required in each municipality, it shall be lawful for the governing body of any municipality above mentioned, upon the written request of the board of health of said municipality, to appropriate, in the same manner as other appropriations are made, seventy-five per cent. of the sum required to complete the work aforesaid; whenever such appropriation is made and is available said board of health shall certify this fact to the Director of the

State assistance.

Agricultural Experiment Station, who may, out of the money appropriated by the State for this purpose, together with the appropriation of such municipality so certified as available, complete the work; *provided,* not more than five hundred dollars from said State aid appropriation shall be expended in any one municipality in any one year. Proviso.

4. Whenever it appears from the report made to any officer or body making application for an investigation, that the sources or breeding places of the mosquitoes complained of are on the salt marshes, wholly or in part without the jurisdiction of the city, borough, incorporated town, village, township or county from which the application is made, it shall, nevertheless, be lawful for the governing body of any such municipality to appropriate in the same manner as other appropriations are made, such sum or sums as may be deemed necessary to assist the municipality in which the breeding places actually occur in securing the amount necessary to obtain the State aid conditioned in section three of this act; *provided,* that no matter how many municipalities contribute, the sum limited in section three shall not be exceded in any one municipality. Municipal assistance. Proviso.

5. All sums contributed or appropriated under authority of this act shall be paid to the treasurer of the municipality in which the work is to be done, and the funds shall not be deemed available until the entire amount contributed or appropriated shall be actually in the hands of such treasurer; payments shall be made by such treasurer in the same manner as other bills against the municipality are paid, but no bill for work done shall be paid unless it is accompanied by a certificate from the Director of the Agricultural Experiment Station or the person designated by him to carry out the purposes of this act stating that the work is satisfactory and effective for the purpose intended. When funds available. Payments; how made.

6. The sum of two thousand five hundred dollars is hereby appropriated to the Agricultural College Experiment Station for the fiscal year ending October thirty-first, one thousand nine hundred and five, and the sum of three thousand five hundred dollars is hereby appropriated to said station for the fiscal year State appropriations.

ending October thirty-first, one thousand nine hundred and six, to defray the cost of executing this law and of making such investigations and experiments as may be necessary to carry out its intent and purpose, and the further sum of ten thousand dollars, four thousand dollars to become available during the fiscal year ending October thirty-first, one thousand nine hundred and five, and six thousand dollars for the fiscal year ending October thirty-first, one thousand nine hundred and six, or so much thereof as is needed, is hereby appropriated to said station, to be used in carrying out the provisions for state aid.

7. This act shall take effect immediately.

Approved March 31, 1905.

CHAPTER 81.

An Act concerning the support and maintenance of the state home at Vineland for veterans and their wives and widows, established under chapter one hundred and seventy-four of the laws of one thousand eight hundred and ninety-eight and chapter sixty-seven of the laws of one thousand nine hundred and three.

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

Sum appropriated for Vineland home limited.

1. The moneys to be hereafter expended annually for the maintenance of the New Jersey home for soldiers, sailors, marines and their wives and widows, established under chapter one hundred and seventy-four of the laws of one thousand eight hundred and ninety-eight and chapter sixty-seven of the laws of one thousand nine hundred and three, and the acts supplemental thereto and amendatory thereof, shall be limited to the amount or sums of money stated and appropriated in the annual appropriation bills.

Inmates not required to pay for support.

2. No inmate maintained in said home under either of said acts shall be required to pay any part or

portion of his or her pension, nor any other moneys whatsoever, for and toward his or her maintenance and support in said institution.

3. This act shall take effect immediately.

Approved March 31, 1905.

CHAPTER 82.

An Act to amend an act entitled "An act to improve the condition of tenement houses in this State and to establish a State Board of Tenement House Supervision," approved March twenty-fifth, one thousand nine hundred and four.

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

Section amended.

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

"Local ordinance," "fire limits," "is occupied."

19. The words "local ordinance" and "fire limits" shall be construed as if followed by the words "of the municipality in which the tenement house is situated;" wherever the words "is occupied" are used in this act, applying to any building, such words shall be construed as if followed by the words "or is intended, arranged or designed to be occupied."

Section amended.

2. Section thirty-six of the act to which this act is an amendment shall be amended so as to read as follows:

Separate fire-escapes.

36. In every now existing non-fireproof tenement house more than three stories in height, there shall be a fire escape directly accessible to each apartment, exclusive of fire escapes in air shafts and courts; and a party wall fire-escape balcony on the rear of the building, connecting with the window of any adjoining building, shall be deemed a sufficient fire escape only when the two buildings are completely separated by an unpierced fire wall throughout their entire heighth and length; and all wooden floor slats and floors of

Metal parts.

fire-escape balconies shall be replaced by proper iron slats or floors; and no wooden balcony or wooden outside stairs shall be deemed part of a lawful fire escape.

Section amended.

3. Section forty-five of the act to which this act is an amendment shall be amended so as to read as follows:

Stairways.

45. The stairways of fire-escape balconies hereafter erected on tenement-houses shall be constructed and erected to fully sustain in all their parts a safe load of not less than one hundred pounds (100 lbs.) per step, utilizing a ratio of four (4) to one (1) between the safe working load and the ultimate strength of all parts, with the exception of the tread, which must safely sustain at any point at said ratio a concentrated load of two hundred pounds (200 lbs.); the treads shall be not less than seven inches (7″) wide and the rise of each step not more than nine inches (9″); the treads shall be flat open treads of cast-iron not less than five-eighths of an an inch (⅝″) thick, or of flat bars not over one and one-quarter inches (1¼″) wide or less than three-eighths of an inch (⅜″) thick, with spaces between not more than one inch (1″) or less than one-half of an inch (½″); such bars to be riveted to angle-irons of not less than one and one-half inches (1½″) in size, secured to strings, with double rivets or bolts; the stairs shall be not less than twenty inches (20″) wide between inside of strings; the strings shall be not less than three-inch (3″) channels of iron or steel, or other shape equally strong, and shall, at both top and bottom, rest upon and be fastened to a bracket, which shall be fastened through the wall as hereinafter provided; the stairs shall have a hand rail of not less than three-quarter inch (¾″) round wrought-iron rod or pipe, on each side, not less than thirty inches (30″) or more than forty-two inches (42″) above steps at any point, and same shall be secured and well braced; the stairways shall be placed at an angle no steeper than sixty degrees.

Section amended.

4. Section fifty of the act to which this act is an amendment shall be amended so as to read as follows:

Scuttle.

50. Every tenement house now existing or hereafter erected, not over three stories in height, may

have, in lieu of such bulkhead, a fireproof scuttle, and the stairs leading to the same shall be placed at an angle no steeper than sixty degrees, but in now existing tenement houses, where such stairs are not practicable, a fixed iron ladder may be used in lieu thereof. When iron ladder.

5. Section fifty-six of the act to which this act is an amendment shall be amended so as to read as follows: Section amended.

56. In non-fireproof tenement houses hereafter erected exceeding four stories in height, there shall be no inside stairs communicating between the cellar or other lowest story and the floor next above, but such stairs shall be located outside the building, and if enclosed shall be constructed entirely fireproof and be enclosed in a fireprof enclosure, with fireproof self-closing doors at all openings; this provision, however, shall not apply to the stairs leading from the entrance story to the upper floors in tenement houses hereafter erected where there is no cellar or other lowest story below the said entrance story; *provided,* that in tenement houses hereafter erected, which do not exceed four stories in height, and which also are not occupied or arranged to be occupied by more than two families on any floor, the stairs leading to the cellar or other lowest story may be located inside the building; *provided,* such stairs are entirely enclosed with brick walls in the cellar and the enclosing partitions lathed with metal lath or approved plaster board on the first floor and are provided with fireproof self-closing doors at both the top and the bottom; and the door at the bottom shall be located at least three feet from the foot of the stairs. No inside stairs from cellar. Proviso. Proviso.

6. Section ninety-three of the act to which this act is an amendment shall be amended so as to read as follows: Section amended.

93. The depth of the yard behind every tenement house hereafter erected upon a corner lot shall not be less than ten feet in every part; *provided,* that where such lot is less than one hundred feet in depth, the depth of the yard may be not less than ten per centum of the depth of such lot, but shall never be less than five feet in every part. Where a tenement house hereafter erected upon a corner lot has no basement, and Minimum depth. Proviso. Tenements on corner lots.

the cellar ceiling is not more than three feet above the curb level, said yard may start at the level of the second tier of beams. Where a corner lot is more than fifty feet in width, the yard for that portion, in excess of fifty feet, shall conform to the provisions of this act relating to interior lots. Where a corner lot is bounded by more than two streets, and does not exceed one hundred feet in depth, the ten per centum of unoccupied space shall be deemed the space required for yard.

Section amended.

7. Section ninety-six of the act to which this act is an amendment shall be amended so as to read as follows:

Width of court in four-story tenements.

96. In every tenement house hereafter erected exceeding three stories in height, where one side of an outer court is situated on the lot line, the width of the said court, measured from the lot line to the opposite wall of the building, shall not be less than two feet eight inches in any part; wherever an outer court so situated exceeds thirty-six feet in depth, and does not extend from the street to the yard, the entire court shall be increased in width six inches for every additional fifteen feet in excess of thirty-six feet.

Section amended.

8. Section ninety-seven of the act to which this act is an amendment shall be amended so as to read as follows:

Width of court in tenements not exceeding three stories.

97. In every tenement house hereafter erected, not exceeding three stories in height, which is also not occupied or arranged to be occupied by more than eight families in all, or by more than two families on any floor, and in which, also, each apartment extends through from the street to the yard, the width of an outer court situated on the lot line shall be at least two feet, eight inches, running parallel with the wall; and where such court exceeds sixty-five feet in depth, the width of such court shall be increased one foot for every thirty feet or fraction thereof that said court exceeds sixty-five feet in depth; but where such tenement house is occupied or arranged to be occupied by more than eight families in all, or by more than two families on any floor, and in which the apartments do not extend through from the street to the yard, the width of an outer court situated on the lot line shall be regulated by paragraph ninety-six of this act.

9. Section ninety-eight of the act to which this act is an amendment shall be amended so as to read as follows: Section amended.

98. In every tenement house hereafter erected, exceeding three stories in height, where an outer court is situated between wings or parts of the same building, the width of the said court, measured from wall to wall, shall not be less than four feet, running parallel with wall. Whenever an outer court so situated exceeds thirty-six feet in depth, the entire court shall be increased in width six inches in every additional fifteen feet or fraction thereof. Width of outer court in four-story tenements.

10. Section ninety-nine of the act to which this act is an amendment shall be amended so as to read as follows: Section amended.

99. In every tenement house hereafter erected, not exceeding three stories in height, and which also is not occupied or arranged to be occupied by more than eight families in all, or by more than two families on a floor, and in which also each apartment extends through from the street to the yard, the width of an outer court situated between wings or parts of the same building, measured from wall to wall, shall not be less than four feet, running parallel with wall. Where such court extends sixty-five feet in depth, its width shall be increased two feet for every thirty feet or fraction thereof that said court exceeds sixty-five feet in depth; but where such tenement house is occupied by more than eight families in all, or by more than two families on any floor, and in which the apartments do not extend through from the street to the yard, the width of an outer court, situated between wings or parts of the same building, or between different buildings on the same lot, shall be regulated by paragraph ninety-eight of this act. Outer court in tenements not exceeding three stories.

11. Section one hundred and two of the act to which this act is an amendment shall be amended so as to read as follows: Section amended.

102. In every tenement house hereafter erected, exceeding four stories in height, where one side of an inner court is situated on the lot line, the width of said court, measured from the lot line to the parallel wall of said building, shall not be less than eight feet from Inner court on lot line in tenements exceeding four stories.

lot line to opposite wall, in any part, or its horizontal dimensions, shall not be less than fourteen feet in any part; but for every twelve feet of increase or fraction thereof in the height of said building above fifty feet, such width shall be increased six inches throughout the entire height of said court, and the other horizontal dimension shall be increased one foot throughout the entire height of said court; and for twelve feet of decrease in the heighth of said building below fifty feet, such width may be decreased six inches and the other horizontal dimensions may be decreased one foot.

Section amended.

12. Section one hundred and three of the act to which this act is an amendment shall be amended so as to read as follows:

Inner court in four-story tenements.

103. In every four-story tenement house hereafter erected, the size of an inner court situated on the lot line shall be as prescribed by paragraph one hundred and two of this act; *provided,* that where such tenement house is not occupied by more than eight families in all, or by more than two families on any floor, and in which each apartments extends through from the street to the yard, the width of such court may be decreased, but shall not be less than six feet in any part, and its other horizontal dimension shall not be less than twelve feet in any part.

Proviso.

Section amended.

13. Section one hundred and four of the act to which this act is an amendment shall be amended so as to read as follows:

Inner court in tenements not exceeding three stories.

104. In every tenement house hereafter erected, not exceeding three stories in height, the width of an inner court situated on the lot line shall not be less than four feet in any part, and its other horizontal dimension shall not be less than ten feet in any part, measured from the lot line to the opposite wall.

Section amended.

14. Section one hundred and eight of the act to which this act is an amendment shall be amended so as to read as follows:

Intakes in inner court.

108. In every tenement house hereafter erected every inner court shall be provided with one or more horizontal intakes at the bottom; such intakes shall always communicate directly with the street or yard, and shall consist of a passageway not less than three feet wide and seven feet high, which shall be left open;

there shall always be provided in said passageway open grills, or transoms, of a size not less than five square feet each, and such open grills or transoms shall never be covered over by glass or in any other way; there shall be at least two such grills or transoms in each such passageway, one at the inner court and the other at the street or yard, as the case may be; or air-tight open ducts not less than sixteen inches deep, and five square feet in area and provided with open iron grills at each end, if constructed of metal, may be substituted for such passage; *provided,* they can be installed so as to connect from the street or yard to the bottom of the court at right angles without bend or break or the forming of a trap in any part; *and provided also,* that direct access is given to the bottom of such court by doorway opening to a public hall of the building.

Proviso.

Proviso.

15. Section one hundred and thirty-seven of the act to which this act is an amendment shall be amended so as to read as follows:

Section amended.

137. In every tenement house now existing or hereafter erected the walls of all courts, inner courts and shafts, unless built of a light color brick or stone, shall be thoroughly whitewashed, or shall be painted a light color by the owner and shall be so maintained; such whitewash or paint shall be renewed whenever necessary, as may be required by the board.

Walls of courts, etc., a light color.

16. Section one hundred and forty-three of the act to which this act is an amendment shall be amended so as to read as follows:

Section amended.

143. In every tenement house hereafter erected where there is no cellar or basement, and having an air space underneath, such air space shall be at least two feet in height, extending over its entire area, and the surface of the ground under any such air space shall be concreted, as required for cellar bottoms in paragraphs one hundred and thirty-two and one hundred and forty-six of this act; and said air space shall be enclosed in brick walls, provided with iron grills, set in front and rear walls for ventilation, the apertures shall be one inch square and shall not be less than six in number. There shall also be provided an outside door, opening to such air space, not less than

Air-space beneath tenement.

Outside door.

eighteen inches square; said opening shall be securely closed with a proper door, which shall be kept locked at all times; and the floor above any such air space shall be laid with a double flooring of matched boards, with a layer of heavy three-ply building paper or felt between the under and the upper floors, the upper floor to be laid at an angle not less than forty-five degrees with the lower floor.

Floor.

Section amended.

17. Section one hundred and fifty-three of the act to which this act is an amendment shall be amended so as to read as follows:

Wooden trimmer and header beams.

153. All wooden trimmer and header beams, where headers carry more than two tail beams, hereafter placed in any tenement house, shall be at least double the thickness of other floor beams.

Section amended.

18. Section one hundred and sixty of the act to which this act is an amendment shall be amended so as to read as follows:

Water-closets.

160. In every tenement house hereafter erected, there shall be, within each apartment, at least one water-closet; and there shall also be provided similar water-closet accommodations for any store or work-shop which may be located on the premises, and such water-closet accommodations shall be separate and distinct from that provided for any apartment.

Section amended.

19. Section one hundred and seventy-one of the act to which this act is an amendment shall be amended so as to read as follows:

Sinks.

171. Every sink in every tenement house hereafter erected or now existing shall be of a durable, non-absorbent material, supported on legs or brackets of a similar material, and shall not be enclosed in any way; and where such sinks are now enclosed said enclosure shall be completely removed.

Section amended.

20. Section one hundred and ninety-one of the act to which this act is an amendment shall be amended so as to read as follows:

Joint liability.

191. Every joint or several owner of any tenement house shall be jointly and severally liable for any violation of any provision of this act, and every lessee of a whole tenement house, or of the building or structure erected on the same lot with a tenement house, shall be jointly and severally liable with the

owner or owners of the fee of such tenement house, building, structure and lot for any violation of any provision of this act. For the purpose of proving ownership in prosecutions to be brought under the provisions of this act, a certificate signed by the engineer or person having charge of the city atlas on which said property is plotted, that, at the time of the alleged violation for which said prosecution is brought, said property was plotted on said atlas in the name of the person against whom suit is brought, or a certificate of the person having charge of the records in the office of the assessor or taxing body of the municipality in which said property is situated, that, at the time the last assessment was made, the person against whom suit was brought was the person in whose name said property was assessed, shall be prima facie proof of ownership in any such prosecution.

As to ownership of property.

21. This act shall take effect immediately.

Approved March 31, 1905.

CHAPTER 83.

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

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

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

Section amended.

24. The board of chosen freeholders shall, at their annual meeting or at an adjourned or special meeting not later than the last Tuesday of August, determine and appropriate specifically the amount to be raised for current expenses, debt and interest, public works and for all other county purposes; *provided,* that such

Determine amount for county purposes.

Proviso.

New Jersey State Library

amount shall in no case exceed in the aggregate the sum of fifty cents for each one hundred dollars of assessed valuation in such county. The county collector shall transmit to the county board of assessors at its next annual meeting a statement of the total amount so appropriated and otherwise required by law to be raised by taxation in that year for county purposes; the said board shall apportion the tax among the taxing districts as in this act directed.

Section amended.

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

Amount needed by taxing districts.

25. The clerk or other proper officer of each taxing district shall certify to the assessor, on or before the third Tuesday of August, a copy of the annual taxing ordinance or resolution, or other evidence showing the amount to be raised by taxation for the purposes of the taxing district. The governing body of such taxing district may add to the amount appropriated for State, county, school district or local purposes not exceeding ten per centum thereof to meet contingencies, and the assessor's rate shall be fixed accordingly. In no case shall the rate of taxation for county, school district and local purposes exceed in the aggregate the sum of one dollar and seventy cents for each hundred dollars of assessed valuation in cities having a population over fifty thousand, one dollar and fifty cents for each one hundred dollars of assessed valuation in all other cities, boroughs, villages, towns and township. *Provided, however,* that any municipality may exceed such limited tax rate whenever the governing body of such municipality shall by resolution adopt a higher rate and the same shall be approved by a majority of the legal voters of such municipality at the general election next preceding the fixing of such tax rate. The limitations imposed by law upon the tax rate in any taxing district shall not apply to the tax rate required to raise the State tax, the State school tax or to pay judgments against the taxing district which may be imposed in addition to the limited rate as herein fixed. When any execution shall be issued upon judgment against any taxing district, and there shall be found no property sufficient to satisfy the same by levy, the officer shall serve a copy

Contingencies.

Maximum tax rate.

Proviso.

If judgment against district.

of his execution upon the collector of the taxing district and also upon the assessor, and it shall be the duty of the assessor to levy, in addition to other taxes, the amount due upon said execution, with interest to the twentieth day of December following, and this tax shall be assessed and collected at the same time and under the same regulations as taxes for other purposes, and when collected shall be paid to the officer serving the execution.

Section amended.

3. Section twenty-six of said act shall be amended so as to read as follows:

Completion of duplicate.

26. Upon ascertaining the amount of taxes to be raised from the property in his taxing district as herein provided, the assessor shall enter upon his duplicate, in appropriate columns, the net value assessed to each person for both real and personal property; the rates per hundred dollars in cities having a population over fifty thousand shall not exceed one dollar and seventy cents on each one hundred dollars of assessed valuation; in all other cities, boroughs, villages, towns and townships one dollar and fifty cents on each one hundred dollars of assessed valuation, which shall be such as according to the valuations on the duplicate will be sufficient to produce the sums required, and the several sums assessed on the property of each person for State, State school and county taxes and also for local, poll, dog, school district and other taxes, and shall enter the addition of the items of each column at the foot thereof, on every page, and shall, within thirty days after the adjournment of the county board of assessors, deliver said duplicate, complete and certified by the assessor to be a true record of the taxes assessed, to the collector of the taxing district; the duplicate shall be produced by the collector before the governing body of the taxing district or before the State board of taxation whenever required, and they may cause copies to be taken as they may direct.

Rate per $100.

Assessed valuation.

Duplicate delivered to collector.

When act effective.

4. This act shall take effect January first, one thousand nine hundred and six.

Approved March 31, 1905.

CHAPTER 84.

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

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

May change certificate of incorporation.

1. Any corporation organized under the provisions of the act to which this is a supplement may increase or decrease its capital stock, change the par value of the shares thereof, change its name, extend its corporate existence, create one or more classes of preferred stock and make such other amendment, change or alteration as may be desired by amendment of its certificate of incorporation in the manner prescribed in section twenty-seven of the "Act concerning corporations" (Revision of 1896) for making such amendments; *provided,* that the certificate of such amendment, change or alteration required to be filed in the office of the secretary of state shall contain only such provision as it would be lawful and proper to insert in an original certificate of incorporation made at the time of making such amendment; and the certificate of the secretary of state that such certificate and the written consent of stockholders required by law have been filed in his office shall be taken and accepted as evidence of such amendment, change or alteration in all courts and places.

Proviso.

2. This act shall take effect immediately.

Approved March 31, 1905.

CHAPTER 85.

An Act to provide for increasing the capacity of the state prison.

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

Commission to increase capacity of state prison.

1. The board of inspectors, supervisor and keeper of the state prison be and they are hereby constituted a commission to be known as the state prison building commission for the purpose of making such changes, alterations and improvements to increase the capacity of the prison as are hereinafter provided for.

Power to alter or rebuild wing three.

2. The said commission shall have power to alter, enlarge or remove and reconstruct the present antiquated and unsanitary wing or cell-house known as "wing number three." and to provide on the site now occupied by the said wing a cell-house of increased capacity, to be built in the modern style of prison construction, with due regard to safety, convenience, sanitation and such other requirements as modern thought and experience have demonstrated to be advantageous and necessary in prison construction; they shall also have power to lay all required sewers and water pipes in connection with said structure, and to make such alterations in the existing buildings of the prison as may be found necessary or advisable in carrying out the purposes of this act; *provided,* that the plans for the changes, alterations and erection herein authorized shall be approved by the governor of the state; the commission shall have power to procure and pay for the necessary preliminary examinations and estimates; to employ the necessary architects, superintendents and other assistants, and to fix and pay their compensations; they shall have power to advertise for plans and contracts for the said work, either as a whole or for separate parts thereof, reserving the right to reject any or all bids deemed disadvantageous to the state; so far as the commission shall find practicable, all work done in the alteration and construction herein authorized shall be done by contract after due advertisement for proposals, and no convict confined in the

Proviso.

Assistants.

Proposals invited.

Work done by contract.

state prison shall be at any time employed on any part of the said work.

Appropriation.

3. To enable the commission to carry out the purposes of this act, the sum of two hundred and fifty thousand dollars, or so much thereof as shall be found necessary, is hereby appropriated, to be paid by the state treasurer, on the warrant of the comptroller, to the said commissioners from time to time, upon their requisitions, in such sums as may be necessary to meet the expenses herein authorized.

Officers of commission.

Treasurer's bond.

4. The said commissioners shall have power to organize by the election of chairman, secretary and treasurer from their own number, and the treasurer of the commission shall give a bond to the state of New Jersey in the sum of ten thousand dollars, with two sufficient sureties, to be approved by the governor, for the faithful performance of the duties imposed upon him as such officer of the commission; the commissioners shall make a detailed report of their operations to the next legislature, and they shall each receive from the appropriation made for the purposes of this act the necessary traveling expenses incurred by them in the performance of their duties as commissioners, and such compensation for their services as shall be determined by the governor, comptroller and treasurer of the state.

Report and compensation.

Act repealed.

5. An act entitled "An act to provide for the further enlargement and improvement of the state prison," approved March twenty-eighth, one thousand nine hundred and four, is hereby repealed, and this act shall take effect immediately.

Approved March 31, 1905.

CHAPTER 86.

An Act to amend 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, A. D. eighteen hundred and ninety-seven.

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

Section amended.

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

Who have jurisdiction.

2. Justices of the peace, district courts and police magistrates shall have jurisdiction to try and punish any person or persons, corporation or corporations, accused of violating any of the laws specified in the first section of this act, or any of the provisions thereof, and every penalty prescribed for such violation may be enforced and recovered before any justice of the peace, district court or police magistrate, either in the county where the offense is committed or where the offender is first apprehended or where he may reside; and nothing contained in any law heretofore passed shall be construed to prohibit justices of the peace residing within the limits of any city where a district court is or may be established from exercising jurisdiction under this act.

Where.

Section amended.

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

Action in case of appeal.

10. Whenever an appeal shall be taken as aforesaid, it shall be the duty of the justice of the peace, district court or police magistrate to send all papers, together with a transcript of the proceedings in the case, to the next term of the court of common pleas of the said county which court shall hear and determine such appeal in the same way and manner as said case was heard and determined by such justice of the peace, district court or police magistrate.

3. This act shall take effect immediately.

Approved March 31, 1905.

CHAPTER 87.

A Supplement to 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.

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

Form of conviction in prosecutions.

1. The conviction in prosecutions under the act to which this is a supplement be in the following or similar form:

State of New Jersey, }
County of , } ss.

Be it remembered, that on this day of A. D. nineteen hundred and at in said county, defendant, was, by one of the justices of the peace in and for said county (or by the district court or police magistrate, as the case may be), convicted of violating the section of an act of legislature of said state entitled "An act for the protection of certain kinds of birds, game and fish, to regulate their method of capture and provide open and close seasons for such capture and possession (Revision of 1903)," approved April fourteenth, nineteen hundred and three (or if violation be of a supplement or amendment, then state title of act and date of approval), in a summary proceeding at the suit of one of the fish and game wardens of said state, plaintiff (or as the case may be), upon complaint made by ; and further, that the witnesses in said proceeding who testified for the plaintiff were (name them), and the witnesses who testified for the defendant were (name them); whereupon said justice of the peace (or district court or police magistrate, as the case may be) doth hereby give judgment that the plaintiff recover of the defendant penalty and costs of this proceeding.

Said conviction shall be signed by the justice of the peace, judge of the district court or police magistrate before whom the conviction is had. Signing magistrate.

2. This act shall take effect immediately.

Approved March 31, 1905.

CHAPTER 88.

An Act to provide for the appointment of a commission to report to the governor and legislature some method of improving the judicial system and the system of procedure of this state.

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

1. The governor is authorized to appoint a commission, consisting of not more than five persons, to investigate and report to the governor and legislature as follows: Commission on improved legal procedure.

(a) How the system of courts can, by constitutional amendment and by legislation, be better adjusted to the demands of judicial business; System of courts.

(b) What changes in the judicial system can be made, with advantage, in order to prevent the use of two or more legal proceedings to settle controversies that can be conveniently settled in one; and in order to minimize delays due to litigations or objections upon points of procedure not involving the substantive rights of the parties; Unnecessary litigation.

(c) In what other respects the system of procedure can be made more simple and certain; Simplify methods.

(d) Whether like defects in similar judicial systems have been successfully remedied by other states and peoples, and if so, by what means. If defects may be remedied.

2. Said commission shall make its report to the governor and legislature during the first month of the next regular session of the legislature, or as soon thereafter as may be practicable. Report.

3. The clerical and other expenses of the com- Expenses.

mission properly incidental to its work, when approved by the governor and comptroller, shall be paid by the treasurer out of any money in the treasury not otherwise appropriated.

4. This act shall take effect immediately.

Approved March 31, 1905.

CHAPTER 89.

An Act for the relief of the New Jersey state hospital at Trenton, and to provide additional accommodation for the insane of this state.

Preamble.

WHEREAS, The buildings erected on the grounds of the New Jersey state hospital at Trenton were designed for the accommodation of eight hundred and sixty insane patients, but are now crowded beyond that capacity by having confined in them over twelve hundred such patients, and the number of commitments are increasing yearly, from all which it appears that new and additional buildings are absolutely required at the present time for the proper accommodation, classification, care and treatment of the insane of this state; therefore,

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

Commission to provide additional accommodations.

1. The board of managers of the New Jersey state hospital at Trenton be and they are hereby authorized, empowered and directed to erect upon the grounds of the said hospital belonging to this state new and additional buildings sufficient to properly provide for at least four hundred insane patients, and to properly furnish the said buildings when completed.

Appropriation.

2. The sum of two hundred and fifty thousand dollars be and is hereby appropriated out of the funds of this state for the erection, completing and furnishing of such aforesaid buildings, all of which shall be done within the limit of said appropriation.

3. 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 board of managers shall certify to the comptroller to be necessary, and to such persons as they may designate, but not more than one hundred and twenty-five thousand dollars shall be drawn from the state treasury in any one year for the purpose aforesaid. Expenditures.

4. No money shall be drawn from the state treasury for the erection, completion and furnishing of said buildings until the amount thereof shall be placed in the yearly appropriation bill. Sum must be placed in appropriation bill.

5. This act shall take effect immediately.

Approved March 31, 1905.

CHAPTER 90.

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

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

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

1. In order that the students in the schools in all parts of the State may receive the stimulus afforded by the opportunity to pursue the courses of study in the State Agricultural College, and in order to enable said State Agricultural College to furnish instruction gratuitously to students, residents of this State, in its several courses of study, as special courses of advanced study in the public school system of this State, there shall be sent to the said college, each year, from each county in this State, students to the number of members of assembly to which such county is entitled, to be selected and designated as hereinafter provided, Number of scholarships. As many as members of assembly.

who shall receive gratuitous instruction in any or all of the prescribed branches of study in any of the courses of study of said State college, under the general powers of supervision and control possessed by the board of visitors of said State college. Said students so received shall be residents of this State, and shall be admitted into said State college upon the terms and subject to the rules and discipline which shall apply to all other free students of said college; and if there should be from any county more than the designated number of suitably prepared applicants in the same year, such additional applicants may, in the discretion of the board of visitors of the said State Agricultural College, be received on any vacant scholarships of any other county until the county last named shall require such scholarships, after notice has been served on the superintendent of education of the county in which such vacant scholarships existed.

Students on vacant scholarships.

Section amended.

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

Amount per student.

3. Each student so appointed and admitted to said college shall be regarded as holding a State scholarship, and for each scholarship so held there shall be due from the State to the college, on the first day of November, in each year, the sum of one hundred and twenty dollars; *provided,* that the aggregate amount due for any year for such scholarships shall not exceed fifteen thousand dollars.

Proviso.

Section amended.

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

President of college to certify number of students.

4. In order to ascertain the number of scholarships for which payment shall be due as aforesaid, the president of said college shall in the month of October in each year make his certificate in writing, setting forth the names of the students so as aforesaid appointed and then in attendance at said college, the counties from which they were appointed and the classes in college to which they belong, or the special courses of study which they are pursuing, which certificate, when approved by the president of the board of visitors of the State Agricultural College, shall be plenary evidence of the number of scholarships for which payment shall be due, and on filing the same with the

Approval.

Comptroller of the State he shall draw his warrant upon the State Treasurer for the sum of money to which the said college may accordingly be entitled, and the State Treasurer shall pay the same as soon as proper appropriation shall have been made therefor.

4. This act shall take effect immediately.

Approved March 31, 1905.

CHAPTER 91.

A Further Supplement to an act entitled "An act to revise and amend 'An act for the taxation of railroad and canal property,' approved April tenth, one thousand eight hundred and eighty-four," which act was approved March twenty-seventh, one thousand eight hundred and eighty-eight.

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

How railroad and canal property assessed and taxed.

1. The taxes which shall be hereafter assessed upon the real estate used for railroad or canal purposes in each taxing district in this state separately valued and assessed under the provisions of subdivision two (2) of section three (3) of said act shall be assessed and paid in manner and form following: On or before the first Tuesday of May in the present year, and on or before the first day of March in each subsequent year any person or company running, operating or constructing any railroad or canal in this state shall return to the state board of assessors statements or schedules, subscribed and sworn to by the president or other chief officer before some officer of the state authorized to administer oaths, of the real estate as it existed on the first day of January preceding, specifying its extent and dimensions, which may be shown by a map or maps setting out in detail the real estate and the number, character and value of all buildings and structures in each county and in each taxing district used for railroad or canal purposes, including the

Company's return to state assessors.

Except main stem.

roadbed (other than main stem), waterways, reservoirs, tracks, buildings, water tanks, water works, riparian rights, docks, wharves and piers (and being the property referred to in sub division two (2) of section three (3) of said act). Such statements or schedules shall be made in conformity with such instructions and forms as may be prescribed by the said board, and such further statements shall be furnished as said board shall require; the said board shall prescribe the form of the oath to the statements and schedules required by this section, and any person who shall make such oath falsely shall be deemed guilty of perjury.

Form of statement.

State board to inform local boards.

2. On or before the first day of August in each year the state board of assessors shall ascertain and certify the value of the property described in the foregoing section to the local taxing authorities in the several taxing districts in which the same is respectively situated; *provided,* that the right of hearing as now prescribed by law shall be in nowise restricted or abridged.

Proviso.

Property included in various taxing districts.

3. The value of such property so certified shall be included in the amount of the ratables to be taxed in the several taxing districts, and the necessary tax rate for such district shall be ascertained by the local taxing authorities and certified to the state board of assessors on or before the first day of October in each year, whereupon the state board of assessors shall include in the taxes to be assessed by it, under the provisions of the act to which this is a supplement, the property described in the first section hereof at the rate in each taxing district that is so as aforesaid certified to it by the local taxing authorities, and said property shall not be subject to any other tax; *provided,* that if the local taxing authorities of any taxing district shall fail to certify to said state board of assessors within the time prescribed by this act the local rate of tax as fixed, it shall be the duty of said board to allot to the taxing district so in default an apportionment of tax at a rate not exceeding one per centum upon the class of property described in the first section hereof.

Proviso.

State assessors report to comptroller.

4. The state board of assessors shall, as at present provided by law, certify and report to the comptroller of the state the assessed valuation and tax levied upon the property of each railroad and canal company in the State, and of the separate valuation of the property of such companies in each taxing district, separately valued and assessed under provisions of subdivision two (2) of section three (3) of the act to which this act is a further supplement, and the entire amount of tax derived from the assessment of this latter class of property shall be allotted to and paid over to the local taxing districts through which said railroads or canals run, giving to each such district the total amount of tax that may be so derived from such property of each railroad or canal company therein.

Tax to be paid to tax district where property lies.

Repealer.

5. All acts and parts of acts inconsistent herewith be and the same are hereby repealed; but nothing herein contained shall apply to any other statements that are by the act to which this is a supplement required to be made, nor to any other property than that herein described.

6. This act shall take effect immediately.

Approved April 3, 1905.

CHAPTER 92.

An Act to permit the retirement, on pension, from public office or position, after forty years' continuous service therein, of honorably discharged Union soldiers, sailors and marines who served in the war of the rebellion.

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

Retirement after forty years' service.

1. Whenever any honorably discharged Union soldier, sailor or marine, who served in the war of the rebellion, has or shall have been for forty years continuously in public office or position in this State service, it shall be lawful, with his assent, for the body, board

or officer having power to appoint his successor, in case of vacancy, to order his retirement from such service.

Pension.

2. In case of such retirement the person so retired shall be entitled for and during his natural life to receive by way of pension one-half the compensation then being received by him for such service; the same to be paid in the same way and the same installments in which such compensation has therefore been payable; *provided,* that in case of voluntary retirement with pension, from office or position, under any other law of this State, the person retiring shall waive either his pension under such law or his pension under this act.

Proviso.

Funds provided.

3. Provision for all pensions arising under this act shall be made in the appropriation or tax levy for the department of the public service from which such person shall be so retired.

4. This act shall take effect immediately.

Approved April 3, 1905.

CHAPTER 93.

An Act authorizing the acquisition of land by the State for public uses.

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

Acquirement of land by state.

1. The treasurer of this State and the comptroller of the treasury are hereby authorized to acquire by gift, grant, purchase, condemnation, through municipal action or in any other lawful manner, in the name of the State and for its use, so much land as may be necessary for any charitable, philanthropic, penal or reformatory institution of the State, whenever the board of managers of any such institution shall request the same in writing and said treasurer and comptroller shall deem said lands necessary. No money shall be expended for the purpose of carrying the provisions

Money first appropriated.

of this act into effect until the same shall have been first appropriated specifically for such purpose, and if condemnation shall be necessary the proceedings shall be in accordance with the act entitled "An act to regulate the ascertainment and payment of compensation for property condemned or taken for public use (Revision of 1900)," approved March twentieth, one thousand nine hundred.

2. This act shall take effect immediately.

Approved April 3, 1905.

CHAPTER 94.

An Act to provide for the appointment of a commission to revise and codify the law relating to master and servant.

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

Revision of laws relating to master and servant.

1. The Governor is hereby authorized to appoint a commission, to consist of three persons, to revise and codify the laws relating to master and servant and report the same to the next Legislature with such comments and recommendations as they deem proper. Said commission shall organize by the election of a president and secretary, and may employ such clerical assistance as shall be necessary, at reasonable compensation to be fixed by them and paid by the State when appropriated for that purpose.

2. This act shall take effect immediately.

Approved April 3, 1905.

CHAPTER 95.

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

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

Appropriation for expenses of teachers' retirement fund.

1. The sum of fifteen hundred dollars, or such part thereof as may be necessary, be and the same is hereby appropriated annually for the payment of the expenses of the board of trustees of the teachers' retirement fund provided for by article twenty-five of the act to which this is a supplement, for the administration of said fund, including the expenses of the State Treasurer and all clerical and other expenses of said board of trustees of the teachers' retirement fund under the direction of the State Treasurer; *provided,* that no expenses shall be incurred for which the State shall be liable in connection herewith, unless first approved by the State Treasurer; *and provided further,* that such expenditure shall be in no wise a guarantee on the part of the State as to the security, condition or prospects of the fund.

Proviso.

Proviso.

Repealer.

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

Approved April 3, 1905.

CHAPTER 96.

An Act to further amend an act entitled "An act to organize and establish a state board of agriculture," approved April first, eighteen hundred and eighty-seven.

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

Section amended.

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

Expenses of board of agriculture paid.

3. The officers, board of directors and committees, appointed by the state board (or by the board of directors or the executive committe thereof), shall receive compensation from the state for their personal expenses, when engaged in the duties of said board; the secretary of the state board shall receive an annual salary of twelve hundred dollars, and may, with the approval of the executive committee, employ such clerical assistance as may to them seem needful at an expense of not over six hundred dollars a year; the treasurer shall receive an annual salary of one hundred dollars, and shall give bonds for the faithful performance of the duties of his office in such sum as the executive committee may require the salaries of said secretary and treasurer shall be paid monthly by the treasurer of the state on the warrant of the comptroller out of any moneys not otherwise appropriated.

Salary of secretary and treasurer.

Section amended.

2. Section ten of the act to which this act is amendatory be and hereby is further amended so as to read as follows:

Tests made of remedies for diseases of animals, trees, plants, etc.

10. In order to collect and disseminate reliable and useful information, and to encourage a higher standard in the agriculture and horticulture of the state, the executive committee are hereby authorized to cause to be made experimental and practical tests of specific remedies or cures of diseases of domestic animals and poultry, and of plants, vegetables and fruits, and insects injurious thereto, and to employ suitable persons to lecture before the state board of agriculture, at its annual or other meetings, and in the counties of the state as far as the sum herein appro-

Lecturer employed.

priated will allow, to examine the reports of the state horticultural society, and all other reports, essays, papers and documents intended for publication in the annual report, and to accept or reject the same, or any portion thereof; to apportion to the state horticultural society not less than three hundred dollars annually, and to the several county boards such sum or sums of money for the information secured and labor performed as they deem equitable; such amount not to exceed one hundred dollars in any one year to any county board, one-half of this amount, when the sum appropriated does not exceed sixty dollars, to go to the party or parties making up the report and the balance to the treasury of the county board to pay its running expenses, submit the amounts thus determined upon to the state comptroller, who shall thereupon draw his warrant upon the state treasurer, who shall pay the same out of any moneys in the state treasury not otherwise appropriated, to the treasurer of the state board of agriculture; *provided,* that the amount thus expended shall not exceed the sum of eight thousand dollars in any one year.

Moneys apportioned.

Proviso.

3. This act shall take effect immediately.

Approved April 5, 1905.

CHAPTER 97.

An Act to amend an act entitled "A supplement to an act entitled 'An act concerning the military and naval forces (Revision of 1900),'" approved March twenty-fourth, one thousand nine hundred and three.

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

1. Section seven of the act entitled "A supplement to an act entitled 'An act concerning the military and naval forces (Revision of 1900),'" be and the same is hereby amended so as to read as follows:

Section amended.

7. The Governor, as commander-in-chief, shall have the following staff: One adjutant-general, with the rank of brigadier-general; one quartermaster-general, with the rank of brigadier-general, who shall be commissary-general, paymaster-general, chief medical purveyor, medical store-keeper and chief of ordinance; one surgeon-general, with the rank of brigadier-general; one inspector-general, with the rank of brigadier-general; one inspector-general of rifle practice, with the rank of brigadier-general; one judge-advocate-general, with the rank of brigadier-general; six aid-de-camp, whose terms of service shall expire with that of the Governor who shall have appointed them, one of whom may be appointed by the commander-in-chief as his personal aide, with the rank of colonel; the other five aid-de-camp shall be appointed by the commander-in-chief from the commissioned officers of the national guard, holding commissions on the active list of a grade below that of colonel, and their appointment shall operate as a commission as aid-de-camp, but shall not add to the actual grade of the officers so appointed; such aids-de-camp shall not be relieved from duty with their respective organizations, except when actually on duty as aid-de-camp under the orders of the commander-in-chief. Governor's staff. Aides-de-camp.

2. This act shall take effect immediately.

Approved April 5, 1905.

CHAPTER 98.

An Act to amend an act entitled "An act to amend an act entitled 'An act concerning the military and naval forces (Revision of 1900),'" approved April tenth, one thousand nine hundred and two.

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

1. Section eight of the act entitled "An act to amend an act entitled 'An act concerning the military Section amended.

and naval forces (Revision of 1900),'" 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 colonel; one deputy adjutant-general, with the rank of lieutenant-colonel; two assistant quartermasters-general, with the rank of colonel; one assistant commissary-general, with the rank of colonel; one deputy quartermaster-general, with the rank of lieutenant-colonel; one paymaster, with the rank of major; one military store-keeper, 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 three assistant inspectors-general of rifle practice, with the rank of lieutenant-colonel, and there shall be appointed one standard-bearer to the commander-in-chief, with the rank of sergeant, and one orderly to the commander-in-chief, with the rank of sergeant.

2. This act shall take effect immediately.

Approved April 5, 1905.

CHAPTER 99.

A Supplement to an act entitled "An act relative to the court of errors and appeals" (Revision, 1900). approved March twenty-third, one thousand nine hundred.

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

Additional compensation to chancellor and justices of supreme court.

1. The chancellor and justices of the supreme court shall each receive, as further compensation for services rendered by them, respectively, as members of the court of errors and appeals, the sum of one thousand dollars per annum, which shall be paid in equal monthly payments by the treasurer of this State upon the warrant of the comptroller of the treasury.

2. This act shall take effect immediately.

Approved April 5, 1905.

CHAPTER 100.

An Act to fix and define the boundary lines of the borough of North Caldwell, in the county of Essex, by the annexation of a portion of the borough of West Caldwell and the township of Caldwell, respectively.

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

1. The territorial limits of the said borough of North Caldwell shall be as follows, to wit: Boundaries of North Caldwell.

Beginning at the intersection of the westerly line of the township of Verona with the southerly line of Bloomfield avenue; thence (1) westerly along said southerly line of Bloomfield avenue to the easterly line of the borough of Caldwell; thence (2) northerly and westerly along said borough line following the several angles and courses of the same to the southwest corner of the lands of William Little, deceased; thence (3) northerly to the centre of Pine Brook, at its intersection, with the southerly line of the lands of Edward H. Baldwin; thence (4) in a northerly course to a stone monument situate in the centre of Central avenue about one hundred feet south from the southerly line of the lands formerly owned by John H. Stager; thence (5) northerly to a point on the southerly side of Greenbrook avenue at the intersection of the lands formerly owned by Thomas C. Sindle and John Francisco; thence (6) northeasterly to a point in the centre of the Passaic River, said point being the intersection of the southerly line of the township of Little Falls with the line of the township of Caldwell; thence (7) along the lines of the townships of Little Falls and Verona respectively, following the several angles and courses of the same to the southerly side of Bloomfield avenue and place of beginning.

2. This act shall take effect immediately.

Approved April 5, 1905.

CHAPTER 101.

An Act to amend an act entitled "An act to provide for the regulation of the flow of torrential rivers, to protect persons and property from damage by floods, and to provide for the maintenance and regulation of river flood districts when established by law," approved April nineteenth, one thousand nine hundred and four, and to repeal a portion thereof.

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

Section amended.

1. Section seven of said act be amended to read as follows:

Plan of work filed with county clerk.

7. When the said commissioners shall have adopted a plan of works for the control and restraint of the flood-waters of the district they shall file a copy thereof, together with a map showing the lands to be taken, flowed or otherwise affected by said works, and the area and extent of any reservoir to be constructed, in the office of the county clerk of the county or counties within which said lands lie or said works are to be constructed; *provided, however,* that no existing public cemetery or public burying ground shall be included in said flowed lands; they shall also cause to be made a careful estimate of the cost of said works, in which shall be included the cost of the lands, water-rights, and rights and interests in lands to be acquired, and the damages for the taking thereof, together with an estimate of the cost of changing the location of any railroads, canals or highways which may require to be changed in carrying out said plans, and shall file a copy of said estimate with the said plans in the office of the clerk of the county or counties within which said lands lie or in which said works are to be constructed; the said commissioners shall also at the same time proceed to ascertain and inquire what lands and real estate within said flood district will be specially benefited by the construction and maintenance of said works and the approximate amount of said benefits; also the amount of such special benefits as will accrue to every city, township, borough and other munici-

Proviso.

Estimated cost.

Benefits.

pality wholly or partly within said flood district, and the county or counties within which said works are located, or which are benefited thereby; and as accurately as may be, specify the extent of lands on each side of said river within the flood district that will be benefited by said works; thereupon, if it shall appear from the said estimates when filed as aforesaid, that the approximate amount of the special benefit to accrue as aforesaid will exceed the costs of the said works, lands, water-rights and interests in lands to be acquired and damages for the taking thereof, together with the cost of changing the location of any railroads, canals or highways, and other lawful costs and expenses, connected therewith as shown in said estimate, the said commissioners shall make application to a justice of the supreme court for the appointment of three discreet persons to make an assessment of the costs, damages and expenses to be incurred by the said commissioners for the acquiring of the said lands, water-rights, rights and interests in lands, the construction of said works, and other lawful costs and expenses connected therewith as shown in the said estimate; notice of such application shall be given by publication in one or more newspapers published within said flood district by at least three publications, the first of which shall be published at least ten days prior to the day on which said application is to be made: such justice of the supreme court, when applied to as aforesaid, on due proof that such notice has been given, is hereby authorized and required to appoint three discreet persons as aforesaid, who shall be denominated assessors; and in case of the death, resignation, disability or refusal to serve of any such assessor, the vacancy shall be filled as soon as may be by the said justice, upon such notice as he shall direct; the assessors so to be appointed shall, before entering upon the duties of their office, take, subscribe and file, in the office of the clerk of the supreme court, an oath faithfully to discharge the duties devolving upon them. And upon the completion of their work they shall be allowed such reasonable compensation to be paid by the flood commissioners as may be allowed by the justice appointing them; their lawful expenses shall

Commission to assess costs, etc.

Notice given.

Assessors appointed by court.

Compensation of assessors.

be paid by said flood commission upon an estimate thereof made by the assessors and approved by said justice. If, however, it should appear from the said estimates when filed as aforesaid, that the approximate amount of special benefits to accrue as aforesaid shall be less than the cost of said works, lands, water-rights and interest in lands to be acquired and damages for the taking thereof, together with the cost of changing the location of any railroads, canals or highways, and other lawful costs and expenses, then said commission shall proceed no further with the preparation and execution of the works contemplated by this act; *provided, however,* that there shall be paid to them by the state of New Jersey for their expenses and disbursements in and about their said duties, a sum not exceeding twenty thousand dollars. It shall be lawful for the said commissioners when appointed to borrow money for their necessary expenses and disbursements upon notes or bonds of the said commissioners issued in their corporate capacity to an amount not exceeding twenty thousand dollars, in anticipation of the payment to them of the said sum of twenty thousand dollars by the State, or, if they shall not cease to proceed with their work as is herein provided, but shall proceed to the completion thereof, then in anticipation of the collection of the amounts to be assessed for said special benefits. No notes, bonds or other obligation shall be issued that shall run longer than six years, and no rate of interest in excess of five per cent. per annum shall be allowed or paid by them upon any money borrowed in pursuance to the power hereby conferred. No liability shall be created for the payment by the State of said sum of twenty thousand dollars, or any part thereof, if the execution of the works contemplated by this act shall be proceeded with and prosecuted to completion.

Proviso.

Commission may borrow money.

Terms of liability.

Section repealed.

2. Section thirteen be and the same is hereby repealed.

Section amended.

3. Section fifteen be amended so as to read as follows:

Maintenance of works.

15. When said works are completed, the same shall be maintained and operated by the said flood commissioners. The said flood commissioners are

authorized and empowered to sell and contract for the sale and supply of water out of any reservoir or reservoirs where the same may be by said works impounded to any municipal or other corporation or private individual, either for potable or domestic purposes, or for manufacturing or other business purposes, and to charge and receive therefor reasonable rates and price, the proceeds thereof to be applied to the cost of maintenance of said works, and any surplus to be paid to the State. The commissioners shall have no power to sell or divert the waters beyond the State limits. Sale of water. Receipts. Sale limited to state.

4. This act shall take effect immediately.

Approved April 5, 1905.

CHAPTER 102.

Supplement to an act entitled "An act regulating the age, employment, safety, health and work hours of persons, employes and operatives in factories, workshops, mills and all places where the manufacture of goods of any kind is carried on, and to establish a department for the enforcement thereof," approved March twenty-fourth, one thousand nine hundred and four.

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

1. For the purposes of this act and the act to which it is a supplement biscuits, pies, bread, crackers, cakes and confectionery shall be interpreted to be goods, and places wherein the same are made or manufactured shall be held and considered as places where goods are manufactured; the word bakery in this act shall include all buildings, rooms or places where biscuits, pies, bread, crackers, cakes and confectionery are made or manufactured, and the provisions of this act, or any supplement thereof or amendment thereto, shall be enforced by the department of labor, and it "Goods" and "bakery" defined. Enforcement of act.

shall be the duty of the officers of that department to enforce the provisions of this act; all suits brought for violations of any of the provisions of this act shall be brought in the manner and under the same restrictions as is provided for bringing suits under the act to which this is a supplement.

Working hours per day and week.

2. No employe shall be required, permitted or suffered to work in any bakery more than sixty hours in any one week, or more than ten hours in any one day, unless for the purpose of making a shorter workday on the last day of the week, nor more hours in any one week than will make an average of ten hours per day for the whole number of days in which such employe shall so work during such week, but it shall be lawful, in cases of emergency, for an employer to permit any employe to work an additional time, not exceeding two hours per day, such extra work to be remunerated at the rate of weekly wages paid to such employe for his week of sixty hours; no employe in any bakery shall be discharged by his employer for having made any truthful statement as a witness in a court, or to the commissioner, assistant commissioner of labor, or any inspector in pursuance of this act, or any act amendatory hereof or supplementary hereto.

Overtime.

No discharge for testifying.

Sanitation of workshop.

3. All buildings or rooms where goods are manufactured or made shall be drained and plumbed in a manner that will conduce to the proper and healthful sanitary condition thereof, and shall have airshafts, windows or ventilating pipes sufficient to insure ventilation; no cellar, basement, or place which is below the street level, shall hereafter be used and occupied as a place in which to manufacture biscuits, pies, bread, crackers, cakes and confectionery, except where the same was used for that purpose at the time of the passing of this act.

Size and furnishing of bakery.

4. Every room used for a bakery shall be at least eight feet in height and shall have, if required by the said commissioner or assistant commissioner, an impermeable floor, constructed of wood properly saturated with linseed oil; the sidewalls of such rooms shall be plastered or wainscoted, except where brick walls are shown, and if required by the said commissioner or assistant commissioner, shall be whitewashed

at least once in three months; the furniture and utensils in such rooms shall be so arranged that the furniture and floor may at all times be kept in a proper and healthful, sanitary and clean condition; the commissioner shall have the power to order that any bakery shall be cleaned in such manner as he shall direct; no domestic animal, except cats, shall be allowed to remain in a room used as a bakery.

Cleanliness.

5. Biscuits, pies, bread, crackers, cake and confectionery, after the same are made or manufactured, shall be kept in dry and airy rooms; the floors, shelves, pans, trays and every kind of appliances used for storing the same shall be so arranged that they can be easily and thoroughly cleaned.

Floors, shelves, pans kept clean.

6. Whoever shall conduct a place covered by the provisions of this act shall provide a proper washroom and water-closet or closet separate and apart from the room or rooms in which the manufacture of the goods is carried on; no water-closet, earth-closet or privy shall be within or communicate directly with the room in which goods covered by the provisions of this act are made or manufactured.

Washroom and closet.

7. Sleeping places for persons employed in a bakery shall be kept separate from the room or rooms used for a bakery, and the commissioner or assistant commissioner or an inspector may inspect such sleeping places, if they are on the same premises as the bakery, and order them cleaned or changed, in compliance with sanitary principles.

Separate sleeping rooms.

8. The commissioner of labor shall be required to enforce compliance with all the provisions of this act, and for that purpose it shall be his duty to have all bakeries visited and inspected at least once in six months; and whenever a complaint in writing, signed by any employe in any such bakery or by any officer or representative of any labor union in the county wherein the same is located, shall be received by the said commissioner stating that any provision of this act is being violated in any bakery, it shall be the duty of the said commissioner forthwith to have the said bakery concerning which complaint is made visited and inspected; the visits or inspections shall be made in the presence of those then working or employed in said

Inspection of bakeries.

bakery and during the usual hours of employment therein.

Night workers.

9. No person under the age of eighteen years shall be employed, allowed, permitted or required to work in any bakery between the hours of seven o'clock in the afternoon and seven o'clock in the forenoon following.

Notices, how given.

10. All notices given under or pursuant to this act, or any act supplementary thereof or mandatory thereto, shall be in writing, signed by the commissioner of labor, and may be served upon the owner or proprietor of the place wherein such violation occurred either by delivering the same to him in person or by sending it to him by mail at his last known postoffice address, with postage prepaid; if his postoffice address is not known, then the said notice may be mailed to the address of the bakery or place wherein such violation shall have been committed; the notice providing for the doing of any act or the abating of anything forbidden by this act shall fix the time within which such act shall be done or such thing abated, and if the order shall not be obeyed within the time therein fixed the person so failing to obey shall be liable to the penalty herein fixed for the violation hereof.

Time for abating.

Penalty for violation.

11. Any person violating any of the provisions of this act, or any owner or proprietor who fails to obey any order of this act, shall be liable to a penalty of fifty dollars for the first offense and one hundred dollars for each subsequent offense.

Approved April 5, 1905.

CHAPTER 103.

Supplement to an act entitled "An act respecting bridges," approved April tenth, one thousand eight hundred and forty-six.

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

Increase capital to rebuild bridge.

1. Any bridge company, whether organized under a special act of incorporation or under general laws, whose bridge across the Delaware river has been destroyed by flood are hereby authorized to increase the capital stock of its corporation for the purpose of acquiring sufficient funds to pay the costs of rebuilding said bridge; *provided,* the manner of such increase of capital stock shall be in conformity to the general corporation laws of this state.

Proviso.

Approved April 6, 1905.

CHAPTER 104.

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

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

Section amended.

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

Unlawful to use box, bottle without consent.

3. It is hereby declared to be unlawful for any person or corporation to fill, or cause to be filled, with soda waters, mineral or aerated waters, porter, ale,

beer, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, white beer, or other beverages, or with medicines, medical preparations, perfumery, oils, compounds or mixtures, any bottle, box, siphon, tin, keg, or other article so marked or distinguished with or by any name, mark or device, a description of which shall have been filed and published as provided in section two of this act, or to use any such bottle, box, siphon, tin, keg, or other article so marked or distinguished with or by any name, mark or device after a description of such name, mark or device shall have been filed and published in the manner provided in the second section of this act for the sale therein of soda waters, mineral or aerated waters, porter, ale, beer, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, white beer, or other beverages, or any medicines, medical preparations, perfumery, oils, compounds or mixtures, or for the furnishing therein of such or similar beverages or articles to customers, or to deface, erase, obliterate, cover up or otherwise remove or conceal any such name, mark or device thereon, or to sell, buy, give, take or in anywise dispose of or traffic in the same without first having obtained the written consent of the owner or owners thereof.

2. This act shall take effect immediately.

Approved April 6, 1905.

CHAPTER 105.

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

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

Section amended.

1. Section one of an act entitled "An act relating to cities of the first class in this state and requiring the

publication of the names of applicants for licenses to sell spirituous, vinous, malt or brewed liquors," approved March seventeenth, one thousand eight hundred and ninety-two, be amended to read as follows:

Applicant's name, residence, and place of business published.

1. It shall hereafter be the duty of the municipal authority in any city of the first class in this state having the power to grant licenses to sell spirituous, vinous, malt or brewed liquors, to cause to be published in one or more daily newspapers, published in any such city, to be designated annually by such board during the month of April, the names, residence and place of business contained in all applications or petitions made to such municipal authority for the granting of any such license as aforesaid; and such publication shall be made for at least five days in such daily papers as aforesaid prior to the granting or refusal to grant by such municipal authority of any such license as aforesaid, and no application or petition for such license shall be considered by any such municipal authority, until the publication required by this act shall have been made and due proof thereof produced and filed by the applicant for license with the municipal authority to whom the application or petition is made.

Repealer.

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

3. This act shall take effect immediately.

Approved April 6, 1905.

CHAPTER 106.

A Supplement to an act entitled "An act to authorize cities of the first-class in this State to provide annual excursions for the children of the same," approved March twenty-eighth, one thousand nine hundred and four.

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

Recreations for sick and needy inhabitants.

1. It shall be lawful for the municipal board having charge of the finances of any city of the first class in this State to appropriate and set aside annually a sum of money not exceeding five thousand dollars in any one year for the purpose of providing for the health and recreation of the sick or needy inhabitants thereof, and the said financial board or body of such city shall have full power and authority to expend such money so appropriated and set aside in whatsoever manner it shall seem most advisable, and shall not be limited in the expenditure thereof to an excursion or excursions, but shall have the power and authority to use the same in establishing, furnishing, managing and conducting fresh air camps, recreation piers or grounds, or in providing and paying for the board or lodging for such sick or needy inhabitants in the country or seashore for limited periods of time during the summer months.

Contracts.

2. Any such city is hereby empowered to enter into such contracts as shall be necessary to carry out the intention of this act without being restricted to any provision of the law of this State requiring bids to be advertised for before entering into the same.

Repealer.

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

4. This act shall take effect immediately.

Approved April 6, 1905.

CHAPTER 107.

A Supplement to an act entitled "An act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water rates or 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 assessments," approved May eighteenth, eighteen hundred and ninety-eight.

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

Notice of meeting of commissioners of adjustment.

1. In case any commissioners of adjustment that have heretofore been appointed under the provisions of the act to which this is a supplement shall have failed within thirty days after their appointment to cause a notice, signed by themselves, to be published in at least one newspaper printed or circulated in the town, township, borough or other municipality for which they were appointed, making known thereby that the said commissioners will meet at a time and place to be therein designated, not more than forty or less than thirty days from the date of the first publication of the notice, to hear all persons interested in the re-assessment or adjustment under the act to which this is a supplement, of the taxes, assessments or water rates in arrears in the said town, township, borough or other municipality, or in such part thereof as the said commissioners shall designate in the notice, which notice is provided for by the said act to which this is a supplement, it shall be lawful for the said commissioners, at any time within forty days after this act goes into effect, to cause a notice, signed by themselves, to be published in at least one newspaper printed and circulated in the town, township, borough or other municipality for which they were appointed, making known thereby that the said commissioners will meet at a time and place to be therein designated, not more than forty or less than thirty days from the first publication of

the notice, to hear all persons interested in the re-assessment or adjustment, under the act to which this is a supplement, of the taxes, assessments or water rates in arrears in the said town, township, borough or other municipality, or in such part thereof as the said commissioners shall designate in the notice; such notice to be continued in said newspaper at least once each week until said meeting; and the giving and publishing of the said notice in the manner aforesaid shall to all intents and purposes be as lawful as if the said notice had been given and published within thirty days after the appointment of the said commissioners of adjustment.

2. This act shall take effect immediately.

Approved April 6, 1905.

CHAPTER 108.

A Supplement to an act entitled "An act to provide for the planting and care of shade trees on the highways of the municipalities of this state," approved March twenty-eighth, one thousand eight hundred and ninety-three.

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

Control of parks.

1. In any municipality which now has or hereafter shall take advantage of the act to which this is a supplement the commission appointed under the provisions thereof shall have exclusive control over the public parks belonging to or under the control of such municipality, or any department in the government thereof, with full power and authority to improve, repair, manage, maintain and control the same.

Protection of trees, shrubbery, statuary.

2. The said commission shall have full power and authority and is hereby empowered to pass, enact, alter, amend and repeal ordinances for the protection, regulation and control of such parks, and the trees, flowers, shrubs, statuary therein, and also for the pro-

tection, regulation and control of all shade trees planted or growing upon the public highways of any such municipality, and to prescribe fines and penalties for the violation thereof and fix the amount of the same; the method now in use for the passing, enacting, altering, amending and publishing ordinances in said municipality shall be the method used to pass, enact, alter, amend, repeal and publish the ordinances herein mentioned.

Ordinances, how made, etc.

3. All moneys collected from fines or penalties for the violation of any ordinances of any such commission, and all moneys collected for assessments made upon the property for the cost of planting and transplanting any trees, and the boxes or guards for the protection thereof in any such city, shall be forthwith paid over to the proper municipal authorities and shall be placed to the credit of the said commission and subject to be drawn upon by the said commission in the manner provided by law for the payments of moneys in any such municipality.

Money subject to commission.

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

Repealer.

5. This act shall take effect immediately.

Approved April 6, 1905.

CHAPTER 109.

An Act to repeal an act entitled "An act concerning official fees and rendering an account thereof," approved March fourteenth, one thousand eight hundred and seventy-nine, and to release penalties incurred thereunder.

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

1. An act entitled "An act concerning official fees and rendering an account thereof," approved March fourteenth, one thousand eight hundred and seventy-nine, be and the same is hereby repealed, and all liabili-

Act repealed; penalties released.

ties, penalties and forfeitures already incurred under said act shall be and the same are hereby released and discharged.

2. This act shall take effect immediately.

Approved April 6, 1905.

CHAPTER 110.

An Act to amend an act entitled "An act providing for a chief clerk or secretary to the board of tax commissioners, or board of assessment and revision of taxes in cities of the first class," passed March seventh, one thousand eight hundred and ninety-three.

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

Chief clerk and secretary to tax commissioners.

Salary.

1. In cities of the first class, the board of tax commissioners or the board of assessment and revision of taxes shall have power to appoint a chief clerk and a secretary for a term of three years from the date of his appointment, at a salary to be fixed by such board at the time of such appointment, not less than eighteen hundred dollars nor more than twenty-five hundred dollars per annum, payable monthly.

2. This act shall take effect immediately.

Approved April 6, 1905.

CHAPTER 111.

A Supplement to an act entitled "A general act relating to boroughs (Revision 1897)," approved April twenty-fourth, one thousand eight hundred and ninety-seven.

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

Issue of bonds in lieu of those destroyed or canceled by mistake.

1. Whenever any bond or bonds heretofore or hereafter issued by any borough of this state, shall have been or shall be acquired by the commissioners of the sinking fund of said borough while making investment of such funds, and shall have been or shall be cancelled by mistake or otherwise destroyed, while in possession of said sinking fund commissioners, it shall be lawful for the council of said borough to authorize by resolution the issuing of a new bond or bonds, in lieu and instead of said bond or bonds so cancelled or destroyed; the said bond or bonds so issued shall bear the same date and be of the same denomination, and in all other respects shall conform to and with the bond or bonds so cancelled or destroyed, and every such bond shall contain in addition a recital to the effect that the said bond is issued in lieu and instead of a bond of similar denomination, date and tenor which has been cancelled or destroyed; the said bonds shall be signed by the mayor and clerk of said borough then in office, and shall be executed in all other respects in the same manner as the bonds cancelled or destroyed, and when so executed the said bonds shall be and become a good and valid obligation of said borough to the same extent in all things as the bonds originally issued and which have been cancelled or destroyed, and shall be delivered to the sinking fund commissioners of said borough, to be held by them as an investment of the funds of such sinking fund, in the same manner and to the same extent in all things as they may now or hereafter be entitled to hold other bonds or obligations of said borough.

Character of bond.

Valid obligation.

2. This act shall take effect immediately.

Approved April 6, 1905.

CHAPTER 112.

An Act to authorize any city or other municipality—where a street railroad has been laid in part of any of its streets or avenues and said railroad company has paved and maintains a certain space through the part of such street or avenue where its railroad is laid—to lay out and maintain as a lawn and arbor a space of the same width as such pavement through any other part of such street or avenue (where such railroad is not laid), when the rest of such other part of the street or avenue is to be paved, and to provide for the cost and maintenance of said lawn or arbor.

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

Improvement of streets partly occupied and improved by street railroad, at public expense.

1. Where in any of the cities or other municipalities of this state any street railroad company owns or operates a street railroad along part of any of its streets or avenues, and has had paved and maintains at its own expense the space between its rails, or both the space inside its rails and also a space of two feet or other width along the outside of its rails; and the rest of the width of such street or avenue, into the curb on each side, has been paved at the expense of the abutting owners along the rest of such street or avenue, by assessments for benefits to the abutting lands according to the statute in such case made and provided in such city or other municipality—whenever the municipal authorities are about to pave any other part of such street or avenue (where said railroad is not laid), it shall be lawful to pave the other part of such street or avenue at the expense of the abutting owners by assessments for benefits to their abutting lands as aforesaid, for the same distance out from the curb on each side as has already been paved at the abutters' expense as aforesaid along where said railroad has been laid; and a strip along through the rest of such street or avenue, where said railroad is not laid, and of the same width that has been paved by or at the expense of the railroad company as aforesaid,

Part maintained as lawn and arbor.

may be improved and maintained as and for a lawn and arbor at the expense of the city or other municipality, at large; the work of making such public lawn and arbor to be given out on contract; and the expense of laying out and making such lawn and arbor to be raised either by an issue of bonds the same as other bonds of the city may be issued for any public improvement, or by insertion in the annual tax levy for the year next before or next after the doing of such work, as the appropriate municipal board or body may determine; said public improvement by paving and that by laying out and making such lawn and arbor to be contracted for and done at about the same time, and the cost of such lawn and arbor not to exceed five per centum of the cost of such pavement; and the cost of maintaining such lawn and arbor to be provided for in the same manner as the cost of maintaining parks or the cost of repairing streets may be provided in such city or other municipality, as the appropriate municipal board or body may determine.

Work done by contract.

Bond issue.

Cost.

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

Repealer.

Approved April 6, 1905.

CHAPTER 113.

An Act annexing a portion of the borough of Sea Isle City, in Cape May county, New Jersey, to Upper township, in said county.

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

1. The following described portion of the borough of Sea Isle City, in Cape May county, New Jersey, shall, when this act takes effect, be and become annexed to and constitute a part of Upper township, in said county, and become subject to all the laws, ordinances and regulations applicable to said township, to

Portion of Sea Isle City annexed to Upper township.

wit: All that part of Ludlam's beach within the borough limits of Sea Isle City, extending from the centre line of Polk avenue, in the Whale beach tract, northeasterly to the high water line of Corson's Inlet, the same being of the mean width of three hundred feet; also all that two hundred and twenty feet wide strip included between the northeasterly line of Woodford street and the southerly line of Curran street, at the northerly extremity of said Ludlam's beach, extending in a northwesterly direction from said three feet wide strip to the main thoroughfare.

Prior action not affected.

2. Nothing in this act contained shall affect any suit or suits which shall or may be pending at the time this act takes effect, or any action or cause of action existing at the time this act takes effect; and any and all taxes levied upon the lands comprising the territory above described prior to the time this act takes effect shall be collected by the said borough of Sea Isle City in the same manner as though said territory had not been annexed to said township; all taxes and assessments upon the lands comprising the territory above described, or upon any property therein made or levied subsequent to the time that this act takes effect, shall be made, levied and collected by said township.

Subsequent taxes levied by township.

Township liable for proportionate part of indebtedness; how determined.

3. Said township shall be liable to pay a proportionate part of the bonded indebtedness of said borough, which proportionate part of such indebtedness shall be ascertained in the following manner, to wit: On the fourth Monday after this act shall take effect a committee of three shall be appointed by the borough council of said borough, and a committee of three shall be appointed by the township committee of said township, which two committees shall meet at the borough hall of said borough at ten o'clock in the forenoon on the sixth Monday after this act shall take effect, and shall then and there, or as soon thereafter as may be, proceed to ascertain the assessed valuation of the property of said borough, exclusive of the property embraced in the territory above described, as shown by the last duplicate of assessment of said borough; and also to ascertain the assessed valuation of all property in that part of the territory by this act annexed to said township, as shown by the same dupli-

cate; and proceed to ascertain the total bonded indebtedness of said borough of Sea Isle City; and after having ascertained said valuation of property to proceed to apportion said bonded indebtedness of said borough of Sea Isle City between said borough and said township in the proportion that the respective ascertained valuations above referred to bear one to another, and to allot to said borough and said township respectively the portions of said indebtedness which said ascertained valuations respectively bear to the whole indebtedness; in effecting such determinations a majority of those present shall constitute the action of said joint committee, and shall be final and conclusive; *provided, however,* that no action shall be taken without the concurrent assent of at least four members of such committees, which number shall also constitute a quorum thereof; *and provided further,* that it shall be lawful to adjourn said meeting from time to time as a majority of said joint committee may decide.

Proviso.

Proviso.

4. From and after the time this act takes effect said township shall annually assess upon the property comprising the territory above described, in addition to taxes for township purposes, a sum sufficient to pay the annual interest for which said borough is primarily liable on the proportion of said bonded indebtedness of said borough which was by said committees allotted to said township, together with such additional sum as may be necessary to pay into any sinking fund or funds provided by said borough for said bonded indebtedness the proportionate amount of such sinking fund or funds as the allotment of indebtedness to said township represents, and when collected by said township said taxes assessed for interest on said proportionate amount of said indebtedness and for the sinking fund or funds of said bonded indebtedness shall be paid to the borough treasury of said borough and applied by said borough in paying the interest on said bonded indebtedness and in paying into the sinking fund or funds provided for the extinguishment of said bonds such of said moneys as should be applied thereto; and said township may at any time pay to said borough all or any portion of the principal of said bonded indebtedness as apportioned to said township,

Interest in bonds to be paid by township.

Payment of interest to borough.

Payment of principal.

whether any sinking fund has been provided by said borough for the same or not, and in such case said township shall be discharged from the future payment of such amount of the principal of the indebtedness so allotted to said township as is by it so paid and all interest thereon.

5. This act shall take effect immediately.

Approved April 5, 1905.

CHAPTER 114.

An Act to amend an act entitled "A supplement to an act directing the descent of real estate, approved April sixteenth, one thousand eight hundred and forty-six," approved March ninth, one thousand eight hundred and seventy-seven.

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

Section amended.

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

Inheritance to go to mother of illegitimate person.

1. When any illegitimate person shall die seized of any lands, tenements, or hereditaments, in his or her own right, in fee simple, without devising the same in due form of law, and without leaving lawful issue (and leaving a mother), then the inheritance shall go to the mother of the person so seized; and if the mother shall have died before such illegitimate person, then the inheritance shall go to the heirs-at-law of said mother; *provided, always,* that nothing contained in this act shall be construed or taken to bar or injure the rights or estate of a husband, as a tenant by the courtesy, or a widow's right of dower, or to make void or in any way affect any marriage settlement; *and provided further,* that nothing herein contained shall be operative or have any effect in any case or cases wherein any proceedings have been had or taken, or are now pending on behalf of the state, under and

Proviso.

Proviso.

by virtue of the law as now existing, to escheat said lands; nor shall this act affect or in anywise impair any title to any land heretofore obtained under and by virtue of any proceedings heretofore had and taken in pursuance of law.

2. This act shall take effect immediately.

Approved April 6, 1905.

CHAPTER 115.

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 1898)," approved June fourteenth, one thousand eight hundred and ninety-eight.

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

Section amended.

1. Subdivision six of section one hundred and sixty-nine of the act to which this act is an amendment is hereby amended so as to read as follows:

Estate of illegitimate person to go to mother.

VI. The whole surplusage of the goods, chattels and personal estate of any illegitimate person who shall die intestate and unmarried, and leaving no lawful issue, or the issue of any, him or her surviving, shall go to and be paid over to the mother of such illegitimate person; and if the mother shall have died before such illegitimate child, the next of kin of the mother shall take in the same manner as though the deceased child had been legitimate; *provided always,* that nothing herein contained shall be operative or have any effect in any case or cases wherein any proceedings have been had or taken, or are now pending, or by or on behalf of any township or city in which such intestate died, to obtain possession of his goods, chattels and personal estate.

Proviso.

2. This act shall take effect immediately.

Approved April 6, 1905.

CHAPTER 116.

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

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

Section amended.

1. Section twenty-seven of the act entitled "An act for the assessment and collection of taxes," approved April eighth, one thousand nine hundred and three, is hereby amended so as to read as follows:

Commissioners of Appeal—meeting, notice of, assessor's explanation, examination, judgment.

27. The commissioners of appeal in cases of taxation (which name in this act shall include any other local board charged with the duty of reviewing taxes on appeal) in each taxing district shall meet on the fourth Tuesday of November annually, or on such other date as may be fixed by the laws or ordinances of any taxing district empowered to fix such date, giving at least eight days' notice of such meeting in writing, set up at six or more of the most public places in the taxing district, or advertised in one or more newspapers of the taxing district, and may adjourn from day to day until they have completed their work; the assessor shall meet with them and explain his assessments, and the clerk of the taxing district shall lay before them the assessment list filed with him by the assessor; the commissioners shall examine all appeals presented to them in writing by taxpayers, and after hearing and consideration shall give judgment within three days after hearing of the appeal, and may reduce or set aside any assessment as may be lawful; they

Separation of property taxed.

may also, at the request of any taxpayer, apportion his assessment and tax fairly among separate and distinct parcels of his property, and where parcels of property, real or personal, belonging in severalty to different owners have been improperly joined in one assessment, they may apportion the same, either on application of all parties interested or on application of any party interested, on such fair notice to the others as the commissioners may direct; they shall give a transcript of their judgment to the appellant and to the collector,

Correct duplicate.

and the collector shall correct his duplicate accordingly by entries referring to said judgment; the record of the judgments of the commissioners of appeal shall be filed with the clerk of the taxing district, who shall correct the tax list in accordance therewith by entries referring thereto; in cities of the first class appeals shall be filed within three months and acted upon within four months after the confirmation of the taxes; in cities the governing body having charge of the levying of taxes may fix the time during which the commissioners of appeal shall sit to hear and determine appeals, and may direct the filing of assessment lists and hearings thereon to be held at any time after the first day of June.

Time for appeals.

2. This act shall take effect immediately.

Approved April 6, 1905.

CHAPTER 117.

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

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

1. Section six of the act entitled "A further supplement to an act entitled 'An act to regulate elections' (Revision of 1898), approved April fourth, one thousand eight hundred and ninety-eight," approved April fourteenth, nineteen hundred and three, is hereby amended to read as follows:

Section amended.

6. In any county in this state, the county, city or other municipal committee of any political party may adopt a resolution declaring its desire to have the members of such county, city or other municipal committee thereafter elected at the primary elections herein provided for; in case of a county committee, upon

Election of county or municipal committees.

filing a copy of such resolution, signed by the chairman and secretary of such committee, with the clerks of the several municipalities within such county, and in case of a city or other municipal committee, upon filing a copy of such resolution, signed in like manner, with the clerk of such city or other municipality, it shall be lawful thereafter to elect the members of such county, city or other municipal committee at said primary elections in the manner provided in this act for the selection of party candidates to be voted for by the voters of a single ward or township.

2. This act shall take effect immediately.

Approved April 6, 1905.

CHAPTER 118.

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

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

Penalty for officers refusing or neglecting duty.

1. Any public officer or election officer whatsoever of this state, or of a city, borough, town, township, municipality or election district or precinct, upon whom a duty is imposed by the provisions of the act to which this is a supplement, or any supplement thereto or amendment thereof, who refuses or wilfully neglects, or wilfully fails to perform such duty, or who wilfully performs it contrary to the law, or in such way as to hinder the objects of this act, shall for each offense, if no other penalty is herein specifically imposed for such offense, be punished by fine not exceeding five hundred dollars, or by imprisonment in the state prison for a term not exceeding three years, or by both such fine and imprisonment.

Penalty for illegal registering, voting, assisting, abetting, or acting at election.

2. Whoever shall solicit the registering of his name on the registry list of any election district or precinct in this state, knowing that he is not a legal voter in such district or precinct; whoever shall wilfully counsel, procure, aid, advise, assist or abet in the

registering of the name of any other person on the registry list of any election district or precinct, knowing such other person is not entitled to vote therein; whoever at any election, knowing that he is not a qualified voter, votes thereat; whoever at any election votes or attempts to vote more than once on his own name; whoever at any election votes or attempts to vote in more than one election district or precinct; whoever at any election votes or attempts to vote upon any other name than his own; whoever knowingly casts or attempts to cast more than one ballot at one time of balloting; whoever at any election counsels, procures, aids, advises, assists or abets any person, knowing that he is not a qualified voter, to vote thereat; whoever at any election counsels, procures, aids, advises, assists or abets any person in voting in more than one election district or precinct; whoever at any election counsels, procures, aids, advises, assists or abets any person to vote or to attempt to vote upon any name other than his own, or knowingly casts or attempts to cast more than one ballot at one time of voting; whoever at any election in this state shall in any way wilfully mark or deface his ballot, or shall wilfully counsel, procure, aid, advise, assist or abet any person in the marking or defacing of a ballot; whoever at any election in this state shall in any way counsel, procure, aid, advise, assist or abet any official or person in any act which is contrary to the provisions of this act or the act to which this is a supplement; whoever at any election in this state shall in any way wilfully hinder or prevent a voter from casting his legal vote, knowing such person to have a right to vote; whoever shall wilfully tamper with, injure, mutilate, destroy or render unfit for use, any ballot-box or voting machine; shall be guilty of a misdemeanor and punishable by a fine of five hundred dollars or imprisonment in state prison for the term of three years, or both.

Injuring voting machine.

3. This act shall take effect immediately.

Approved April 6, 1905.

CHAPTER 119.

An Act providing for the widening of certain county roads.

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

Freeholders may acquire lands to widen road.

1. It shall be lawful for the board of chosen freeholders of any county in this State to acquire by purchase lands adjoining any public road under the care of said board or any commission in said county, and running through two or more municipalities therein, for the purpose of widening said road at any point where such widening shall in the judgment of said board for any reason be desirable. In case such board shall be unable to agree with the owners of said lands for the purchase thereof, then it may acquire the same by condemnation in the manner provided in "An act to regulate the ascertainment and payment of compensation for property condemned or taken for public use (Revision of 1900)," approved March twentieth, one thousand nine hundred, and the supplements thereto.

Public road.

2. Said lands when so acquired shall be incorporated in and become a part of said public road.

Bonds to meet payment.

3. Said board of chosen freeholders shall have power to pay for said lands, when purchased or condemned, by the issuance and sale, for not less than par, of temporary loan bonds, bearing interest at not exceeding four per centum per annum, payable half-yearly. The payment of said bonds, with interest, shall be provided for in the tax levy or budget next thereafter made.

Amount.

4. The total limit of expenditure under this act in any county shall not exceed five thousand dollars.

5. This act shall take effect immediately.

Approved April 6, 1905.

CHAPTER 120.

An Act to create a civil service commission in cities of the first class, and to require appointments to the fire and police departments therein to be made for merit.

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

Competitive examinations for fire and policemen.

1. All appointments hereafter made of any person to the police force or fire department as policemen or firemen in any such force in any city of the first class shall be made according to merit and fitness, to be ascertained so far as possible by examinations conducted as hereinafter provided, which, so far as practicable, shall be competitive; *provided, however,* that all of the qualifications now necessary to any such appointment shall remain in force and the requirements specified in this act shall be in addition thereto.

Proviso.

Commissioners to conduct examination.

2. When either of the board of fire and police commissioners consider it necessary or desirable to make any appointments as firemen or policemen to their respective departments, they shall notify the mayor of any such city that such appointments should be made, and request him to designate and appoint commissioners to examine the applicants for such positions; upon receiving such notice and request, the mayor shall forthwith designate and appoint two freeholders of such city, both of whom shall not be adherents of the same political party, as civil service commissioners, whose duty shall be to examine all such applicants.

Rules and regulations.

3. The said commissioners shall have power to prescribe, amend and enforce suitable rules and regulations for carrying into effect the provisions of this act, and within ten days after their appointment adopt such rules and regulations; they shall designate the clerk or secretary of either the police or fire commissioners as their secretary, who shall keep minutes of their proceedings and records of all examinations and other official acts; ten day's notice of the time and place of holding any such examination shall be given

Clerk.

Notice of examination.

in the official newspapers of the said city, and all persons intending to take the examination shall file with

Application.

the clerk or secretary of the commission a written application made upon blanks to be furnished for such purpose, giving the name of the department for an appointment to which he is an applicant, his name, address and age, along with a statement that he has never been convicted of any crime involving moral turpitude, all of which shall be sworn to by the applicant; the commissioners may by their rules require any other facts to be given and sworn to in such application, which must be on file five days before the date fixed for the examination; all applicants must be vouched for by five citizens of any such city and their recommendation accompany any such application; no person shall be admitted to any such examination who is found not to have the qualifications necessary for an appointment to the position for which he is an applicant, and no one shall be appointed to any fire or police force as firemen or policemen who have not, at the time of their appointment all of the qualifications prescribed and required by law or any rule of the fire or police commissions, respectively, notwithstanding such applicant may have passed such examination and had the qualifications necessary at the time of passing the examination.

Unqualified person not admitted.

Examination.

4. At the time and place fixed for such examination the said commissioners shall examine all persons presenting themselves as candidates for appointment to the fire department and police force of said city whose applications are regular and satisfactory, and shall make up and publish a list of all those who shall satisfactorily pass such examination for the positions of firemen and policemen, respectively; the names of those who shall pass such examination shall be placed upon such list in order according to the ability shown, which list shall be known as the eligible list, and shall be duly certified by such civil service commissioners as the list of names of those eligible for appointment to the fire department as firemen and the police department as policemen, and shall be filed with the secretary or clerk of the proper board of commissions; the records of such examinations and all other papers and

Eligible list.

documents relating thereto shall be filed with the secretary or clerk of the commissions to which they appertain, and shall be kept by him always open and accessible to the public; all such examinations shall be public and all rules shall be published, and, with all the proceedings and papers connected therewith, shall be at all times subject to the inspection of the public.

All appointments made from list.

5. All appointments to either the fire department as firemen or the police department as policemen shall be made by the board of fire and police commissions, respectively, from such eligible list, and in making any such appointment the said commissioners shall always, respectively, select and appoint one of the three men whose names appear on such list as the first three man eligible to such appointment; when such selection and appointment shall have been made by the board of commissioners authorized to make the same, the name of the person so appointed shall be stricken off the said list, and all future selections and appointments shall be made in the same manner.

Existing rights preserved.

6. No rules shall be made by any such civil service commissioners, and nothing in this act shall be taken or construed so as to take from any policemen or firemen any rights or benefits conferred by law or now existing under any lawful rule or regulation of the department in which he serves.

Act not applicable to head of department

7. This act shall not apply to the appointment of any chief of police or fire chief or chief engineer of any fire department, or any head of any police force or fire department by whatever name designated.

Report to mayor.

8. The said civil service commissioners immediately after filing such list or lists shall make a report to the mayor of any such city of their acts, the rules and regulations and exceptions thereto which they have promulgated, and any suggestion that they may deem of interest or importance, and upon the making of such report their term of office shall terminate and their powers cease, and no other commissioners shall be appointed until the mayor of any such city shall be requested to designate and appoint such a commission by either the fire or police department thereof.

Repealer.

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

10. This act shall take effect immediately.

Approved April 7, 1905.

CHAPTER 121.

An Act concerning turnpikes and to regulate the toll for automobiles and other motor vehicles on the same.

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

Toll for motor vehicles on turnpikes.

1. It shall and may be lawful for any turnpike company of this State, whether incorporated under any general or special law, at all times to take, demand and receive of or from any person or persons traveling over any turnpike of said company in any automobile or other motor vehicle the following rates of toll, or any less sum that the directors of said company may establish, for traveling each mile, and all fractions over half a mile on said turnpike, to wit: For every automobile or other motor vehicle built to carry not more than two person, one cent; for every automobile or other motor vehicle built to carry more than two persons, two cents. And it shall be lawful for the toll-gatherers to stop persons riding in or driving any such automobile or other motor vehicle from passing through the gates or over said turnpikes until they shall have paid the toll as above specified.

2. This act shall take effect immediately.

Approved April 7, 1905.

CHAPTER 122.

An Act to amend an act entitled "An act in relation to the appointment of certain subordinates under the control of boards of assessment and revision of taxes in the cities of this state, abolishing the office of assistant, ward or deputy assessor, and regulating the time and manner of making assessments," approved May sixteenth, one thousand eight hundred and eighty-nine.

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

Section amended.

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

Assistants.

2. In such city there shall be, from time to time, appointed by said board such clerks or assistants for such department or board as the exigencies of the service may require, but in no case shall the number be greater than twenty-five.

Section ameneded.

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

Duties.

3. The duties heretofore performed by assistant, deputy or ward assessor in such city shall be performed by clerks or assistants specially detailed for this purpose by such board or department, who, in making such detail, shall have regard to the qualifications of the person or persons assigned for the duty to be performed, and shall, from time to time, prescribe such duty and supervise the execution of the same, and that the compensation of such clerks shall not be less than eighty dollars, or more than one hundred and twenty-five dollars per month.

Salary.

3. This act shall take effect immediately.

Approved April 11, 1905.

CHAPTER 123.

A Supplement to "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*:

Rate of dividends.

1. It shall be lawful for the board of managers, directors or trustees of any savings bank or institution for savings heretofore or hereafter organized, when declaring dividends upon its deposits, to declare and pay upon so much of the deposit of each depositor as does not exceed one thousand dollars a dividend at a greater rate per annum than that which they shall declare and pay upon so much of the deposit of any such depositor as does exceed one thousand dollars.

2. This act shall take effect immediately.

Approved April 11, 1905.

CHAPTER 124.

An Act to amend an act entitled "An act respecting the Court of Chancery (Revision of 1902)," approved April third, one thousand nine hundred and two.

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

Section amended.

1. The one hundredth section of the act of which this act is amendatory shall be and the same is hereby amended so as to read as follows:

Not practice.

Salary.

100. Said vice chancellors shall not engage in the practice of law as counsel or otherwise, in any of the courts of this State, and shall receive an annual salary at the rate of ten thousand dollars and no more; said salaries shall be paid in equal monthly payments by the treasurer of this State on the warrant of the comp-

troller, and shall be in full of all services to be rendered by said officers respectively, and said officers shall not be entitled to any per diem or other allowance over and above said salaries.

2. This act shall take effect immediately.

Approved April 12, 1905.

CHAPTER 125.

An Act to provide for the census or enumeration of the inhabitants of this state.

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

State census.

1. An enumeration of the inhabitants of this state and of each county, city, village, town, borough and township thereof shall be taken during the present year, one thousand nine hundred and five, and during every tenth year hereafter, under the direction of the secretary of state.

Printed matter prepared.

2. The secretary of state shall, as soon as may be after the passage of this act, and also every tenth year hereafter, cause uniform blank returns, schedules and abstracts, together with copies of this act and such instructions as he may deem necessary, to be printed for the purpose of taking such enumeration.

Direction of census.

3. The collection of the information required shall be made under the direction of the secretary of state by supervisors, enumerators and interpreters as hereinafter provided.

Scope of census.

4. The census shall be restricted to inquiries relating to the population only and shall comprehend for each inhabitant the name, age, color, sex, conjugal relation, place of birth and place of birth of parents, whether alien or naturalized, number of years in the United States, occupation, literacy and ownership of farms and homes, and the secretary of state may use

his discretion as to the construction, form and number of inquiries necessary to secure the information under the topics aforesaid.

Appointment of supervisors and enumerators.

5. For the purpose of taking the census herein provided for, there shall be appointed supervisors and enumerators for each city, village, borough, town, township or other municipality in the state; the secretary of state shall appoint a supervisor for each city, town, village, borough, township or other municipality in the state, and he may, in his discretion, designate the clerk of such municipality to act as said supervisor; he shall also appoint for each city, village, borough, town, township or other municipality in the state, as many enumerators as may in his judgment be necessary to properly make the enumeration of the various municipalities; *provided, however,* that the sub-division assigned to any enumerator shall not exceed four thousand inhabitants, as near as may be, according to estimates based on the preceding census or other reliable information; *and provided further,* that in case it shall occur in any district that no person qualified to perform and willing to undertake the duties of enumerator resides in that sub-division, the secretary of state may employ any fit person to be enumerator of that division.

Proviso.

Proviso.

Duties of supervisor.

6. Each supervisor shall be charged with the performance, within his own district, of the following duties: he shall see that the enumeration is taken by districts, according to the directions laid down by the secretary of state; communicate to enumerators the necessary instructions and directions relating to their duties; examine and scrutinize the returns of the enumerators, and in event of discrepancies or deficiencies appearing in the returns for his district, to use all diligence in causing the same to be corrected and supplied at the conclusion of the enumeration in his district; tabulate the returns filed with him by the enumerators in his district, in such manner and order as the secretary of state may direct, and upon the completion thereof forward to the secretary of state such completed tabulations, properly certified, together with all the original returns as filed with him by the enumerators of his district; he shall make up and forward to

Completed tabulations.

the proper authorities all accounts required for ascertaining the amount of compensation due to each enumerator or interpreter in his district, which accounts shall be duly sworn to by the enumerator or interpreter and the same shall be certified as true and correct, if so found, by the supervisor, and said accounts so sworn to and certified shall be accepted by the proper authorities, and payment shall be made thereon by order or warrant in favor of each enumerator or interpreter.

Compensation of supervisor.

7. Each supervisor shall, upon the completion of his duties, receive the sum of one cent for each inhabitant reported in his district, such sum to be in full for all services rendered by him and expenses incurred for clerical hire in tabulating the returns, except that, in serious emergencies arising during the enumeration in his district or in connection with the re-enumeration of any sub-division, he may, at the discretion of the secretary of state and upon application thereto, be allowed actual and necessary traveling expenses and an allowance in lieu of subsistence not exceeding three dollars per day during his necessary absence from his usual place of residence; such accounts shall be duly sworn to by the supervisor as true and correct and shall be paid in the manner and by the authorities as hereinafter provided.

Duties of enumerators; oath.

8. Each enumerator shall be charged with the collection in his district of facts and statistics required by the schedules; before entering upon his duties he shall take and subscribe an oath, before the supervisor of his district, to properly perform the duties imposed upon him, which oath or affirmation shall be filed by the supervisor before whom taken with the secretary of state; it shall be the duty of each enumerator to visit personally each dwelling-house in his sub-division and each family therein, and each individual living out of a family in any place of abode, and by inquiry made of the head of family, or of the members thereof deemed most credible and worthy of trust, or of such individual living out of a family, to obtain each and every item of information and all particulars required by this act as of date of June first of the year in which the enumeration shall be made; and in case no person

Personal inquiry.

shall be found at the usual place of abode of such family, or individual living out of a family, competent to answer the inquiries made in compliance with the requirements of this act, then it shall be lawful for the enumerators to obtain the required information as nearly as may be practicable from the family or families or person or persons living nearest to such place of abode; and it shall be the duty of each enumerator to return the original schedules, duly certified, to the supervisor of his district as his returns under the provisions of this act; and in the event of discrepancies or deficiencies being discovered in his said returns he shall use all diligence in correcting or supplying the same; no enumerator shall be deemed qualified to enter upon his duties until he has received from the supervisor of the district to which he belongs a commission, under the hand of the secretary of state, authorizing him to perform the duties of an enumerator and setting forth the boundaries of his sub-divison within which such duties are to be performed by him; the boundaries of all sub-divisions shall be clearly described by civil divisions, rivers, roads, public surveys, or other easily distinguished lines, and enumerators may be assigned for the special enumeration of institutions, when desirable, without reference to the number of inmates.

Corrections.

Commission issued by secretary of state.

Sub-divisions.

Removal of enumerator.

9. The secretary of state may, for just cause, remove any enumerator, and the vacancy thus caused or otherwise occurring shall be filled as in the first place; whenever it shall appear that any portion of the enumeration and census provided for in this act has been negligently or improperly taken, and is by reason thereof incomplete and erroneous, the supervisor shall report such fact to the secretary of state, who may, if he see fit, cause such incomplete and unsatisfactory enumeration and census to be amended or made anew, under such methods as may, in his discretion, be practicable.

When census retaken.

Interpreters.

10. Supervisors are hereby authorized and empowered, when absolutely necessary, to employ interpreters to assist the enumerators of their respective districts in the enumeration of persons not speaking the English language; the compensation of

such interpreter shall not exceed the sum of three dollars per day for each day actually and necessarily employed, which sums shall be paid in the same manner and by the same authorities as hereinafter provided. Compensation.

11. All enumerators shall be entitled to receive for their services the sum of two cents for each inhabitant reported; but the supervisor of each district may, in his discretion, allow enumerators in sparsely settled districts a sum sufficient to pay for carriage hire when absolutely necessary. Enumerators two cents per name.

12. The enumeration of the population required by this act shall commence on the first day of June, one thousand nine hundred and five, and on the first day of June of the year in which each succeeding enumeration is made, and be taken as of that date; and it shall be the duty of each enumerator to complete the enumeration of his district, and to prepare the returns hereinbefore required to be made and to forward the same to the supervisor of his district on or before the first day of July in such year; *provided,* that in all cities of eight thousand inhabitants or over said enumeration shall be completed within two weeks from June first, nineteen hundred and five. When census taken. Proviso.

13. The secretary of state shall on or before the first day of May, nineteen hundred and five, and on or before the first day of May on every tenth year hereafter, transmit in such manner as he may think proper, to each of the supervisors in the state, the names and residences of the enumerators by him appointed for the various districts, and also the necessary blank returns, schedules, tabulation tables, copies of this act and books of instructions and other supplies as may be necessary to supply the enumerators in their respective districts; and the tabulation tables prepared and furnished by the secretary of state shall contain such classification of the information contained in the enumeration schedules as in his judgment is necessary, particularly a classification indicating the following: List of enumerators furnished supervisors. Stationery. Classification.

Number of males five years of age and under.

Number of females five years of age and under.

Number of males over five years of age and not over eighteen years of age.

Number of females over five years of age and not over eighteen years of age.

Number of males over eighteen years of age and not over twenty-one years of age.

Number of females over eighteen years of age and not over twenty-one years of age.

Number of males over twenty-one years of age and not forty-five years of age.

Number of females over twenty-one years of age and not over forty-five years of age.

Tabulation by supervisors.

14. The supervisors, upon the delivery to them of the returns as made by the enumerators in their respective districts, shall immediately begin the tabulation of said returns, in the order and manner designated by the secretary of state and complete said tabulations on or before the first day of August of the year in which the enumeration or census is taken.

Neglect of duty or giving information a misdemeanor.

15. Any supervisor, enumerator or interpreter who shall, without cause, neglect or refuse to perform the duties enjoined on him by this act, or shall, without the authority of the secretary of state, communicate to any person not authorized to receive the same, any information gained by him in the performance of his duties, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding five hundred dollars; and if he shall wilfully and knowingly swear or affirm falsely to any bill, account or return,

Perjury.

he shall be deemed guilty of perjury, and upon conviction thereof shall be imprisoned not exceeding three years and be fined not exceeding eight hundred dollars;

False returns.

or if he shall willfully or knowingly make a false certificate or a fictitious return, he shall be guilty of a misdemeanor, and upon conviction thereof of either of the last named offenses he shall be fined not exceeding five thousand dollars and be imprisoned not exceeding two years.

Penalty of refusing to give proper information.

16. Each and every person more than twenty years of age belonging to any family residing in any enumeration district or sub-division, and in case of the absence of the heads or other members of any such family, then any representative of such family shall be and each of them is hereby required, if thereto requested by the secretary of state, supervisor or

enumerator or interpreter, to render a true account, to the best of his or her knowledge, of every person belonging to such family in the various particulars required, and whoever shall willfully refuse or fail to render such true account shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding one hundred dollars.

Enforcement of penalties.

17. All fines and penalties imposed by this act may be enforced by indictment in any court of competent jurisdiction.

Enumerators not assisted.

18. During the progress of the enumeration herein provided, for no enumerator shall be accompanied by or assisted in the performance of his duties by any person not duly appointed as an officer or employee of the department of state, and to whom an oath or affirmation has not been duly administered.

Submission of tabulated returns to governor.

19. Upon the receipt by the secretary of state of the tabulated returns of the various supervisors, he shall prepare a general account, specifying the result thereof, in the several counties, cities and other municipal divisions, as evidenced by the supervisors' returns, with a full recapitulation of the whole, which report shall be submitted to the governor on the first day of December in each year, or as soon thereafter as completed, and such submission shall be taken as and be the official ascertainment and promulgation of said census, and thereafter published in pamphlet form, and the returns as filed with the secretary of state be carefully bound together by districts and deposited in the state library, together with a bound copy of the general account and the recapitulation thereof.

Deposited in state library.

Expenses paid by freeholders.

20. All accounts for the services and expenses of the supervisors, enumerators and interpreters provided for under this act shall be paid by the board of chosen freeholders of the county where the services are performed and shall be assessed and collected and paid as part of the contingent expenses of such county.

Accounts paid by state.

21. The accounts for all clerical help, printing, postage and transmission of returns incurred by the secretary of state shall be paid out of the state treasury, upon warrant of the comptroller, said accounts having

been previously certified to as correct by the said secretary of state.

Act repealed.

22. The act entitled "An act to provide for the census or enumeration of the inhabitants of this state," approved April seventh, one thousand eight hundred and eighty-five, and all acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.

Approved April 12, 1905.

CHAPTER 126.

An Act to authorize the appointment of a recorder in municipalities in certain cases of vacancies in the office of justice of the peace, and to define his powers and duties.

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

Recorder appointed ad interim.

1. Whenever the term of office of a justice of the peace in any municipality shall expire, and, by reason of a change in the date of holding the municipal election in such municipality, no election can be had for the purpose of choosing a successor to such justice of the peace until after the expiration of his term, the governing body of such municipality may, in its discretion, appoint some fit person residing in such municipality to be a recorder, to hold office until such time as a successor to such justice of the peace can be elected and take office.

Powers, jurisdiction, etc.

2. Such recorder shall have the same jurisdiction, power and authority in criminal matters, cases of bastardy, relief, removal and settlement of the poor, breaches of the peace, vagrancy and disorderly conduct, and violations of municipal ordinances as is by law conferred upon justices of the peace of such municipality.

3. This act shall take effect immediately.

Approved April 12, 1905.

CHAPTER 127.

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

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

Defrauding landlord a misdemeanor.

1. Any person who obtains any lodging, food or accommodation at any restaurant, inn, hotel, boarding-house or lodging-house without paying therefor, with intent to defraud the proprietor or the manager thereof, or who obtains credit at such restaurant, inn, hotel, boarding-house or lodging-house by the use of any false pretence, or who, after obtaining credit or accommodations at such restaurant, inn, hotel, boarding-house or lodging-house, absconds or surreptitiously removes his or her baggage therefrom without first paying for his, her or their food, accommodations or lodging, is guilty of a misdemeanor.

Approved April 12, 1905.

CHAPTER 128.

An Act to change the name of Francis Xavier Krupp.

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

Change of name.

1. The name of Francis Xavier Krupp, of the city of Atlantic City, county of Atlantic and State of New Jersey, be and the same is hereby changed to Franklin Harry Hayes, and all transactions done in the name of Franklin Harry Hayes are hereby legalized.

2. This act shall take effect immediately.

Approved April 12, 1905.

CHAPTER 129.

An Act to amend an act entitled "An Act concerning townships" (Revision 1899), approved March twenty-fourth, one thousand eight hundred and ninety-nine.

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

Section amended.

1. The eighty-fourth section of the act to which this act is amandatory is hereby amended so that the same shall read as follows:

Bonds, how issued, time, rate, etc.

84. When bonds are to be issued, the township committee shall, by resolution adopted by a majority of the whole committee, provide for the issuing of the same; the resolution shall set forth the amount proposed to be issued, the purpose to which the proceeds thereof are proposed to be applied, the rate of interest proposed to be paid, not exceeding five per centum per annum, and the times of the payment thereof, the period for which it is proposed the bonds shall run, not exceeding thirty years from the date of their issue, the method by which it is proposed to provide money for their payment at maturity, and, if it is proposed to make them payable in installments, when each installment will fall due, and the amount thereof; *provided, however,* that bonds shall not be issued for any purpose other than to take up and pay outstanding bonds or to pay the cost of constructing, curbing, re-curbing, paving or re-laying sidewalks, or to pay the cost of widening any street, road or highway, or portion thereof, including the acquisition of lands and real estate therefor by purchase or condemnation proceedings, or to pay the cost of extending any pipes or mains for the distribution of a supply of water for the public or private use, when the annual income of ten per centum of the cost of said extension shall be assured or guaranteed as before provided, except under the following restrictions and conditions: if a petition for the issue of bonds, specifying the amount proposed to be issued, the purpose to which the proceeds are proposed to be applied, the rate of interest proposed

Proviso.

Restrictions.

to be paid, not exceeding five per centum per annum, and when said interest shall be payable, the period for which it is proposed the bonds shall run, not exceeding thirty years from the date of their issue, the method by which it is proposed to provide money for their payment at maturity, and, if it is proposed to make them payable in installments, when each installment will fall due and the amount thereof, shall at any time be presented to the township committee, and shall be shown by the oath or affirmation of the assessor to have been signed by the owners of more than one-half in value of the taxable property in the township, or by at least one hundred taxpayers of the township, as shown by the last preceding duplicate of assessments for taxes in said township, the township committee shall thereupon, by resolution, frame a proposition to issue such bonds, which shall set forth the matters contained in the petition, and shall be voted on by the legal voters of the township at any annual election or at a special election called for that purpose; *provided* ten days' notice of such special election shall have been given by posting in at least five public places in such township, and by publication for at least one insertion in a newspaper of general circulation in said township; if a majority of the legal votes cast at such election shall be in favor of such proposition, the township committee shall adopt a resolution directing the issue of the bonds in conformity with said resolution; all township bonds shall be sealed with the corporate seal of the township, signed by the chairman of the township committee and countersigned by the treasurer, and shall contain all the terms, conditions, stipulations and restrictions set forth in the resolution directing their issue; said bonds may be sold either at public or private sale, but not for less than par and accrued interest.

Proviso.

If decided to issue bonds.

2. This act shall take effect immediately.

Approved April 12, 1905.

New Jersey State Library

CHAPTER 130.

An Act to regulate the duties of tax commissioners in cities and to provide for their compensation.

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

When board takes office.

1. Wherever in any city of the second class a board of tax commissioners is elected at the annual election for the purpose of making the annual appropriations in such city, said commissioners shall enter upon the performance of the duties of their office on the first Monday after the first day of January succeeding such election.

Contingencies.

2. It shall be lawful for such board of tax commissioners to appropriate at once for the purpose of meeting contingencies, and they may appropriate a sum not to exceed one hundred dollars for each of said commissioners and such sum for the payment of a clerk for said board as said board may deem proper, which sum shall be in full payment for all the services performed by such commissioners and such clerk.

Compensation of board.

3. This act shall take effect immediately.

Approved April 12, 1905.

CHAPTER 131.

A supplement to an act entitled "A general act relating to boroughs (Revision of 1897)," approved April twenty-fourth, one thousand eight hundred and ninety-seven.

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

Name of borough clerk filed with county clerk.

1. It shall be the duty of the clerk of every borough to file, within sixty days after the passage of this act, a certificate, signed by himself, setting forth the full and correct name of said borough clerk, and his

post-office address, with the county clerk of the county in which said borough is situated, and hereafter, within thirty days after the appointment of a borough clerk, it shall be the duty of the clerk so appointed to file a certificate, signed by himself, setting forth the full and correct name of said borough clerk, and his post-office address, with the county clerk of the county in which said borough is situated.

2. This act shall take effect immediately.

Approved April 12, 1905.

CHAPTER 132.

An Act to amend an act entitled "An act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof," approved March twenty-first, one thousand nine hundred and one.

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

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: Section amended.

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 condiments; 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. "Food" and "drug" defined.

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

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 Impure foods poisonous.

mixing therewith any other substance or substances; (2) any food for any of whose constituents there have been substituted any substance or substances inferior to or cheaper than the constituents 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 contains 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, and (6) in the case of cream, if it contain less than sixteen per centum of butter fat, or if any package containing cream having less than sixteen per centum of butter fat is not plainly and legibly so marked, 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 possession with intent to sell, for human food, any such calf or any of the meat thereof.

Substitutions.

Lessened in value.

Diseased or tainted.

Milk.

Cream.

Bob veal.

3. This act shall take effect immediately.

Approved April 12, 1905.

CHAPTER 133.

An Amendment to an act entitled "A Supplement to an act entitled 'An act concerning idiots and lunatics,'" approved March twenty-seventh, one thousand eight hundred and seventy-four, which supplement was approved March fifteenth, 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 "A supplement to an act entitled 'An act concerning idiots and lunatics'"

(Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four, which supplement was approved March fifteenth, one thousand eight hundred and ninety-eight, is hereby amended to read as follows:

When orphan's court may appoint guardian.

1. Whenever any person or persons have been admitted to and confined in any state or county asylum of this state for the insane, upon the certificate of two reputable physicians residing in the state, or may hereafter be admitted and confined as aforesaid, and it shall appear that such person or persons are possessed of personal property, and shall have been for at least one year insane and confined in any insane asylum of this state, or where such person or persons have been confined in any asylum of this state for the insane, for ten consecutive years, upon the certificate of one reputable physician, and no inquisition of lunacy shall have adjudged such person or persons an idiot or lunatic, it shall be lawful for the judge of the orphans' court of the county in which the lunatic shall have been a resident when committed, to appoint any one of the next kin or other proper person as guardian or guardians of such lunatic or lunatics in manner provided by law governing the appointment of guardians by the orphans' court; *provided,* a petition duly verified by oath of the petitioner shall be presented to said judge, which petition shall set forth the name or names, when, where and how long confined, and the age of such person or persons possessing such personal property, the value of the same, and what it consists of, whether in money or securities, and what relationship said lunatic or lunatics bear to the petitioner; *and, provided further,* that the affidavits of two physicians connected with said asylum for the insane, one of whom shall be the superintendent or medical director thereof, shall be attached to said petition and form a part of the same, giving a full medical history of said insane person or persons while confined in said asylum for the insane, when admitted, and if still a patient or patients, and by reason of insanity not capable to receive, manage or take care of said personal property.

Proviso.

Proviso.

Repealer.

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

Approved April 12, 1905.

CHAPTER 134.

A Supplement to an act entitled "An act concerning the removal of trust property out of this state and providing proceedings therefor," approved March sixth, one thousand eight hundred and eighty-six.

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

Chancellor may transfer property to another court or state.

1. The chancellor of this state shall have power, in his discretion, upon the petition of any party interested in any suit or proceeding in the court of chancery, after investigation, to order the transfer and to transfer any trust fund in the custody of, or under the control of the court of chancery, or in the custody of any special guardian appointed by the said court of chancery, including the proceeds of the sale of lands made by order of said court, unto the custody of the proper court of another state, or unto the custody of a trustee appointed by any last will and testament, deed, or by such court of another state wherein all of the beneficiaries reside, or wherein all of the beneficiaries who are in esse at the time of making such order reside.

Security given.

2. Before making such transfer to a trustee appointed as aforesaid in another state, the chancellor shall be satisfied that such trustee has given adequate security.

Approved April 12, 1905.

CHAPTER 135.

An Act to amend an act entitled "An act for the better regulation and control of the taking, planting and cultivating of oysters and clams on lands lying under the tidal waters of the county of Ocean, in the state of New Jersey," approved March twenty-sixth, nineteen hundred and two.

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

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

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 county of Ocean not set apart as public clam grounds, save and excepting that part of Barnegat bay bounded on the north by the Pennsylvania railroad bridge, at Barnegat pier, and on the south by a line drawn from the middle point of a point known as Middle point, on south side of Cedar creek, east to Cedar creek life-saving station, and also all those lands lying under the tidal waters of Great bay and Mullica river, north of a line running from Gravelling point in a southwesterly course, to the Atlantic county line; to be exclusively used and enjoyed by such lessees for the purpose of taking, planting and cultivating of oysters and clams, and for the planting of shells thereon for propagating purposes; *provided, however,* that no lease or leases shall be granted to any person or persons who shall not be, at the time of granting of said lease, and shall not have been for twelve months next preceding, a citizen and actual resident of this state. Lease lands. Purposes. Proviso.

2. This act shall take effect immediately.

Approved April 12, 1905.

CHAPTER 136.

An Act to create a new township in the county of Burlington, to be called the township of North Hanover.

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

Township of North Hanover created from portion of townships of New Hanover.

1. All that portion of the township of New Hanover, in the county of Burlington, situate on the northerly side of the following described line: Beginning in the old Province line, where it crosses the head waters of the New Egypt mill pond or Crosswicks creek, and running thence in nearly a westerly direction up the middle of the said creek to a stone opposite the mouth of the North run, a branch of said creek, and thence still about westerly up the middle of said North run, the several courses and distances thereof, to a stone in the division line between Springfield and New Hanover townships, shall be set off from the said township of New Hanover and shall be and the same is hereby created a separate township to be called the township of North Hanover, and shall be governed by the same general laws as other townships in said county.

2. This act shall take effect immediately.

Approved April 12, 1905.

CHAPTER 137.

An Act concerning the election and incorporation of the trustees and the management of the temporal affairs of Christian Congregations connected with the Presbyterian Church in the United States of America.

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

Election of board of trustees

1. Any Christian congregation connected with the Presbyterian Church in the United States of America,

not having an incorporated board of trustees, may elect a board of trustees and cause such board to become incorporated in the following manner. Any members of the congregation, male or female, not less than seven in number and each being of the full age of twenty-one years, may sign a written notice of a business meeting of the congregation to decide whether trustees for the congregation shall be elected and incorporated, and, in case the decision shall be in favor of such action, to elect such trustees. Such notice shall be conspicuously posted at the main entrance of the congregation's usual place of meeting for public worship, at least ten days previous to the date of the meeting mentioned in the notice. At such meeting the congregation shall by resolution decide whether a board of trustees shall be elected and incorporated. If the decision be in favor of such action, the congregation shall then by resolution or resolutions, determine the number of trustees to be elected, which number shall be three or any multiple of three, and the name by which the incorporated board shall be known. After such action the congregation shall, by a plurality of the votes cast by those members of the congregation, male and female, who are of the full age of twenty-one years and who have within the next preceding three months contributed toward the support of the gospel in that congregation, elect from such members of the congregation one-third of the whole number of trustees to serve until the first succeeding annual business meeting, one-third until the second succeeding annual business meeting, and one-third until the third succeeding annual business meeting, and, at each succeeding annual business meeting of the congregation, successors of the class of trustees whose terms are then expiring shall be elected from such members of the congregation as aforesaid to serve until the third annual business meeting after the election of such successors; *provided* that a majority of the whole number of the trustees shall at all times be members of the church in good and regular standing.

Notice given.

Number.

Who may vote.

Proviso.

2. As soon as possible after the first election of a board of trustees under the authority of the first sec-

Certificate of incorporation.

tion of this act, the members of such board shall make, sign and seal a certificate of incorporation which shall set forth:

Location. I. The location of the usual place or places of meeting for public worship of the congregation whose trustees they are.

Names of trustees. II. The names of the trustees elected at such first election and their respective terms of office.

Name of church. III. The name chosen by the congregation by which the board of trustees shall be known.

Acknowledgment of certificate. The certificate of incorporation shall be acknowledged by each of the trustees before such officer and in such manner as is or may be required by law for the acknowledgment of deeds of conveyance of lands in this state, a certificate of which acknowledgment by the officer taking the same shall be endorsed in writing on the certificate of incorporation. The certificate of incorporation and the certificate of acknowledgment endorsed thereon shall then be recorded in the office of the county clerk or register of deeds of the county in which the congregation's usual place of meeting for public worship is located, for which service the county clerk or register of deeds shall be entitled to receive one dollar, and, after being so recorded, shall be filed without charge in the office of the secretary of state. From and after such recording and filing, the said board of trustees and their successors in office shall be a body politic and corporate in law by the name set forth in the certificate of incorporation.

Certificate recorded.

Succession of board of trustees. 3. Every Christian congregation connected with the Presbyterian Church in the United States of America, having at the time when this act shall take effect an incorporated board of trustees, shall, in order to perpetuate a line of succession in such board, elect trustees in the following manner. At the annual business meeting of the congregation next succeeding the time when this act shall take effect, the congregation shall by by-law or resolution determine the number of trustees of which the board shall thereafter be composed, which number shall be three or any multiple of three, and the terms of all trustees theretofore elected shall end as soon as their successors shall be elected.

Thereupon the congregation shall by a plurality of the votes cast by those members of the congregation male and female, who are of the full age of twenty-one years and who contribute by regular payments at stated periods to the support and necessary expenses of the congregation in accordance with its rules, elect from such members of the congregation one-third of the whole number of trustees to serve until the first succeeding annual business meeting, one-third until the second succeeding annual business meeting, and one-third until the third succeeding annual business meeting, and, at each succeeding annual business meeting of the congregation, successors of the class of trustees whose terms are then expiring shall be elected from such members of the congregation as aforesaid to serve until the third annual business meeting after the election of such successors; *provided* that a majority of the whole number of trustees shall at all times be members of the church in good and regular standing.

Members of congregation.

Proviso.

4. Any Christian congregation connected with the Presbyterian Church in the United States of America, having an incorporated board of trustees whose number the congregation shall desire to change, may, at any annual business meeting of the congregation, by by-law or resolution determine the number of trustees of which the board shall thereafter be composed, which number shall be three or any multiple of three. If the decision be in favor of a change in the number of trustees, the terms of all trustees theretofore elected shall end as soon as their successors shall be elected. Thereupon the congregation shall, by a plurality of the votes cast by those members of the congregation, male and female, who are of the full age of twenty-one years and who contribute by regular payments at stated periods to the support and necessary expenses of the congregation in accordance with its rules, elect from such members of the congregation one-third of the whole number of trustees to serve until the first succeeding annual business meeting, one-third until the second succeeding annual business meeting, and one-third until the third succeeding annual business meeting, and, at each succeeding annual business meet-

Method of changing number of trustees.

ing of the congregation, successors of the class of trustees whose terms are then expiring shall be elected from such members of the congregation as aforesaid to serve until the third annual business meeting after the election of such successors; *provided,* that a majority of the whole number of trustees shall at all times be members of the church in good and regular standing. No change, however, in the number or in the term of office of any incorporated board of trustees shall be made under the authority of this section unless written notice of the proposed change, authorized by the existing board of trustees or signed by at least seven members of the congregation entitled to vote on the question, be conspicuously posted at the main entrance of the congregation's usual place of meeting for public worship, at least ten days previous to the date of the annual meeting at which it is intended to take action on the proposed change.

Proviso.

Powers of trustees.

5. Every incorporated board of trustees elected in accordance with any of the provisions of this act shall have power:

Succession.

I. To have perpetual succession by its corporate name.

Legal.

II. To sue and be sued in any court of law or equity.

Seal.

III. To make and use a common seal and alter the same at pleasure.

Officers.

IV. To elect annually from their number a president and a secretary.

Acquire and hold property.

V. To purchase, lease, acquire, receive, have and hold any lands, tenements, hereditaments, legacies, donations, moneys, goods and chattels, in trust for the uses of the congregation, and the same or any part thereof, to sell, grant, convey, assign, demise, alien or otherwise dispose of; *provided,* that no such sale or conveyance of any lands held in trust as aforesaid shall be made unless previously authorized by two-thirds of the votes cast at a duly called annual or special business meeting of the congregation.

Proviso.

Borrow money.

VI. To borrow money for the uses of the congregation and secure the repayment of the same with interest by their corporate bonds and by mortgages on the real or personal property held by them for the uses of the congregation; *provided,* they be first authorized

Proviso.

so to do by two-thirds of the votes cast at a duly called annual or special business meeting of the congregation.

Contracts.

VII. To make and execute such contracts as the congregation by its by-laws or resolutions may from time to time authorize.

Additional powers.

VIII. To exercise all other powers necessary for the proper care of the property held by them for the uses of the congregation, subject always, however, to such authority over the worship of the congregation including the musical service, over the times and places of preaching the word of God and of all other religious services, and over the uses to which the church buildings and other property may be put, as is or shall be committed by the constitution of the Presbyterian Church in the United States of America to the session of the church or to any other spiritual officers.

Calling meetings of trustees.

6. The president of the board of trustees shall have power to convene the board as occasion may require, and he shall convene it whenever a written request so to do, signed by two members of the board of trustees, shall be presented to him.

Minutes and seal.

7. The secretary of the board of trustees shall keep the minutes of the proceedings of the board in a book to be provided for that purpose. He shall also be the custodian of the common seal of the board, and shall deliver such book of minutes and common seal to his successor in office on demand therefor.

Treasurer elected by congregation; duties, etc.

8. A treasurer may be elected by a congregation at its first business meeting for the election of trustees or at any annual business meeting of a congregation, by a plurality of the votes cast, to serve until the next annual business meeting after his election. He shall be ex-officio a member of the board of trustees; shall have charge of such moneys of the congregation as are contributed or paid to the board of trustees for congregational uses; shall keep a correct account of the receipts and disbursements of the same, separate from his private account and under his official title of "treasurer;" shall at each annual business meeting of the congregation render a true statement in writing of such receipts and disbursements for the preceding year, and from time to time render such other financial statements as shall be required by the congrega-

tion or by the board of trustees; shall be the custodian of all policies of insurance and securities of the board of trustees, and of all books, papers and documents pertaining to the temporal affairs of the congregation, excepting the book of minutes of the proceedings of the board of trustees, which shall remain in the custody of the secretary of the board; and shall deliver all such policies of insurance, securities, books, papers and documents, and pay the balance of moneys in his hands as such treasurer, to his successor in office on demand therefor.

When treasurer elected by trustees.

9. If a treasurer shall not be elected by a congregation at its first business meeting for the election of trustees or at any annual business meeting of a congregation, such failure shall be construed as a preference by the congregation that the treasurer shall be elected by the board of trustees, and in such case the board of trustees shall, at their first meeting thereafter, elect one of their own number or any member of the congregation as treasurer to serve until the next annual business meeting of the congregation, or, in case no treasurer be then elected, until the first meeting of the board of trustees after such annual business meeting. The duties and powers of a treasurer elected by the board of trustees shall be the same as those of a treasurer elected by the congregation.

Auditing committee.

10. An auditing committee consisting of three persons shall be elected at the first business meeting of a congregation for the election of trustees and at each annual business meeting of a congregation, and shall, within ten days previous to the next annual business meeting of the congregation, examine the accounts and vouchers of the treasurer, and report thereon at such meeting.

Vacancies, how filled.

11. Whenever a vacancy shall occur in any board of trustees, the remaining trustees shall constitute the board until the vacancy be filled; and such vacancy may be filled for the unexpired term either at a special business meeting of the congregation duly called for that purpose or at the next annual business meeting of the congregation. Whenever a vacancy shall occur in the office of president, the trustee of the board senior in age shall be president pro tempore, and the board

shall elect one of their number to fill the vacancy for the unexpired term. Whenever a vacancy shall occur in the office of secretary or of treasurer or in the auditing committee, the board of trustees shall elect a person to fill the vacancy for the unexpired term.

Annual meetings.

12. Every annual business meeting of any such congregation shall be held at their usual place of meeting for public worship at such time as the congregation shall by by-law prescribe, or, if there be no such by-law, then at such time as the board of trustees shall by resolution prescribe. In either case it shall be the duty of the board of trustees to cause a notice of such annual meeting to be conspicuously posted at the main entrance of the congregation's usual place of meeting for public worship, at least ten days previous to the date prescribed for the meeting. If the board of trustees fail to cause such notice to be posted ten days before the date prescribed for the annual meeting by any by-law of the congregation, or, if there be no such by-law and the board of trustees fail to cause such notice to be posted within one year and ten days after any annual business meeting shall have been held, then any seven members of the congregation entitled to vote thereat may sign and cause a notice of such annual meeting to be conspicuously posted at the main entrance of the congregation's usual place of meeting for public worship, at least ten days previous to the date of the meeting mentioned in their notice.

Special meetings.

13. Every special business meeting of any such congregation shall be held at their usual place of meeting for public worship, and may be called at any time either by the board of trustees or by not less than one-fourth of the members of the congregation entitled to vote thereat, upon written notice of the time, place and object thereof, which notice shall be conspicuously posted at the main entrance of the congregation's usual place of meeting for public worship, at least ten days previous to the date of the meeting mentioned in the notice, and the business of such special meeting shall be limited to the object mentioned in the notice thereof; *provided, however,* that nothing in this section shall be construed as a limitation upon the power of the session of the church, or of any other spiritual

Proviso.

officers, to call a congregational meeting at any time for any purpose authorized by the constitution of the Presbyterian church in the United States of America.

By-laws.

14. Any such congregation may, at any annual business meeting or at any special business meeting duly called for that purpose, adopt by-laws for the management of the temporal affairs of the congregation and the election of trustees, which by-laws shall not be inconsistent with this act; *provided, however,* that such congregation shall have no authority to adopt any by-laws pertaining to, or to exercise any power over, any matters which are committed by the constitution of the Presbyterian church in the United States of America to the session of the church, or to any other spiritual officers; *and provided further,* that the persons entitled to vote at any such annual or special business meeting shall be only those members of the congregation, male and female, who are of the full age of twenty-one years and who contribute by regular payments at stated periods to the support and necessary expenses of the congregation in accordance with its rules. There shall be a list of such contributors, which shall be compiled and kept accurate by the treasurer of the board of trustees, a copy of which shall be furnished by him to the session of the church. The said list shall be the authoritative list of voters at every such meeting.

Proviso.

Proviso.

List of contributors kept.

Examination of records, etc.

15. Upon application to the secretary or the treasurer, any member of the board of trustees of the congregation shall, subject to reasonable regulations, be entitled to inspect and examine any of the policies of insurance, securities, books, papers and documents in the custody of either of such officers, and to copy the same or make extracts therefrom.

Annual reports, statements.

16. The minutes of the proceedings of the board of trustees and of all annual and special business meetings of the congregation, and a statement of the receipts and disbursements of the treasurer, shall at least annually and as much oftener as may be required by the session of the church be submitted to such session for review, for incorporation in their records, and for report to the higher judicatories of the church, accord-

ing to the provisions of the constitution of the Presbyterian church in the United States of America.

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

18. This act shall take effect on the first day of January, in the year nineteen hundred and six. When act effective.

Approved April 12, 1905.

CHAPTER 138.

A Supplement to an act entitled "An act concerning district courts (Revision of 1898)," approved June fourteenth, one thousand eight hundred and ninety-eight.

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

1. Whenever either party to any cause in any district court, in any city of this state, makes application to the judge thereof for the appointment of a stenographer to transcribe the proceedings at the trial of the said cause and take down the testimony therein, it shall be the duty of the said judge to designate a stenographer to act as aforesaid in said case, at the expense of the party so applying, which stenographer shall be duly sworn; and if an appeal shall be taken from, or a writ of certiorari allowed upon the judgment in said cause, the transcript of said proceedings and said testimony, made by said stenographer, shall be certified by said judge as the state of the case, to be used on the hearing of said appeal or certiorari, and shall be transmitted by the party so appealing or suing out said writ of certiorari to the clerk of the supreme court within fifteen days from the rendition of the judgment. Stenographer appointed in district court upon application of either party.

2. This act shall take effect immediately.

Approved April 12, 1905.

CHAPTER 139.

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

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

Validating issue of bonds, the city not divided into wards.

1. Any city not already divided into wards, heretofore incorporated and subject to the provisions of an act entitled "An act relating to and providing for the government of cities in this state containing a population of less than twelve thousand inhabitants," approved March twenty-fourth, one thousand eight hundred and ninety-seven, having made contracts for public improvements authorized under laws applicable to said city, and said contracts having been in whole or in part performed and bonds issued to provide funds to pay for such improvements, and said bonds and all other bonds heretofore issued by said city and all acts of the governing body of such city are hereby confirmed and made valid and effectual in law, notwithstanding the governing body of such city may not have divided such city into wards.

2. This act shall take effect immediately.

Approved April 12, 1905.

CHAPTER 140.

A Further Supplement to an act entitled "An act concerning townships" (Revision of 1899), approved March twenty-fourth, one thousand eight hundred and ninety-nine.

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

Upon petition for sewer township committee to ascertain cost.

1. Whenever application shall be made by petition in writing, signed by ten or more freeholders, resident in the township and presented to the township committee, petitioning for the construction of a drain or sewer, the township committee shall, within thirty days after the presentation of such application or petition, employ an engineer to ascertain the cost of constructing such drain or sewer, who shall report the same to the township committee.

Referendum.

2. Before any work is done, or contract is made for the construction of such drain or sewer, the question of constructing such drain or sewer and the cost thereof shall be submitted to the persons qualified to vote in said township at any annual election or other election duly held for the purpose in the township, who shall vote to grant or raise such sum or sums of money as may be necessary for the construction and maintenance of such drain or sewer.

Repealer.

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

4. This act shall take effect immediately.

Approved April 12, 1905.

CHAPTER 141.

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*:

Revision of registry list by the court.

1. It shall be the duty of the justice of the supreme court assigned to hold the circuit court, and the judge of the court of common pleas, in each of the several counties of this state, or one of said judges, to sit and hold a court of common pleas at the court house in their respective counties on the Monday next preceding the day of the general election for members of the general assembly, from eight o'clock in the forenoon till five o'clock in the afternoon, to revise and correct the registry of election in the several election districts in such county, and in case any legal voter in any election district has been refused the right to register, or his name has been improperly or inadvertently left off the registry list, he may, on said day, apply in person, to said court for the purpose of having his name placed upon the register; and the said court, upon such application and upon satisfactory evidence that such person is a legal voter entitled to vote at such election, may give a certificate under the seal of the court to that effect, and the clerk of the court shall add the name of such voter to the proper register on file with him. Such voter may, upon the day of election, present said certificate to the board of registry and election of the district in which he is entitled to vote, and said board shall receive and file said certificate and add his name to the register, and he shall thereupon be allowed by said election board to vote at said election.

Name added.

Court in session on election day.

2. It shall also be the duty of said justice of the supreme court and the said judge of the court of common pleas, or one of them, to sit and hold a court of common pleas at the court house in their respective counties on the day of the general election for members of the general assembly from eight o'clock in the

forenoon till seven o'clock in the evening, and in case the vote of any person registered, in any election district, has been refused or rejected by the district board of elections, in such district, the said court shall, upon application, in person, by the person so refused or rejected, proceed, in a summary way, to inquire whether such person is entitled to vote in such election district; and if the court shall find that such person is legally entitled to vote in said election district, it shall issue a certificate, under its seal, to the board of registry and election of the district in which such person is entitled to vote, reciting that such person is entitled to vote in such election district and shall deliver such certificate to such person. Such person may present said certificate to the board of registry and election of the district in which he is entitled to vote, and said board shall receive and file said certificate, and thereupon he shall be allowed to vote at such election. Duties.

3. The county board of elections, in each of the several counties of this state, shall deliver to the county clerk, at or before eight o'clock in the forenoon, on the Monday next preceding the general election, all the copies of the registers which were in their possession on the Saturday next preceding said general election, who shall have the same in court for the use of the court while acting under the authority conferred by this act. Said registers shall be returned by the said county clerk to the custody of the county board of elections on the day after the election shall be held. Registers delivered to county clerk.

4. In making investigations under this act to determine the right of any person or persons to vote or to register, the court shall have power to act upon such application or matter in a summary manner, and to issue subpœnas for the production of papers, or the appearance of persons with like power, jurisdiction and authority as said court would have in any civil cause pending therein. The sheriff of the county or a deputy duly appointed by him, shall be authorized and required to serve all processes issued out of the said court on any application pending under this act, and he shall also be authorized and required to enforce any orders or proceedings made, entered and directed to be executed by the said court. Summary action of court. Duty of sheriff.

When election officer in contempt.

5. If any board of registry and election, or any member thereof shall fail or refuse to comply with the order of the said court made in any proceeding taken under this act, such failure or refusal to so comply may be dealt with and punished as and for contempt of court.

Duty of county clerk.

6. It shall be the duty of the county clerk, as clerk of the court of common pleas, to attend upon the sessions of court required to be held under this act, either in person or by deputy, at all times during the sitting thereof, and to record and keep the minutes of the said court in any matters arising under this act, and for such service he shall be entitled to receive and be paid by the county collector, for each day's attendance, the sum of ten dollars.

Compensation of judges.

7. Each of the judges holding the court of common pleas, as herein required, shall be entitled to receive the sum of of twenty dollars for each day he shall be personally present, pursuant to the provisions of this act, in addition to the salary to which he is now entitled by law, which sum shall be paid by the collector of the county as other court expenses are paid.

Repealer.

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

Approved April 12, 1905.

CHAPTER 142.

A Further Supplement to an act entitled "An act concerning building and loan associations," approved April eighth, anno domini one thousand nine hundred and three, which supplement was approved March seventh, anno domini one thousand nine hundred and four.

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

Jurisdiction of court of chancery over trustees.

1. The court of chancery shall have full and complete jurisdiction over the said trustees provided for in the said act to which this is a supplement, and of all

matters and questions arising or growing out of the winding up and liquidation of any such building and loan associations, in the said act mentioned, and may make such orders and decrees in connection with any and all of such matters as justice and equity shall require.

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

Approved April 13, 1905.

CHAPTER 143.

An Act to authorize the transfer of certain parts of public parks or open spaces, or any interests, easements or rights of way therein, where the same may be required by any municipality for a distributing reservoir and necessary connections.

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

1. Whenever any designated portion of land heretofore or hereafter laid out or acquired for use as a public park or open space adjoining which a reservoir or a water-supply owned by a municipality exists, or any interests, easements or rights of way therein, may be required by any municipality for a distributing reservoir and necessary connections, it shall be lawful for the park commission or other authority or authorities having the title, use, management, care, custody or control thereof, if in their judgment it seems proper so to do, to transfer the same to such municipality for such distributing reservoir and necessary connections, upon such terms and conditions and under such restrictions as to the future use and control thereof as shall be deemed reasonable by such park commission or other authority or authorities; and such transfer may be made by contract or by deed for a nominal Municipalities may transfer certain property for reservoir.

consideration or upon such consideration as may be deemed reasonable by the grantor.

Repealer.

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

Approved April 13, 1905.

CHAPTER 144.

An Act to extend the territorial boundaries of the township of Florence, in the county of Burlington, by the annexation of a portion of the township of Burlington, in said county.

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

Portion of Burlington township annexed to township of Florence.

1. All that land and real estate situate. lying and being in the township of Burlington, in the county of Burlington, bounded and described as follows: Beginning at a point in the present line between said townships of Burlington and Florence, where it is intersected by the southernmost line of the lands of the Florence Foundry Company, said point being distant eight hundred and twenty-eight and one-tenth (828 1-10) feet on a course north forty-two (42) degrees thirty (30) minutes west from a stone marking the southwesterly corner of said Florence Foundry Company's lands, and extending thence (1) along the boundary of the lands of said Florence Foundry Company north, forty-two (42) degrees thirty (30) minutes west, ninety-five and eight-tenths (95 8-10) feet to a stone; thence (2) north, forty-four (44) degrees twenty-six (26) minutes west, three hundred and thirty and eight-tenths (330 8-10) feet to a stone; thence (3) north, thirty-five (35) degrees thirty-three (33) minutes west, one thousand and eight and two-tenths (1,008 2-10) feet to a stone; thence (4) south, forty-two (42) degrees thirty (30) minutes west, four hundred and thirty-two and one-tenth (432 1-10) feet

to a stone; thence (5) north, forty-five (45) degrees twelve (12) minutes west, passing over a stone on the east side of the river road, eight hundred and eighty-four (884) feet more or less to high-water mark in the Delaware river and into said river to the state line; thence (6) up the river along said state line to the present township line between said townships; thence (7) south, eight (8) degrees twenty-five (25) minutes east along said township line to the place of beginning, be separated from the township of Burlington and annexed to the said township of Florence, so that the same shall be hereafter a part of and within the territorial limits of said Florence township.

2. This act shall take effect immediately.

Approved April 13, 1905.

CHAPTER 145.

An Act to annex a portion of the borough of North Caldwell to the borough of West Caldwell, in the county of Essex and state of New Jersey.

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

Portion of North Caldwell annexed to West Caldwell.

1. All that portion of the borough of North Caldwell, in the county of Essex, described as follows: Beginning at a point in the center line of Mountain avenue, where the same is intersected by the division line between lands of William Little, deceased, and Samuel S. Dobbins, now deceased; thence running (1) in a general northerly course along the center of Mountain avenue to the line of lands of the estate of Joseph V. Baldwin, deceased; thence (2) in a general westerly, northerly and westerly direction along the division line between lands of Edward H. Baldwin and the lands of the estate of said Joseph V. Baldwin, deceased, and David Mintonye, at a point where the said line of David Mintonye, or the same when projected,

intersects the division line between the boroughs of West Caldwell and North Caldwell; thence (3) in a general southeasterly direction along the division line of the said boroughs of North Caldwell and West Caldwell to the southwest corner of said line of William Little, deceased; thence (4) northerly along the rear line of lands of William Little, deceased, to the intersection of said lands with the line of lands of Samuel S. Dobbins, deceased; thence (5) easterly along the division lines between said land of William Little and lands of Samuel S. Dobbins, deceased, to the center line of said Mountain avenue and the place of beginning, be and the same is hereby annexed to the borough of West Caldwell, in said county of Essex, so that the same shall be hereafter a part of and within the territorial limits of the said borough of West Caldwell.

2. This act shall take effect immediately.

Approved April 13, 1905.

CHAPTER 146.

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

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

Continuance of chairman of joint meeting.

1. The chairman of the joint meeting elected upon completion of the joint outlet or trunk sewer upon the reorganization of such joint meeting for the purpose of maintaining and operating the same, shall continue to occupy his said office and to perform the duties thereof until his successor shall be duly elected and qualified, notwithstanding the fact that he shall have ceased to be a member of any one of the governing

bodies or boards of the municipalities jointly contracting for such public improvement.

Providing funds for maintenance and operation of joint sewers.

2. Upon the completion of any such public improvement, the joint meeting of the governing bodies or boards of the municipalities jointly contracting therefor, reorganized for the purpose of maintaining and operating the same, shall, before the first day of April in each year, make an estimate of and determine upon the probable cost and expense of maintaining and operating such public improvement for the year beginning on said first day of April, and shall cause the same to be certified by the secretary of the joint meeting to each of the municipalities contracting for said public improvement, and thereupon may, from time to time, by resolution, duly adopted by the joint meeting, require said municipalities to pay to the treasurer of the joint meeting the whole or any part of their pro rata shares of such estimated amount for the year, in advance, and each municipality shall within thirty days after receiving such requisition pay to the treasurer of the joint meeting its pro rata share of the amount so required under such resolution; if the amount so estimated and determined shall prove insufficient for the maintenance and operation of such public improvement for the year, the joint meeting shall, notwithstanding the making of such estimate and determination, have power to require the municipalities contracting for such public improvement to pay such additional amount as may be necessary for said purpose.

3. This act shall take effect immediately.

Approved April 14, 1905.

CHAPTER 147.

A Supplement to an act entitled "An act concerning villages which have been or shall become separate from the township in which they were or are contained, and which have been or shall be given complete autonomy of local government," approved March twenty-eighth, one thousand nine hundred and four.

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

Disposition of real estate when village separates from township.

1. Whenever any village has been or shall become separate from the township in which it was or is contained and given complete autonomy of local government, it shall be lawful, for the purpose of apportioning the assets between said village and township, for either municipality to sell and convey to the other all its rights, title and interest in any real estate acquired and held for public use by the said municipalities; and it shall also be lawful for the governing bodies of the said village and township respectively to sell at public or private sale any real estate acquired and held for public use by the said municipalities, and to make a lawful conveyance thereof to the purchaser or purchasers; and the said governing bodies of the said village and township are authorized to make such sale in such manner and upon such terms as shall be determined by them.

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

Approved April 14, 1905.

CHAPTER 148.

An Act to amend an act entitled "A supplement to an act entitled 'An act to authorize municipal corporations to contract for a supply of water for public uses,' approved March fifteenth, one thousand eight hundred and eighty-one," which supplement was approved April seventeenth, one thousand eight hundred and eighty-four.

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

1. Section three of the act entitled "A supplement to an act entitled 'An act to authorize municipal corporations to contract for a supply of water for public uses,' approved March fifteenth, one thousand eight hundred and eighty-one," which supplement was approved April seventeenth, one thousand eight hundred and eighty-four, be and the same is hereby amended to read as follows: Section amended.

3. The commissioners of said sinking fund shall be the head officer and treasurer of such municipality and two resident freeholders appointed by the governing body thereof; they shall have sole control and custody of such sinking fund; they shall deposit all moneys which shall come into their hands in a depository designated by such governing body; they are hereby authorized to invest the money belonging to such sinking fund in bonds of the United States or of this state, or in any obligations of indebtedness authorized to be issued by such municipality; they shall, from time to time as they think best, purchase with the moneys belonging to said sinking fund the bonds issued or to be issued under this act, and when so purchased said bonds shall not be re-issued, but be immediately cancelled; *provided, however,* that said commissioners shall not pay a greater sum than the par value for said bonds; they shall respectively keep accurate accounts of said sinking fund in distinct and separate books of account, and shall annually make a full and detailed statement of the state and condition of said fund to the governing body of such municipality. Commissioners of sinking fund. Investments. Proviso.

Approved April 14, 1905.

CHAPTER 149.

An Act to amend an act entitled "An act concerning minors, their adoption, custody and maintenance (Revision of 1902)."

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

Section amended.

1. Section one of the act entitled "An act concerning minors, their adoption, custody and maintenance (Revision of 1902)," be and the same is hereby amended to read as follows:

Petition to adopt child.

1. It shall be lawful for any person, of full age, not married, or any husband, with his wife's consent, or any wife, with her husband's consent, or any husband and wife jointly, to petition the orphans' court of the county wherein any minor child may reside, or of the county wherein any such petitioner may reside, for permission to adopt such minor child, and for a change of name of such child. The written consent of the parents of such child to such adoption must be obtained and presented with the petition, but if either parent be dead, unknown, insane or habitually intemperate, or shall have abandoned the child, or shall have been divorced from the father or mother of said child because of his or her adultery or desertion, then the consent of the other parent shall be sufficient. If both parents be dead, unknown, insane or habitually intemperate, or shall have abandoned the child, then the written consent to such adoption must be obtained from the legal guardian of such child, if any there be, or if there be no legal guardian, from some discreet and suitable person appointed by the court to be next friend of such child; *provided, however,* if the parent or parents shall have granted the custody and control of such child for the full term of its minority to any orphanage or children's home, or society incorporated under the laws of this state to care for children, or if such orphanage or children's home or society shall have otherwise legally acquired the custody and control of such child, then consent to such adoption must be obtained from such orphanage or children's home or society, which

Parents' consent.

If consent not obtainable.

Proviso.

consent shall be in writing and under the common seal of the orphanage or children's home or society aforesaid, and the hands of the president and secretary thereof; and *provided further,* if the child be above the age of fourteen years, its written consent to the adoption and change of name must be obtained. Every consent to be given as aforesaid must be acknowledged or proved as deeds of land are required to be. Proviso.

2. All acts or parts of acts inconsistent with the foregoing are hereby repealed. Repealer.

3. This act shall take effect immediately.

Approved April 14, 1905.

CHAPTER 150.

An act concerning free public libraries.

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

I. ESTABLISHMENT OF LIBRARIES IN CITIES, BOROUGHS, TOWNS, TOWNSHIPS AND VILLAGES.

1. Any city, borough, town, township, or village may, in the manner hereinafter provided, establish a free public library within its corporate limits. Public library.

2. The governing body of any such municipality shall observe the provisions of this act when the same shall be assented to by a majority of the legal voters in such municipality at any election, general or special, at which the adoption of this act shall be submitted to vote by direction of such governing body; such question may be submitted to vote either at a general election or at a special election to be held for that purpose; the clerk of such municipality shall cause public notice of such general or special election to be given by advertisement, signed by himself and set up in at least five public places in such municipality for at least ten days previous to the date of such election and published for the same period in two newspapers printed Question submitted to people. Notice.

Ballots.

or circulating in such municipality. The ballots used at such election shall be printed or written, or partly printed and partly written, and the question of the adoption of the provisions of this act may be printed or written on the ballots used at a general election, on which may be the words "for a free public library" and "against a free public library," and the election officers of any such municipality shall make a true and correct return of the result of such election in writing, under their hands, and said statement shall be entered at large upon the minutes of such governing body. Where the voter shall strike off the ballot the words "against a free public library" such vote shall be counted as in favor of the adoption of this act; where the voter shall strike off the ballot the words "for a free public library" such vote shall be counted as against the adoption of this act; if neither the words "for a free public library" nor "against a free public library" shall be stricken off any ballot such ballot shall not be counted for or against the adoption of this act;

If defeated, may again be submitted.

where any municipality shall vote against the establishment of a free public library such vote shall not preclude the holding of another election, general or special, to vote for or against the adoption of the provisions of this act.

If adopted, assessment.

3. If a majority of the votes so counted shall contain the words "for a free public library" the provisions of this act shall be deemed to have been adopted, and it shall become the duty of the governing body, or appropriate board of said municipality, annually thereafter to appropriate and raise by taxation a sum equal to one-third of a mill on every dollar of assessable property within such municipality.

Annual support.

4. It shall be lawful to raise by taxation annually for the support and use of said library, in addition to the sum required to be raised by section three, a sum not exceeding one-sixth of a mill on every dollar of assessable property in such municipality; and the sums assessed and collected by virtue of this act shall be used for no other purpose than for the use of a free public library.

II. APPOINTMENT, POWERS AND DUTIES OF TRUSTEES OF FREE PUBLIC LIBRARIES.

Trustees of library.

5. A board of trustees of the free public library shall be formed immediately in any municipality which shall adopt the provisions of this act, said board to consist of seven members, one of whom shall be the mayor or the chairman of the governing body of such municipality, as the case may be, ex officio, and one the superintendent of public instruction of such municipality ex officio, or in case such municipality shall have no superintendent of public instruction, then the president of the board of education, ex officio, and five citizens to be appointed by the mayor or chairman of the governing body of such municipality from among the residents therein; such appointments, in all municipalities except cities, to be made by and with the consent of the governing body of such municipality, and for the terms of one, two, three, four and five years respectively, as they may be selected by such mayor or chairman. Upon the expiration of the term of office of any trustee the mayor or the chairman of the governing body of such municipality shall appoint some citizen for a term of five years in the same manner as the original appointment was made; vacancies occurring in said board of trustees shall be filled for the unexpired term only, in the same manner as the original appointments are made.

Corporate name.

6. The board of trustees shall be a body corporate under the name of "the trustees of the free public library of " (naming said municipality wherein said library shall be established).

Powers.

Said trustees shall have corporate powers of succession, may sue and be sued, and adopt a corporate seal; said board shall meet at some convenient time and place in said municipality within ten days of the time of their appointment; they shall immediately proceed

Organization.

to organize by the election from their members of a president, treasurer, and secretary, who shall hold their offices for one year and until their successors are elected; they shall also make and execute under their hands and seals a certificate setting forth their appointment and their organization and the names of their

Certificate filed.

officers elected; such certificate shall be acknowledged in the same manner that conveyances of real estate are required to be acknowledged, and recorded in the clerk's office of the county in which such municipality is located. They shall also send a certified copy of such certificate to the office of the secretary of state, at Trenton, to be there filed of record, but shall not be required to pay any fees for such recording and filing. The said certificate, or copy thereof duly certified by the secretary of state or by the clerk of the county, shall be evidence in all courts and places of the incorporation of the said board. Said board shall hold in trust and manage all property of said library; it shall have power to rent rooms, or, when proper, to construct buildings for the use of said library; to purchase books, pamphlets, documents, papers and other reading matter; to hire librarians and other necessary servants, and to fix their salary or salaries; to make proper rules and regulations for the government of said library, and generally to do all things necessary and proper for the establishment and maintenance of the free public library in such municipality. The treasurer of said board shall give bond in an amount to be fixed by the mayor of any city or by the governing body of any municipality other than a city, payable to said municipality by its corporate name, conditioned for the faithful performance and discharge of his duties. And such board shall, by its treasurer, upon its warrant signed by its president, receive of the disbursing officer of such municipality the money raised by taxation for library purposes, as provided in sections three and four of this act.

Building, books, employes.

Bond of treasurer.

No compensation to trustees.

7. Said trustees shall receive no compensation for their services, and shall not incur any expense or enter into any obligations to an amount in excess of the annual appropriation for library purposes and of its funds on hand.

Annual report.

8. Said board of trustees shall annually make a report of their transactions, accounts, and the state and condition of said library to the governing body of such municipality.

Requests, gifts, etc.

9. Said board of trustees may receive, hold and manage any devise, bequest or donation heretofore

made or hereafter to be made and given for the establishment, increase or maintenance of a free public library within its municipality.

III. TRANSFER OF BOOKS BELONGING TO CITY TO FREE PUBLIC LIBRARY.

Transfer of books to library.

10. Any public board in any city wherein there is a free public library, or any department of the government of said city having under its control a library or collection of books useful for such public library, may transfer the control or property of said books to the trustees of a free public library established under this act for use therein; and any such board or department so transferring its books or library shall be relieved from further responsibility for the care or custody of or property in said books or library, and said trustees of said free public library shall hold and keep said books or library as if originally purchased by them.

IV. PURCHASING LAND AND ERECTING LIBRARY BUILDINGS IN CITIES.

Procedure to secure funds for buildings.

11. When, in the judgment of the board of trustees of the free public library in any city of this state that shall accept the provisions of this act or has heretofore established a free public library pursuant to law, it is advisable to purchase lands or to erect buildings thereon, or both, or to enlarge or alter any building already erected thereon, for the purposes of a free public library, said board of trustees may certify to the common council, or other board or body having charge of the finances of such city, the amount of money, in addition to such moneys as they may have on hand applicable to such purposes, necessary for the purpose of making such purchase of land, the erection of buildings or other improvements thereof, and shall also certify therewith the total amount of moneys and funds belonging to the trustees of such free public library available for the purchase of lands or erection of buildings, and an estimated account of the amount necessary for the maintenance of the said library for the balance of the then current year, and thereupon such common council, or other body or board, may, by resolution, at its discretion and with the approval of the

mayor of such city, authorize and empower the board of trustees of said free public library to expend such sums of money, in addition to the moneys belonging to it and not needed for the expenses of maintenance for the remainder of the then fiscal year, as to such common council, or such other body or board, may seem proper for such purposes, not to exceed, however, the amount certified as aforesaid by the board of trustees of the free public library; and upon the passage of such resolution the board of trustees of said free public library shall be empowered and authorized, by and with the consent of the mayor of such city, to purchase real estate, and to erect buildings and make improvements thereon, and to expend moneys therefor to the amount of such appropriation and surplus; *provided, however,* that no lands shall be purchased for the purpose of erecting thereon a free public library building except with the concurrence of such common council, or such other body or board, which concurrence shall be expressed by resolution of such common council, or such other body or board, by and with the approval of the mayor of such city. The title of real estate so purchased shall be taken in the name of such city, but the use and control of the same shall be in such board of trustees of the free public library so long as it shall be used for free public library purposes.

Proviso.

Title in city.

Acquire lands by purchase or condemnation.

12. When the board of trustees of the free public library in any city of this state may desire to take, use or occupy any lands, improved or unimproved, either in whole or in part, for the purposes of their building and library pursuant to the authority and power vested in said board by section 11 of this act, and the said trustees cannot agree with the owner or owners of such lands, or with other persons interested therein, as to the amount of compensation to be paid for such taking, use, diversion or occupation or interest, proceedings shall be taken by said trustees to acquire said lands and ascertain the amount of compensation to be paid therefor, in the manner provided by the general laws of this state for the condemnation and taking of lands for public uses.

V. EQUIPPING LIBRARIES IN CITIES.

Appropriation for furnishing city libraries.

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

VI. ISSUANCE OF BONDS FOR LIBRARY PURPOSES BY CITIES.

City may issue bonds for lands, buildings, furnishings.

14. Any city that shall hereafter accept the provisions of this act or has heretofore established a free public library pursuant to law 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, and the equipment, furnishing and decorating of library buildings, 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 body or board having charge of the finances of the city; and such bonds may contain

Sinking fund to meet payment.

such provisions for a sinking fund and for payment as said common council or other body having charge of the finances of said city shall determine; and such city shall make provision by general taxation for the payment of the principal and interest of the said bonds. In case the powers of any such city to issue bonds are now limited by law to be a fixed percentage of the assessed value of its taxable property, such city shall have power to create and issue bonds in the manner and for the purposes above set forth 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.

VII. ERECTING LIBRARY BUILDINGS IN BOROUGHS, TOWNS, TOWNSHIPS AND VILLAGES.

If building offered, municipality may furnish site.

15. When any individual or corporation has offered or hereafter may offer to the trustees of the free public library of any borough, town, township or village in this state which shall hereafter accept the provisions of this act or has heretofore established a free public library pursuant to law, or has offered or hereafter may offer to the council or other governing body of any such municipality, to provide or erect a building to be used as a free public library upon condition that such municipality, or the trustees of the free public library therein, or the council or governing body thereof, provide a site for such a building, it shall be lawful for the council or other governing body of any such municipality, by resolution adopted by the votes of a majority of all the members thereof, to appropriate for the purpose of purchasing a suitable site upon which to erect such library building, a sum of money not exceeding three-fourths of one mill on every dollar of assessable property returned by the assessor of such municipality in his last preceding levy for the purposes of annual taxation therein; and thereupon the board of trustees of the free public library in such municipality shall be vested with sufficient power and authority to purchase land for said purpose and to spend moneys therefor not exceeding the amount of such appropriation; *provided, however,* that the title to lands so purchased shall be taken in the corporate name of the municipality, but the use and control of

Amount so authorized.

Proviso.

the same and of the building to be erected thereon shall be in such board of trustees of the free public library so long as the same shall be used for free public library purposes.

Bond issue to secure site.

16. To defray the expense of such purchase the common council, or other governing body of any such municipality, is hereby authorized to issue and sell the corporate bonds of such municipality, not exceeding in the aggregate the amount of such appropriation, which bonds shall be of such denomination and shall be made payable within such period not exceeding ten years from the date of their issue and bear such rate of interest, not exceeding five per centum per annum payable semi-annually, as such council or governing body may determine. Said bonds shall be made payable in such manner that an equal proportion of the whole amount issued shall become due and payable in each year after the date of issue thereof; said bonds shall be designated "free public library bonds," shall not be sold for less than their par value and shall be executed under the corporate seal of the municipality and be signed by the chairman of the council or governing body and attested by the clerk thereof, and shall have coupons attached for the payment of each half year's interest, or may be made registered bonds, at the option of the purchaser.

Redemption of bonds.

17. There shall be raised and levied annually by taxation in the municipality issuing such bonds a sum sufficient to pay the interest thereon and to redeem the part or proportion thereof maturing in the fiscal year for which such taxes are levied.

VIII. PROCEDURE WHEN BOROUGH, TOWNSHIP, &C., UNITES WITH ADJOINING MUNICIPALITY.

Union library.

18. At the annual election of any borough, town, township or village not otherwise provided with a free public library the voters may, when the question is submitted by the governing body of such municipality, by a majority vote authorize the governing body thereof to unite with the adjoining borough, township or city of the second or third class in the support or maintenance of a free public library, the privileges and uses

of said library to be on equal terms to the residents of both of the municipalities so uniting.

Tax levy.

19. When, at such election, the majority of the voters of such municipality authorize such union the governing body thereof shall levy a tax of not less than one-third of a mill upon the dollar of assessment, but not more than a thousand dollars annually, for the support of such union library.

Joint trustees.

20. The mayor or other head officer of such municipality shall be ex officio a member of the board of trustees of such union library, and the governing body thereof may designate two other voters, resident in said municipality, as joint trustees of said union library, one to hold office for two and the other for a term of three years, and these trustees shall be a part of the board of trustees of the library of said participating borough, township or city of the second or third class.

Control of union library.

21. The governing body of the borough, township or city receiving a proposal for union with an adjoining municipality under this act is hereby authorized to accept such a proposal of union and to authorize the admission of the trustees aforesaid to seats with its own board of trustees of its public library, and jointly these trustees shall have full control and government of said library under the provisions of statutes governing the establishment of free public libraries.

Raising funds.

22. When, in the judgment of the joint board of trustees, it is advisable to purchase lands or to erect buildings thereon, or both, for the purposes of a free public library, said trustees shall certify the proportion of money for such purposes based upon the respective assessments of each municipality to the governing bodies thereof, and such governing bodies shall submit to the voters at the next annual election an appropriation to cover its share of such purchase or building, and if approved by the majority of the qualified voters voting thereon, said money may be raised by tax or bonds; in case bonds are issued the procedure in the issuance of such bonds shall conform to the procedure described in section sixteen of this act, and the money thus raised shall be passed to the control of the joint trustees, to be expended according to the pro-

visions of this act governing the purchase of lands and the erection of buildings for a free public library in cities.

IX. CONDITIONAL GIFTS TO CITIES, TOWNS, ETC., FOR LIBRARY PURPOSES.

Acceptance of conditional gifts.

23. In any city, borough, town, township or village in which there is now or hereafter may be a free public library established pursuant to law, the board of aldermen, common council or other governing body shall have power by resolution to accept gifts or bequests for the purpose of building a library building in any such municipality which may be made on condition that a sum not exceeding ten per centum of the amount of such gift or bequest be annually appropriated for the maintenance and support of such library, or which may be made on the above condition and on the further condition that such municipality to which such gift is made shall also provide a suitable site for such building; and when any conditional gift is so accepted by any municipality it shall be lawful to raise by taxation from time to time for the support and use of said library such amount annually as may be required by the condition of any such gift.

Amount limited.

If conditioned on furnished site.

24. When such gift is made on the condition that said municipality shall provide a suitable site for such library building, as well as agree to appropriate annually a certain sum of money as aforesaid, it shall be lawful for the governing body of such municipality to appropriate for the purpose of purchasing a site for such library building a sum not exceeding in amount three-fourths of one mill on every dollar of taxable property in such municipality last returned for the purpose of taxation therein, and to include the amount so appropriated in the next annual tax levy to be made in such municipality.

Amount.

Purchase of site.

25. At any time after the acceptance of any such last-mentioned gift it shall be lawful for the trustees of the free public library in any such municipality to purchase, at a cost not exceeding the amount appropriated therefor, a suitable site for the erection of a library building. The title of the real estate so purchased shall be taken in the corporate name of the munici-

Title.

pality, but the use and control of the same shall be in the board of trustees of the free public library therein so long as it shall be used for free public library purposes.

Custodian of gifts.

26. Any gift or bequest, when accepted by the board of aldermen, common council, or other governing body of any such city, town, township or municipality, shall be received by the treasurer or other corresponding officer of such municipality and expended by and under the direction of the trustees of the free public library for the purposes for which such gift or bequest was made, in the same manner as other funds are now expended by such trustees.

X. TRAVELING LIBRARIES.

Traveling libraries.

27. The public library commission shall operate, direct and control a system of small state traveling libraries; said libraries shall be styled "traveling libraries," and so many of them as may be found advantageous for use in the state may be provided for under rules and regulations to be prescribed and promulgated by said commission; the cost, however, of the provision therefor shall not exceed the amount which shall annually be appropriated by the Legislature for such purpose.

Style of bonds.

28. The nature and character of the books to be purchased shall be determined and controlled by the said commission, or a majority of them, and the purchase of all books to be used in connection with the said traveling libraries shall be made as said commission may direct. The commission shall have authority to purchase, from any appropriation that shall be made, such and so many small book-cases and outer traveling cases as experience and the useful and successful operation of the said system of traveling libraries may require, and they shall have full authority, from any appropriation which may from time to time be made, to repair and keep said cases in good order and to purchase new cases when necessary, and to keep the books in said traveling libraries in good condition by rebinding, or by repurchase, or substitution of books, or otherwise, and provide all necessary printing and cataloguing for the same.

Book-cases.

29. Said traveling libraries shall be used and operated at such points as the said commission may direct, but the said commission shall not be authorized to spend moneys for the rental of any place or places in any municipality in this state from which distribution shall be made from said traveling libraries. Where maintained.

XI. APPROPRIATIONS FOR PUBLIC LIBRARIES AND FREE READING ROOMS.

30. It shall be lawful for the common council of any city of this state to appropriate, from any moneys not otherwise appropriated, such sum of money, not exceeding one thousand dollars, as may in their judgment be deemed necessary to establish or aid public libraries and free reading-rooms. Free reading rooms.

31. It shall be lawful for the governing body of any borough, town, township or village to appropriate from any moneys not otherwise appropriated such sum of money, not exceeding three hundred dollars annually, as may in their judgment be deemed necessary to establish or aid public libraries and free reading-rooms in such municipality. Appropriation.

32. It shall be lawful for the governing body of any town, township, village or borough to raise by taxation any sum, not exceeding one thousand dollars annually, to aid public libraries and free reading-rooms in any such municipality; *provided,* the same be first assented to by a majority vote of the legal voters of any such municipality at their annual election. Amount raised by tax. Proviso.

33. Every free public library established pursuant to any general law shall be governed by the provisions of this act, and all acts inconsistent herewith are hereby repealed. Application. Repealer.

Approved April 14, 1905.

CHAPTER 151.

An Act to appropriate money for the erection of a memorial monolith, commemorative of the state of New Jersey as one of the thirteen original states, to be placed in the memorial portico of the Memorial Continental Hall, about to be erected in the city of Washington, in the district of Columbia, under the auspices of the Daughters of the American Revolution.

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

Preamble.

WHEREAS, the Daughters of the American Revolution, an association of patriotic American women, have undertaken to procure and erect in the city of Washington, in the district of Columbia, a building designed to commemorate the heroic deeds and perpetuate the sacred memories of the revolutionary heroes who, by their sacrifices and achievements, gave us, their beneficiaries, our great republic and the liberties we enjoy as citizens thereof; which building is to be known as the Memorial Continental Hall; and

WHEREAS, it is the purpose of the Daughters of the American Revolution to have placed in such hall thirteen memorial monoliths, commemorative of the thirteen original states; therefore,

Appropriation.

1. The sum of two thousand dollars be and the same is hereby appropriated for the erection of a memorial monolith, commemorative of the state of New Jersey as one of the thirteen original states of the union, to be erected in the memorial portico of the Memorial Continental Hall, about to be constructed by the Daughters of the American Revolution, in the city of Washington, in the District of Columbia.

When payment made.

2. The comptroller of the state of New Jersey is directed to issue to the president of such organization, or her successor in office, a warrant for the said sum of two thousand dollars drawn on the treasurer of the state of New Jersey whenever the adjutant-general

and the quartermaster-general of New Jersey shall certify to said comptroller, in writing, that said memorial monolith has been erected at a cost not less than twenty-six thousand dollars.

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

Approved April 17, 1905.

CHAPTER 152.

An Act authorizing the sale of land granted or devised to religious associations, or to corporations formed or existing for the purpose of education, or to officers or trustees of such corporations in certain cases.

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

When grant made for for specific purposes may be sold by order of chancellor.

1. Wherever lands and tenements may have been granted, conveyed or devised to religious associations, or to corporations formed or existing for the purpose of education, or to officers or trustees of such associations or corporations by deed, will or otherwise, upon condition that the said lands and tenements so granted, conveyed or devised shall be held in trust for specific uses and purposes, and appropriating the rents, issues and profits thereof to specific use, but without power to sell and convey such lands and tenements, and the said associations, corporations, officers or trustees of such associations or corporations shall represent to the chancellor of this state that the specific use to which the rents, issues and profits of said lands and tenements are dedicated can be enhanced by a sale or disposal of the same the chancellor may, in a summary manner, by reference to a master, proceed to inquire into the merits of such application; and if it shall satisfactorily appear to the court that the specific use for which the said lands and tenements are devoted by the instrument granting or devising the same requires or

will be substantially promoted by the sale of such lands and tenements, the chancellor may direct that said officers or trustees make sale of such lands, either as a whole or in parcels, as may be deemed expedient by such associations or corporations, officers or trustees.

Report of sale.

2. All sales and dispositions made in pursuance of this act shall be reported by such associations or corporations, officers or trustees aforesaid to the chancellor, to be approved by him before a conveyance shall be executed, and if such sale or disposition be confirmed by the chancellor a conveyance or conveyances shall be executed and delivered to the purchaser or purchasers for the lands and tenements so sold; the purchaser or purchasers shall not be liable to see to the application of the purchase money arising from such sales.

Conveyance.

Investment of proceeds of sale.

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

Re-investments.

Proviso.

be for the consideration of lands sold to such person by virtue of this act.

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

5. This act shall take effect immediately.

Approved April 17, 1905.

CHAPTER 153.

An Act to repeal sundry acts respecting the orphans' court, and relating to the powers and duties of the ordinary and the orphans' court and surrogates.

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

1. The several acts hereinafter stated and entitled as follows, to-wit: Sundry acts repealed.

An act respecting the orphans' court, and relating to the powers and duties of the ordinary, and the orphans' court and surrogates (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four;

A supplement to the act entitled "An act respecting the orphans' court, and relating to the powers and duties of the ordinary, and the orphans' court and surrogates," approved April fifth, one thousand eight hundred and seventy-six;

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

Supplement to an act entitled "An act respecting the orphans' court, and relating to the powers and duties of the ordinary, and the orphans' courts and surrogates," approved March twenty-seventh, one

thousand eight hundred and seventy-four; approved April second, one thousand eight hundred and seventy-eight;

An act to amend "An act respecting the orphans' court, and relating to the powers and duties of the ordinary, and the orphans' court and surrogates" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four; approved February twenty-seven, one thousand eight hundred and seventy-nine;

A further supplement to an act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary, and the orphans' court and surrogates" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four; approved March fourteenth, one thousand eight hundred and seventy-nine;

A further supplement to the act entitled "An act respecting the orphans' court, and relating to the powers and duties of the ordinary, and the orphans' court and surrogates," approved March the twenty-seventh, one thousand eight hundred and seventy-four; approved February ninth, one thousand eight hundred and eighty;

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), approved March twenty-seventh, one thousand eight hundred and seventy-four; approved February seventeen, one thousand eight hundred and eighty;

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' courts and surrogates," approved March third, one thousand eight hundred and eighty;

An act further to amend "An act respecting the orphans' court, and relating to the powers and duties of the ordinary, and the orphans' court and surrogates" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four; ap-

proved March second, one thousand eight hundred and eighty-one;

A supplement to "An act respecting the orphans' court, and relating to the powers and duties of the ordinary, and the orphans' courts and surrogates" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four; approved March seventeenth, one thousand eight hundred and eighty-one;

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

A supplement to the act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary, and the orphans' court and surrogates," approved March twenty-seventh, one thousand eight hundred and seventy-four, and the act supplementary thereto, approved March the eighth, one thousand eight hundred and seventy-seven, approved March twenty-third, one thousand eight hundred and eighty-one;

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

Supplement to "An act respecting the orphans' court and relating to the powers and duties of the ordinary, and the orphans' court and surrogates," approved March twenty-seventh, one thousand eight hundred and seventy-four; approved March seventeenth, one thousand eight hundred and eighty-two;

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), approved March twenty-seventh,

one thousand eight hundred and seventy four; approved March twenty-second, one thousand eight hundred and eighty-two;

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); approved March thirty-first, one thousand eight hundred and eighty-two;

A supplement to the act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary, and the orphans' court and surrogates," approved March twenty-seventh, anno domini one thousand eight hundred and seventy-four; approved March twenty-second, one thousand eight hundred and eighty-three;

A further supplement to an act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary, and the orphans' court and surrogates" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four; passed April first, one thousand eight hundred and eighty-four;

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, page 753); approved February seventeenth, one thousand eight hundred and eighty-five;

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), approved March twenty-seventh, one thousand eight hundred and seventy-four; approved May second, one thousand eight hundred and eighty-five;

A further supplement to the act entitled "An act making lands liable to be sold for the payment of debts," approved April sixteenth, eighteen hundred and forty-six; approved April sixth, one thousand eight hundred and sixty-six;

A supplement to an act entitled "An act respecting the orphans' court and relating to the powers and du-

ties of the ordinary, and the orphans' court and surrogates" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four; approved March tenth, one thousand eight hundred and eighty-five;

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), approved March twenty-seventh, one thousand eight hundred and seventy-four; approved March twenty-third, one thousand eight hundred and eighty-five;

A supplement to the act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary, and the orphans' court and surrogates" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four; approved March twenty-sixth, one thousand eight hundred and eighty-six;

A further supplement to an act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary, and the orphans' court and surrogates," approved March twenty-seventh, one thousand eight hundred and seventy-four; approved May eleventh, one thousand eight hundred and eighty-six;

A further supplement to an act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary, and the orphans' court and surrogates" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four; approved March sixteenth, one thousand eight hundred and eighty-seven;

Supplement to "An act respecting the orphans' court and relating to the powers and duties of the ordinary, and the orphans' court and surrogates" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four; approved February twenty-seventh, one thousand eight hundred and eighty-eight;

A further supplement to an act entitled "An act respecting the orphans' court and relating to the powers

and duties of the ordinary, and the orphans' court and surrogates" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four; approved March twenty-third, one thousand eight hundred and eighty-eight;

A further supplement to an act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary, and the orphans' court and surrogates," approved March twenty-seventh, one thousand eight hundred and seventy-four; approved April second, one thousand eight hundred and eighty-eight;

A further supplement to an act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary, and the orphans' courts and surrogates" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four; approved April fourteenth, one thousand eight hundred and eighty-eight;

A further supplement to an act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary, and the orphans' court and surrogates" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four; approved February eighteenth, one thousand eight hundred and eighty-nine;

A supplement to the act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary, and the orphans' court and surrogates" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four; approved March twenty-fifth, one thousand eight hundred and eighty-nine;

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), approved March twenty-seventh, one thousand eight hundred and seventy-four; approved May ninth, one thousand eight hundred and eighty-nine;

A supplement to the act entitled "An act respecting the orphans' court and relating to the powers and du-

ties of the ordinary, and the orphans' court and surrogates"; approved May ninth, one thousand eight hundred and eighty-nine;

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), approved March twenty-seventh, one thousand eight hundred and seventy-four; approved March twenty-fourth, one thousand eight hundred and ninety;

A further supplement to an act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary, and the orphans' court and surrogates" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four; passed April seventh, one thousand eight hundred and ninety;

A further supplement to the act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary, and the orphans' court and surrogates," approved March twenty-seventh, one thousand eight hundred and seventy-four; approved April fourteenth, one thousand eight hundred and ninety;

A further supplement to an act, approved March twenty-fifth, one thousand eight hundred and eighty-nine, entitled "A supplement to the act entitled 'An act respecting the orphans' court and relating to the powers and duties of the ordinary, and the orphans' court and surrogates" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four; approved March second, one thousand eight hundred and ninety-one;

An act to amend section one hundred and forty-eight of act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary, and the orphans' court and surrogates" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four; approved March ninth, one thousand eight hundred and ninety-one;

A supplement to an act entitled "An act respecting the orphans' court and relating to the powers and du-

ties of the ordinary, and the orphans' court and surrogates," approved March twenty-seventh, one thousand eight hundred and seventy-four; approved April fourteenth, one thousand eight hundred and ninety-one;

A further supplement to an act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary, and the orphans' court and surrogates," approved March twenty-seventh, one thousand eight hundred and seventy-four; approved April sixteenth, one thousand eight hundred and ninety-one;

A further supplement to the act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary, and the orphans' court and surrogates" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four; approved April eighteenth, one thousand eight hundred and ninety-one;

A further supplement to an act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary, and the orphans' court and surrogates," approved March twenty-seventh, one thousand eight hundred and seventy-four; approved March twenty-third, one thousand eight hundred and ninety-two;

Supplement to the act entitled "A supplement to the act entitled 'An act respecting the orphans' court and relating to the powers and duties of the ordinary, and the orphans' court and surrogates,' approved March twenty-seventh, eighteen hundred and seventy-four," and which said supplement was approved March eighth, one thousand eight hundred and seventy-seven; approved March twenty-eighth, one thousand eight hundred and ninety-two;

A further supplement to the act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary, and the orphans' court and surrogates," approved March twenty-seventh, one thousand eight hundred and seventy-four; approved March twenty-eighth, one thousand eight hundred and ninety-two;

An act to amend an act entitled "A further supplement to an act entitled 'An act respecting the orphans' court and relating to the powers and duties of the ordinary, and the orphans' court and surrogate,'" approved March twenty-seventh, one thousand eight hundred and seventy-four; approved February eighth, one thousand eight hundred and ninety three;

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," approved March twenty-seventh, one thousand eight hundred and seventy-four; approved March tenth, one thousand eight hundred and ninety-three;

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' courts and surrogates," approved March twenty-seventh, one thousand eight hundred and seventy-four; approved March eleventh, one thousand eight hundred and ninety-three;

Supplement to "An act respecting the orphans' court and relating to the powers and duties of the ordinary, and the orphans' court and surrogates" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four; approved March fourteenth, one thousand eight hundred and ninety-three;

A supplement to an act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary, and orphans' court and surrogates," approved March twenty-second, one thousand eight hundred and ninety-four;

A further supplement to an act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary, and the orphans' court and surrogates," approved March twenty-seventh, one thousand eight hundred and seventy-four; approved March fifth, one thousand eight hundred and ninety-five;

A supplement to an act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary and the orphans' court and surrogates," approved March twenty-seventh, one thousand

eight hundred and seventy-four; approved March fifth, one thousand eight hundred and ninety-five.

Supplement to "An act respecting the orphans' court and relating to the powers and duties of the ordinary, and the orphans' court and surrogates," approved March twenty-seventh, one thousand eight hundred and seventy-four; approved March twenty-second, one thousand eight hundred and ninety-five;

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

A further supplement to the act entitled "An act making lands liable to be sold for the payment of debts," approved April sixteenth, eighteen hundred and forty-six; approved April sixth, one thousand eight hundred and sixty-six;

A further supplement to the act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary, and the orphans' court and surrogates" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four; approved April ninth, one thousand eight hundred and ninety-seven.

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), approved March twenty-seventh, one thousand eight hundred and seventy-four; approved April twenty-second, one thousand eight hundred and ninety-seven;

A supplement to the act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary, and the orphans' court and surrogates," approved March twenty-seventh, one thousand eight hundred and seventy-four (general statutes, page two thousand three hundred and fifty-three); (Revision of one thousand eight hundred and seventy-seven, page seven hundred and fifty-one); approved

May eleventh, one thousand eight hundred and ninety-seven; be and the same are hereby repealed.

Effect of repealer.

2. This repealer shall not affect, impair, annul or take away any right heretofore acquired under the authority of said acts or any of them, nor shall it impair or affect the validity of any procedure remedied and cured by said acts or any of them, and this repealer shall not operate to revive any act heretofore repealed.

3. This act shall take effect immediately.

Approved April 17, 1905.

CHAPTER 154.

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 1898), approved June fourteenth, one thousand eight hundred and ninety-eight.

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

Section amended.

1. Section one hundred and twenty-one of said act be and the same is hereby amended so as to read as follows:

Surrogate to audit and file accounts.

121. The surrogate shall audit and state the accounts of executors, administrators, guardians and trustees, and place the same on the files of his office, subject to the inspection of any person interested therein, at least twenty days previous to the same being presented to the court, and shall report the same to the orphans' court for confirmation and allowance on the day for which the same was noticed for settlement, or at such subsequent time to which the hearing shall have been adjourned.

Section amended.

2. Section one hundred and twenty-four of said act be and the same is hereby amended to read as follows:

Accounts of guardians examined and approved.

124. The intermediate account of every guardian, after the same has been audited and stated by the surrogate and reported to the orphans' court, and notice given to or citation served on the parties in interest as aforesaid, shall be examined by the court, and being found to be properly and fairly stated, and the articles thereof to be supported and justified by the vouchers,

Exceptions.

shall be entered of record; and if any article of such account be at any time afterwards excepted to by the ward or his representative, or other party interested, it shall be incumbent on him to prove or show the falsity or injustice thereof, unless notice on his behalf shall have been given, at the time of passing the account, that such article would be excepted to and a memorandum of that notice shall have been entered on record or desired to be entered.

Section amended.

3. Section one hundred and twenty-five of said act be and the same is hereby amended to read as follows:

Decree of allowance to executors, etc.

125. The court to which the account of any executor, administrator or trustee, or the final account of any guardian, shall be reported shall examine the said account and the vouchers and receipts for payments and disbursements claimed therein, and, if the same be found to be correct in all respects, the court, on due proof that notice of such settlement has been given and advertised, or that the parties have been cited as aforesaid, and no exception being made to the report of the surrogate, shall decree an allowance of the account as stated; *provided,*

Proviso.

that in all cases where it appears that there is a balance due the accountant the court shall not decree an allowance of the account until the next regular term after that to which the report is made.

Section amended.

4. Section one hundred and twenty-six of said act be and the same is hereby amended to read as follows:

Exceptions.

126. If any person interested in the settlement of the account of any executor, administrator, guardian or trustee shall, by himself or attorney, appear and make exceptions to said account, the court shall either

Hearing.

proceed to hear the proofs and allegations, at such time as they may appoint, and correct any mistake or errors that may happen in the account as reported, or refer

the same to the surrogate, an auditor or master in chancery, to examine and re-state the account, after hearing parties and witnesses, and make report to the court for confirmation and allowance; the court to whom any account is reported for an allowance as aforesaid, or the surrogate, auditor or master to whom an account is referred as aforesaid, at the instance of any party interested in the same, or by their own proper authority, may examine any executor, administrator, guardian or trustee exhibiting such account, on oath or affirmation, touching the truth and fairness of the same or any part or item thereof.

5. This act shall take effect immediately.

Approved April 17, 1905.

CHAPTER 155.

An Act to repeal sundry acts concerning executors and the administration of intestates' estates.

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

1. The several acts hereinafter stated and described as follows, to wit: Sundry acts repealed.

A supplement to an act entitled "An act concerning executors and the administration of intestates' estates," approved March twenty-seventh, anno domini one thousand eight hundred and seventy-four, approved March ninth, one thousand eight hundred and seventy-seven;

An act authorizing the discharge of executors or trustees in certain cases," approved March thirty-one, one thousand eight hundred and eighty-two;

A supplement to an act entitled "An act concerning executors and the administration of intestates' estates" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four, approved

June twentieth, one thousand eight hundred and ninety;

An act to authorize executors and others to invest in the bonds of this state, approved April fourth, one thousand eight hundred and sixty-five;

An act to amend an act entitled "An act to authorize executors and others to invest in the bonds of this state," approved April fourth, one thousand eight hundred and sixty-five, approved April ninth, one thousand eight hundred and ninety-two;

A supplement to an act entitled "An act concerning executors and the administration of intestates' estates" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four, approved May fifteenth, one thousand eight hundred and ninety-four; be and the same are hereby repealed.

Effect of repealer.

2. This repealer shall not operate to revive any acts heretofore repealed, and this act shall take effect immediately.

Approved April 17, 1905.

CHAPTER 156.

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," 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 twenty-two of the act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary and the orphans' court and surrogates (Revision one thousand eight hundred and ninety-eight)," approved June fourteenth, one thousand eight hundred and ninety-eight, be and the same is hereby amended so that the same shall read as follows:

In case of contest, allowance made to widow or children pending suit.

22. In all cases where any contest has arisen or shall arise in any court of this state touching the probate of any paper purporting to be the last will and testament of any person, it shall and may be lawful for the ordinary, or the judge of the orphans' court in the county where such paper is probated, upon petition made for that purpose by the widow of such deceased person or by any child or children of the deceased, or by any child or children of any deceased child or children of the deceased (and if any such child or children be within the age of twenty-one years, then by the next friend of such child or children), to make an order upon the person or persons having custody of such estate for the payment of such allowance for the support and maintenance of such widow or of such child or children, out of the income of the estate of such deceased person as the ordinary or the judge of the orphans' court may deem just, pending such contest, and such further allowance out of the income, or, if need be, out of the corpus of such estate, as may be necessary to meet the expense incurred or to be incurred in conducting such contest concerning the probate of such will; *provided,* that the person hereinabove described as a widow shall have been ceremonially married to the deceased person, and shall have been living with him as his wife at the time of his death; and the ordinary or the judge of the orphans' court shall prescribe such rules to secure summary hearing and relief upon such petition as they may deem necessary.

Proviso.

2. This act shall take effect immediately.

Approved April 17, 1905.

CHAPTER 157.

An Act to amend an act entitled "An amendment to an act entitled 'An act for the punishment of crimes,' approved June the fourteenth, eighteen hundred and ninety-eight (Revision of 1898)," which amendment was approved March twenty-second, one thousand nine hundred and one.

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 amendment to an act entitled 'An act for the punishment of crimes,' approved June the fourteenth, eighteen hundred and ninety-eight (Revision of 1898)," which amendment was approved March twenty-second one thousand nine hundred and one, be and the same is hereby amended to read as follows:

Murder, burglary, rape, etc.

113. Any person who shall commit an assault with an intent to kill, or to commit a burglary, rape, robbery, sodomy, or to carnally abuse a woman under the age of sixteen years with or without her consent, or atrocious assault and battery, shall be guilty of a high misdemeanor, and upon conviction thereof shall be

Penalty.

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 shall take effect immediately.

Approved April 17, 1905.

CHAPTER 158.

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), 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:*

Application in partition when infant's rights involved.

1. Whenever a duly verified petition shall be presented to the orphans' court of any county by the guardian of an infant interested as tenant in common or otherwise in the division or partition of real estate in the county in which such court is situated, from which it appears that the adult parties in interest in the said real estate and premises have divided or agreed to a partition or division of the said real estate between themselves; and that the interest of the infant therein is such that an actual partition of the premises can be made without a sale thereof, and without detriment to the interests and rights of such infants; it shall be lawful for the said orphans' court to hear the application in a summary manner before the court, or by reference to a master of the court of chancery, to take the testimony and report his conclusions thereon.

Summary hearing.

Court may order separation.

2. If the court shall be satisfied from the testimony that the division or actual partition of said real estate, in the manner proposed, is not detrimental to the interests of the infant interested therein, and that it will be to the interest of the infant to hold his or her share separate and apart from the other tenants in common or joint tenants, said court shall make an order authorizing, empowering and directing such guardian to make and execute, and enter into such mutual agreements, deeds, releases and conveyances between the parties, as may be necessary and as shall be confirmed by the said court.

Guardian to make releases.

3. The guardian of such infant thereupon shall have power to enter into, make, execute and deliver such agreements and releases or conveyances for the

exchange of the infant's interests in such real estate to the other tenants in common, joint tenants or parties in interest, upon receiving from them conveyances vesting in and assuring to the said infant, his or her heirs and assigns, his or her share or interest in such real estate, free and clear of all claim, right, title or interest of such tenant in common or joint tenants therein, so that said infant shall have, hold and enjoy such interest in his or her own right, free, clear and discharged, of all claim of his or her co-tenants therein.

Infant to have free right.

4. This act shall take effect immediately.

Approved April 17, 1905.

CHAPTER 159.

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

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

Section amended.

1. The one hundred and fifteenth section of the act to which this act is amendatory is amended so that the same shall read as follows:

Rape.

115. Any person who shall have carnal knowledge of a woman forcibly against her will, or shall aid, abet, counsel, hire, cause or procure any person or persons to commit the said offense, or who, being of the age of sixteen or over, shall unlawfully and carnally abuse a woman child under the age of twelve years, with or without her consent, shall be guilty of a high misdemeanor, and punished by a fine not exceeding five thousand dollars, or imprisonment at hard labor not exceeding thirty years, or both, or who, being of the age of sixteen or over, shall unlawfully and carnally abuse a woman over the age of twelve years

Penalty

and under the age of sixteen years, with her consent, shall also be guilty of a high misdemeanor, and punished by a fine not exceeding two thousand dollars, or imprisonment at hard labor not exceeding fifteen years, or both.

2. This act shall take effect immediately.

Approved April 17, 1905.

CHAPTER 160.

A Supplement to "An act establishing a court for the trial of juvenile offenders and defining its duties and powers," approved April eighth, one thousand nine hundred and three.

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

Contributing to delinquency a misdemeanor.

1. In all cases where any child shall be a delinquent child or a juvenile delinquent person, as defined by the statutes of this state, the parent or parents, legal guardian or person having custody of such child, or any other person wilfully responsible for, or by any continued negligence or wilful act encouraging, causing or contributing to the delinquency of such child shall be guilty of a misdemeanor, and upon trial and conviction thereof shall be fined in a sum not to exceed one thousand dollars ($1,000) or imprisonment in the county jail for a period not exceeding (6) six months, or by both such fine and imprisonment. The court may impose conditions upon any person found guilty under this act, and so long as such person shall comply therewith to the satisfaction of the court the sentence imposed may be suspended.

Penalty.

Conditioned sentence.

Repealer.

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

Approved April 17, 1905.

CHAPTER 161.

A Supplement to an act entitled "An act for the assessment and collection of taxes" (Revision of 1903), approved April eighth, one thousand nine hundred and three.

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

Mortgage on exempted property exempt from taxation.

1. No mortgage or debt secured by mortgage on any property, which property by the provisions of the act to which this act is a supplement, is exempt from taxation, shall be listed for taxation or taxed, but the same shall be exempt from taxation.

2. This act shall take effect immediately.

Approved April 17, 1905.

CHAPTER 162.

An Act concerning the time of payment of assessments of benefits of public improvements in cities of the third class.

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

Time for paying assessments for improvements.

1. Assessments of benefits of any public improvement in cities of the third class shall be payable at any time within five years from the date of assessment thereof that the common council, board of aldermen or other governing body of such city shall, by resolution or ordinance, determine; and it shall be lawful to provide by such resolution or ordinance that such assessments may be paid in two or more, but not exceeding five, equal annual installments, with interest from the date of assessment at not more than six per centum per annum; and it shall be lawful to likewise provide that if any such assessment be paid within one year from the date of any assessment, a discount not ex-

Interest.

Discount.

ceeding five per centum of such assessment and an abatement and waiver of all interest charges will be allowed.

2. This act shall take effect immediately; all acts and parts of acts inconsistent herewith are hereby repealed. Repealer.

Approved April 17, 1905.

CHAPTER 163.

Supplement to the act entitled "An act providing for divorces and for decrees of nullity of marriage and for alimony and the maintenance of children," approved April third, one thousand nine hundred and two.

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

1. In case of any absolute decree of divorce between husband and wife, heretofore or hereafter made by any court of competent jurisdiction, it shall be lawful for the wife so divorced to assume her maiden name, and any act thereafter performed by her in such name shall be lawful and as effectual as if she had never been married; *provided,* that she shall first have filed with the county clerk of the county in which she is resident and with the county clerk of the county in which she was resident at the time the divorce was granted a declaration, under oath, setting forth her intention so to assume her maiden name and the day and date on which such change of name is to be made. Assumption maiden name by divorcee. Proviso.

2. This act shall take effect immediately.

Approved April 17, 1905.

CHAPTER 164.

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

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

Councilman-at-large to be known as mayor.

1. Hereafter every councilman-at-large elected and holding office in accordance with the provisions of the act to which this is a supplement shall be officially known and designated as the mayor of ———— (inserting in the blank the name of the town in which he shall be elected and holding office); such official shall be designated as herein prescribed in all official documents and instruments of every kind, and shall sign all ordinances, warrants, bonds, notes, contracts and all other official documents and instruments by said title; and at all elections hereafter held in such municipalities candidates for the office heretofore known as councilman-at-large shall be designated and voted for under the title of mayor; *provided,* that nothing herein shall in any way affect the term of office, powers, duties or emoluments of the officer whose title is hereby changed.

Proviso.

2. This act shall take effect immediately.

Approved April 17, 1905.

CHAPTER 165.

An Act to repeal an act entitled "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, and to extend the provisions of said act to claims for county taxes," approved March twenty-ninth, nineteen hundred and four.

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

Act repealed.

1. The act entitled "An act entitled 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, and to extend the provisions of said act to claims for county taxes," approved March twenty-ninth, nineteen hundred and four, be and the same is hereby repealed.

2. This act shall take effect immediately.

Approved April 17, 1905.

CHAPTER 166.

An Act to amend an act entitled "An act to secure to mechanics and others payment for their labor and materials in erecting any building (Revision of 1898)," approved June fourteenth, one thousand eight hundred and ninety-eight.

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

Section amended.

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

In case contractor refuse payment.

3. Whenever any master workman or contractor shall, upon demand, refuse to pay any person who may have furnished him materials used in the erection of any such house or other building, or any sub-contractor, journeyman or laborer employed by him in erecting or constructing any building, the money or wages due to him, it shall be the duty of such journeyman, laborer, materialman or sub-contractor to give notice in writing to the owner or owners of such building of such refusal, and of the amount due to him or them and so demanded, and the owner or owners of such building shall thereupon be authorized to retain the amount so due and claimed by any such journeyman, laborer, materialman or sub-contractor out of the amount owing by him or them on the contract or that may thereafter become due from him or them on such contract for labor or materials used in the erection of such building, giving the master workman or contractor written notice of such notice and demand; and if the same be not paid or settled by said master workman or contractor, such owner or owners, on being satisfied of the correctness of said demand, shall pay the same, and the receipt of such journeyman, laborer, materialman or sub-contractor for the same shall entitle such owner or owners to an allowance therefor in the settlement of accounts between him and such master workman or contractor, or his representatives or assigns, as so much paid on account.

Notice to owner.

Payment and allowance in settlement.

2. This act shall take effect immediately.

Approved April 17, 1905.

CHAPTER 167.

A Supplement to 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*:

Interest on, and payment of, street assessments.

1. The assessments of benefits, made in pursuance of the act to which this is a supplement, shall bear interest at the same rate as other assessments in said city from and after the end of sixty days following the confirmation thereof, and unless sooner paid, shall be payable in ten equal annual installments, which, together with the interest on all unpaid installments, shall be due and payable on the first day of June in each year; *provided, however,* that any such assessments may be paid at any earlier time, if the property-owner may so desire; and in case of the failure of any property-owner to pay any such installment and interest within sixty days after it shall become due, the said lands may be sold for the collection of such installment or interest in the same manner as in the case of other unpaid assessments of taxes in such city; and *provided further,* that payments may be made in the manner aforesaid only when so authorized by resolution of the board of aldermen, common council or other governing body in such city.

Proviso.

Proviso.

Repealer.

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

3. This act shall take effect immediately.

Approved April 17, 1905.

CHAPTER 168.

A Supplement to an act entitled "An act to provide for the issuance of confirmatory licenses in certain cases to attorneys at law and solicitors in chancery, and counsellors at law," approved March twenty-eight, one thousand nine hundred and four.

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

Change of name by lawyer.

1. If any attorney at law and solicitor in chancery, or any counsellor at law, duly admitted to practice in the courts of record within this state by the written license issued by the executive authority, shall change his name under and pursuant to any law for that purpose made and provided, the person whose name is so changed may file the certified copy and original license and cause to be made the certificate hereinafter provided.

Certificate made by clerk of supreme court.

2. The clerk of the supreme court, upon request made to him, may certify to the governor, if upon due and proper inquiry and inspection of records it shall be made to appear the following facts: (1) the former name of the applicant; (2) the present name of the applicant; (3) the term at which he was recommended to the governor for a license to practice as attorney at law and solicitor in chancery, or counsellor at law, as the case may be; (4) the time when, and the governor by whom said license was issued; (5) and that the applicant, at the date of certificate, has not been put out of the roll, nor is he under suspension by the supreme court of this state.

Order and license filed by applicant.

3. The applicant shall file with the clerk of the supreme court a certified copy of the order made by the court authorizing the change of name, together with the original written license.

Form of confirmatory license issued by governor.

4. The governor, upon receipt of the said certificate, copy of the order of court and original written license, may issue his confirmatory license in the following form: "A. B., governor of the state of New Jersey, to all whom these presents shall come, greet-

ing: Whereas, it has been certified to me, among other things, that C. D. was, by the written license of E. F., late governor of this state, on or about, et cetera, in the year of our Lord, et cetera, authorized to practice as an attorney at law and solicitor in chancery (or counsellor at law, as the case may be); and it further is made to appear by certified copy of the order of the court of common pleas of the county of ——— (or circuit court), that the said C. B. was authorized to assume and is now known by the name of C. H.; now, therefore, know ye, that for the better assurance of C. H. in the premises, I do hereby confirm and repeat the authorization heretofore made to him, the said C. H., to appear in all courts of record within the state of New Jersey, and there to practice as an attorney at law and solicitor in chancery (or counsellor at law), according to the laws and customs of said state, for and during his good behavior in the premises; authorizing and empowering him, the said C. H., as heretofore, to have and demand, take and receive such fees as are or may be by law established in said state for any service or services which he has done, or may do, as an attorney at law and solicitor in chancery (or counsellor at law) in said state; and all judges, justices and others concerned are hereby required to take notice accordingly," which said confirmation shall pass under the great seal.

Original license canceled.

5. Upon the issuance of the said confirmatory license the clerk of the supreme court shall cancel and file among the records of his office the said original written license.

Fees paid by applicant.

6. The applicant shall pay to the clerk of the supreme court, at the time of making the certificate, the sum of one dollar, and to the secretary of state at the time of the delivery to the licensee of said confirmatory license the sum of five dollars.

Approved April 17, 1905.

CHAPTER 169.

An Act to enable cities to purchase land, erect buildings thereon, and equip the same for fire department purposes.

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

Authority to borrow money for erecting fire engine house.

1. Whenever the board of fire commissioners or other authority entrusted with the government, control and management of the fire department and the direction and control of all fire matters in any city in this state shall certify, in writing, to the board of aldermen, common council or other board or body charged with the management and control of the finances of such city that the necessity exists for the purchase of land and the erection thereon of a building or buildings and the equipment of the same with apparatus and appliances necessary and suitable for fire department purposes, said board or body having the management and control of the finances of said city may, in their discretion, borrow such sum or sums for the purpose aforesaid and may secure the repayment of the sum or sums so borrowed by the issue of bonds in the corporate name of such municipality; bonds so issued

Fire bonds.

shall be designated "fire bonds," shall bear interest at a rate not exceeding five per centum per annum, and shall be of such denomination as said board or body having the management and control of the finances of said city may determine, and shall be made payable in not more than twenty years from the date thereof; said board or body having the management and con-

Sale.

trol of the finances of said city may dispose of said bonds for the best price that can be obtained, but at not less than par value and accrued interest, and shall

Redemption.

provide for the redemption thereof and the payment of the interest thereon by taxation; such bonds may be registered or coupon bonds or may be registered and coupon bonds combined, at the option of such board or body having the management and control of the

Use of proceeds.

finances of said city; and out of the proceeds of the

sale thereof the said body having the management and control of the finances of such city shall pay the cost of purchasing said land and erecting said buildings, and the balance, in whole or in part, remaining unexpended after the payments last aforesaid shall be, by such body having the management and control of the finances of such city, appropriated and paid over to the board of fire commissioners, or other authority entrusted with the government, control and management of the fire department of said city as aforesaid, and by said fire commissioners, or other authority, expended and applied in and about the equipment of the said buildings with such appliances and apparatus as may, in their judgment, be necessary and suitable for fire department purposes, and for no other purpose or purposes whatever; *provided,* that said board or body having the management and control of the finances as aforesaid shall not issue bonds under the provisions of this act to an amount exceeding twenty-five thousand dollars for the purpose of purchasing land and the erecting and equipping of any one building.

Proviso.

Amount.

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

Repealer.

Approved April 17, 1905.

CHAPTER 170.

An Act concerning assessments for benefits conferred upon land and real estate by reason of paving, repaving or macadamizing streets, highways, alleys or other public places in cities of this state.

Sec. 1 mod
P.L. 1906, p. 152

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

1. Whenever any street, highway, alley or other public place in any city in this state has been or shall hereafter be paved, repaved or macadamized, pursuant to the provisions of any statute of this state, and such

Application to assessors to assess benefits for street improvements.

improvement has been or shall hereafter be completed and accepted by the board or body having charge of said work, then said board or body may make application to the board of commissioners of assessment of taxes of such city, or to such other board or body charged with the duty of making assessments for taxes, to estimate and assess the benefits conferred upon land and real estate by reason of such improvement. Said board or body shall designate a time and place for the meeting of said board or body charged with the duty of making such estimate and assessment not less than twenty days from the date of said application, of which time and place the city clerk shall give notice by publication in two newspapers published and circulating in said city at least ten days before the time fixed for said meeting, and it shall be the duty of said board or body to meet at the time and place appointed and execute the duties imposed upon them by the provisions of this act.

Notice of meeting.

Assessor's oath.

2. The said board or body charged with the making of said estimate and assessment, before entering upon the execution of the duties required of them by this act, shall take and subscribe, before some person duly authorized to administer the same, an oath or affirmation that they will make all estimates and assessments required of them fairly, legally and equitably, according to the best of their skill and understanding, which oath or affirmation shall be attached to the report that they are hereinafter required to make.

Notice of hearing.

3. The said board or body having thus qualified, shall give ten days' notice by publication in two newspapers published and circulating in such city of the time and place when and where they will hear any persons in interest who may present themselves to be heard, and at such time and place and at such other times and places to which they may adjourn for that purpose the said commissioners shall attend and shall give a public hearing to those persons who may desire to be heard; the said commissioners shall have power to examine witnesses under oath to be administered by any one of them, and to enter upon and view any premises that they may deem necessary, and to ad-

Public session.

journ from time to time at their discretion; they shall use diligent efforts to ascertain the names of the owners of lands and real estate benefited by the improvements as aforesaid, and shall state the same in the report hereinafter mentioned, but the failure to so ascertain the name of any such owner, or to state the same incorrectly, or the omission of any such name from the said report shall not be deemed to invalidate the said assessment, nor to be a bar to the collection of the same.

Report.

4. After having given opportunity as aforesaid for a public hearing to the persons in interest, and having viewed the premises to be benefited by said improvement, the said commissioners shall make a report in writing of their estimates and assessments to the court of common pleas of the county in which such city is located, accompanied by a survey and map prepared by the city surveyor or engineer under their direction, showing the lots or parcels of land and real estate peculiarly benefited by such improvement. The said report shall state the cost of the whole work, the portion (if any) assessed upon the city at large, and shall give the names, so far as ascertained, of the owners of said lots or parcels of lands and real estate and the amount of the assessment to each owner for each of such lots or parcels of land and real estate for the said benefits, which assessments shall, in each case, be in proportion, as near as may be, to an amount as will be equal to the amount of benefits actually acquired by the lands and real estate bordering on any street, highway, alley or other public place or portion thereof so improved by reason of such improvement. In case the cost and expense of such work shall exceed the amount of said assessments, the excess thereof shall be paid by the city at large and raised by general tax. In no case shall any property or owner thereof, be assessed beyond the amount of benefits actually derived from said improvement.

Contents of report.

If expenses exceed assessment, tax levy.

Hearing on report.

5. Upon the coming in of any such report, signed by said board or body charged with the duty of making such assessments, or a majority of them, said court shall cause such notice to be given as it shall

deem proper, of the time and place of hearing any objections that may be made to such assessments, and after hearing any matter that may be alleged against the same, the said court, either by rule or order, shall confirm the said report, or shall refer the same to said board or body for revision and correction, forthwith to consider the same, and the said board or body shall forthwith proceed to correct and revise said report, or make a new report in the premises, and return the same without unnecessary delay, and the same being so returned shall be confirmed or again referred by said court in the manner aforesaid, as right and justice shall require, and so from time to time, until a report shall be made or returned, which the said court shall confirm; such report, when so confirmed, shall be final and conclusive, as well upon the said city as upon the owners of any land and real estate affected thereby. The said court shall thereupon cause a certified copy of such report and the accompanying map to be transmitted to the clerk of the said city, with a certified copy of the rule or order of said court confirming the same, which shall be forthwith delivered by said clerk to the officer of such city charged with the duty of collecting assessments for improvements.

Confirmed report final.

Report and map transmitted to clerk.

6. All assessments made under the provisions of this act shall be and remain a first lien upon the lands and real estate affected thereby, notwithstanding any error or omission in stating the name or names of the owner or owners of any lot or parcel of such land and real estate, to the same extent as taxes and assessments are now a lien under the general laws of this state, and shall bear the same rate of interest as other assessments for improvements made under the laws governing such cities, and shall be collected in the same manner that assessments are now collected under such laws; and in case of non-payment of such assessments the lands and real estate assessed therefor may be sold in the same manner provided for the sale of lands for the non-payment of assessments made under such laws. That the amount so assessed against the different lots or parcels as aforesaid may be paid as follows:

Assessments a first lien.

Sale of pro erty for non-payment.

one-tenth thereof in each year, with interest thereon, at the rate aforesaid.

When act operative.

7. This act shall not be operative in any city in this state until it is adopted by such city by the passage of an ordinance accepting the provisions hereof, and all proceedings pending when this act takes effect shall not be affected hereby.

8. This act shall take effect immediately.

Approved April 17, 1905.

CHAPTER 171.

A Further 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:*

Right of city to assess cost of sewer, even if commenced in other municipality.

1. Any city which has been or may be formed or incorporated under the provisions of the act to which this act is a supplement shall have the right to assess the costs and expenses of the construction of any sewer or drain completed by it upon the lands and real estate specially benefited by such sewer or drain, so far as the same are benefited, in case the construction of such sewer or drain was or shall be commenced by any township or other municipality upon or in territory which has or shall become a part of any city formed or incorporated under the act to which this act is a supplement, whether such township or other municipality at the time of the commencement of such sewer or drain had the right or authority to construct such sewer or drain and to assess the lands or real estate benefited thereby for the cost and expense of the construction thereof, in whole or in part, or not; and the cost and expense of such sewer or drain shall be

ascertained and determined and assessed by the commissioners of assessment of such city, as hereinafter set forth.

Commissioners appointed by court to make assessment.

2. In case no assessment has been made of the costs of such sewer or drain, then it shall be lawful for the circuit court of the county in which such lands or real estate are situated, on application, in writing, made on behalf of the governing body of such municipality, and after notice of the time and place of making such application, published at least ten days previously thereto, in some newspaper circulating in the said county, to appoint three disinterested commissioners, who shall ascertain and determine the cost or expense of such sewer or drain and assess the same upon the lands and real estate specially benefited thereby so far as the same are benefited; and the balance of such costs and expenses, if any remaining unassessed, shall be a debt upon and paid by such municipality, and the amount which any such municipality is so required to pay therefor may be by such municipality included in the next annual tax levy and raised by taxation, as other taxes are levied and raised; if any of said commissioners die or refuse to act, the said court shall immediately make appointment of a proper person to fill any vacancy so created; the said commissioners shall be sworn to make a just and impartial estimate and assessment, and shall present, without delay, to the said court a report, in writing, of such estimate and assessment, which shall be sufficient, if signed by a majority of said commissioners; the circuit court shall direct notice to be given by advertisement in one or more newspapers circulating in said county, for at least ten days, of the time and place at which said court will proceed to consider said report and any objection that may be made thereto, and shall have power to consider said report and the objections thereto in a summary way; and to revise and to confirm said report with or without alteration; said report, when confirmed by the court, or a copy thereof duly certified by the county clerk, shall at all times be plenary evidence of the said assessment and of all things in said report contained; and the assessment

Assessment for benefits.

Vacancy.

Report.

Consideration of report.

levied or assessed upon such lands or real estate shall be and remain a first lien thereon until paid, notwithstanding any devise, descent, alienation, mortgage or other encumbrances; the court shall settle and determine the compensation to be paid to the commissioners, and the costs and expenses of the application and report, which shall be paid by the municipality on behalf of which the application has been made.

Assessment a first lien.

Compensation of commissioners.

3. In case an assessment for benefits on account of the construction of such sewer or drain has been or shall be made, and such assessment or the proceedings with respect to such assessment has been or shall be declared incomplete, defective, invalid or illegal, in whole or in part, in any court of competent jurisdiction, then it shall be lawful for the circuit court of the county in which such lands or real estate are situated, on application, in writing, made on behalf of the governing body of such municipality, and after notice of the time and place of making such application, published at least ten days previously thereto, in some newspaper circulating in the said county, to appoint three disinterested commissioners who shall ascertain and estimate the amount of the assessment or assessments so declared to be incomplete, defective, invalid or illegal, and who shall assess or re-assess such amount of the costs and expenses of the construction of any such sewer or drain upon the lands and real estate specially benefited by such sewer or drain, so far as the same are benefited; and the balance of such costs and or expenses, if any remaining unassessed, shall be a debt upon and paid by such municipality, and the amount which any such municipality is so required to pay therefor may be by such municipality included in the next annual tax levy and raised by taxation, as other taxes are levied and raised; and the further procedure with respect to the making of such assessment or re-assessment shall be as is prescribed in section two of this act, and the assessment or re-assessment so made shall be of like force and effect.

If assessment set aside.

Re-assessment.

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

Repealer.

5. This act shall take effect immediately.

Approved April 18, 1905.

CHAPTER 172.

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

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

Carrying dangerous weapon a misdemeanor.

1. Any person who shall carry any revolver, pistol or other deadly, offensive or dangerous weapon or firearm or any stiletto, dagger or razor or any knife with a blade five inches in length or over concealed in or about his clothes or person, shall be a guilty of a misdemeanor, and upon conviction thereof shall be

Penalty.

punishable by a fine not exceeding two hundred dollars or imprisonment at hard labor, not exceeding two

Proviso.

years, or both; *provided, however,* that nothing in this act shall be construed to prevent any sheriff, deputy sheriff, police officer, constable, state detective, member of a legally organized detective agency or any other peace officer from carrying weapons in the discharge of his duty; nor shall this act apply to any person having a written permit to carry such weapon, firearm, stiletto, razor, dagger or knife, from the mayor of any city, borough or other municipality, having a mayor, or from the township committee or other governing body of any township or other municipality not having a mayor, which permits such officers and governing bodies are hereby authorized to grant; said permits shall be issued at the place of residence of the person obtaining the same, and when issued shall be in force in all parts of the state for a period of one year from date of issue, unless sooner revoked by the officer or body granting the same;

Proviso.

and provided further, that nothing contained herein shall prevent any person from keeping or carrying about his or her place of business, dwelling house or premises any such weapon, firearm, stiletto, dagger, razor or knife, or from carrying the same from any place of purchase to his or her dwelling house, or

place of business, or from his or her dwelling house or place of business to any place where repairing is done, to have the same repaired and returned; *and provided further*, that nothing in this act shall be construed to make it unlawful for any person to carry a gun, pistol, rifle or other firearm or knife in the woods or fields or upon the waters of this state for the purpose of hunting; a fee of twenty-five cents may be lawfully charged by such officer or body granting each such permit. Proviso.

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 April 18, 1905.

CHAPTER 173.

An Act to provide for the purchase by boards of chosen freeholders, of turnpike or toll roads, or portions thereof, which have been improved by the construction thereon of a macadam, telford, rubble or other stone road, for free public use as county roads, and for the repair, improvement and maintenance of the same.

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

1. The board of chosen freeholders of any county may agree with the owner or owners of any turnpike or toll road, or portion thereof lying within such county and being not less than one mile in length, which has been improved by the construction thereon of a macadam, telford, rubble or other stone road, upon the price to be paid for the same, and may by resolution agree to purchase the same for free public use at the price agreed upon, subject to the approval of the state commissioner of public roads, and upon receiving the approval of said commissioner in writing Freeholders may purchase turnpike and maintain same as county road.

the said board may thereupon purchase such turnpike or toll road or portion thereof at the price agreed upon, and the road or portion of road so purchased shall thereupon be and become a county road, and shall be cared for, repaired, improved and maintained for free public use in the same manner that other county roads are cared for, repaired, improved and maintained.

Require part cost paid by municipality.

2. The board of chosen freeholders may, before purchasing any such turnpike or toll road, or portion thereof, require as a condition of such purchase that each township, or other municipality in which said road or any portion thereof intended to be purchased lies, shall pay ten per centum of the cost of the part lying within such township or other municipality, said payment to be applied to the purchase price of the road or portion of road acquired under this act.

State's portion.

3. One-third of the cost of any turnpike or toll road, or portion thereof purchased in accordance with the provisions of this act, shall be paid for out of the state road appropriation; *provided,* that the amount paid out of said appropriation for all turnpike or toll roads acquired pursuant to the provisions of this or any other act of the Legislature of this state now in force, shall not exceed, in any year, the sum of fifty thousand dollars. If one-third of the entire cost of the turnpike or toll roads so acquired in any year shall exceed the sum of fifty thousand dollars, the said sum of fifty thousand dollars shall be appropriated by the Governor and the state commissioner of public roads first in payment of any deficiency remaining due from the state to any county or counties in any previous year, for one-third of the cost of turnpike or toll roads purchased as aforesaid, and afterwards among the several counties in proportion to the cost of the turnpike or toll roads acquired by each of them respectively during the current year pursuant to the provisions of this or any other act of the Legislature of this state now in force, as shown by the statements 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

Proviso.

Amount.

If deficiency.

to the state comptroller the amount to be paid to each county for such year for such deficiency, if any, and on account of the purchase of turnpike or toll roads, or portions thereof, in such county, and the state comptroller shall draw his warrant on the state treasurer in favor of the county collector for the amount certified, and the state treasurer shall thereupon pay the same; *provided further,* that the cost of all turnpike or toll roads or portions thereof acquired under this or any other act of the Legislature of this state now in force, by any county in any one year, together with all the roads built or repaired therein under the provisions of any act of the Legislature of this state providing for the permanent improvement of public roads in this state, shall not exceed one-half of one per centum of the ratables of such county for the last preceding year.

Proviso.

4. On or before the day fixed for the meeting of the county board of assessors in any county in each year, the board of chosen freeholders of such county shall certify to the said county board of assessors, either in the annual tax budget or separately, two-thirds of the cost of any turnpike or toll road or portion thereof purchased or agreed to be purchased pursuant to the provisions of this act since the day fixed by law for the meeting of the board of assessors in the year next preceding. The county board of assessors shall include in their assessment of county taxes the sum so certified, and the same shall be collected and paid over to the county in the same manner and at the same time that other county taxes are 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, the said board of chosen freeholders shall have authority to borrow, on temporary loans, such deficiency, until such time as the same shall be paid by the state, as provided by section three of this act.

Notice to county assessors.

Collection of assessment.

If deficiency temporary loan.

5. Any board of chosen freeholders that shall enter into an agreement for the purchase of a turnpike or toll road or portion thereof, in accordance with the provisions of this act, shall, on or before making payment for the same, require the turnpike or toll road or

Turnpike acquired free of indebtedness.

portion thereof so purchased to be released and discharged from the lien of any mortgage given to secure a bonded or other indebtedness, and from any other lien or incumbrance whatsoever.

6. This act shall take effect immediately.

Approved April 18, 1905.

CHAPTER 174.

An Act to authorize any county of the first class of this State to renew matured and maturing bonds.

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

Renewal of bonds.

1. Whenever any bonds heretofore legally issued by the board of chosen freeholders of any county of the first class in this state are now due and unpaid, or shall hereafter become due, the board of chosen free-

Amount.

holders of any such county may renew ninety per centum of the par value of said bonds, or any less per centum thereof, by the issue of bonds for that purpose in the corporate name and under the corporate seal of such county, signed by the director and attested by the clerk of the board of chosen freeholders of any such

When payable.

county. Said bonds shall be made payable at such time or times, not exceeding forty years from the date of issuing the same, shall draw such rate of interest, not exceeding five per centum per annum, payable semi-annually, and shall be issued in such denominations as said board of chosen freeholders shall, by

Character of bonds.

resolution, determine. Said bonds shall (except as hereinafter provided) have coupons attached for every year's interest until due, which coupons shall be signed by the collector of said county, and numbered to correspond with the bond to which they shall be respectively attached; or said bonds, or any of them, may be registered and made payable to the order of the purchaser, and issued without coupons, and be transferable only in person, or by power of attorney, on the books to be

provided by said board for that purpose; and all bonds issued under this act shall be numbered, and a register of the number, denomination, date of issuing and name of person to whom issued, if registered, and time of payment shall be made by the collector in a book to be provided by said board for that purpose. Said bonds may be sold at public or private sale for the best price which can be obtained for the same, but for not less than the par value thereof. When issued, said bonds shall be a lien upon all property, real and personal, within the county. Each of said bonds shall contain the following recital: "This bond is issued pursuant to the power and authority conferred by an act of the Legislature of the State of New Jersey, entitled 'An act to authorize the counties of this State to renew matured and maturing bonds,' approved nineteen hundred and five" (stating date of approval). Such recital shall be conclusive evidence of the validity of said bonds and the regularity of their issue. Nothing in this act contained, however, shall be held to permit any board to issue bonds, the legality of which is now questioned or contested in any court of this State or of the United States, nor to renew or re-issue bonds held by any such court to have been illegally issued.

Sale.

Bonds a lien.

2. For the purpose of providing funds for the redemption of said bonds at the date of maturity, said board of chosen freeholders shall create a sinking fund especially applicable to the payment thereof and shall keep a particular account with said fund; and shall annually, after the date of issue of said bonds, certify to the county board of assessors a sum which, together with accumulations at a rate of three per centum per annum, compound interest, shall be sufficient to pay off and discharge the principal of said bonds at maturity, and a sum sufficient to pay the interest on all bonds as it becomes due. Said county board of assessors shall include the said sums thus certified to them in the annual tax levy or assessment, and the same shall be assessed and collected as other county taxes are assessed and collected, and when collected shall be paid over to the said board of chosen free-

Sinking fund created to redeem bonds at maturity.

holders, who shall thereupon deposit the same in the sinking fund hereby created.

3. This act shall take effect immediately.

Approved April 19, 1905.

CHAPTER 175.

An Act to establish, encourage and maintain volunteer fire departments.

Preamble.

WHEREAS, The court of errors and appeals has decided that the act allowing active volunteer firemen an exemption from taxation upon five hundred dollars of the assessed valuation of their real and personal property, which exemption they have received for many years, is unconstitutional, and as such exemption cannot now be given under the law; now, therefore, to continue, establish, encourage and maintain an efficient volunteer fire department where it is inexpedient to establish a paid department.

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

Compensation to volunteer firemen.

1. Each and every active volunteer fireman, doing public fire duty under the control or supervision of any common council or other governing body of any municipality or any board of fire commissioners of such municipality, or of any fire district, where they and each of them are not otherwise personally compensated for their services, so voluntarily rendered, may upon the adoption of a resolution or ordinance by the common council or other governing body of such municipality, receive each year the sum of twelve dollars, to be paid to them as other obligations are paid by said municipality out of the moneys raised by general tax levy, to cover any losses they and each of them may incur in attending upon and putting out fires in the

municipality under and within which they may be doing public fire duty.

List of active firemen.

2. A full, true, perfect and complete list of such active firemen shall be made out and kept by the clerk of each such municipality or fire district, and the payments aforesaid shall be made as other payments are made by the municipality upon application of such active firemen on and after the first days of December in each and every year.

Repealer.

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

Approved April 19, 1905.

CHAPTER 176.

A Further Supplement to an act entitled "An act making appropriations for the support of the state government and for several public purposes for the fiscal year ending October thirty-first, one thousand nine hundred and five," approved April fifth, one thousand nine hundred and four.

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

Appropriation to reduce school tax.

1. The following sum, or so much thereof as may be necessary, is hereby appropriated out of the state fund for the purpose herein specified for the fiscal year ending on the thirty-first day of October, in the year one thousand nine hundred and five, namely:

I.

STATE SCHOOL TAX.

Amount.

For the purpose of reducing the state school tax to be assessed for the year one thousand nine hundred and five, a sum equal to thirty-five per centum of the

entire amount to be so raised is hereby appropriated, approximating one million dollars.

Sub-division repealed.

2. Sub-division eighty-eight (88) of section one of the act to which this is a supplement is hereby repealed.

3. This act shall take effect immediately.

Approved April 19, 1905.

CHAPTER 177.

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

Act repealed.

1. The act entitled "A further supplement to an act entitled 'An act to establish and regulate pilots for the ports of Jersey City, Newark and Perth Amboy by way of Sandy Hook,' approved April seventeenth, one thousand eight hundred and forty-six," which supplement was approved March twenty-second, eighteen hundred and ninety-five, is hereby repealed.

2. This act shall take effect immediately.

Approved April 19, 1905.

CHAPTER 178.

An Act establishing the fiscal year in all towns, townships, boroughs, villages and other municipalities, excepting first and second class cities, and the time for publishing and filing the various reports of the officers of the same.

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

Fiscal year in municipalities.

1. The fiscal year of all towns, townships, boroughs, villages and other municipalities, excepting first and second class cities, shall begin on the first day of January of each year and shall terminate on the thirty-first day of December of the same year.

Financial reports filed December 31st.

2. It shall be the duty of the governing body of all towns, townships, boroughs, villages and other municipalities, excepting first and second class cities, to make and file their various financial reports on the thirty-first day of December of each year.

3. This act shall take effect immediately.

Approved April 19, 1905.

CHAPTER 179.

An Act providing for the appointment of clerks to recorders in certain cities of the second class in this state and defining their duties.

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

Clerk to recorders of police courts.

1. The recorders holding the police courts existing in any city of the second class in this state, having a population of seventy-five thousand or over, shall have power and are hereby authorized to appoint in and for each of the police courts of said city a clerk, whose duty it shall be to attend the sessions of the court to

Duties.

which he may be appointed or assigned, and to the examinations, trials and proceedings had therein, before whatever justice or judge may hold or sit in the same; such clerk shall, under the direction of the court, keep a brief record of all matters which shall come before the same; he shall, unless otherwise expressly directed by law, receive all fees and penalties imposed in the court to which he shall act, and shall account for and pay the same over to the proper officers or authorities within forty-eight hours after his receipt thereof; he shall keep a record of such fines and penalties and the disposition thereof in books to be provided for that purpose by the board hereinafter named, and shall perform such other duties and services as the court or judge aforesaid may require; he shall receive a salary of twelve hundred dollars per annum, to be paid in the same manner as now provided for by law for the payment of city officers; he shall be required to enter into a bond to the said city, in its corporate name, in the sum of three thousand dollars, with at least two sufficient sureties, to be approved by the board or body of such city having control of the finances thereof, conditioned for the faithful performance of his duty, which bond shall be renewed annually.

Salary.

Bond.

Present clerk governed by this act.

2. Wherever there shall be at the time of the passage of this act a clerk already appointed in and for a police court in any of the cities mentioned in the first section of this act, such clerk shall be regulated as to his powers and duties by this act, and such clerk shall hereafter receive the salary mentioned in this act.

Repealer.

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

Approved April 19, 1905.

CHAPTER 180.

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

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

Section amended.

1. Section one hundred and fifty-three of an act entitled "An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof," approved October nineteenth, nineteen hundred and three, be and the same is hereby amended so as to read as follows:

Compulsory attendance.

153. Every parent, guardian or other person having control of a child between the ages of seven and fourteen years shall cause such child to regularly attend a day school in which, at least, the common school branches of reading, writing, spelling, English grammar and geography are taught by a competent teacher, or receive equivalent instruction elsewhere than at school; such regular attendance at a school shall be during all the days and hours that the public schools are in session in the city, town or district in which such child resides, unless it shall be shown to the satisfaction of the board of education of the school district in which such parent, guardian or other person resides that the bodily or mental condition of such child is such as to prevent his or her attendance at school.

Section amended.

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

Duties of truant officer.

158. Every truant officer or other person designated by a board of education who shall find any child between seven and fourteen years of age away from home during school hours who shall then be a truant

from school shall take such child and deliver him to his parent, guardian, or other person having legal control of such child, or to the teacher of the school which such child is lawfully required to attend; said truant officer, or other person, shall examine into all violations of the provisions of this act when requested so to do by the commissioner of labor or by the board of education of the district for which he shall have been appointed or detailed, and shall thereupon warn any child or pupil, its parent, guardian or other person having legal control of such child or pupil in writing of the consequences of such violation if persisted in, and shall request that the said parent, guardian or other person cause the said pupil to improve his conduct, or said child attend school within five days from serving said notice in writing, and cause said child to attend regularly thereafter; in the event said parent, guardian or other person having control of said child or pupil shall fail, neglect or refuse to cause said pupil to improve his conduct, or fail, neglect or refuse to cause said child to attend school within said period and to attend regularly each day during the remaining period of compulsory attendance, unless regularly excused from school attendance by the board of education, said parent, guardian or other person having legal control of such child or pupil shall be deemed to be a disorderly person and liable to prosecution without further notice.

Notify parents.

Penalty for not sending child to school.

3. This act shall take effect immediately.

Approved April 20, 1905.

CHAPTER 181.

Supplement to the act entitled "An act for the better regulation and control of the taking, planting and cultivating of oysters and clams on lands lying under the tidal waters of the county of Ocean, in the State of New Jersey," approved March twenty-sixth, one thousand nine hundred and two.

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

Penalty for tonging, etc. without permission.

1. No person or persons shall hereafter use any dredge, tongs or rake upon any lands leased to any one under the provisions of the act to which this is a supplement, except the lessee or lessees thereof, without permission of the lessee or lessees thereof, and any one offending against the provisions of this supplement is hereby liable to the penalty prescribed in section twenty-two of the act to which this is a supplement.

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 April 20, 1905.

CHAPTER 182.

An Act concerning streets and highways in townships.

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

Securing land for streets in townships.

1. The township committee of any township shall have power and authority by ordinance to lay out, open, widen, straighten, name, alter or vacate any street, avenue, road or highway, or any part or section of the same, and to take and appropriate for any of such purposes any lands and real estate, upon making compensation therefor in the manner now or hereaf-

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ter provided by law for the taking of lands in townships for other public improvements, or by agreement with the owner.

Public notice of intention.

2. No ordinance exercising the powers given by this act shall be adopted until ten days' notice of the time and place fixed for its consideration shall have been given by publication for one insertion in a newspaper printed in the county and circulating in the township. Such notice shall state in general terms the object of the proposed ordinance and the property to be affected.

Assessment for benefits.

3. Whenever a petition for any such improvement shall have been presented to the township committee, signed by twenty-five owners of property to be benefited thereby, then the expenses thereof, including the compensation, if any, paid for lands so taken, may be assessed upon the property benefited in proportion to the benefits received, but not to exceed the benefit so

How made.

received. Such assessment shall be made in the manner now or hereafter provided by law for assessing the benefits of any public improvements in townships, and shall include an assessment against every petitioner.

Act must be assented to.

4. This act shall take effect immediately, but its provisions shall not become operative in any township until assented to by a majority of the votes cast by the legal electors thereof at an election to be held in said township at any time to be fixed by the township com-

Petition.

mittee thereof. No such election shall be called unless a petition for the same signed by not less than one hundred taxpayers of said township shall be filed with such township committee. The township clerk of said township shall cause public notice of the time and place of holding such election and the purpose thereof to be given by advertisements set up in at least five public places in said township and published for at least one insertion in one or more newspapers published in said county and circulating in said township, at least ten days previous to the date of such election. Said clerk

Ballots.

shall provide for each elector voting at such election printed ballots, on which shall be either the words "for the adoption by this township of the provisions of an act to permit the township committee to lay out, open, widen, straighten, name, alter or vacate any

street, avenue, road or highway or any section of the same," or the words "against the adoption by this township of the provisions of an act to permit the township committee to lay out, open, widen, straighten, name, alter or vacate any street, avenue, road or highway or any section of the same." The polls for such election shall be held at the usual places of holding elections therein and shall be opened at one o'clock in the afternoon and close at seven o'clock in the evening, and such election shall be conducted by the proper election officers of said township for the time then being, and such officers shall return to the township committee of said township a true and correct statement, in writing, under their hands, of the result of said election, which shall be entered at large upon the minutes of said body. Polls.

5. Nothing in this act shall give authority to any township committee or other body to lay out, open, widen, straighten, name, alter or vacate any street, avenue, road or highway, or section of the same, in or through any portion of the grounds of any incorporated camp meeting association; nor to condemn any lands used for railroad purposes. Limitations to act.

Approved April 20, 1905.

CHAPTER 183.

Supplement to the act entitled "An act concerning disorderly persons" (Revision 1898), approved June fourteenth, one thousand eight hundred and ninety-eight.

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

1. Any person who may be convicted of maliciously destroying, damaging or injuring any property, where the damage does not exceed the sum of twenty-five dollars, may be adjudged a disorderly person and may Maliciously injuring property a disorderly conduct.

Penalty. be fined in any sum not exceeding twenty-five dollars, or imprisonment for any term not exceeding three months.

2. This act shall take effect immediately.

Approved April 20, 1905.

CHAPTER 184.

A Further Supplement to an act entitled "A further supplement to an act entitled '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,' approved March twenty-second, one thousand nine hundred and one," which further supplement was approved March twenty-eighth, one thousand nine hundred and four.

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

County may issue bonds. 1. If in the opinion of any or either of said boards to place in the tax levy for any fiscal year the moneys necessary to pay for the acquisition of the lands necessary for such widening would be too burdensome on the taxpayers of such county, then it shall and may be lawful for such board to issue the bonds of the county for the acquisition of such lands, to run for a period Time; rate. not exceeding thirty years, to bear interest at a rate not exceeding four per centum per annum, payable semi-annually, as such board by resolution may determine, which bonds shall be signed by the director of such board of chosen freeholders for the time being, and the county collector, and be sealed with the seal of the county, and may be either registered or coupon Interest and redemption. bonds; and the said board shall annually after such issue place or cause to be placed in the tax levy a sum sufficient to pay the interest or coupons on said bonds as the same severally become due, and also a sum for

a sinking fund, to be created by such board, which shall be sufficient to redeem the said bonds at maturity.

2. This act shall take effect immediately.

Approved April 20, 1905.

CHAPTER 185.

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

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

Regulation of buildings.

1. In addition to the powers now given to the council of the towns governed by the act to which this act is a supplement, the town council of every such town shall have power by ordinance to regulate and control the manner of building dwelling-houses and all other buildings, and to prohibit within certain limits, to be from time to time prescribed by ordinance, the building or erection of any dwelling-house, store, stable, or other building, of wood or other combustible material, and to prescribe by ordinance the kind of materials to be used in such construction; to regulate the construction of chimneys and to compel the sweeping thereof; to regulate and require the construction of fire escapes; to regulate the setting up and the construction of furnaces, stoves, boilers, ovens or other things so as to prevent danger from their use; to regulate or prohibit the manufacture, sale, keeping, storage or use, of fireworks in said town; to regulate or prohibit the manufacture, sale, storage, keeping or conveying of gunpowder, kerosene, benzine, gasoline, burning fluid, nitro-glycerine, dynamite, camphene, coal oil, spirit gas, petroleum and other dangerous or explosive materials, and the use of candles and lights in barns, stables and other buildings; to appoint an inspector of buildings, and to prescribe his powers and

Fire limits.

Fire escapes.

Explosives.

Building inspector.

duties; to prevent the occupation or continuance of work upon any building in such town which has been condemned by the inspector of buildings in such town, and to remove or destroy such building at the expense of the owners thereof.

2. This act shall take effect immediately.

Approved April 20, 1905.

CHAPTER 186.

Supplement to an act entitled "An act for the relief of creditors against absent, fraudulent and absconding debtors," approved March twentieth, one thousand nine hundred and one.

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

State and municipalities not required to give bond.

1. Whenever the plaintiff or applying creditor under the provisions of the act to which this is a supplement shall be the state of New Jersey or any municipality thereof, said state of New Jersey or municipality shall not be required to enter into the bond to the defendant required by the provisions of the twenty-seventh section of the said act to which this act is a supplement.

2. This act shall take effect immediately.

Approved April 20, 1905.

CHAPTER 187.

An Act to release the title and interest of the people of the state of New Jersey in and to certain real estate, of which Joseph Thorpe and Margaretta J. Thorpe died seized, in the city of Jersey City, in the county of Hudson.

Preamble.

WHEREAS, Joseph Thorpe, late of and for a long time a resident of the city of Jersey City, county of Hudson and state of New Jersey, departed this life at Jersey City aforesaid on the ninth day of November, one thousand nine hundred and two, seized of the property hereinafter described, and leaving him surviving his lawful widow, Ann Thorpe, and a daughter, Sarah Ann, now the wife of Henry Gray, of East Orange, Essex county, New Jersey, who was the lawful issue of marriage with the said Ann Thorpe, his next of kin and only heir-at-law; and

WHEREAS, The said Joseph Thorpe, at the time of his death, was living with a certain woman who purported to be the lawful wife of the said Joseph Thorpe, deceased, and who was known as Margaretta J. Thorpe; and

WHEREAS, The said Joseph Thorpe, deceased, left a will dated the seventeenth day of July, one thousand nine hundred and two, in and by which will he gave, devised, bequeathed all of his property, both real and personal unto the said Margaretta J. Thorpe; and

WHEREAS, The said Margaretta J. Thorpe died on the seventh day of February, one thousand nine hundred and three, seized of the property hereinafter described, intestate and without issue, and leaving no heirs or legal representatives, by reason of which the said property hereinafter described has escheated to the state;

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

Right, title, etc. in Sarah Ann Gray.

All the right, title, interest, property, claim or demand of the state of New Jersey, in and to all those

Description of property.

certain lots, pieces or parcels of land situate, lying and being in the city of Jersey City, county of Hudson and state of New Jersey, and more particularly described as follows: All those two certain lots, pieces or parcels of land and premises, situate, lying and being in the city of Jersey City, county of Hudson and state of New Jersey, and which on a certain map entitled "Map of Chelsea, situated in Hudson City, Hudson county, New Jersey, surveyed and laid out into lots by John Foquet, surveyor and engineer, of Jersey City," now on file in the register's (formerly clerk's) office of the county of Hudson, are known and distinguished as lots numbered seventeen (17) and eighteen (18) in block numbered one (1), together with the hereditaments and appurtenances thereunto belonging, is hereby remised, released, conveyed and confirmed unto the said Sarah Ann Gray, the only child and heir-at-law of the said Joseph Thorpe, deceased, and to her heirs and assigns forever, provided that the recitals of this act are true.

Proviso.

2. This act shall take effect immediately.

Approved April 20, 1905.

CHAPTER 188.

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

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

Payment to magistrate for issuing warrant against parent.

1. Whenever a complaint shall be made to a magistrate against the parent, guardian or other person having the legal control of any child, or against any child between the ages of seven and fourteen years, for failing to comply with any of the provisions of Article XV of the act to which this is a supplement, and there

is no provision in any other law in this state for compensation to the magistrate for issuing his warrant and holding an examination as to the offense charged, the board of education of the school district wherein the complaint shall be made, may, in its discretion, order and direct the payment of a proper bill, made out and sworn to by such magistrate, not to exceed the sum of fifty cents for the issuing of a warrant, holding the examinations and disposing of the matter before him, and such payment shall be made from the special district tax raised for the current expenses of said district.

2. This act shall take effect immediately.

Approved April 20, 1905.

CHAPTER 189.

An Act to defray the incidental expenses of the Legislature of New Jersey for the session of one thousand nine hundred and five.

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 the sessions of the Senate and House of Assembly with prayer, during session one thousand nine hundred and five, ten dollars, $10 00

Item No. 2. To each officer and employe of the Senate and House of Assembly of the session of one thousand nine hundred and four, who were present and rendered services in opening the session of one thousand nine hundred and five, ten dollars, $10 00

Item No. 3. To each clergyman for opening special session of the Senate and House of Assembly, held in April, one thousand nine hundred and four, ten dollars, $10 00

Item No. 4. To Albert R. McAllister, for services as special clerk to president of Senate for term of one thousand nine hundred and five, three hundred dollars, $300 00

Item No. 5. To Edward Schoen, for services as stenographer to the Senate for the session of one thousand nine hundred and five, five hundred dollars, $500 00

Item No. 6. To Jonathan S. Watson, for services as assistant bill clerk to the Senate, for the session of one thousand nine hundred and five, five hundred dollars, $500 00

Item No. 7. To Harry Burgess, for services as clerk to committee on appropriations and extra services to the Senate, for the session of one thousand, nine hundred and five, five hundred dollars, $500 00

Item No. 8. To George C. Pridham, for services as clerk to the Senate committee on banks and insurance, for the session of one thousand nine hundred and five, three hundred and fifty dollars, $350 00

Item No. 9. To U. S. Grant, for services as clerk to the Senate committee on labor and industries, for the session of one thousand nine hundred and five, three hundred and fifty dollars, $350 00

Item No. 10. To Jason R. Elliott, for services as clerk to Senate committee on judiciary, for the session of one thousand nine hundred and five, three hundred and fifty dollars, $350 00

Item No. 11. To Victor Carlson, for services as clerk to Senate committee on municipal corporations, for the session of one thousand nine hundred and five, three hundred and fifty dollars, $350 00

Item No. 12. To Thomas Howley, for services as clerk of the Senate committee on

boroughs and townships, for the session of one thousand nine hundred and five, three hundred and fifty dollars, $350 00

Item No. 13. To Ray S. Wright, for services as clerk of Senate committee on revision of laws, for the session of one thousand nine hundred and five, three hundred and fifty dollars, $350 00

Item No. 14. To James T. Hoffman, for services as clerk to Senate committee on railroads and canals, for the session of one thousand nine hundred and five, three hundred and fifty dollars, $350 00

Item No. 15. To William B. Dill, for services as clerk to the Senate committee on education, for the session of one thousand nine hundred and five, three hundred and fifty dollars, $350 00

Item No. 16. To William C. Van Horn, for services as clerk of Senate committee on corporations, for the session of one thousand nine hundred and five, three hundred and fifty dollars, $350 00

Item No. 17. To Alfred L. Sayres, for services as clerk to Senate committee on game and fisheries, for the session of one thousand nine hundred and five, three hundred and fifty dollars, $350 00

Item No. 18. To Owen W. Kite, for services to committee on appropriations in preparation of annual and supplemental bills, et cætera, in the Senate, for the session of one thousand nine hundred and five, one hundred and fifty dollars, $150 00

Item No. 19. To J. Marcus King, for services to incidental committee in the Senate, for the session of one thousand nine hundred and five, ten dollars, $10 00

Item No. 20. To A. L. Clark, for engrossing oaths of senators and members of the House of Assembly and officers of the one

hundred and twenty-seventh Legislature, for the session of one thousand nine hundred and five, fifty dollars, $50 00

Item No. 21. To T. F. Fitzgerald, for thirty manuals of Legislature of New Jersey, thirty dollars, $30 00

Item No. 22. To James C. Norris, sergeant-at-arms, for supplies, in the Senate, for the session of one thousand nine hundred and five, one hundred and forty dollars, $140 00

Item No. 23. To James Smith, for services as gallery keeper in the Senate, session of one thousand nine hundred and five, three hundred and fifty dollars, $350 00

Item No. 24. To George Wood, for services as gallery keeper in the Senate, session of one thousand nine hundred and five, three hundred and fifty dollars, $350 00

Item No. 25. To Charles Holz, Jr., for services as page in the Senate, for the session of one thousand nine hundred and five, two hundred dollars, $200 00

Item No. 26. To James Coxon, for services as page in the Senate, for the session of one thousand nine hundred and five, two hundred dollars, $200 00

Item No. 27. To Forman Duncan, for services as page in the Senate, for the session of one thousand nine hundred and five, two hundred dollars, $200 00

Item No. 28. To the John L. Murphy Publishing Company, for stationery and supplies furnished the Senate for the session of one thousand nine hundred and five, six hundred and fifty-five dollars, and thirty-five cents, $655 35

Item No. 29. To Matthias Plum, for stationery and supplies furnished the Senate for the session of one thousand nine hundred and five, three hundred and twenty-four dollars, $324 00

Item No. 30. To L. N. Clayton, for stationery and supplies furnished to the Senate for

the session of one thousand nine hundred and five, two hundred and sixty-nine dollars and ninety-five cents, $269 95

Item No. 31. To William H. Hoskins Company, for stationery and supplies furnished the Senate for the session of one thousand nine hundred and five, two hundred and thirty-three dollars and seventy cents, $233 70

Item No. 32. To Sinnickson Chew & Sons Company, for stationery and supplies furnished to the Senate for the session of one thousand nine hundred and five, one hundred and sixty-eight dollars, $168 00

Item No. 33. To Banister & Pollard, for stationery supplies furnished the Senate for the session of one thousand nine hundred and five, one hundred and sixty dollars and thirty-five cents, $160 35

Item No. 34. To Reginald Branch, for services as assistant to the clerk of the House of Assembly, session one thousand nine hundred and five, four hundred dollars, $400 00

Item No. 35. To William H. Margerum, for services as clerk to committee on incidental expenses, session of one thousand nine hundred and five, one hundred dollars, $100 00

Item No. 36. To Robert J. Cresswell, for services as assistant journal clerk, House of Assembly, session one thousand nine hundred and five, five hundred dollars, $500 00

Item No. 37. To Arthur V. Nungesser, for services as doorkeeper of House of Assembly, session one thousand nine hundred and five, three hundred and fifty dollars, $350 00

Item No. 38. To Charles L. Ogden, for services as keeper of gentlemen's gallery of the House of Assembly, session one thousand nine hundred and five, three hundred and fifty dollars, $350 00

Item No. 39. To John H. McCabe, for services as keeper of gentlemen's gallery of

the House of Assembly, session one thousand nine hundred and five, three hundred and fifty dollars, $350 00

Item No. 40. To Ulysis G. Wood, for services as keeper of gentlemen's gallery of House of Assembly, session of one thousand nine hundred and five, three hundred and fifty dollars, $350 00

Item No. 41. To Samuel Leonard, for services as keeper of ladies' gallery of House of Assembly, session of one thousand nine hundred and five, three hundred and fifty dollars, $350 00

Item No. 42. To Charles Erving, for services as keeper of ladies' gallery of House of Assembly, session of one thousand nine hundred and five, three hundred and fifty dollars, $350 00

Item No. 43. To James I. McKelvey, for services as keeper of ladies' gallery of the House of Assembly, session of one thousand nine hundred and five, three hundred and fifty dollars, $350 00

Item No. 44. To John H. McGuire, for services as clerk to corporation committee, House of Assembly, session one thousand nine hundred and five, three hundred dollars, $300 00

Item No. 45. To William H. Jamouneau, for stationery for House of Assembly, session one thousand nine hundred and five, seven hundred and sixty-one and sixty one-hundredths dollars, $761 60

Item No. 46. To Eckelhofer Brothers, for stationery for House of Assembly, session of one thousand nine hundred and five, three hundred and twenty-seven dollars, $327 00

Item No. 47. To the Parker Pen Company, for stationery for House of Assembly, session of one thousand nine hundred and five, two hundred and seventy dollars, $270 00

Item No. 48. To Baker Printing Company, for stationery, House of Assembly, session

one thousand nine hundred and five, seven hundred and three and seventy-one one-hundredths dollars, $703 71

Item No. 49. To Banister & Pollard, for stationery, House of Assembly, session of one thousand nine hundred and five, four hundred and seventy-five dollars, $475 00

Item No. 50. To Lee & Company, for stationery, House of Assembly, session of one thousand nine hundred and four, eighteen dollars, $18 00

Item No. 51. To Roy F. Anthony, as clerk to committee on stationery, House of Assembly, session one thousand nine hundred and five, two hundred and fifty dollars, $250 00

Item No. 52. To Elizabeth Kucker, for washing towels for Senate and House of Assembly, session of one thousand nine hundred and five, sixty-five dollars, $65 00

Item No. 53. To Harvey F. Rorbach, for services rendered House of Assembly, session one thousand nine hundred and five, one hundred dollars, $100 00

Item No. 54. To Edward F. Totten, bill clerk House of Assembly, for postage sending bills to citizens of New Jersey, on the request of said citizens, for session of one thousand nine hundred and five, twenty-five dollars, $25 00

Item No. 55. To T. F. Fitzgerald, fifty copies of the New Jersey legislative manual supplied the House of Assembly, as per resolution adopted by the House on March first, one thousand nine hundred and five, fifty dollars, $50 00

Item No. 56. To Henry L. Wilson's Sons Company, for furnishing twine and supplies to George B. Lutts, sergeant-at-arms of the House of Assembly, session one thousand nine hundred and five, eighty-four and eighty one-hundredths dollars, $84 80

Item No. 57. To Newark Brush Company, for furnishing toilet supplies to George B.

Lutts, sergeant-at-arms of the House of Assembly, session one thousand nine hundred and five, three hundred and seventy-eight and twenty-five one-hundredths dollars, $378 25

Item No. 58. To T. G. Earle & Son, freight and cartage delivered to George B. Lutts, sergeant-at-arms House of Assembly, session one thousand nine hundred and five, one and thirty-three one-hundredths dollars, $1 33

Item No. 59. To L. N. Clayton, for furnishing toilet supplies to George B. Lutts, sergeant-at-arms of the House of Assembly, one thousand nine hundred and five, four hundred and one and fifty-five one-hundredths dollars, $401 55

Item No. 60. To Julius Berkowitz, for services as page of House of Assembly, session one thousand nine hundred and five, two hundred dollars, $200 00

Item No. 61. To Julius Berkowitz, for services as postmaster of the House of Assembly, session one thousand nine hundred and five, one hundred dollars, $100 00

Item No. 62. To Charles Z. Rowe, for services as page of House of Assembly, session one thousand nine hundred and five, two hundred dollars, $200 00

Item No. 63. To Charles Z. Rowe, for services as postmaster of the House of Assembly, session one thousand nine hundred and five, one hundred dollars, $100 00

Item No. 64. To the John L. Murphy Publishing Company, for stationery and supplies furnished the House of Assembly, one thousand nine hundred and five, four hundred and ninety-seven and twenty-five one-hundredths dollars, $497 25

Item No. 65. To John Connell, for services rendered, session one thousand nine hundred and five, one hundred dollars, $100 00

Item No. 66. To MacCrellish & Quigley, for furnishing stationery to the sergeant-at-arms of Senate, J. C. Norris, for the session, one thousand nine hundred and five, ninety-seven and eighty-five hundredths dollars, $97 85

Item No. 67. To MacCrellish & Quigley, for furnishing stationery to the clerk of the House of Assembly, for the session of one thousand nine hundred and five, three hundred and thirty-eight and six one-hundredths dollars, $338 06

Item No. 68. To Frank Yarnell, for services as doorkeeper, House of Assembly, session one thousand nine hundred and five, three hundred and fifty dollars, $350 00

Item No. 69. To Morris Blatt, for services as page of House of Assembly, session one thousand nine hundred and five, two hundred dollars, $200 00

Item No. 70. To Henry Hauenstein, for services as page of the House of Assembly, session one thousand nine hundred and five, two hundred dollars, $200 00

Item No. 71. To Seymour H. Francis, for services as assistant to the supervisor of bills, House of Assembly, session of one thousand nine hundred and five, five hundred dollars, $500 00

Item No. 72. To Armand C. Brundage, for services as page of House of Assembly, session of one thousand nine hundred and five, two hundred dollars, $200 00

2. This act shall take effect immediately.

Approved April 24, 1905.

CHAPTER 190.

An Act relating to county detectives in counties of the first class.

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

County detectives appointed by prosecutor.

1. The prosecutor of the pleas in any county of the first class may appoint such number as shall be approved of by the judge of the court of quarter sessions, not exceeding ten, of suitable persons, to act as special officers for the detection, apprehension, arrest and conviction of offenders against the law; the persons so appointed shall be designated as county detectives, and shall serve during the pleasure of the prosecutor.

Rights, powers.

2. The persons so appointed shall possess all the rights and powers of special deputy sheriffs, constables and police officers, and may serve or execute for the sheriff any process or writ in any criminal proceeding and make return thereof, and for every process or writ so served or executed by a county detective the sheriff shall be entitled to collect and receive the same fees as if said process or writ had been served by him, and such fees may be taxed in the bills of costs in criminal cases as heretofore.

Fees collected by sheriff.

Chief, sergeants; salaries.

3. The prosecutor may designate one of the persons so appointed as chief of the county detectives, and two of such persons as sergeants; the person designated as chief and the persons designated as sergeants shall receive such annual salary not less than fifteen hundred dollars, as the prosecutor shall fix; and all other persons so appointed shall receive such annual salary, not less than one thousand dollars, as the prosecutor shall fix; said salaries shall be payable monthly by the county collector, but the amount thereof, if more than the minimum herein prescribed, shall be subject to the approval of the board of chosen freeholders of such county.

Power of appointment.

4. The power of appointment hereby conferred shall be in lieu and in stead of any other power of like

appointment conferred by statute upon the prosecutor of the pleas in counties of the first class.

5. This act shall take effect immediately.

Approved April 27, 1905.

CHAPTER 191.

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:*

Bonds issued to meet deficiencies in election expenses.

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 has 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.

Character of bonds.

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 each fiscal year prior to the maturing of such bond or bonds, the moneys required for county purposes, order and place in the tax levy a sum sufficient to pay the principal and interest of such bond or bonds.

4. This act shall take effect immediately.

Approved April 27, 1905.

CHAPTER 192.

An Act to amend an act entitled "An act relative to the time of election and appointment and terms of office of officers elected or appointed in towns, townships, boroughs and other municipalities in this State," approved February fifteenth, one thousand nine hundred and five.

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

Section amended.

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

Municipal elections held in November.

1. Hereinafter, in all towns, townships, boroughs and other municipalities 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 town, township, borough or other municipality, it being the intention hereby to consolidate the municipal or charter elections in towns, townships, boroughs and other municipalities with the general or State election; *provided,* that nothing herein contained shall be construed to affect the election of commissioners in those municipalities the boundaries of which are not coterminous or coextensive with the boundaries of the township of which they are a part and whose elective or appointive officers are not authorized by law to assess and collect taxes, nor any member of any board of education or school trustee.

Proviso.

2. This act shall take effect immediately.

Approved April 27, 1905.

CHAPTER 193.

A Supplement to an act entitled "An act to authorize the issue of bonds for building public bridges in second class counties," 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:*

1. It shall be lawful for the board of chosen freeholders of any county of the second class in this State, for the purpose of building any new public bridge or bridges, or completing the construction of any bridge or bridges now under construction, or hereafter to be constructed, to issue bonds in the manner and form provided by the act to which this act is a supplement, to an amount not exceeding seventy-five thousand dollars in addition to the bonds authorized by the act to which this act is a supplement. Bond issue to build bridge. Amount.

2. This act shall take effect immediately.

Approved April 28, 1905.

CHAPTER 194.

A Supplement to an act entitled "An act concerning townships" (Revision of 1899), approved March twenty-fourth, one thousand eight hundred and ninety-nine.

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

1. Whenever all, or a majority, of the members of the township committee of any township in this state, has or shall resign or refuse to act, or has or shall die or has or shall remove out of the township, or where that portion of any township in which such member or members of the township committee reside has been Vacancies in township committee.

set off from and annexed to, or incorporated in the corporate limits of any other municipality, or become incapable of serving, then such offices shall be deemed to be vacant, and the fact of such vacancy shall be immediately certified by the remaining member or members of any such township committee, or by the township clerk to the governor, who shall forthwith, on receipt of such certificate, fill such vacancies by appointment, and the commission of the persons by him so appointed shall expire when their successors are elected and qualified, which successors shall be elected at the next ensuing general election for township officers, for the full term of three years.

Filled by governor.

2. This act shall take effect immediately.

Approved April 28, 1905.

CHAPTER 195.

An Act to amend an act entitled "An act directing the descent of real estates," approved April sixteenth, one thousand eight hundred and forty-seven.

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

Section amended.

1. Section six of an act entitled "An act directing the descent of real estates," be amended so as to read as follows:

Descent of real estate to remote degrees of consanguinity.

6. When any person has or shall die hereafter, seized of any lands, tenements or hereditaments as aforesaid, without devising the same in due form of law, and without lawful issue, and without leaving a brother or sister, of the whole blood or half blood, or the issue of any such brother or sister, and without leaving a father or mother, capable of inheriting under this act, the said lands, tenements or hereditaments, and shall leave several persons, either of the whole or half blood, all of equal degree of consanguinity, although more remote than any person or persons, who may be expressly excluded by any pro-

vision of law, to the person so seized, the said lands, tenements and hereditaments shall then descend and go to the said several persons of equal degree of consanguinity, either of the whole or half blood, to the person so seized, as tenants in common, in equal parts, however remote from the person so seized the common degree of consanguinity may be, and whether of the whole or half blood, unless where such inheritance came to the said person so seized by descent, devise or gift of some one of his or her ancestors, in which case all those who are not of the blood of such ancestor shall be excluded from such inheritance, if there be any person or persons in being, although more remote, and however remote, of the blood or half blood of such ancestors capable of inheriting the said lands, tenements or hereditaments; *provided always,* that nothing contained in this act shall be construed or taken to bar or injure the rights or estate of a husband as a tenant by the courtesy, or a widow's right of dower, or to make void, or in any way affect any marriage settlement; *and provided further,* that when any person has heretofore died, or shall hereafter die, so seized of any lands, tenements or hereditaments as aforesaid, without devising the same in due form of law, and without leaving any person, as hereinbefore enumerated, capable of inheriting the same, but leaving a husband or wife, the same shall descend and go to said husband or wife in fee simple; *and provided further,* that nothing herein contained shall be operative or have any effect, in any case or cases, wherein any proceedings have been had or taken, or are now pending, on behalf of the state, under and by virtue of the law as now existing, to escheat said lands, nor shall this act affect, or in anywise impair, any title to any land heretofore obtained under and by virtue of any proceedings heretofore had and taken in pursuance of law.

Proviso.

Proviso.

Proviso.

2. All other acts or parts of acts inconsistent herewith are hereby repealed, and that this repealer shall not have the effect of reviving any acts by said repealed acts repealed, and that this act shall take effect immediately.

Repealer; effect of.

Approved April 28, 1905.

CHAPTER 196.

An Act to provide who shall act as mayor in case of the death of the mayor of any city.

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

In case of death of mayor who may act.

1. In the event of the death of the mayor of any city the president of the common council or board or body having charge and control of the finances of such city, shall act as mayor until the next general or state election, shall be known as acting mayor, shall have all the powers and privileges, be entitled to the same salary and be chargeable with the same duties and obligations as the mayor of such city.

Repealer.

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

Approved April 28, 1905.

CHAPTER 197.

An Act respecting licenses in cities, townships, incorporated towns, incorporated boroughs.

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

Ordinance to license and regulate various businesses.

1. That it shall be lawful for the common council, board of aldermen, township committee or other governing body of any city, township, incorporated town, incorporated borough, to make and establish ordinances for the following purposes, namely, to license and regulate cartmen, porters, hacks, cars, omnibuses, stages and all other carriages and vehicles used for the transportation of passengers, baggage, merchandise and goods and chattels of any kind, and the owners and drivers of vehicles and means of transportation,

also auctioneers, common criers, hawkers, peddlers, pawnbrokers, junk-shop keepers, junk dealers, bill-posters, keepers of bath-houses, boarding-houses and hotels, lodging-houses, or other buildings used by the public for sleeping or lodging purposes, and news stands, sweeps, scavengers, traveling or other shows, circuses, theatrical performances, plays, exhibitions, concerts, skating rinks, itinerant venders of merchandise, medicines and remedies, and also the place or places or premises in which or at which the different kinds of business or occupation mentioned herein are to be carried on or conducted, and to fix the rates of compensation to be paid therefor, and to prohibit all persons and places and all vehicles unlicensed from acting, using or being used in said capacities and for such uses and purposes, and to fix and prescribe penalties for the violation of any such ordinance or ordinances, and that fees for such licenses may be imposed for revenue.

Penalties for violations.

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

Repealer.

3. This act shall take effect immediately.

Approved April 28, 1905.

CHAPTER 198

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

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

1. Whenever the execution of any deed, bill of sale, either conditional or absolute, or chattel mortgage heretofore made by any corporation, conveying any goods and chattels or lands and premises in this State to any person, corporation or municipality

Deed, etc., proved by certificate of proof made effectual.

thereof, shall have been proved by the oath or affidavit of any person in the form of a certificate of proof, made by an officer authorized to take the same, which oath or affidavit sets forth that the person making, signing and swearing to such certificate of proof is a subscribing witness, and that he well knows the corporate seal of the grantor named in and which executed any such deed or instrument, and that the seal thereto affixed was the proper corporate seal of any such company, and that the same was affixed thereto, and said deed or instrument signed and delivered by the proper officer of the company (naming him and giving his official title) in the presence of the person making, signing and swearing to such proof as the voluntary act and deed of said company; then, in case such deed or instrument was signed by the proper chief officer of such corporation, was witnessed or attested, and has been recorded in the proper books of record in the office of the clerk or register of the county in which the property is situated, said deed or instrument shall be as effectual as if the same was proved by one or more subscribing witnesses, and the filing or leaving of the same in any such office and the writing, copying or entering of the same in the regular recording books of said office as recorded or registered, and the indexing of the same in the regular indexes of said office as recorded or registered shall be taken for all purposes as a legal recording thereof, and as binding as though the same had been formally acknowledged or proved by one or more subscribing witnesses, as of the day it was so recorded or lodged for recording as aforesaid.

Filing, etc., as legal record.

Act limited.

2. This act shall not apply to any existing litigation.

Repealer.

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

Approved April 28, 1905.

CHAPTER 199.

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*:

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

20. In all cases where, by the provisions of this act, the common council shall have authority to pass ordinances on any subject, they may prescribe a penalty or penalties for the violation thereof, either by imprisonment in the city or county jail not exceeding ninety days, or by a fine not exceeding two hundred dollars, and imprisonment in the city or county jail not exceeding ninety days in the default of the payment of such fine; and it shall be lawful for the common council to authorize and empower the officer before whom any person or persons offending may be tried, on conviction, to impose any fine, in the discretion of such officer, to the maximum fixed in such ordinance, or to imprison for any term less than the term fixed therein; the book of record of the ordinances and by-laws of the common council shall be taken and received as evidence of the due passage by said common council of all ordinances and by-laws recorded therein; and further, the volume of ordinances and by-laws printed and published by authority of the common council shall, in like manner, be taken and received as evidence of the ordinances and by-laws of the said common council, and the publication of the said ordinances and by-laws in the public newspaper or newspapers according to law shall, in all Council to prescribe penalties.

Evidence of ordinances.

cases, be presumed to have been made until the contrary be proved.

Section amended.

2. Section seventy-eight of said act, of which this act is an amendment, be and the same hereby is amended as follows:

Establish police court.

78. It shall be lawful for the common council of any such city, at its discretion, by ordinance, to establish in and for such city a city police court, which, when so established and constituted, shall be called the " police court" (inserting the name of the city), which shall have power, authority and jurisdiction as follows: the said court shall have, possess and exercise all the jurisdiction, when so established and constituted, power and authority in civil and criminal matters which are or may be conferred upon justices of the peace in and for the several counties of this state, excepting such as are conferred on such justices of the peace by the following acts: an act entitled "An act constituting courts for the trial of small causes," approved March twenty-seventh, one thousand eight hundred and seventy-four, and the various supplements thereto; an act entitled "An act concerning landlords and tenants," approved March twenty-seventh, one thousand eight hundred and seventy-four, and the various supplements thereto; an act entitled "An act for the relief of creditors against absconding and absent debtors," approved March twenty-seventh, one thousand eight hundred and seventy-four, and the various supplements thereto; an act entitled "An act concerning forcible entries and detainers," approved April sixteenth, one thousand eight hundred and forty-six, and the various supplements thereto; and an act entitled "An act to increase the jurisdiction of justices of the peace," approved March twelfth, one thousand eight hundred and seventy-nine, which jurisdiction shall, within the corporate limits of such city, be exclusive of all other courts, judges and magistrates, excepting the courts of oyer and terminer and general jail delivery, quarter sessions and special sessions of the counties of this State, and the judges thereof; and the said court shall have exclusive jurisdiction for the purpose of enforcing

Power, authority, jurisdiction.

Exceptions.

Exclusive jurisdiction except in certain cases.

and recovering any penalty for the violation of any ordinance, by-law or regulation of such city, or any board thereof, and is hereby empowered, on oath or affirmation, made according to law, that any person or persons is, are or may be guilty of any violation of any ordinance or regulation of such city, or any board thereof, to issue process at the suit of the said city, either in the nature of a summons or warrant, as to the police justice thereof shall seem most advisable, against the person or persons, corporation or corporations so violating such ordinance or regulation, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons, be returnable in not less than two or more than fifteen days; and such process shall state what ordinance or regulation has been violated by defendant or defendants named therein, and on the return of such process, or at the time to which the matter shall have been adjourned, the said police justice shall proceed to hear testimony and to determine and give judgment in the matter without the filing of any pleading, and such police justice shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels or body of the defendant or defendants, which execution shall be executed and returned as near as may be in the manner in which executions are now by law issued and returned in courts for the trial of small causes; such police justice is further empowered to inflict and impose fines (in his discretion) not exceeding the sum of two hundred dollars, on such person as shall be brought before him, charged with disorderly conduct or breach of the peace, if found guilty, or, in his discretion, to order such person committed to the city prison or county jail for any period not exceeding ninety days; *provided,* that in all cases where the penalty shall exceed twenty dollars, an appeal may be taken in the same manner as an appeal might be had from judgments in courts for the trial of small causes; and such judge is hereby empowered to cause any person or persons who shall be found guilty of the violation of any ordinance or regulation of such city or any board thereof,

Issue process.

Grant hearing.

Issue execution.

Fines.

Proviso.

and any person or persons found guilty of disorderly conduct, breach of the peace, or any other offense within his jurisdiction, and who may refuse to pay any fine or penalty imposed by him by reason of the same, to be sent to the city prison or county jail for a term not exceeding ninety days, as hereinbefore provided; the said court shall also have jurisdiction to try and determine all cases of simple assault and battery and petty larceny where the offense is committed in the corporate limits of the city in which the court is established; *provided,* that the person or persons charged with any such offense shall, in writing, waive indictment and trial by jury.

May imprison.

Proviso.

Section amended.

3. Section seventy-nine of said act, of which this act is an amendment, be and the same hereby is amended so as to read as follows:

Keep docket.

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

Section amended.

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

Council to appoint police justice.

80. The common council shall have power, by a majority of votes of all its members, to appoint a police justice of said court, who shall hold 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

Oath.

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.

Clerk of police court.

The police justice may appoint a clerk of the police court subject to the confirmation of the common council, which clerk shall, before he enters upon the discharge of his duties, take and subscribe the oath prescribed for city officers; and said clerk shall keep the records of the police court, and shall have power to issue, sign and seal all writs, summons, warrants or process of any nature necessary in said court, and he shall have the power and authority to take and administer oaths, affirmations and affidavits in all matters connected with the said police court, including bail bonds, after the amount of bail has been fixed by the police justice, and in addition perform such other duties in connection with said court as the common council may by ordinance require.

Oath, duties.

5. This act shall take effect immediately.

Approved April 28, 1905.

CHAPTER 200.

An Act to amend an act entitled "A supplement to an act entitled 'An act to provide for the appointment of police justices in cities of the first class,' passed May eighteenth, one thousand eight hundred and ninety-four," which supplement was approved March seventh, eighteen hundred and ninety-five.

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

Section amended.

1. Section eight of the act entitled "A supplement to an act entitled 'An act to provide for the appoint-

ment of police justices in cities of the first class,' passed May eighteenth, one thousand eight hundred and ninety-four," which supplement was approved March seventh, eighteen hundred and ninety-five, as such supplement is amended by an act entitled "A supplement to an act entitled 'A supplement to an act entitled "An act to provide for the appointment of police justices in cities of the first class, passed May eighteenth, one thousand eight hundred and ninety-four,"'" approved March seventh, eighteen hundred and ninety-five,' which later supplement was approved May twelfth, eighteen hundred and ninety-six, be and the same is hereby amended so as to read as follows:

Judge may designate deputy clerk; duties.

8. The judge of any of the said courts may, at the request of the clerk thereof, designate in writing a deputy clerk, who shall have the same powers and authority as the said clerk, and may perform all the duties and do all the acts which the said clerk is obliged or empowered to do, the said clerk being responsible for all the acts of his said deputy.

Repealer.

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

3. This act shall take effect immediately.

Approved April 28, 1905.

CHAPTER 201.

A Supplement to an act entitled "An act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water rates or 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 assessments," approved May eighteenth, eighteen hundred and ninety-eight.

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

Notice of meeting of commissioners of adjustment made effectual.

1. In case any commissioners of adjustment that have heretofore been appointed under the provisions of the act to which this is a supplement shall have failed within thirty days after their appointment to cause a notice, signed by themselves, to be published in at least one newspaper printed or circulated in the town, township, borough or other municipality for which they were appointed, making known thereby that the said commissioners will meet at a time and place to be therein designated, not more than forty or less than thirty days from the date of the first publication of the notice, to hear all persons interested in the re-assessment or adjustment, under the act to which this is a supplement, of the taxes, assessments or water rates in arrears in the said town, township, borough or other municipality, or in such part thereof as the said commissioners shall designate in the notice, which notice is provided for by the said act to which this is a supplement, and said commissioners shall have caused said notice to be published in at least one newspaper printed or circulated in the town, township, borough or other municipality for which they were appointed within forty days after their said appointment, which

said notice shall in all other respects have conformed to the provisions of the act to which this is a supplement, such publication shall be as lawful and effectual as if made within thirty days, as in said act provided.

Approved April 28, 1905.

CHAPTER 202.

An Act to authorize townships and villages of this state to establish and maintain a fire limit therein, and to provide for the proper enforcement thereof.

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

Fire limits in townships and villages.

1. In all townships and villages of this state the governing body thereof may fix and determine by ordinance fire limits; and that within the limits so fixed and determined no frame building, or wooden building, in whole or in part, shall be built or erected; and that it may also in like manner determine the thickness of partition and outside walls of all buildings erected within the said limits after they are so determined; *provided,* that said governing body may, by resolution passed by a two-thirds vote of all the memberes thereof, permit frame, or wooden, or partly frame or wooden buildings to be erected within said limits when the circumstances of the particular case or cases in their judgment require such exception.

Proviso.

Penalty for violations of fire limit ordinance.

2. The governing body of any township or villages wherein a fire limit is established under this act may pass an ordinance or ordinances to prohibit the erection of any such building in such fire limit, and may therein provide for and enforce such prohibition by imposing a fine of not more than ten dollars for each and every day that any such prohibited building, whether complete or not, stands or remains within such prescribed limits, and may pass like ordinances and impose like fines for any building built within

such limit contrary to an ordinance relating to the thickness of the partition and outside walls of buildings erected within such limit; such fines and penalties to be enforced by an action or actions to be brought in the name of the township or villages and in any court of record against the owner or owners of such building, and that upon judgment or judgments obtained in any such suit the body of the defendant may be taken upon execution, as in an action of tort.

Injunction to prevent erection of frame buildings.

3. The governing body of any township or governing body wherein a fire limit is established under this act may file a bill in the court of chancery in the name of the state, on the relation of such committee, for an injunction to prohibit the erection of a frame or wooden, or partly frame or wooden, building in violation of an ordinance passed in pursuance of this act, and such actions shall proceed in the court of chancery according to the rules and practice in such cases on the relation of individuals, and cases of emergency shall have precedence over other litigation pending at the time in the court of chancery and may be heard on final hearing within such time and on such notice as the chancellor shall direct; and in all cases in which it shall be ascertained that such an ordinance is being so violated the court of chancery may issue an injunction according to the practice of the court prohibiting the erection of such building and may charge the costs of such suit upon the property whereon such violation is being committed and enforce the same by sale of said property, or any part thereof, on writ of fieri facias, or order the person or corporation committing such violation to pay such costs and enforce obedience to such order, but costs shall be awarded against such committee only in case it shall appear to the chancellor that no probable cause existed for bringing such suit.

Costs imposed.

4. This act shall take effect immediately.

Approved April 28, 1905.

CHAPTER 203.

An Act to amend an act entitled "A supplement to an act entitled 'An act to provide for the appointment of probation officers and to define their duties and powers,' approved March twenty-third, nineteen hundred," which supplement was approved April eighth, nineteen hundred and three.

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

Section amended.

1. Section one of said supplement, which was approved April eighth, nineteen hundred and three, be and hereby is amended so as to read as follows:

Suspension of penalty.

1. When any persons is convicted before any magistrate in any municipality in this state of any crime, or of being a disorderly person, or for desertion or non-support of wife or minor child or children, or for neglect or abuse of minor child or children, and the record of the person shall so justify, it shall be lawful for the said magistrate, instead of imposing the penalty provided by law for the offense, to suspend the imposition thereof and order the person so convicted to be placed upon probation under the care of the probation officer of the county, if any such there be, for such time and upon such conditions as the said magistrate in his order shall determine. This section, however, shall not permit such magistrate to suspend the operation of any order requiring a person adjudged a disorderly person for desertion or willful refusal or neglect to provide for and maintain his wife or other family to pay a sum weekly or otherwise for the support and maintenance of his family.

In care of probation officer.

Weekly support not suspended.

Section amended.

2. Section four of the said supplement, which was approved April eighth, nineteen hundred and three, be and hereby is amended so as to read as follows:

In case of fines.

4. If a part of the condition upon which such offender is committed to the care of the probation officer be the payment of fine, said fine shall inure to the benefit of the county, and said magistrate before whom said offender is convicted, if he shall collect said fine,

or any portion thereof, shall remit the same to the county probation officer, with the copy of the complaint and order in said case, and the probation officer shall account for and turn over the same, or any money collected by him on account thereof, to the proper county officer, with the moneys collected by him from offenders committed to his care by the court of general quarter sessions of the peace; *provided, however,* that all fines, penalties or moneys ordered to be paid by persons convicted of desertion or non-support of wife or minor child or children, or of neglect or abuse of minor child or children, shall be paid to the overseer of the poor of the municipality in which such conviction was had, or other proper officer, as is now provided by law, to be used and expended for the benefit of such wife or minor child or children. Proviso.

3. This act shall take effect immediately.

Approved April 28, 1905.

CHAPTER 204.

An Act to validate bonds heretofore issued by municipalities in this state pursuant to an act entitled "An act to provide for the permanent improvement of public roads in this state," approved April first, one thousand nine hundred and three, and the supplements and amendments thereto.

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

1. No bonds heretofore issued by any municipality in this state under and for the purpose mentioned in and provided for by a certain act entitled "An act to provide for the permanent improvement of public roads in this state," approved April first, one thousand nine hundred and three, and the supplements and amendments thereto, shall be invalidated by reason of the estimated amount of the contracts for road im- Underestimate not to invalidate bonds.

provements awarded in any one year by such municipality exceeding one-half of one per centum of the ratables of such municipality; *provided, however,* that this act shall not validate bonds irregularly, illegally or fraudulently issued; *and provided further,* that the aggregate of such bond issued exclusive of moneys appropriated by the state under such act shall not at any time exceed fifteen per centum of the amount of the assessed valuation of the property in such municipality; the existing indebtedness of any school district within such municipality, or any indebtedness hereafter incurred for school purposes, shall not be computed as a part of the indebtedness of such municipality within the meaning of this act.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved April 28, 1905.

CHAPTER 205.

A Supplement to an act entitled "An act to secure to mechanics and others payment for their labor and materials in erecting any building (Revision one thousand eight hundred ninety-eight)."

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

Referee.

1. Any action brought by virtue of the provisions of the act to which this is a supplement and in which matters of account are in controversy may, by rule, be referred to some competent person or persons to state and report an account between the parties and the amount that may be due from either party to the other; and in case a lien is claimed in said action, then, whether the plaintiff is entitled to judgment specially against the building and land in the declaration described, and in case of defendant mortgagees, to report the priority of liens of the plaintiff and said mortgagee defendants as put in issue by the pleadings in such action.

Priority of liens.

2. The practice and procedure respecting such references and upon and after the coming in of the report, and the rights of the parties with respect to trial by jury, shall be the same as in other actions at law in which matters of account are in controversy, and in which references are ordered; and judgment, if entered on the report, shall be given in like manner as now provided by the act to which this is a supplement. Procedure. Judgment.

3. This act shall take effect immediately.

Approved April 28, 1905.

CHAPTER 206.

An Act authorizing the payment before maturity of bonds issued by any of the cities of this state for the purpose of raising money to purchase lands and erect police stations, and providing for the issue and sale of other bonds in their place and stead.

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

1. Whenever any city of this state shall have issued bonds under the provisions of an act entitled "An act to authorize the acquisition of real estate and the erection of buildings thereon for the use of police departments in cities of this state," approved April eighth, one thousand eight hundred and eighty-nine, and the several supplements thereto, for an amount exceeding in the aggregate fifty thousand dollars, and it shall be desirable on the part of such city to be relieved of the necessity of paying at least ten thousand dollars annually, on account of the said bonds as required by said act and its supplements, it shall be lawful for any such city, with the consent of the owner or owners of the bonds so issued, to retire the same, and to issue in the place and stead thereof other bonds for the whole amount of such bonds outstanding, or any part thereof, which last-mentioned bonds shall be payable in Bonds retired. New issue.

Time. Rate. twenty years after their date, together with interest thereon, at a rate not exceeding four per centum per annum; and said bonds shall be issued in such sums, and of such denomination, and may be either coupon or registered, as the board having charge of the financial affairs of such city may by resolution direct and determine, and shall be issued under the corporate seal of the city and the signature of the mayor and city clerk; and the said bonds shall be numbered, and the coupons attached thereto shall be numbered to correspond with the bonds to which they are respectively

Redemption. attached; and the said city may redeem such bonds now outstanding by giving in exchange therefor bonds to be issued under this act, or it may dispose of such last-mentioned bonds at either public or private sale for the best price that can be obtained for the same, but at not less than the par value thereof, and out of the proceeds of such sale pay such bonds so heretofore issued and now outstanding, and all moneys derived from the sale of the bonds so to be issued, in excess of the principal and accrued interest of the outstanding

Sinking fund. bonds, shall be paid into the sinking funds of the city and credited to the account of the bonds so to be issued under this act. In case such bonds are not sold for more than par, it shall be lawful for the city to pay the interest which may have accrued on such outstanding bonds out of any available funds in its treasury.

Annual charges to meet bonds. 2. It shall be the duty of every city issuing bonds under the provisions of this act to raise annually by taxation the interest to accrue thereon, and also a sum equal to four per cent. of the principal of the bonds so issued, which sum shall be placed in the sinking funds of the city and credited to the account of the bonds so issued to provide a fund for the payment of the same at their maturity; and any shortage in said sinking fund at the maturity of said bonds may be paid out of any available moneys in the treasury of the city not otherwise specifically appropriated, or may be raised in the tax levy of that year.

3. This act shall take effect immediately.

Approved April 28, 1905.

CHAPTER 207.

An Act to amend an act entitled "An act for the relief of executors, administrators and assignees," 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*:

Title amended.

1. The title of an act entitled "An act for the relief of executors, administrators and assignees," approved March twenty-fourth, one thousand eight hundred and ninety-nine, be and the same hereby is amended so that the said title shall read as follows: "An act for the relief of executors, administrators, assignees and trustees."

New title.

Section amended.

2. Section one of said act entitled "An act for the relief of executors, administrators and assignees," be and the same is hereby amended so that said section shall read as follows:

When balance remains in hands of executor, etc.

1. Whenever any executor, administrator, assignee or trustee shall have stated, or shall hereafter state, his final account of the estate in his hands in the prerogative court or in any of the orphans' courts of this state, and there shall be remaining in his hands any balance, legacy, residuary share, dividend sum or sums of money to be paid to any legatee, distributee, creditor or other person or persons, and the said legatee, distributee, creditor or other person or persons, or any guardian of any such person, in case he or she shall be an infant or under any disability, shall not appear and claim or have appeared and claimed the moneys so due to him, her or them respectively within three months from the time of the passing of the said final account by the said court in which the same was stated and allowed, the said executor, administrator, assignee or trustee may pay the said share, legacy or sum of money into the court in which said account was stated, taking therefor the receipt of the surrogate or clerk of said court; and said receipts shall be a full and sufficient discharge and release to the said executor, administra-

Balance paid into court; receipt a full discharge.

tor, assignee or trustee for the moneys so by him paid into court and against the claim or demand of the said legatee, distributee or creditor so entitled to receive the same; and said receipt may be recorded in the office of the clerk or surrogate of said court in the same manner as releases for legacies and distributive shares are now authorized to be recorded; *provided,* that the said executor, administrator, assignee or trustee, upon payment of the said moneys into court, shall file therewith an affidavit that he has made diligent inquiry for the residence and post-office address of the person or persons entitled to receive such moneys, and has not been able to ascertain the same; or that, having ascertained such residence and post-office address, he has, either personally or by letter, duly mailed to such residence and post-office address of the person or persons entitled to receive such moneys, notified such person or persons to appear and receive the same, which notice shall have been given at least twenty days before the payment of such moneys into court as aforesaid.

Proviso.

Section amended.

3. Section three of said act be and the same is hereby amended so that said section shall read as follows:

Rightful claimant may petition court.

3. Any person or persons entitled to have or receive any legacy, distributive share or sum of money by any executor, administrator, assignee or trustee paid into court in pursuance of the first section of this act, may obtain the same by petition directed to the court in which the said account was stated and moneys deposited, setting forth his, her or their right and title to the same, whereupon the court may take such order for the payment of such moneys and accrued interest to such claimant as it may deem proper.

4. This act to take effect immediately.

Approved April 28, 1905.

CHAPTER 208.

A Supplement to an act entitled "An act to license graduate nurses in the state of New Jersey, and providing penalties for violation of its provisions," approved April seventh, one thousand nine hundred and three.

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

Applicant may file certificate.

1. Any person applying for a license under the provisions of the act of which this is a supplement, in place of presenting to the clerk of the county a diploma awarded by a training school, as provided in said act, may file with the clerk of such county a certificate, signed by the president of the board of governors or faculty of such training school and by the superintendent or secretary thereof, stating that such applicant has completed a course of two years practical and theoretical training in nursing and will be entitled to receive a diploma at the next annual commencement exercises of such school.

2. This act shall take effect immediately.

Approved April 28, 1905.

CHAPTER 209.

A Supplement to an act entitled "An act concerning townships" (Revision of 1899).

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

Township divided into wards.

1. The township committee of every township of this state having a population of more than eight thousand inhabitants, within thirty days after this act shall take effect, shall divide such township into not less than three wards; each ward shall consist of con-

tiguous territory, and shall contain, as nearly as possible, an equal number of inhabitants; *provided, however,* that where any such township shall have been heretofore divided into three or more wards, such division shall continue until changed by the township committee, and said township committee may change such division and create new or different wards at any time within one year after the declaration of the result of any official state or United States census.

Proviso.

Township committee; how composed.

2. The township committee of any township in this state having a population of more than eight thousand inhabitants, shall consist of two members from each ward, who shall hold office for the term of two years, and one member-at-large, who shall hold office for the term of one year; and a majority of the members of said committee shall constitute a quorum for the transaction of business, and no ordinance or resolution shall be adopted, except by vote of a majority of the members thereof; the members from each ward and the member-at-large shall be elected at the annual township election; *provided, however,* that the members of the township committee in such townships, holding office when this act shall take effect, shall continue in office and constitute such township committee until twelve o'clock noon of the first day of January, next succeeding the date this act shall take effect in such township, and no longer; *provided, further,* at the next election in townships now having a population of more than eight thousand inhabitants, and at the first election in each township, which shall hereafter have a population of more than eight thousand inhabitants, as shown by the declaration of the result of any official state or United States census, there shall be elected a member-at-large, and in each ward one member of the township committee for the term of one year, and one member for the term of two years, and the ballots voted shall designate which one is to serve for the term of one year, and which one for the term of two years.

Proviso.

Proviso.

Repealer.

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

Approved April 28, 1905.

CHAPTER 210.

A Supplement to an act entitled "An act authorizing cities of this state to extend existing water works owned by such cities, and to issue bonds for the cost of such extension," approved March twenty-second, one thousand nine hundred and four.

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

Balance of receipts used to extend system.

1. It shall be lawful for the board or governing body having the control and management of the water supply in any city of this state, after paying from the net rents and revenue of said water works the cost of maintaining and operating said works, the payment of salaries, wages and incidental expenses connected therewith, and the payment of the interest on any bonds issued and now outstanding for which the said board or governing body are by law required to pay, and after setting apart and paying into the sinking fund of any such city such amount which by law they are required to pay for the redemption of any bonds, to apply the balance of such net rents and revenue for the laying of additional mains or lateral connections in such cases as to them shall be deemed necessary; *provided*, that nothing in this act shall be taken or construed as preventing the issuance of bonds by the proper authorities in such city for the extension of the water supply of such city in the event that the net rents and revenue, hereinbefore referred to, are insufficient for the purpose of paying the costs of such extension.

Proviso.

Approved April 28, 1905.

CHAPTER 211.

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

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

Section amended.

1. Section seventeen of the act entitled "An act for the assessment and collection of taxes," approved April eighth, one thousand nine hundred and three, is hereby amended so as to read as follows:

Taxation of bank stock.

17. The shares of stock of every national bank doing business within this state, and of every state bank belonging to residents of this state, shall be assessed against the stockholders in the taxing district where they reside; and the shares belonging to persons not residing in this state shall be assessed against the holder in the taxing district where the bank is located, and the tax assessed against such non-resident stockholder shall be a lien upon his stock from the twentieth day of May in each year, and said stock may be levied upon and sold by the collector on default of payment, and moreover it shall be the duty of said bank to pay said tax assessed against such non-resident on demand, and said bank shall have a lien upon the shares for such payment and may retain the amount so paid out of the dividends that may be declared on said shares. The real property of such corporations shall be assessed to the bank and deducted from the total valuation of the shares of stock assessed against the stockholders. It shall be the duty of the officers of every bank to give to the assessor of each taxing district, on his application, a true statement, under the oath of the president, cashier or treasurer, of the names and residences of its stockholders in such taxing district on the twentieth day of May in said year, as shown by its stock books, and of the number of

When owned by non-resident.

Statement furnished by bank.

shares held by each, and of the amount of its assets, capital stock and surplus, and the assessor is authorized to administer such oath.

2. This act shall take effect immediately.

Approved April 28, 1905.

CHAPTER 212.

An Act to appropriate money for ceremonies attending the unveiling of certain tablets or monuments erected on the battle-grounds of Elizabethtown, Connecticut Farms and Springfield.

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

Appropriation for unveiling certain markers.

1. The sum of fifteen hundred dollars is hereby appropriated, when included in the annual appropriation bill, for the purpose of defraying the expenses necessarily incident to the ceremonies attending the unveiling of certain tablets or monuments erected on the battle-grounds of Elizabethtown, Connecticut Farms and Springfield, under the authority of an act entitled "An act appropriating money for erecting tablets or monuments on the battle-grounds of Elizabethtown, Connecticut Farms and Springfield," approved March twenty-eighth, one thousand nine hundred and four.

2. This act shall take effect immediately.

Approved April 28, 1905.

CHAPTER 213.

An Act concerning corporations of this state organized for religious, educational, charitable or benevolent purposes.

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

Religious, etc., corporations may acquire, hold, dispose, etc., of property.

1. Every corporation of this state organized for religious, educational, charitable or benevolent purposes under the provisions of any act of the legislature of this state, general, special or private, is hereby authorized to take and hold by purchase, gift, devise, bequest or otherwise, for any religious, educational, charitable or benevolent purposes whatsoever, such real or personal property, or both, as such corporation may require, or as, in any manner, may have been or may be vested in such corporations for any or all of such purposes, and to grant, bargain, sell or convey the same; and every such corporation is further authorized to take and hold in trust for any religious, educational, charitable or benevolent purposes whatsoever, such real or personal property, or both, as, in any manner, may have been or may be given, granted, conveyed, bequeathed or devised to, or otherwise vested in such corporation in trust for any of said purposes, and to grant, bargain, sell and convey property so held or to be held in trust for any such purposes, in accordance with the terms of the gift, grant, conveyance, bequest, devise or instrument creating such trust or trusts, respectively.

Act as trustee.

Trust to continue.

2. Any and all property, real or personal, heretofore given, granted, conveyed, bequeathed or devised to, or otherwise vested in any such corporation in trust for any religious, education, charitable or benevolent purpose, shall, so far as the same may not have already been applied in the execution of such trust, continue to be held and applied by such corporation in accordance with the terms of the gift, grant, conveyance, bequest, devise or instrument creating such trust in the same manner and with the same force and effect as if such

corporation were originally duly authorized to act in the capacity of trustee in the premises, provided that such trust, otherwise than in the designation of the trustee, is valid under the laws of this state.

3. This act shall take effect immediately.

Approved April 28, 1905.

CHAPTER 214.

An Act to amend an act entitled "An act to establish the office of register of deeds and mortgages in certain counties of this state," approved March seventh, one thousand nine hundred and four.

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

1. Section one of an act entitled "An act to establish the office of register of deeds and mortgages in certain counties of this state," approved March seventh, one thousand nine hundred and four, be and the same is hereby amended so as to read as follows: Section amended.

1. In every county of this state having a population of over one hundred and ten thousand there shall be a register of deeds and mortgages in and for such county, who shall be elected by the people of the county, and shall hold his office for five years; he shall be commissioned by the governor of this state, and his commission shall be issued and bear date on the Tuesday next after the annual election at which he may be elected; *provided, however,* that nothing in this act contained shall be taken to repeal, affect or modify any law now in force appertaining to the office of register of deeds and mortgages in any of the counties of this state, nor to abolish the office of register of deeds and mortgages in any of the counties of this state in which such office now exists. Register of deeds and mortgages in counties over 110,000 population. Proviso.

Approved April 28, 1905.

CHAPTER 215.

An Act to provide for the purchase of voting machines, and to regulate the use of the same at elections.

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

Voting machines allowed.

1. Voting machines may be used in all elections, general or special, hereafter held in this state or any political division thereof for any purpose whatever, and at any and all such elections the ballot may be had and taken and the votes cast thereat registered, recorded and counted, and the result of such election or elections ascertained by voting machines. When a voting machine shall be placed in any voting district in this state, either by the state or by the county in which such district is situated, it shall be the duty of the persons charged with conducting the elections in such district to use such voting machines at all elections to be thereafter held; and the use of such machines, as far as the same may be, shall be subject to the same requirements, provisions, terms, conditions and restrictions as now exist for the use of ballots and ballot-boxes; *provided,* that voting machines shall not be used at school meetings or at primary elections.

When to be used.

Proviso.

Voting machine commissioners.

2. There shall be and hereby is established in this state a commission to consist of three persons to be known as the "State board of voting machine commissioners." The members of said board shall be appointed and commissioned by the governor, shall hold office for the term of three years, and their successors shall be appointed by the governor for the full term; *provided,* that the members of the state board of voting machine commissioners, as now constituted, shall continue to hold office until the expiration of the term for which they were originally appointed. Any vacancy occurring in said board by death, resignation, removal or otherwise shall be filled by the governor for the unexpired term only. Any member of such board may be removed at the pleasure of the governor. No

Proviso.

member of such board shall have any pecuniary interest, directly or indirectly, in any voting machine. One member of said board shall be a mechanical expert. Not interested in machine.

3. The members of said board shall severally take and subscribe to an oath or affirmation before some person authorized by the laws of this state to administer the same, that they will faithfully and impartially discharge the duties imposed upon them by law to the best of their knowledge, understanding and ability, and file the same with the secretary of state. They shall organize by electing one of their number to be chairman, and one to be secretary, and one to be treasurer. The secretary shall keep a record of all meetings held by the board, and of all voting machines inspected and examined by it, and of the action of the board respecting the same. Oath; organization.

4. Any person, company or corporation owning or being interested in any voting machine may apply to the state board of voting machine commissioners to examine such machine and report on its compliance with the requirements of the law and its accuracy, efficiency and capacity to register the will of voters. Upon such application the said board shall examine such machine and make report whether, in its opinion or in the opinion of any two of the members thereof, the kind, pattern or style of machine so examined complies with the requirements of this act and can safely be used at elections to be held in this state under the conditions prescribed by this act. The report of said board on said machine, signed by the members thereof, or any two of them, and all exhibits, drawings, photographs, descriptions, et cætera, filed in connection with and identifying said machine so examined, shall be filed in the office of the secretary of state and shall be a public record. If the report of the board, or any two members thereof, be that machines of the kind, pattern or style examined can be used, such kind, pattern or style of machine shall be deemed to be approved by the board, and its use as herein provided shall be authorized at any such election as aforesaid to be held in this state or any civil division thereof. Any kind, pattern or style of voting machine not so Examination and approval of machine by commissioners. Report.

approved by said board shall not be used at any election. The examination herein provided for shall not be required of each individual machine, but only of each particular kind, style or pattern of machine before its adoption, use or purchase, as herein provided. When the machine has been so approved, any improvement or change that does not impair its accuracy, efficiency or capacity shall not render necessary a re-examination or re-approval thereof.

Deposit and use of same; compensation of commissioners.

5. Any person, company or corporation applying to have any voting machine examined shall deposit with the treasurer of said board the sum of four hundred and fifty dollars; from and out of said money shall first be deducted and paid all expenses incurred in examining machines by said board in and about the discharge of its duties, including stationery, books and postage; the balance remaining shall be divided into three equal parts or portions; each of said members shall receive one of said portions in payment of traveling and other expenses and for his compensation as a member of said board.

Requirements of machine.

6. No voting machine shall be approved by the said board unless the same be so constructed as to provide facilities for voting for the candidates of as many different parties or organizations and for and against as many different questions or amendments as in the judgment of the commissioners shall be necessary; nor shall any such machine be approved unless the same will permit a voter to vote for any person for any office, although the name of the person voted for does not appear on the machine as a nominated candidate for such office. It must enable the voter to vote a straight party ticket or a ticket selected in part from the nominees of one party and in part from the nominees of any or all other parties, and in part from independent nominations, or in part or in whole of the names of persons not nominated by any party or upon any independent ticket. Such machines must also secure to the voter privacy and secrecy in the act of voting. Such machine must also be so constructed that a voter cannot vote for a candidate or a proposition for whom or on which he is not lawfully entitled to vote,

Straight and split tickets.

Secrecy.

also to prevent voting for more than one person for the same office, except in cases where the voter is lawfully entitled to vote for more than one person for the same office, in which event they must enable the voter to vote for as many persons for that office as he is by law entitled to vote, and no more; they must also prevent his voting more than once for the same person for the same office. Said machines may be provided with one ballot in each party column or horizontal row containing only the words "presidential electors" and the names of the candidates for president and vice-president, preceded by the party name and party emblem (if any emblem be used) and a vote for such ballot shall operate as and be counted, canvassed and returned as a vote for all the candidates of such party for presidential electors, and such machine must be so constructed that by voting an irregular or split ticket, as herein defined, the elector may vote for any person or persons he may choose for the office of presidential elector, and must be so constructed that all votes cast for regularly nominated candidates are registered on mechanical counters or devices. Each machine must be provided with a lock or locks, by the use of which any movement of the voting or registering mechanism is absolutely prohibited, and any machine to be approved by said board must be of such kind, style or pattern as will permit the exercise by each voter of the full right and privilege of his elective franchise under the constitution and laws of this state. Such machines, in order to be approved by said board shall be supplied with a booth, canopy, curtain or other contrivance so arranged or affixed that the use and operation of the machine by the voter when voting cannot be seen or observed by any other person, unless such person be inside the booth, canopy, curtain or other contrivance at the same time. Such machine must also be so constructed as to correctly register or contain every vote of every description that may be cast, and of sufficient capacity to enable at least six hundred votes to be cast within the time prescribed for holding an election on any general election day.

In presidential elections.

Locks.

Booth arrangements.

Capacity.

Purchase.

7. The state board of voting machine commissioners shall have power and authority to expend with the consent of the governor such sum or sums of money as shall be appropriated for that purpose in the purchase of voting machines of a kind, style or pattern which have been or may hereafter be approved by said commissioners in conformity with the laws of this state.

Proposals invited.

8. Before any purchase shall be made, the state board of voting machine commissioners shall advertise for a period of twenty days their intention to purchase voting machines, inviting proposals, said proposals to state the style or kind of machine proposed to be furnished. The said commissioners shall have power and authority to contract for and purchase as many machines and encasements or devices for the erecting, protecting and operating the same as the appropriation for that purpose will permit of such styles, kinds or makes as they shall deem to be for the best interests of the state; *provided,* no contract or purchase shall be binding until approved by the governor and until the state board of voting machine commissioners shall receive a bond in such sum and with such sureties as shall be approved by them for the faithful performance of the terms of the contract, such bond to be filed in the office of the state comptroller. All machines so purchased shall be inspected by the commissioners or some person or persons appointed by them for that purpose, and if found to be in accordance with the terms of the contract shall be approved, and no machines shall be paid for unless so approved.

Proviso.

Inspection and approval.

Delivery, care, and use.

9. The state board of voting machine commissioners shall, after the approval of the machines, as provided by this act, under the instruction of the secretary of state, deliver the machines purchased as above to the governing bodies of the municipalities in which the election district is situated to which the secretary of state shall assign the machines. The state voting machine commission shall provide for the setting up of the machines in the election districts selected by the secretary of state and give all such instructions for their use as in their judgment shall be necessary. It

shall be the duty of the secretary of state to select and designate the election districts in this state wherein voting machines shall be placed when the same are purchased by the state, such designation to be made in writing and sent to the voting machine commission on or before the first Tuesday in October of each year, and when such designation shall once be made no change shall be made except before the first Tuesday in October of each year. The clerk of any municipality shall upon the receipt of a voting machine or machines, forthwith notify the voting machine commission that said machine or machines has or have been received.

Election districts designated by secretary of state.

10. The board of chosen freeholders or governing body of any county in this state may purchase and provide for any election district therein one or more voting machines of a kind, style or pattern which has been or may hereafter be approved by the state board of voting machine commissioners or one or more devices for the encasing any machine, and may provide for the payment therefor in such manner as it may be deemed for the best interests of such county, and, to provide for the purchase price, may issue bonds, certificates of indebtedness or other obligations, which shall be a charge upon the county. Such bonds, certificates of indebtedness or other obligations may be issued with or without interest, payable at such time or times as the governing body issuing the same may determine, but they shall not bear interest greater than four per centum or be sold at less than par.

Purchase of machines by county.

May issue bonds.

11. The common council, board of aldermen, township committee or other governing body of any city, town, borough, township or other municipality of this state in which a voting machine or machines shall be placed, either by the state or by the county, shall be charged with the duty of keeping the same in repair and good condition and for the custody and proper care thereof, and of the furniture and equipment of the polling place or places in such municipality when not in use at an election, and for that purpose may purchase any device for the encasing such machine. The expenses of keeping in repair and providing for

Care and repair of machine.

the custody and storing of the voting machines and the furniture and equipment of the polling place or places shall be a charge upon the municipality in which the voting district is located in which such voting machine is placed.

Machines insured.

In all cases where a voting machine has been placed in an election district by the state, it shall be the duty of the municipal authorities in which such election districts are located to have all machines therein located insured in some good and responsible insurance company in a sum not less than eighty per centum of the value of each machine.

If destroyed by fire.

In case any machine shall be destroyed by fire it shall be the duty of the municipality to use the money collected on the insurance to replace the machine so destroyed, and to place such machine so purchased in the same election district in which the machine which was destroyed by fire was located by the secretary of state. No voting machine shall be stored or kept in any place where vinous, spirituous, malt or brewed liquors are sold, nor used for advertising purposes by the persons charged with the care thereof.

Machines when provided must be used.

12. When any machine shall be supplied or provided, either by the state or county, for any election district of this state, it shall be and hereby is made the duty of the persons appointed to conduct the elections in such district to use the said machines at all elections as herein provided, thereafter to be held, and voting machines when so placed in any election district shall be used in place of ballots and ballot-boxes. Booths for the voters or official ballots shall not be provided for such district except the official ballots provided for by sections fourteen, fifteen, eighteen and nineteen.

Emblem or device to designate ticket.

13. The state committee of any political party may adopt any emblem or device (except the American flag) to designate the ticket or ballot of that particular party, and certify the adoption thereof under the hands of its chairman and secretary, and file the same with the secretary of state. The emblem or device so adopted, certified and filed shall be and continue the emblem or device of such party until the same be in like manner changed by its said committee and such

change certified and filed as aforesaid. Any emblem or device adopted by one party as aforesaid shall not be adopted or used by any other party. The party first filing with the secretary of state the certificate of its adoption of an emblem or device shall have the right to the exclusive use of that particular emblem or device, but no use shall be made of any such emblem or device except in cases where an election is to be held by the use of voting machines. Such emblem or device shall be printed in black ink on white paper or clear white material. The political party shall, if it desires to adopt or change an emblem or device, file the same with the secretary of state on or before the first day of August in each year.

Ballot defined.

14. The list of rows of candidates to be used on the front of the voting machine shall be deemed official ballots under this act for any election district in which a voting machine is used pursuant to law. The word "ballot," as used in this act (except when reference is made to irregular ballots), means that portion of the cardboard or paper or other material within the ballot frames of the machine containing the names of the candidates for office, the names of the offices to be filled at that election, the names of the parties and their emblems and devices, and a statement of the proposed constitutional amendment or other question or proposition to be voted on with the words "for" and "against," or the words "yes" and "no."

Ballots how prepared.

15. All ballots shall be printed in black ink on white paper or clear white material, of such form and size as will fill the ballot frame of the machines, in plain, clear type as large as the place will reasonably permit. The party device, designation or emblem (if any) for each political party represented on the machine and the party named or their designations shall be prefixed to the column, list or row of the candidates of such party.

Arrangement of ballots.

16. Party nominations shall be arranged on each voting machine, either in columns or horizontal rows. The captions of the various ballots on said machines and the emblems or devices (if any) designating the same shall be so placed on said machine as to indicate

to the voter what lever, push knob, key, lock or other device is to be used or operated in order to vote for the party of his choice; *provided,* that the party emblems, devices or designations of the political party whose candidate for governor at the last preceding election for governor received the largest number of votes for that office shall be placed first at the top, and the names of the candidates of such party shall follow directly after in a horizontal row or in a column directly underneath, as the construction of the machine may require. The party emblems, devices, designations and names of candidates of the political party whose candidate for governor at the preceding election for governor received the next largest number of votes for that office shall be placed second; the party emblems, devices, designations and names of candidates of all other political parties shall follow in the order of priority determined by the number of votes cast for gubernatorial candidates at the preceding election for governor; *provided,* that the party emblems, devices, designations and names of candidates of political parties which were not represented in the preceding gubernatorial election by a candidate for governor shall follow the others in alphabetical order of their party designations. All emblems, devices, party designations and names of candidates shall be uniformly arranged, beginning at the left of the machine as the voter faces the front of it.

Proviso.

Order of parties.

Proviso.

Preparing and furnishing ballots.

17. Official ballots of the form and description as described in this act for use upon voting machines shall be prepared and furnished in the same manner, at the same time, and by and delivered to the same officials as now provided by law.

Sample ballots.

18. The officer or officers whose duty it may be under this act to provide and furnish official ballots for any polling place where a voting machine is to be used, shall also provide therefor two sample or instruction ballots, which sample or instruction ballots shall be arranged in the form of a diagram showing such portion of front of the voting machine as it will appear after the official ballots are arranged thereon or therein for voting on election day; such sample bal-

lots shall be open to the inspection of voters at the polling place during all hours that the polls may be open on election day.

Duplicate set of ballots.

19. Two sets of official ballots shall be provided for each polling place for each election for use in and upon the voting machine; one set thereof shall be inserted or placed in or upon the voting machine and the other shall be retained in the custody and possession of the board of election, unless it shall become necessary during the course of the election to make use of the same upon or in the voting machine; at the close of the election all official ballots (except those actually in or upon the voting machine at the close of the election), whether the same shall have been used in the machine or not, shall be returned to the official providing the same in the manner herein provided.

If ballot lost, etc., substitution allowed.

20. If the official ballots for an election district or precinct, at which a voting machine is to be used, shall not be delivered in time for use on election day, or after delivery shall be lost, destroyed or stolen, the clerk or other official, or officials, whose duty it now is in such case to provide other ballots for use at such election in lieu of those lost, destroyed or stolen, shall cause other ballots to be prepared, printed or written as nearly as may be of the form and description of the official ballots, and the inspectors of election shall cause the ballots so substituted to be used at the election in the same manner, as nearly as may be, as the official ballots would have been; such ballots so substituted shall be known as unofficial ballots.

Unofficial ballots.

Arrangement of polling-room.

21. At all elections whereat voting machines may be used, the arrangement of the polling-room shall be the same as near as may be as is provided for elections under the ballot reform law (so called). The exterior of the voting machine and every part of the polling-room shall be in plain view of the election officers. The voting machine shall be placed at least three feet from every wall or partition of the polling-room and at least three feet from the outer guard-rail and at least four feet from any table whereat any of the election officers may be engaged or seated. A guard-rail shall be constructed at least three feet from the ma-

chine, with an opening, or openings, to permit the entrance and exit of voters to and from the machine. No person shall be permitted in or about the polling-room except as now provided for by law in elections where ballots and ballot-boxes are used.

Clerk's duty in providing machine, furniture, etc., for polling places.

22. It shall be the duty of the clerk of any municipality wherein at any election a voting machine, or machines, is or are to be used to cause the machine, or machines, and all necessary furniture and appliances to be at the proper polling place or places before the time fixed for opening the polls on election day, with the machines properly equipped with the official ballots, and the counters set at zero, and otherwise in good and proper order for use at such election; and for the purpose of so labelling the machine, putting in order, setting and adjusting and delivering the same, the municipal authorities may employ one or more competent persons and cause him or them to be paid out of the municipal treasury in the same manner that other expenses incurred by the said board are paid. The officers to conduct said election and the clerks thereof shall be in attendance at least forty-five minutes before the time fixed for opening the polls; the election officers shall thereupon cause the two sample or instruction cards to be posted conspicuously within the polling place. In addition to the information afforded by such sample or instruction cards, the election officers shall give to the voter while he remains outside the outer guard-rail, such information and aid as may be in their power when requested by the voter to enable him properly to cast his vote when he shall enter the voting machine booth. If not previously done, the election officers shall before declaring the polls open, insert in their proper place or places on or in the voting machine, the ballots containing the names of offices to be filled at such election and the names of the candidates nominated therefor, and compare the same with the sample ballots. If not previously done they shall, before declaring the polls open, place all the counters on the voting machine so as to register zero, and shall not permit such counters to be operated except by voters in voting. Before

Preliminary duties of election officers.

Ballots inserted.

the opening of the polls each election officer shall carefully examine every counter and see that it registers zero, and the same shall be subject to the inspection of the official watchers and interested parties. The election officers shall see that the machine is otherwise in perfect order for the election, and they shall not thereafter permit the counters to be operated or moved except by electors in voting; and they shall also see that all necessary arrangements and adjustments are made for voting irregular ballots on the machine; ballots voted for any person whose name does not appear on the machine as a nominated candidate for office are herein referred to as irregular ballots. Where two or more candidates are to be elected to the same office, the voting devices belonging to all the candidates for said office shall be included in a group herein referred to as a multicandidate group; in all multicandidate groups, except presidential electors, the name of each nominated candidate shall be placed upon or adjacent to a separate key or voting device, and all split ballots which are confined to the nominated candidates shall be voted on such keys or voting devices. Except for presidential electors no irregular ballot shall be voted for any person for any office whose name appears on the ballot on the front of the machine as a candidate for that office; any irregular ballot so voted shall not be counted; an irregular ballot must be cast in its appropriate place on the machine or it shall be void and not counted. In voting for presidential electors an elector may vote in the irregular balloting device a ticket made up of the names of persons in nomination by different parties, hereafter referred to as a split ballot, or partially of the names of persons so in nomination, and partially of persons not in nomination, or wholly of names of persons not in nomination by any party, hereafter referred to as an irregular ballot; such split or irregular ballot for presidential electors shall be deposited, written or affixed in or upon the receptacle or device provided on the machine for the purpose; the split or irregular ballots for presidential electors may be of any size and form best suited to the convenience of the voter and the requirements of the machine; the

Counters set at 0.

Provision for irregular ballots.

Multi-candidate group.

Voting irregular ballots.

Split ballot.

Size, etc., of split ballots.

candidates' names may be written or printed thereon, in one or more columns, and the ballots need not contain any other than the names of the candidates voted for; names on such split or irregular ballots for presidential electors which have been crossed off with the intention of cancellation, shall not invalidate said ballots, nor shall the ballot be considered marked, anything in the general election laws to the contrary notwithstanding.

Manner of voting.

23. Where a voter presents himself for the purpose of voting, the election officers shall ascertain whether his name is upon the register of voters, and if his name appear thereon and no challenge be interposed, or if interposed be not sustained, one of the election officers to be stationed at the entrance through the outer guard-rail shall announce the name of the voter and permit him to pass through the entrance opening in the outer guard-rail to the booth of the voting machine for the purpose of casting his vote. No voter shall remain in the voting machine booth longer than two minutes, and having cast his vote the voter shall at once emerge therefrom and leave the polling-room by the exit opening in the outer guard-rail; if he shall refuse to leave after the lapse of two minutes, he shall be removed by the election officers. The election officers shall record the name and address of each voter in the manner now provided by law as he enters the voting machine booth for the purpose of voting. No voter after having entered and emerged from the voting machine booth shall be permitted to re-enter the same on any pretext whatever. Only one voter at a time shall be permitted to pass the outer guard-rail to vote.

Two minutes allowed.

Assistance in voting.

24. In case any voter after entering the voting machine booth shall ask for further instructions concerning the manner of voting, an election officer shall stand outside the voting machine booth, canopy or curtain, and give such instructions or directions to the voter as the election officers may agree upon; but no election officer assisting or instructing a voter shall in any manner request, suggest or seek to influence, persuade or control any such voter to vote any particular ticket or for any particular candidate, or for or against

any particular amendment, question or proposition. After receiving such instructions or directions, the voter shall vote as in the case of any unassisted voter; during the entire period of an election at least one of the election officers, to be designated from time to time by the chairman, shall be stationed beside the entrance to the booth and shall see that it is properly closed after a voter has entered it to vote; he shall also, at such intervals as he may deem proper or necessary, examine the face of the machine to ascertain whether it has been defaced or injured, to detect the wrongdoer and to repair any injury. In case any voting machine used in any election district shall, during the time the polls are open, become injured so as to render it inoperative in whole or in part, it shall be the duty of the election officers immediately to give notice thereof to the body providing such machine, and it shall be the duty of such body, if possible, to substitute a perfect machine for the injured machine, and, at the close of the polls, the records of both machines shall be taken, and the votes shown on their counters shall be added together in ascertaining and determining the result of the election; but if no other machine can be procured for use at such election, and the one injured cannot be repaired in time for further use at such election, the officers of said election may permit the use of unofficial ballots by the voters, which ballots may be received by the election officers and placed by them in a receptacle to be provided therefor and counted with the votes registered on the voting machine, and the result declared the same as though there had been no accident to the voting machine; the unofficial ballots thus voted shall be preserved and returned as herein directed with a certificate or statement setting forth how and why the same came to be voted.

When machine inoperative.

Use of unofficial ballots.

25. At least two keys that cannot be interchangeably used shall be provided for locking each voting machine against voting; said keys shall be delivered to election officers of different political parties, who shall retain the same in their possession and deliver them to the clerk of the said municipality wherein such election is held, not later than four P. M. of the day

Locking machine; keys.

next following the election. Each key shall be placed upon a string or wire, labeled with the make and number of the machine and district at which it is used. The clerk to whom said keys are so delivered shall securely keep the same, and not permit the same, or any of them, to be taken, or any voting machine to be unlocked for a period of thirty days from and after the election, unless by order of a court of competent jurisdiction. At the end of thirty days said keys shall be subject to the order of the officer or officers having charge of the machines.

Adjournment; care of machine.

26. The election officers may take such adjournment where voting machines are used as is permitted by the general election laws in force at the passage of this act. The voting machine shall not be removed from the polling-room or outside the guard-rail during said adjournment, and it shall at all times during such adjournment be under the constant care, watch and oversight of two of the election officers of opposite political parties, who shall not, during such adjournment, allow any person other than the election officials, to pass within the guard-rail, and said election officers shall not permit any person to interfere or tamper with said machine, nor shall said election officers interfere or tamper with the same during such adjournment. When such adjournment is taken said machine shall be securely locked against voting and so as to prevent its use for any purpose. At the end of such adjournment and when voting is ready to be resumed, the machine shall be unlocked by the election officers and the election proceeded with without further adjournment until the time for closing the polls shall arrive.

Closing polls.

Closing of the polls, in cases where voting machines are used, shall be deemed to mean that a voter entitled to vote, and who shall have passed within the outer guard-rail for that purpose before the time fixed by law for closing the polls, shall be allowed to complete the act of voting.

Determination of balloting.

27. Immediately upon the close of the polls, the election officers shall lock the voting machine against further voting and open the counting compartment in the presence of persons who may be lawfully present

at that time, giving full view of all the counter numbers; the chairman of the board of registry and election shall, in the order of the offices as their titles are arranged on the machine, read and announce in distinct tones the result as shown by the counter numbers, and shall then read the votes recorded for each office on the independent ballots; he shall also, in the same manner, announce the vote on each constitutional amendment, proposition or other question. As soon as the result for each office and on each amendment, proposition or other question is ascertained, the poll clerks shall record the same and submit their records to the election officers for examination, and if found to be correct the chairman shall at once announce the vote for each office, amendment, proposition or other question, and said result shall thereupon be certified and returned and proceeded with the same in all respects as though the said election had been held and conducted by the use of a ballot-box, and as provided by the laws in force at the passage of this act.

Announcement of result.

28. The election officer shall, as soon as the count is completed and fully ascertained, as by this act required, lock the machine against voting or any other use; and it shall so remain for a period of thirty days, except by order of a court of competent jurisdiction. The election officers shall return the keys to the clerk of the municipality as aforesaid charged with the care and custody of the keys; whenever irregular ballots of whatever description have been voted, the election officers shall return all such ballots in a properly secured package endorsed "irregular ballots," and return and file such package with the original statement of the result of the election made by them; said package shall be preserved for six months next succeeding such election, and it shall not be opened or its contents examined during that time except by order of a judge or a court lawfully empowered to direct the same to be opened and examined. At the end of said six months said package may be opened and said ballots disposed of at the discretion of the official or body having charge thereof.

Securing machine after election.

Irregular ballots.

Guarantee by seller.

29. When one or more voting machines are adopted and purchased by the state or any county, the party or parties or corporation of whom the same are purchased shall give a bond to the state or such county with sufficient surety or sureties to keep such machine or machines in good working order and condition for two years, at the cost and expense of such parties or corporation (unless the same has been damaged, injured or destroyed by the wilful act, carelessness or negligence of others, or by inevitable accident).

Removal of person from booth.

30. If any person who has entered a voting machine for the purpose of voting shall remain therein longer than by this act allowed, and shall not forthwith, on notice to do so given him by the board of election, or any member thereof, quit and emerge from said voting machine, he may be immediately removed therefrom by the election officers, or they may await his coming out, and any person who shall remain in said voting machine contrary to the provisions of this section shall forfeit and pay for each offense a sum not exceeding one hundred dollars, and in default of the payment of the fine as imposed may be imprisoned in the county jail of the county where the offense was committed for a period not exceeding sixty days. The proceeding for the recovery of the penalty shall be by complaint by any one of the election officers before any justice of the peace, police recorder or police magistrate, who are hereby empowered to hear and determine said matter without the filing of any pleadings either on behalf of the plaintiff or defendant. The penalty, when recovered, shall be paid over to the treasurer of the municipality where the offense occurred.

Unauthorized possession of, or tampering with, machine.

31. Any unauthorized person found in possession of any such voting machine or keys thereof shall be deemed guilty of a misdemeanor and fined in a sum not less than twenty-five nor more than one hundred dollars, and imprisonment in the county jail not less than ten nor more than thirty days; and any person willfully tampering or attempting to tamper with, disarrange, deface or impair in any manner whatsoever, or destroy any such voting machine while the same is

in use at any election, or who shall, after such machine is locked in order to preserve the registration or record of any election made by the same, shall tamper or attempt to tamper with any voting machine, shall be deemed guilty of a felony, and on conviction thereof shall be imprisoned in the state prison of this state at hard labor for not less than three nor more than ten years.

Sample voting machine in clubs, etc.

32. It shall be lawful for any political body, club, organization or association to purchase a voting machine or machines of the kind or kinds adopted and authorized to be used within the municipality where such political body, club, organization or association may be located, for the purpose of instructing its members and voters generally in the use of such machine or machines. Any such machine or machines purchased for the purpose aforesaid shall have plainly painted, marked or stamped thereon the words "sample voting machine." It shall also be lawful for any such body, club, organization or association to have in its possession a diagram or model of any such voting machine or machines as aforesaid for the purpose of instructing its members and voters generally in the use of such machines; *provided,* that such diagrams or models are marked "sample diagram" or "sample model," as the case may be.

Proviso.

Voting on amendments.

33. In voting for or against any constitutional amendment, proposal to bond, the issue of bonds or any question or proposition to be voted on, the assent or dissent of the voter to any such amendment, question or proposition may be expressed either by the words "for" or "against," or "yes" or "no."

Instruction in use of machine by election officers.

34. It shall be the duty of the election officers of the respective municipalities in this state in which voting machines have been or shall hereafter be placed, on the last regular registration day, to give instructions as to the use of voting machines to all voters who shall apply for the same.

Illegal voting or action at polling place.

35. Whoever at any election, knowing that he is not a qualified voter, votes thereat; whoever at any election votes or attempts to vote more than once in his own name; whoever at any election votes or at-

tempts to vote in more than one election district or precinct; whoever at any election votes or attempts to vote upon any name other than his own; whoever at any election counsels, procures, aids, advises, assists or abets any person to vote thereat, knowing that he is not a qualified voter; whoever at any election counsels, procures, aids, advises, assists or abets any person in voting in more than one voting district or precinct; whoever at any election counsels, procures, aids, advises, assists or abets any person to vote or attempt to vote upon any name other than his own; whoever at any election in this state shall in any way wilfully mark or deface any ballot, or shall wilfully counsel, procure, aid, advise, assist or abet any person in the marking or defacing of any ballot; whoever at any election in this state shall make a false affidavit for any purpose; whoever at any election shall in any way counsel, procure, aid, advise, assist or abet any official or person in doing any act which is contrary to the provisions of this act or abstain from the doing of any act which is enjoined by the provisions of this act; whoever at any election in this state shall in any way wilfully hinder or prevent a voter from casting his legal vote, knowing such person to have a right to vote; whoever shall wilfully tamper with, injure, mutilate, destroy or render unfit for use any voting machine or any part thereof; shall forfeit and pay for each offense a sum not exceeding one hundred dollars, and in default of the payment of the fine as imposed may be imprisoned in the county jail of the county where the offense was committed for a period not exceeding ninety days. The proceedings for the recovery of the penalty shall be by complaint by any citizen before any justice of the peace, police recorder or police magistrate, who are hereby empowered to hear and determine said matter without the filing of any pleadings either on behalf of the plaintiff or defendant; the penalty, when recovered, shall be paid over to the treasurer of the municipality where the offense occurred.

Penalty

Proceedings for recovery.

Obligations of election officers.

36. Any public officer or election officer whatsoever of this state, or of a city, borough, town, town-

ship, municipality or election district or precinct, upon whom a duty is imposed by the provisions of this act and the act to which it is a supplement, who refuses or wilfully neglects or wilfully fails to perform such duty, or who wilfully performs it contrary to the law, or in such a way as to hinder the objects of this act, shall for each offense, if no other penalty is herein specifically imposed for such offense, be guilty of a misdemeanor, and, on conviction, be punished by a fine not exceeding five hundred dollars, or by imprisonment in the state prison for a term not exceeding three years, or by both such fine and imprisonment. Penalty.

37. It shall be the duty of the state board of voting machine commissioners to have all voting machines inspected before the general election in each year, and to make once a year a report of their work to the governor. The state board of voting machine commissioners shall receive a per diem of ten dollars to each member of said board for each day spent in performance of the duties imposed by this act, and all the disbursements and expenses incurred by the said state board of voting machine commissioners in carrying out the provisions of this act shall be paid out of any moneys in the state treasury not otherwise appropriated; *provided,* that no per diem shall be allowed for the examination of any machine. All bills for services shall be first approved by the governor. Inspection of machines; annual report. Commissioners to receive per diem. Proviso.

38. All laws relating to elections now in force in this state shall apply to all elections under this act so far as the same may be applicable thereto; so far forth as any law or parts of laws now in being are now inconsistent with or repugnant to this the same are hereby repealed. Application of election laws.

39. This act shall take effect immediately.

Approved April 28, 1905.

CHAPTER 216.

An Act authorizing the appointment in counties of the first class in this state of an interpreter of the Polish and Russian languages to the Court of Common Pleas, Circuit Court, Orphans' Court, Court of General Quarter Sessions of the Peace, Court of Special Sessions, and the public offices connected therewith, and fixing the salary of such interpreter.

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

Court interpreter.

1. When the transaction of the public business of the Court of Common Pleas, the Circuit Court, the Court of General Quarter Sessions of the Peace, the Orphans' Court, the Court of Special Sessions, and the business connected with said courts in the offices of the prosecutor of the pleas, the sheriff, the county clerk, the surrogate and of the grand jury, in any county of the first class in this state, may be expedited or improved thereby, the presiding judge of the Court of Common Pleas in said county may appoint an interpreter of the Polish and Russian languages, to serve during the pleasure of the appointing power.

Duties.

The said interpreter shall be in daily attendance during the several terms of the courts, upon the judges of the county and circuit courts, the supreme court justice and the officers charged with the public business of said courts, for the interpretation of the Polish and Russian languages and dialects in the transaction of the public business thereof; and said interpreter shall receive as compensation for his services a salary at the

Compensation.

rate of twelve hundred dollars per annum, to be paid monthly by the county collector, on the certificate of the county clerk, showing performance of duty, to be endorsed upon a formal claim for services rendered, verified by the oath of the claimant and presented to the county clerk for endorsement.

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

Approved April 28, 1905.

CHAPTER 217.

Supplement to an act entitled "An act relating to, regulating and providing for the government of cities," which act was approved April eighth, one thousand nine hundred and three.

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

1. Whenever at an election heretofore held for the purpose of obtaining the consent of the legal voters of such municipality for the purpose of issuing bonds and obligations named and described in the seventy-third section of the act to which this act is a supplement, it shall appear that a majority of those who voted on the said proposition shall have voted in favor thereof, it shall be lawful for the city council to issue the said bonds and obligations the same as though said resolution had been approved by a majority of the legal voters of said municipality, anything in said act to the contrary notwithstanding; and such bonds and obligations when so issued shall have the same force and effect as if the said resolution had been approved at said election by a majority of the voters voting at such election. Majority of those voting to determine issue of bonds.

2. This act shall take effect immediately.

Approved April 29, 1905.

CHAPTER 218.

An Act to create a flood district to be called Passaic river flood district.

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

Boundaries of Passaic river flood district.

1. All that portion of the counties of Essex, Morris, Passaic, Bergen and Hudson lying within the territory described and bounded as follows, to wit: Beginning at a point in the boundary line between the county of Passaic and the county of Bergen where said boundary line between said counties forms the dividing line between the borough of Pompton Lakes, in said county of Passaic, and the township of Franklin, in said county of Bergen, and is intersected by the south side line of the right of way of the New York, Susquehanna and Western railroad; thence (1) extending southeasterly along said boundary line between Passaic and Bergen counties to its point of intersection by the boundary line between said borough of Pompton Lakes and the township of Wayne, in Passaic county, and continuing along that portion of said boundary line between said counties of Passaic and Bergen, which is also the dividing line between said township of Wayne, county of Passaic, and said township of Franklin, county of Bergen, in southeasterly and also southerly and again southeasterly direction to the intersection of last said boundary line with the boundary line between said township of Franklin and the borough of North Haledon, county of Passaic; thence (2) extending easterly along the boundary line between said township of Franklin and said borough of North Haledon to its intersection with the boundary line between the borough of North Haledon and the borough of Hawthorne, county of Passaic; thence (3) extending northerly and southeasterly along the boundary line between said township of Franklin and said borough of Hawthorne to its intersection with the boundary line between said township

of Franklin and the township of Ridgewood, in Bergen county; thence (4) extending southeasterly along the boundary line between said township of Ridgewood and said borough of Hawthorne to the borough of Glen Rock, Bergen county, and continued across the said borough of Glen Rock in a straight line to its point of intersection with the west side line of the right of way of the Bergen county branch of the Erie railroad, in said borough of Glen Rock; thence (5) extending in a southerly direction along said west side line of said Bergen county branch of the Erie railroad to and across the township of Saddle River, Bergen county, and to and across the borough of Garfield, Bergen county, and along said side line in the borough of Wallington, Bergen county, to the borough of East Rutherford, Bergen county; thence (6) extending along last said railroad right of way across the borough of East Rutherford, Bergen county, to the borough of Rutherford, Bergen county; thence (7) continuing along said railroad right of way in said borough of Rutherford to the intersection of said railroad right of way with center line of Park avenue, in said borough of Rutherford, or said center line produced; thence (8) along center line of said Park avenue in a southwesterly direction to its intersection with center line of Cromwell avenue, in said borough of Rutherford; thence (9) along center line of Cromwell avenue, in said borough of Rutherford, and continuing along said center line of Cromwell avenue to the town of Kingsland, township of Union, Bergen county, and to the center line of Kearney avenue, in the borough of North Arlington, Bergen county; thence (10) continuing along the center line of Kearney avenue, in the town of Arlington, Hudson county, and town of Harrison, Hudson county, extended to connect with the center line of North Fourth street, in the town of Harrison, Hudson county; and thence (11) extending along the center line of North Fourth street, in said town of Harrison, to center line of Harrison avenue, in said town of Harrison; thence (12) extending in a straight line to the intersection of said Harrison avenue with the center line of South Fourth street, in said

town of Harrison; thence (13) extending in a southerly direction along the center line of said South Fourth street, in said town of Harrison, to the southerly termination of said South Fourth street, in said town of Harrison, and continued in the same straight line to and across the Passaic river to its intersection with the center line of Passaic avenue, in the city of Newark, Essex county; thence (14) extending in a westerly direction along the center line of said Passaic avenue to its intersection with the center line of Market street, in said city of Newark; thence (15) extending along the center line of said Market street and continuing along the various courses of the same in a generally northwesterly direction to its intersection with the center line of High street, in the said city of Newark; thence (16) extending in a straight line in a generally northwesterly direction in the city of Newark to the intersection of the center line of Breintnal place and center line of Bank street, in the city of Newark; thence (17) extending along the center line of said Bank street, in the city of Newark, in a northerly direction to its intersection with the center line of Wallace place, in said city of Newark; thence (18) extending along the said center line of said Wallace place in the northwesterly direction of the same to its intersection with the center line of Warren street, in said city of Newark; thence (19) extending in a northwesterly direction along the center line of said Warren street, in said city of Newark, in the several courses of said Warren street, to its intersection with the center line of Orange street, in said city of Newark; thence (20) extending along the center line of said Orange street to its point of intersection with the boundary line between the said city of Newark and the city of East Orange, in the county of Essex; thence (21) extending northeasterly along said boundary line between the cities of East Orange and Newark to its intersection with the boundary lines dividing the cities of East Orange and Newark respectively from the town of Bloomfield, in the county of Essex; thence (22) extending northwesterly along the boundary line between the city of East Orange aforesaid and the

said town of Bloomfield to its intersection with the boundary line between the said city of East Orange and the city of Orange, in the county of Essex; thence (23) extending in a northwesterly direction along the boundary line between the said city of Orange and the town of Montclair, in the county of Essex, to its intersection with the boundary line between the said city of Orange and the town of West Orange, in the county of Essex; thence (24) extending northwesterly and southeasterly along the boundary line between the said towns of West Orange and Montclair to the common point of intersection of boundary lines between the said town of West Orange, the said town of Montclair and the township of Verona, in the county of Essex; thence (25) extending northwesterly along the boundary line between the said town of West Orange and said township of Verona to the common point of intersection of boundary lines between said town of West Orange, said township of Verona and the township of Caldwell, in the county of Essex; thence (26) extending in a southwesterly direction along the boundary line between the said town of West Orange and the said township of Caldwell to its intersection with the boundary line between the said township of Caldwell and the township of Livingston, in the county of Essex; thence (27) extending in a southwesterly direction along the boundary line between said township of West Orange and the said township of Livingston to its intersection with the boundary line dividing the said township of Livingston from the township of Milburn, in the county of Essex; thence (28) extending easterly along the boundary line between the said town of West Orange and the said township of Milburn to its intersection with the boundary line between said township of Milburn and the township of South Orange, in the county of Essex; thence (29) extending in a generally southwesterly direction along the several courses of and continuing in a southeasterly direction along the boundary line between said township of Milburn and said township of South Orange to its point of intersection with the boundary line between the county of Essex and the county of Union;

thence (30) extending along the boundary line between the county of Essex and the county of Union in a generally southwesterly and also in a generally northwesterly direction to its intersection with the boundary line between the county of Union and the county of Morris, as the same is established in or along the Passaic river; thence (31) extending along the said boundary between the counties of Union and Morris in or along the Passaic river, in a southwesterly direction, to its point of intersection with the easterly side of the bridge of the Delaware, Lackawanna and Western Railroad, which crosses said river from the county of Union to the county of Morris; thence (32) extending northerly in a straight line to that point in the borough of Chatham, county of Morris, where the left bank of the Passaic river intersects the easterly side line of the right of way of the said Delaware, Lackawanna and Western railroad nearest said railroad bridge; thence (33) extending along the last said side line of right of way of said Delaware, Lackawanna and Western railroad, as the same continues northeasterly and northerly and northwesterly through the said borough of Chatham, to its intersection with the boundary line between the said borough of Chatham and the borough of Madison, in the county of Morris; thence (34) extending along the continuation of last said railroad's side line of right of way in a generally northwesterly direction in the said borough of Madison to its intersection with the boundary line between the said borough of Madison and the borough of Florham Park, in the county of Morris; thence (35) extending along the continuation of last said railroad side line of right of way, in a northwesterly direction, to its intersection with the boundary line between the said borough of Florham Park and the township of Morris, in the county of Morris, the last said continuation of said line of railroad right of way, or some other portion of said right of way, forming a part of the boundary line or lines between said borough of Florham Park and the said borough of Madison; thence (36) extending in a northwesterly direction along the same side line of last said railroad right

of way continued in the township of Morris, county of Morris, to its most southerly point of intersection with the boundaries of the town of Morristown, in the county of Morris; thence (37) extending northwesterly, northerly and northeasterly along the last said railroad right of way and in continuation of the same in the said town of Morristown to its most northerly point of intersection with the boundaries of the said town of Morristown; thence (38) extending northwesterly, northerly and northwesterly in said township of Morris along last said railroad side line of right of way and continuation thereof to the point of its intersection with the boundary line between said township of Morris and the township of Hanover, in the county of Morris; thence (39) extending in a generally northerly direction in the township of Hanover aforesaid along last said railroad side line of right of way and the continuation thereof to the point of intersection of said railroad side line of right of way with the boundary line between said township of Hanover and the township of Rockaway, in the county of Morris; thence (40) extending in a generally northeasterly direction along the boundary line between said townships of Hanover and Rockaway to its point of intersection with the boundary line between said township of Hanover and the township of Boonton, in the county of Morris; thence (41) extending in a northeasterly and northerly direction along the boundary line between the said township of Rockaway and said township of Boonton to its intersection with the boundary line between said township of Boonton and the township of Pequannock, in the county of Morris; thence (42) extending in a northerly and a northeasterly direction along the boundary line between said township of Rockaway and said township of Pequannock to its intersection with the boundary line between said county of Morris and the county of Passaic, as the same is truly located at or in the Pequannock river; thence (43) extending northeasterly and easterly and also generally southeasterly along said boundary line between said county of Morris and said county of Passaic to its most easterly intersection with the boun-

daries of the borough of Pompton Lakes, in the county of Passaic; thence (44) extending northerly, easterly and northeasterly along the several courses of the boundary line dividing the said borough of Pompton Lakes from the township of Pompton, in the county of Passaic, to the point of intersection of last said boundary line with the boundary line which divides the county of Passaic from the county of Bergen, which last said boundary line also forms the dividing line between the borough of Pompton Lakes, in Passaic county, and the township of Franklin, in Bergen county; thence (45) extending in a southeasterly direction along said boundary line between said county of Passaic and said county of Bergen to the very first point of beginning, be and the same is hereby constituted a flood district under the same and title of Passaic river flood district, and it shall be entitled to all of the authority and subject to all of the laws of this state concerning flood districts so created.

Title and authority.

2. This act shall take effect immediately.

Approved April 29, 1905.

CHAPTER 219.

An Act to authorize consolidated and annexed municipalities to make assessments for local improvements.

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

Assessments for benefits in annexed municipalities.

1. Whenever one or more cities, towns, boroughs or other municipalities or portions thereof have been annexed or in the future shall be annexed to or consolidated with any other city, town, borough or other municipality by or pursuant to any general or special law, and any local improvement or improvements have been or shall be made in and by any such municipality so annexed prior to such annexation or consolidation,

for or on account of which no assessment has been or shall be made upon the property in such municipality peculiarly benefited thereby for the benefits conferred by such improvement, it shall be lawful for the proper local authorities of the city, town, borough or other municipality to which any such municipality is or shall be annexed, to make an assessment upon all property peculiarly benefited by any such improvement for the benefits conferred thereby.

Assessments how made.

2. All practice and proceedings for the making, levying and collecting of any such assessment or assessments shall be the same as that provided for and in effect in the municipalities to which any such city, town, borough or other municipality has been or shall be annexed, and any such assessment so made and levied upon any property peculiarly benefited by any such improvement shall be as good, effective and binding as if such improvement had been undertaken, made and consummated by the municipality to which any such municipality has been or shall be annexed.

Repealer.

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

4. This act shall take effect immediately.

Approved April 29, 1905.

CHAPTER 220.

An Act to change the name of Jennie Paullin Jaggers.

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

Change of name.

1. The name of Jennie Paullin Jaggers, of the city of Bridgeton and State of New Jersey, be and the same is hereby changed to Pauline Gladys Smith.

2. And be it enacted that this act shall take effect immediately.

Approved April 29, 1905.

CHAPTER 221.

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

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

Investment in office building.

1. Any building and loan association, incorporated under the laws of this state, may permanently invest a portion of its funds in the purchase of lands and the erection of buildings, for the purpose of providing offices for the transaction of its business; *provided,* that the amount, that may be so permanently invested in such lands and buildings, shall not, in the whole, exceed five per centum of the value of the assets of such association; *and provided further,* that the interest on the amount so invested, calculated at the rate of six per cent. per annum, less the annual income obtained from sub-rentals or otherwise of any part of such building, shall be charged against the aggregate amount of expense limited by section forty of the act to which this is a supplement.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved April 29, 1905.

CHAPTER 222.

An Act to provide means for protection against fires in the territory within any incorporated camp meeting association in this state.

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

Camp meeting grounds a fire district.

1. The territory within any incorporated camp meeting association under the laws of this state be and the same is hereby constituted a fire district.

Meeting to appropriate money and elect commissioners.

2. In the territory within any such incorporated camp meeting association it shall be lawful for the legal voters therein at any special election called by the governing body of such incorporated camp meeting association on ten days' notice in writing posted in five public places in said territory, designating the time and place of said election, for that purpose to vote for and determine an amount of money to be raised by tax for a fire appropriation, and also at such election to vote for and elect a board of fire commissioners to consist of five persons, resident in such district, who when elected shall possess within such district the right to adopt such rules and regulations and to alter and amend the same from time to time which the said commissioners or a majority thereof may deem necessary respecting the use, management, care and custody of the fire apparatus within such district and under the control of such commissioners, including the use, management, care and custody of all buildings and other property used for fire purposes therein and under the charge of such commissioners; said commissioners shall hold office for three years and until their successors are elected, *provided* that at the first meeting of said board of fire commissioners elected after the passage of this act the members of said board shall divide themselves by lot into three classes, the term of two members composing the first class shall be vacated at the expiration of the first year, the term of the two members composing the second class shall be vacated at the expiration of the second year and the term of the one member composing the third class shall be vacated at the expiration of the third year, so that two members of said board of fire commissioners shall be elected annually on the last Saturday in May, at three o'clock in the afternoon, after the first election, except every third year, when but one member shall be elected to hold office for three years, and if vacancies happen by resignation or otherwise the person or persons elected to supply such vacancy shall be elected for the unexpired term only.

Care of apparatus.

Proviso.

Annual meeting.

3. The legal voters of said district shall meet annually after the said first election on the last Saturday

in May, at three o'clock in the afternoon, at the place designated annually by the fire commissioners of said district, and determine the amount of money to be raised for the ensuing year, and to vote for the election of fire commissioners necessary to fill the term of any vacancies or the election of the successor or successors of any expiring members whose term has expired at the time of such election.

Assessment and collection.

4. The amount of money voted at any election held in said district for said fire purposes shall be certified to the assessor of taxes in and for the municipality in which the said incorporated camp meeting association may be situated, which assessor shall cause the amount thereof to be levied in the annual tax budget of such municipality upon the taxable property situated within the limits of the said camp meeting association, and the same shall be thereafter collected in the manner now provided by law for the collection of other taxes.

5. This act shall take effect immediately.

Approved April 29, 1905.

CHAPTER 223.

An Act prescribing the manner in which a newly created fire district shall succeed to and take certain of the assets and liabilities of any other fire district out of which it is created.

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

Ownership of property used for fire purposes.

1. Whenever any fire district shall be created by any act of the legislature of this state defining the territory to be comprised in said fire district, such fire district shall have and own all the property and assets used for fire purposes which at the time of its incorporation belonged to or was vested in any other fire district existing within its limits; it shall also be liable to pay its proportionate part of the bonded and other

Liability.

indebtedness of any fire district which before its incorporation existed within its limits, which proportionate amount of property, assets or indebtedness shall be ascertained in the manner hereinafter provided.

Joint committee.

2. Whenever such fire district shall have been created from another fire district as aforesaid, after the first election of fire commissioners therein, a committee of three shall be appointed from and by the members of the board of fire commissioners of each of said districts, and the said committees shall meet on the first Monday succeeding the first election of fire commissioners in the said district so created from another district, and at a time and place to be designated by the governing body of the township in which such district is situate; and said committees, or a majority of the members thereof, shall then and there, or as soon thereafter as may be possible, proceed to appraise, state an account of, allot and divide between the old and new fire districts aforesaid all the moneys on hand, property, assets and liens of every kind, and all the indebtedness of said district in proportion to the taxable property and ratables within the respective limits of such districts as the same shall remain; *provided,* that any real estate belonging to the old fire district acquired and held for public use shall be and remain the property of the fire district within whose limits it may lie after separation as aforesaid, and any indebtedness then existing, incurred for or on account of the said property, shall be and remain the indebtedness of the fire district which retains said property, and neither said property nor said indebtedness shall be included or taken into account in making the apportionment and division herein provided for; such apportionment shall be based upon the last abstract of ratables made for the purpose of levying taxes in each of said fire districts; in effecting such division a decision of the majority of those present of the committee of said newly created fire district, concurred in by a majority of those present and of the committee of the fire district, the assets and debts which are being divided shall be final and conclusive; if any of the members of said committees shall neglect or refuse to attend

Allotment.

Proviso.

How apportionment made.

such meeting, those assembled may act, and a majority of the whole number of such joint committee may adjourn the meeting from time to time not exceeding one week; the committees shall appoint a clerk from their own number, who shall keep a record of their proceedings and certify to each fire district affected the apportionment of assets and debts so made; such joint committee shall have power to issue subpœnas and compel the attendance of any of the officers of the fire districts affected, and to compel the production of all books and papers relating to the subject matter under consideration, and to administer oaths or affirmations to any person appearing before said committee to testify, and shall have the same power to enforce its process of subpœna and to compel any person to attend and testify as is given to committees appointed by the common council of any city under the provisions of an act entitled "An act concerning evidence (Revision, approved March twenty-seventh, one thousand eight hundred and seventy-four)"; in case the joint committee herein provided for should be unable to agree upon a division of the assets or debts of said fire districts, or in case either of said fire districts desire to have such allotment and division made by commissioners, appointed by the court of common pleas, then it shall be lawful for the commissioners of either said fire districts to apply to the court of common pleas of the county in which such districts are situate for the appointment of three disinterested persons as commissioners, who shall make the above appraisement and apportionment in the manner herein provided, and their determination in writing, signed by any two of them, shall be binding and conclusive upon each of said districts; for which service such commissioners shall receive such compensation as said court may think proper, to be paid for by said fire districts equally.

Clerk.

Powers of committee.

When court may appoint commissioners to make apportionment.

3. This act shall take effect immediately.

Approved April 29, 1905.

CHAPTER 224.

A Supplement to an act entitled "An act making appropriations for the support of the state government and for several public purposes for the fiscal year ending October thirty-first, one thousand nine hundred and five," approved April fifth, one thousand nine hundred and four.

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

Supplemental appropriations.

1. The following sums, or so much thereof as may be necessary, be and they are hereby appropriated out of the state fund for the several purposes herein specified, and for supplying deficiencies in former appropriations for the fiscal year ending October thirty-first, one thousand nine hundred and five:

1.

EXECUTIVE DEPARTMENT.

Executive department.

For additional allowance for compensation for assistants in the executive department, one hundred and thirty-five dollars.

2.

OFFICE OF THE TREASURER.

Treasurer.

For additional allowance for postage, expressage and other incidental expenses for the office of the treasurer, four hundred dollars.

New Jersey State Library

3.

STATE HOSPITAL AT MORRIS PLAINS.

Morristown asylum.

For additional allowance for support of indigent patients, at the rate of three dollars per week, and cost of clothing, for the year one thousand nine hundred and four, six hundred twenty-five dollars and sixteen cents;

For record room, five thousand dollars;

For heating and furnishing nurses' home, three thousand five hundred dollars.

4.

Silver service for battleship New Jersey.

For the purpose of carrying out the provisions of "An act appropriating the sum of ten thousand dollars for, and authorizing the appointment of a commission to purchase a silver service for the United States battleship 'New Jersey,' and to present the same to that ship when it is placed in commission," approved April third, one thousand nine hundred and two, ten thousand dollars.

5.

STATE BOARD OF ASSESSORS.

Assessors.

For additional allowance for postage, expressage and other incidental expenses for the state board of assessors, one hundred and fifty dollars.

6.

STATE BOARD OF HEALTH.

Board of health.

For additional allowance for the state board of health, pursuant to the provisions of chapter sixty-

eight, laws of one thousand eight hundred and eighty-seven, one hundred and twenty-five dollars;

For additional allowance for compensation of assistants in the office of the state board of health, pursuant to said chapter, one hundred and seventy-five dollars;

For additional allowance 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 additional allowance for maintenance of the bacteriological laboratory, six hundred and fifty dollars;

For additional allowance for postage required in sending to the physicians of this state the annual report of the state board of health and of the bureau of vital statistics, fifty dollars;

For the purchase of an addressing machine, one hundred and twenty-five dollars.

7.

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, one thousand dollars. Courts.

8.

STATE HOSPITALS.

For additional allowance for traveling expenses of managers, three hundred dollars. Traveling expenses.

9.

COUNTY LUNATIC ASYLUMS.

County asylums.

For additional allowance for support of county patients in the Essex county lunatic asylum, three thousand dollars;

For additional allowance for support of county patients in the Camden county lunatic asylum, one thousand five hundred dollars;

For additional allowance for support of county patients in the Burlington county lunatic asylum, one thousand dollars;

For additional allowance for support of county patients in the Passaic county lunatic asylum, five hundred dollars;

For additional allowance for support of county patients in the Cumberland county lunatic asylum, one thousand dollars;

For additional allowance for support of county patients in the Atlantic county lunatic asylum, five hundred dollars.

10.

BLIND AND FEEBLE-MINDED.

Blind.

For additional allowance for clothing, maintenance, support and instruction of the blind persons, inhabitants of this state, one thousand five hundred dollars.

11.

ADVERTISING.

Advertising.

For additional allowance for advertising proclamations issued by the governor, notices of the attor-

ney-general in relation to delinquent miscellaneous corporations, and notices of the comptroller in regard to public printing, et cætera, two hundred and fifty dollars.

12.

PRINTING.

For additional allowance for printing and binding public documents, five thousand dollars. Printing.

13.

COLLATERAL INHERITANCE TAX.

For additional allowance for surrogates' fees, appraisers' compensation and expenses, legal and other disbursements, pursuant to chapter two hundred and ten of the laws of one thousand eight hundred and ninety-four, three thousand dollars. Inheritance tax.

14.

ATTORNEY-GENERAL'S DEPARTMENT.

For compensation of associate counsel and expenses incurred in the case of state of New Jersey versus state of Delaware, now pending in the supreme court of the United States, ten thousand dollars: said sum to be paid upon approval of the governor and attorney-general; Attorney-general.

For compensation and expenses of counsel employed in foreign states to enforce payment of the state's claim for taxes due by bankrupt and other insolvent corporations, one thousand five hundred dollars;

For services of Henry M. Foote, a lawyer of Washington, District of Columbia, in connection with the Spanish and civil war claims of the state against the United States government, six thousand dollars; said sum to be paid upon approval of the governor and attorney-general;

For compensation to counsel of this state employed by the attorney-general to assist him in special exigencies, five hundred dollars.

15.

STATE MUSEUM.

Museum. For additional allowance for the commission to acquire new material for the museum and for blanks, stationery and other incidental expenses, three hundred dollars.

16.

GEOLOGICAL SURVEY.

Geological survey. For additional allowance for salaries and expenses of department of geological survey and for the completion of the geological survey of this state, and for the continuance of forestry investigation, two thousand dollars.

17.

SUPREME COURT.

Supreme court. For the revision and publication of the rules of the supreme court, eight hundred and fifty dollars.

18.

OFFICE OF CLERK OF THE SUPREME COURT.

Clerk of supreme court.

For additional allowance for compensation for clerical service in the office of the clerk of the supreme court, two hundred and fifty dollars.

19.

HOME FOR FEEBLE-MINDED WOMEN AT VINELAND.

Vineland home for feeble-minded.

For fire protection, six thousand dollars;

For the purchase of land adjoining the home on the east, three thousand dollars;

For the purchase of land lying westwardly of the main buildings of the home and eastwardly of Landis avenue, four thousand dollars;

For conversion of building into a hospital, three thousand dollars.

20.

STATE LIBRARY.

Library.

For additional allowance for the repair, preservation and purchase of useful books for the state library, one thousand dollars.

21.

COURT OF CHANCERY.

Court of chancery.

For additional allowance for compensation of sergeants-at-arms, two hundred dollars;

For additional allowance for compensation of stenographers, and for services pursuant to section one

hundred and three of chapter one hundred and fifty-eight, laws of one thousand nine hundred and two, five hundred dollars;

For additional allowance for compensation and allowance of advisory masters, four hundred dollars.

22.

NATIONAL GUARD.

National guard.

For amount to meet claims pursuant to chapter sixty-eight of the laws of one thousand nine hundred and three, three hundred and fifty dollars;

For amount to meet claims pursuant to chapter seventy-five of the laws of one thousand eight hundred and ninety-nine, one hundred and fifty dollars;

For building jetties, absolutely necessary to protect the ocean front at the state camp grounds, Sea Girt, eight thousand dollars;

For amount of city assessment confirmed against the Newark armory, August fifteenth, one thousand nine hundred and four, four hundred and forty-seven dollars and sixteen cents;

For professional services of architect, rendered in connection with alterations and repairs to the armories at Newark, Paterson, Camden and Jersey City, two hundred and eighty-three dollars and sixty-two cents;

For amount required to protect and repair the long range rifle pits at Sea Girt from damage by storm, one thousand dollars;

For expenses incurred by the state in connection with the obsequies of Brigadier General Richard A. Donnelly, late quartermaster-general, three thousand five hundred dollars.

23.

TRENTON ARMORY.

Trenton armory.

For platform, benches, lockers for men and officers and gun cases, two thousand five hundred dollars;

For gas and electric fixtures and static lighting, five thousand dollars;

For altering positions of radiators in drill shed, one hundred and twelve dollars;

For architect's commission on extras, three hundred and eighty dollars and sixty cents;

For furniture for brigade and regimental headquarters, board room, adjutant, quartermaster, national guard officers and four company rooms, two thousand seven hundred and ninety dollars and twenty cents;

For architect's fees on original contract, one thousand six hundred dollars.

24.

STATE PRISON.

State prison.

For additional allowance for maintenance of convicts, five thousand dollars;

For additional allowance for the keeper, for payments to discharged convicts, five hundred dollars.

25.

DEPARTMENT OF LABOR.

Labor bureau.

For additional allowance for printing, postage, expressage, et cætera, five hundred dollars.

26.

True American.

To the True American Publishing Company, for advertising notice to architects to submit plans for a state building at the Pan-American exposition, two dollars and seventy cents.

27.

OFFICE OF CLERK IN CHANCERY.

Clerk in chancery.

For additional allowance for blanks and stationery for use in the office of the clerk in chancery, three hundred dollars;

For additional allowance for postage, expressage and other incidental expenses for the office of the clerk in chancery, one hundred and fifty dollars.

28.

STATE OYSTER COMMISSION FOR THE DISTRICT OF OCEAN COUNTY.

Survey

Proviso.

For the entire completion of survey of oyster grounds, one thousand dollars; *provided,* all bills are approved by the governor.

29.

RIPARIAN COMMISSION.

Riparian commission.

For the riparian commissioners for expenses for examination and report of the condition of the monuments marking the boundary line between the states of New York and New Jersey, pursuant to chapter one hundred and seventy of the laws of one thousand eight hundred and ninety-one, five hundred dollars.

30.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

Stationery.

For additional allowance for stationery and blanks, one thousand two hundred dollars.

31.

OFFICE OF COMPTROLLER.

For the deputy comptroller, whose salary is hereby fixed at the sum of three thousand six hundred dollars per annum, for additional allowance for salary, six hundred and forty-one dollars and sixty-five cents; Disapproved.

For additional allowance for compensation for other clerical service in the comptroller's office, eight hundred dollars; Comptroller.

For additional allowance for postage, expressage and other incidental expenses, three hundred dollars.

32.

OFFICE OF THE SECRETARY OF STATE.

For additional allowance for postage, expressage and other incidental expenses for the office of secretary of state, seven hundred dollars; Secretary of state.

For additional allowance for services and expenses for the purpose of carrying out the provisions of "An act respecting the recording of certificates and other papers relating to and affecting corporations," approved March twenty-eighth, one thousand nine hundred and four, six hundred dollars;

For cards and cabinets for indexing, letter-press, letter-file cabinets, et cætera, for the office of secretary of state, three hundred and fifty dollars;

For two thousand five hundred copies of the corporation laws, one thousand two hundred and fifty dollars.

33.

STATE CENSUS.

For the purpose of taking the census of the inhabitants of this state, as provided by law, five thousand dollars. Census.

34.

STATE BOARD OF ASSESSORS.

Assessors. For additional allowance for compensation for clerical services in the office of the state board of assessors, two thousand dollars; *provided,* a bill pending entitled "A further supplement to an act entitled 'An act to revise and amend "An act for the taxation of railroad and canal property," approved April tenth, one thousand eight hundred and eighty-four,' which act was approved March twenty-seventh, one thousand eight hundred and eighty-eight," becomes a law.

Proviso.

35.

STATE HOUSE COMMISSION.

State house commission. For additional allowance 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, ten thousand dollars;

For carpeting and redecorating the supreme and chancery court rooms, five thousand dollars;

For electrical work for new branch court room, supreme court room and corridors, two thousand dollars;

For fitting up basement vaults in the treasurer's office and mason work on vault door, four thousand eight hundred and ninety-one dollars;

For fitting up basement vaults for commissioner of banking and insurance, two thousand one hundred and seventy-five dollars.

36.

INAUGURATION OF THE PRESIDENT OF THE UNITED STATES.

Presidential inauguration. For expenses incurred by the state in connection with the inauguration of President Roosevelt, at

Washington, District of Columbia, March fourth, one thousand nine hundred and five, ten thousand dollars.

37.

ADJUTANT-GENERAL'S DEPARTMENT.

For printing military records provided for by joint resolution number one, approved March twenty-second, one thousand eight hundred and ninety-eight, nine hundred dollars. Adjutant general.

38.

QUARTERMASTER-GENERAL'S DEPARTMENT.

For additional allowance for carpenter, machinist and to the persons having in charge accoutrements, et cætera, cleaning arms, et cætera, teamster and laborer, for salaries, forty-five dollars and sixty-five cents. Quartermaster-general.

39.

HOME FOR DISABLED SOLDIERS AT KEARNY.

For additional allowance for support of the New Jersey home for disabled soldiers at Kearny, and for the chaplain thereof, fifteen thousand dollars. Kearny home.

40.

AGRICULTURAL EXPERIMENT STATION.

To the agricultural experiment station for experiments and investigations concerning the mosquito problem, the sum of two thousand five hundred dollars; for state aid to municipalities, the sum of four thousand dollars; *provided,* the bill authorizing such investigations, experiments and state aid becomes a law. Experiment station. Proviso.

41.

STATE HOSPITAL AT TRENTON.

Trenton asylum.

For additional allowance for support of indigent patients, at the rate of three dollars per week, and cost of clothing, for the year one thousand nine hundred and four, three thousand one hundred sixty-four dollars and fifty-seven cents;

For the construction and completion of fire escapes, twelve thousand five hundred dollars; plans, specifications and contracts to be approved by the governor;

For additional allowance for salaries of officers, nine hundred and fifty dollars;

New wing.

For the purpose of carrying out the provisions of a bill pending, entitled "An act for the relief of the New Jersey State hospital at Trenton, and to provide additional accommodation for the insane of this state,"

Proviso.

two hundred and fifty thousand dollars; *provided,* said bill becomes a law; plans, specifications and contracts to be approved by the governor.

42.

STATE HOME FOR GIRLS.

Girl's home.

For additional allowance for the trustees of the New Jersey state home for girls, for the support and necessary repairs to the home, four thousand dollars;

For painting buildings, five hundred dollars;

For the purchase of a boiler, one thousand seven hundred dollars;

For sewer connections, three thousand dollars;

For fences, four hundred and seventy-five dollars;

For electric wiring, three thousand dollars;

For insurance, two hundred and thirty-five dollars;

For the assistant engineer, for salary, three hundred and fifty dollars.

43.

PUBLIC ROADS.

Roads.

For additional allowance for expenses for clerk hire, attorney and consulting engineer, fees, stationery and actual traveling expenses, five hundred dollars;

For additional allowance for public roads, fifteen thousand dollars.

44.

STATE BOARD OF EDUCATION.

New normal school.

For necessary expenses incurred by the state board of education in preliminary investigation regarding the new normal school, seven hundred and fifty dollars.

45.

STATE NORMAL SCHOOL.

Normal school.

For additional allowance for necessary repairs to the grounds, buildings and furniture, and for keeping the same insured, five thousand dollars.

46.

MANUAL TRAINING AND INDUSTRIAL SCHOOL FOR COLORED YOUTH.

Bordentown school.

For improvements and repairs and to provide additional facilities for manual training, six thousand dollars.

47.

INDUSTRIAL EDUCATION.

Manual training.

For additional allowance for payments to schools established for industrial education, pursuant to chapter one hundred and sixty-four of the laws of one thousand eight hundred and eighty-one, five hundred forty-seven dollars and sixty-five cents;

For additional allowance for payments to schools for manual training, ten thousand dollars.

48.

STATE SEWERAGE COMMISSION.

Secretary.

For additional allowance for salary of secretary, four hundred dollars.

49.

BLIND AND FEEBLE-MINDED.

Feeble-minded.

For additional allowance for clothing, maintenance, support and instruction of the feeble-minded persons, inhabitants of this state, five thousand dollars.

50.

NEW JERSEY HOME FOR DISABLED SOLDIERS, SAILORS, MARINES AND THEIR WIVES, AND FOR THEIR WIDOWS, AT VINELAND.

Soldiers' home at Vineland.

For additional maintenance, one thousand seven hundred and fifty dollars;

For additional furniture, appliances and for repairs to buildings and furniture, two thousand five hundred dollars.

51.

STATE BOARD OF CHILDREN'S GUARDIANS.

For additional allowance to the state board of children's guardians, for expenses, three thousand dollars. Children's guardians.

52.

NEW JERSEY OYSTER AND SHELL COMMISSION.

For re-shelling Beach Bed between Cedar and Nantuxet creek and the Drum Beds in Back creek, in the sixth shell district, one thousand five hundred dollars. Sixth shell district.

53.

NEW JERSEY REFORMATORY.

For additional allowance for the superintendent, for payments to discharged inmates, five hundred dollars; Rahway reformatory.

For traveling expenses of parole officer, two hundred and fifty dollars;

For sewage disposal plant and sewer connections with same, thirteen thousand dollars;

For real estate for farming purposes, five thousand dollars;

For materials for constructing building for Bertillon department, three thousand dollars; Disapproved.

For books for inmates' library, five hundred dollars;

For fire insurance premiums, three thousand dollars;

For additional allowance for maintenance, three thousand five hundred dollars;

For additional allowance for furniture, appliances and repairs (including industrial departments), five thousand dollars;

For additional allowance for the subordinate officers and employes, for salaries, one thousand dollars.

54.

RUTGERS COLLEGE.

Rutgers college.

To the treasurer of Rutgers college, to pay the state agricultural college for the benefit of agriculture and the mechanic arts the balance due for services rendered to the state in the instruction, from September first, one thousand eight hundred and ninety, to July first, one thousand nine hundred and two, of students holding free state scholarships under the act passed March thirty-first, one thousand eight hundred and ninety, the sum of eighty thousand dollars is hereby appropriated.

55.

VILLAGE FOR EPILEPTICS.

Epileptic village.

For construction of a temporary power-house, one thousand dollars;

For sewers for men's, children's and women's building and laundry, five thousand six hundred and eighty-seven dollars;

For furnishing buildings now in course of construction, eight thousand five hundred dollars;

For insurance on buildings and contents, one thousand dollars;

For the extension of the telephone system, five hundred dollars;

For the purchase of the farm between the village and the railroad, including a small tract adjoining, twenty-two thousand dollars.

56.

STENOGRAPHIC REPORTERS.

Stenographers.

For additional allowance for amount to be refunded to the various counties in this state for salaries of stenographic reporters appointed by the justices of

the supreme court, pursuant to chapter eighty-one of the laws of one thousand nine hundred and one, one thousand dollars.

57.

BUREAU OF SHELL FISHERIES.

To Walter H. Bacon, for preparing complete digest of the laws of New Jersey relative to clams and oysters in force December thirty-first, one thousand nine hundred and three, for the use of the bureau of shell fisheries, two hundred dollars. Digest of oyster laws.

58.

TENEMENT-HOUSE SUPERVISION.

For expenses of members of the board of tenement-house supervision, one thousand dollars. Expenses.

59.

For carrying out the provisions of a joint resolution entitled "Joint resolution authorizing and providing for the appointment of a commission to investigate and report upon the existing turnpike, pay or toll roads in this state," approved March fourteenth, one thousand nine hundred and five, five hundred dollars. Conversion of toll roads, to public.

60.

For carrying out the provisions of a concurrent resolution entitled "Concurrent resolution for the creation of a commission to coöperate with the authorities of the state of Pennsylvania in regard to the propagation of fish in the Delaware river and the adoption of concurrent laws relating thereto by both states," five hundred dollars. Fish propagation.

61.

NEW JERSEY TAX COMMISSION.

Tax commission.

For compensation of commissioners appointed under concurrent resolution of March twenty-fourth, one thousand nine hundred and four, at the rate of two thousand five hundred dollars each, twelve thousand five hundred dollars;

For compensation of their secretary and for services and expenses necessarily incurred by said commissioners, one thousand one hundred and sixteen dollars and nineteen cents, and the state treasurer is hereby authorized to pay said compensation, services and expenses upon warrant of the comptroller.

62.

PUBLICATION OF PUBLIC ACTS.

Revision commissioners.

To the revision commissioners, appointed under chapter two hundred and twenty-seven, laws of one thousand nine hundred and four, for expenses and for compensation of assistants, eight thousand dollars.

63.

STATE BOARD OF HEALTH.

Perth Amboy health officers.

For services of the health officers of the port of Perth Amboy, pursuant to chapter sixty-nine of the laws of one thousand nine hundred, eight hundred and eighty-three dollars.

64.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

Legislative manuals for schools.

For one thousand copies of the manual of the legislature of New Jersey, as provided by chapter one hundred and nine, laws of one thousand nine hundred and four, one thousand dollars.

65.

For expenses incurred at the dedication of the monument to fittingly commemorate the memory and services of the soldiers of the Ninth regiment, New Jersey volunteer infantry, who are buried in the national cemetery at Newberne, North Carolina, one thousand five hundred dollars. Newberne dedication.

66.

To the Cumberland county board of chosen freeholders, in settlement of claim against the state on account of construction of state road leading eastwardly from Mauricetown bridge, nine hundred seventy-seven dollars and thirty-seven cents. Road in Cumberland county.

67.

To W. E. Turner, on surrender to the state treasurer of draft number five thousand and sixty-nine, quartermaster-general's department, nine dollars. Surrender of draft.

68.

For the purpose of carrying out the provisions of a bill pending entitled "An act to authorize the erection of a monument on the battlefield of Red Bank, in the county of Gloucester, and to appropriate money to pay the cost thereof," fifteen thousand dollars; *provided,* said bill becomes a law. Red Bank monument. Proviso.

69.

LEGISLATURE.

For additional allowance for incidental and contingent expenses of the present session of the legislature, twenty thousand six hundred dollars, all bills to be Incidental expenses of legislature.

approved by the committee on incidental expenses and filed with the comptroller before final adjournment of the legislature.

70.

Atlantic county oyster district.

For the purpose of carrying out the provisions of a bill pending entitled "An act for the better regulation and control of the taking, planting and cultivating of oysters and clams on lands lying under the tidal waters of the county of Atlantic, in the state of New Jersey," three thousand dollars; *provided,* said bill becomes a law.

Proviso.

71.

Additional salaries.

For additional salary for the chancellor, chief justice and associate justices of the supreme court, six thousand dollars; *provided,* the bill pending entitled "A supplement to an act entitled 'An act relative to the court of errors and appeals' (Revision, 1900), approved March twenty-third, one thousand nine hundred," becomes a law.

Proviso.

72.

Monocacy monument.

For the purpose of carrying out the provisions of chapter twenty-seven of the laws of one thousand nine hundred and five, five hundred dollars.

73.

DEPARTMENT OF CHARITIES AND CORRECTIONS.

Charities and corrections.

For salary of commissioner, one thousand seven hundred and fifty dollars;

For salary of assistant (architect), one thousand four hundred and sixty dollars;

For clerical hire, five hundred and twenty-five dollars;

For traveling expenses of commissioner and assistant, three hundred and fifty dollars;

For blanks, stationery, postage, et cætera, three hundred dollars.

74.

Stocking Delaware river with fish.

To carry out the provisions of "An act to authorize the board of fish and game commissioners to co-operate with the department of fisheries of the commonwealth of Pennsylvania in the propagation of shad and other food and game fish for stocking the river Delaware, and making an appropriation for that purpose," two thousand five hundred dollars; *provided,* the same is authorized by the present legislature. Proviso.

75.

Annotations to statutes.

For the purpose of carrying out the provisions of a bill pending entitled "An act to provide for the purchase by the state of New Jersey of the annotations to the general statutes of New Jersey and the annotations to the pamphlet laws of the state of New Jersey from one thousand eight hundred and ninety-six to one thousand nine hundred and five," five hundred dollars; *provided,* said bill becomes a law. Proviso.

76.

Memorial monolith in Washington.

For the purpose of carrying out the provisions of a bill pending entitled "An act to appropriate money for the erection of a memorial monolith, commemorative of the state of New Jersey as one of the thirteen original states, to be placed in the memorial portico of the Memorial Continental Hall, about to be erected in the city of Washington, in the District of Columbia, under the auspices of the Daughters of the American Revolution," two thousand dollars; *provided,* said bill becomes a law. Proviso.

77.

FOREST PARK RESERVATION COMMISSION.

Forest parks.

For the use of the state board of forest park reservation commissioners, pursuant to chapter forty-seven, laws of one thousand nine hundred and five, two thousand dollars.

78.

BOARD OF TAXATION OF NEW JERSEY.

Board of taxation.

For salaries for president and four members, eleven thousand eight-three dollars and thirty-three cents; salary of secretary, one thousand four hundred fifty-eight dollars and thirty-one cents; for salary of stenographer, five hundred and twenty-five dollars; for blanks, stationery, et cætera, one hundred and seventy-five dollars; for postage, expressage and incidentals, two hundred ninety-one dollars and seventy cents; Proviso. *provided,* said board is created by enactment of the present legislature.

79.

Section repealed.

The appropriation heretofore made by item number forty-three of section one of the act to which this act is a supplement is hereby repealed so far as the moneys thereby appropriated remaining in the hands of the state treasurer, and the following item is appropriated in lieu thereof:

BOARD OF FISH AND GAME COMMISSIONERS.

Fish and game.

For fish and game wardens, including the fish and game protector, for compensation, seven thousand eight hundred dollars.

80.

STATE PRISON.

For the purpose of carrying out the provisions of a bill pending, entitled "An act to provide for increasing the capacity of the state prison," two hundred and fifty thousand dollars; *provided,* said bill becomes a law; plans, specifications and contracts to be approved by the governor. New wing. Proviso.

81.

STATE HOME FOR GIRLS.

For erection of a new cottage at state home for girls, forty-five thousand dollars; *provided,* a further supplement to the present law (Revision of 1900) increasing the age limit, becomes a law; New house. Proviso.

For maintenance, five thousand dollars; *provided,* a further supplement to the present law (Revision of 1900), increasing the age limit, becomes a law. Maintenance. Proviso.

82.

For the purpose of carrying out the provisions of a bill pending, entitled "An act appointing three commissioners on the part of the state of New Jersey to confer with three commissioners to be appointed on the part of the state of Delaware, in accordance with the provisions of the compact between the states of New Jersey and Delaware, respecting the Delaware river and bay, defining their duties and powers and appropriating money to pay the necessary expenses thereof," two thousand dollars; *provided,* said bill becomes a law. Boundary line commissioners. Proviso.

83.

For expenses of dedicating tablets or monuments erected on the battle grounds of Elizabethtown, Con- Battlefield markers.

necticut Farms and Springfield, one thousand five hundred dollars.

Approval of plans and contracts by governor.

2. Before any building or buildings shall be commenced for the cost of which money is appropriated by this act or by the appropriation act for the fiscal year ending October thirty-first, one thousand nine hundred and six, the plans, specifications and contracts necessary for the entire completion thereof shall, and each of them shall, be submitted to and approved by the governor, and such contracts shall not be approved or entered into if the total expenditure under all of the contracts necessary to the entire completion of such building or buildings according to such plans and specifications shall exceed the amount appropriated by this act for such building or buildings; and in any and every case where it shall appear that the appropriation is insufficient to complete such building or buildings, the appropriation hereby made therefor shall not be applied toward the construction of such building or buildings, but shall lapse and no payment shall be made therefrom.

Moneys used as specified.

3. No money shall be drawn from the treasury except for objects as hereinabove specifically appropriated in this act and in the act to which this act is a supplement, and except such sums which are by law devoted to specific purposes, namely, state school tax, United States appropriation to agricultural college, United States appropriation for disabled soldiers, United States appropriation for disabled soldiers, sailors, marines and their wives, agricultural college fund and taxes for the use of taxing districts in this state, and loans to "state school fund," which last-named sums shall be paid pursuant to the laws applicable thereto; this section shall not be construed to prohibit the payment due upon any contract made under an appropriation of the previous year.

4. This act shall take effect immediately.

Approved April 29, 1905, with the exceptions of the first item in paragraph 31 and the sixth item in paragraph 53.

I am compelled to disapprove of the first item in paragraph 31 because I do not think that salaries of state officials should be regulated in an appropriation bill.

I also disapprove of the sixth item in paragraph 53. In my opinion, in its present condition, the Reformatory needs money for other purposes rather than for the Bertillon department.

E. C. STOKES.

CHAPTER 225.

An Act to repeal an act entitled "An act concerning the office of collector, and term thereof, in cities of the second class having a population not exceeding twenty-five thousand," approved April seventh, one thousand nine hundred and three.

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

1. The act entitled "An act concerning the office of collector, and term thereof, in cities of the second class having a population not exceeding twenty-five thousand," approved April seventh, one thousand nine hundred and three, be and the same is hereby repealed.

2. This act shall take effect immediately.

Approved May 5, 1905.

CHAPTER 226.

An Act to amend an act entitled "An act concerning roads" (Revision of 1874), approved March twenty-seventh, one thousand eight hundred and seventy-four.

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

Section amended.

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

Damages from alterations of grade recoverable.

70. That an action doth and shall lie in behalf of any person or corporation owning any property fronting upon any street or highway, the grade whereof shall be, or shall have been, altered by virtue of the ordinance, resolution or other proceeding of the legislative authority of any city, borough, town corporate or village in this state, to recover from such city, borough, town corporate or village all damages which such owner or owners shall suffer by reason of altering any such grade; *provided,* that no such action shall be brought after the expiration of twelve months from the completion of any such grade.

Proviso.

Section amended.

2. Section seventy-two of the said act shall be and the same is hereby amended so as to read as follows:

Application of act.

72. That the foregoing provisions respecting grades shall not refer to any city, town, borough or village whose charter, or any supplement thereto now existing, or which shall be hereafter passed, provides or shall provide for assessing and paying compensation to persons injured by the making of grades established or to be established.

Section amended.

3. Section seventy-three of the said act shall be and the same is hereby amended so as to read as follows:

Consent necessary to alter grade.

73. The grade of no street in any city, town or village which has been built on shall be altered, unless by the consent of the majority of owners in interest of the lots fronting on the part proposed to be altered, nor without paying to the owners of such buildings the damages sustained by the alterations of such grade.

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

74. The damages mentioned in this act, to be paid to such owners, shall be assessed upon and paid by the lands and real estate benefited thereby in proportion to the benefits received; and such damages shall be ascertained, estimated and assessed, and the amount thereof shall afterwards be justly and equitably assessed and apportioned upon the lands and real estate benefited thereby by commissioners to be appointed, and who shall act in all things in the same manner as now provided in the respective charters in the several cities, boroughs, towns corporate and villages in this state for the laying out, opening, altering or widening any street, highway, road or alley, and all proceedings in such matters shall be in conformity with and analogous to the proceedings directed and the privileges allowed in such charters; and such provisions are hereby extended and made applicable in all things to the estimating, payment, apportionment and collection of such damages in the same manner as if such subject had originally been embraced therein. Damages; assessment of, and to whom paid.

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

75. Nothing in this act contained shall be so construed as in any manner to affect any contract, or contracts, which may have been entered into by the authorities of any city, borough, town corporate, or village in this state with any person or persons for the working, grading, leveling, or otherwise improving any street, highway, road or alley. Contracts not affected.

6. This act shall take effect immediately.

Approved May 8, 1905.

CHAPTER 227.

An Act to amend an act entitled "An act for the protection of certain kinds of birds, game and fish, to regulate their method of capture and provide open and close seasons for such capture and possession," which act was approved April fourteenth, one thousand nine hundred and three.

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

Section amended.

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

Hunting web-footed wild fowl.

6. It shall be unlawful for any person hunting or gunning after geese, duck, swans or brant or other water wild fowl, to place the boat, sink-box or other vessel or construction in which such person may lie in wait to kill said geese, duck, swans, brant or other water wild fowl, at a distance of more than one hundred feet from ice, marsh or meadow, bar or bank, or heaped seaweed not covered with water; and it shall be unlawful for any person or persons, with intent to capture or kill geese, duck, swans, brant or other water wild fowl, to hunt after or pursue the same in any manner except between one hour before sunrise and until one hour after sunset, under a penalty of twenty dollars for each offense.

Section amended.

2. Section seven of the act to which this is an amendatory act shall be amended so as to read as follows:

Pursuing web-footed wild fowl.

7. It shall be unlawful for any person to pursue any goose, duck, swan, brant or any kind of water wild fowl whatsoever, or to shoot, or to shoot at, or kill or wound the same from any boat or vessel propelled by any means other 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 the state at a greater distance than one hundred feet from ice,

marsh or meadow, bar or bank, or heaped seaweed not covered with water, under a penalty of twenty dollars for each offense.

3. This act shall take effect immediately.

Approved May 8, 1905.

CHAPTER 228.

A Supplement to an act entitled "An act to amend an act entitled 'A supplement to an act entitled "An act relative to oaths and affidavits" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four,' which supplement was appoved March twelfth, one thousand eight hundred and eighty," and which amendment was approved March twenty-third, one thousand nine hundred.

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

1. All oaths, affrmations and affidavits required to be made or taken by any statute of this state, or necessary or proper to be made, taken or used in any court of this state, or for any lawful purpose whatever, may be made and taken by and before any attorney-at-law; *provided;* that nothing herein contained shall apply to the official oath or affirmation required to be made or taken by any of the officers of this state, nor to any oath, affirmation or affidavit required to be made and taken in open court, nor to cases where it shall be necessary for the party making or procuring such oath, affirmation or affidavit to give notice to any person interested of the taking of such oath, affidavit or affirmation.

Oath administered by attorney-at-law.

Proviso.

2. This act shall take effect immediately.

Approved May 11, 1905.

CHAPTER 229.

An Act to amend "An act for the construction, maintenance and operation of water works for the purpose of supplying cities, towns and villages of this state with water," approved April twenty-first, eighteen hundred and seventy-six.

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

Section amended.

1. Section one of the act entitled "A act for the construction, maintenance and operation of water works for the purpose of supplying cities, towns and villages of this state with water," be amended so as to read as follows:

Formation of water company.

1. Be it enacted by the senate and general assembly of the State of New Jersey, that any number of persons not less than seven, a majority of whom shall reside in this state, may form a company for the purpose of constructing, maintaining and operating water works in any city, town or village (corporate or otherwise), in this state, having a population of not more than fifteen thousand and not less than five hundred inhabitants, and for the purpose of supplying such city, town or village, and the inhabitants thereof, with water.

2. This act shall take effect immediately.

Approved May 11, 1905.

CHAPTER 230.

An Act to validate sales and conveyances of real estate heretofore made by a trustee appointed by a court of another state, when the deeds therefor have been duly recorded and where the grantees of said trustee, their heirs and assigns, have been in peaceable possession thereof for a period exceeding twenty years.

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

Validating deeds made by trustee appointed in foreign state.

1. Where any lands and real estate situate, lying and being in this state have been heretofore sold and a deed or deeds of conveyance therefore made by a trustee appointed by a court of another state, such sales and deeds or deeds of conveyance shall be as valid and effectual in law and the records thereof admitted in evidence as fully and completely as if said deed or deeds had been made by a trustee appointed and duly authorized by any of the courts of this state to make the same; *provided*, such deed or deeds of conveyance shall have been duly recorded in the office of the county clerk or register of the county wherein said lands are situate, for a period of more than twenty years, and the grantees of said trustee, their heirs and assigns, shall have been in peaceable and undisturbed possession of said lands and real estate for a period of more than twenty years.

Proviso.

2. This act shall take effect immediately.

Approved May 11, 1905.

CHAPTER 231.

An Act to amend an act entitled "An act to secure to mechanics and others payment for their labor and materials in erecting any building (Revision of 1898)."

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

Section amended.

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

In case of death of builder.

26. In case of the death of the builder or mortgagee the suit on the lien claim may be against the executors or administrators of said builder or mortgagee; and in case of the death of the owner, may be against his heirs or devisees; *provided,* that if any builder, mortgagee or owner has died or shall hereafter die after the filing of the lien claim and the issuance of the summons pursuant to the terms of this act, then such suit shall not be abated but shall proceed against the executors or administrators of such deceased builder or mortgagee and against the heirs and devisees of such deceased owner, upon the death of such builder, mortgagee or owner being suggested on the record and upon the names of the executors or administrators of such deceased builder or mortgagee, or the names of the heirs and devisees of such deceased owner being entered on said record; and in any such case, if the time limited by this act for issuing such summons has expired, the summons already issued may be amended as to such deceased party or parties, and the time for the return thereof may be extended, if necessary, and such amended summons shall then be served as other summons are served under this act.

Proviso.

Summons amended and extended.

2. This act shall take effect immediately.

Approved May 11, 1905.

CHAPTER 232.

An Act to establish a parole agent for the State prison.

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

Custody of paroled prisoners.

1. The legal custody of all prisoners paroled from the State prison shall be vested in the keeper of said prison.

Parole officer.

2. It shall be the duty of the keeper of the prison to appoint one of the State prison inspectors or one of his deputies from time to time, as may be necessary, subject to the approval of the Governor or person administering the government, who shall have the powers and duties hereinafter provided for.

Procure employment.

3. Whenever the keeper has been duly notified that a prisoner confined in said prison has been granted a license to be at large, shall endeavor, through friends of such prisoner or by other reasonable means, to procure suitable environment and employment for such prisoner.

Prisoner's monthly report.

4. After release on parole, such prisoner shall monthly send a report of his or her whereabouts, conduct and employment, and of such other details as may from time to time, for reasonable cause, be required for a sufficient knowledge of his or her manner of life, to the keeper of the prison, and it shall be the duty of any inspector or deputy appointed by the keeper as aforesaid, at intervals and times to be approved by the keeper, to make a personal investigation of each and every paroled prisoner; and said inspector or deputy shall personally or otherwise investigate causes of complaint concerning such paroled prisoners, and shall report thereupon to the keeper such action as he deems best, giving his reasons therefor; and said keeper shall keep a record of such reports, information and action in reference to all such paroled prisoners.

Inspector's duty.

Violation of parole.

5. Whenever, in the opinion of the keeper, a paroled prisoner has so violated the terms, conditions

and limitations of his or her license to be at large, that he or she has become unfit to be further at liberty, or if such prisoner has been convicted of crime in any court of this State, or of any other State or of the United States, it shall be the duty of the keeper to notify the Governor or person administering the government of the State, and the Governor or person administering the government of the State, shall report the same to the board of pardons, who shall have power to issue a revocation of such license to be at large. Such revocation shall be made by an order in writing and shall be signed by the Governor or person administering the government of the State, and filed with the keeper of the State prison. Thereupon it shall be the duty of the keeper of the State prison to issue a warrant for the apprehension and return to prison of the holder of such license to be at large. Said warrant may be served by any person authorized to serve criminal process in any county of this State. If the person for whose apprehension and return to prison such warrant is issued is confined in any other penal institution of this State, the serving of such warrant by any authorized person upon the warden or head of such institution shall make it the duty of such warden or head to facilitate the return to State prison of such person upon the expiration of the then term of imprisonment in such institution.

Revocation of parole.

Return to prison.

Time not deducted from sentence.

6. Upon the return of such prisoner to the State prison, the time between his or her release upon such license and the return to the State prison shall not be taken into account to be any part of the term of sentence, and the board of inspectors may declare a forfeiture of the whole or of part of the time previously remitted for good conduct, as to them seems just.

Expenses paid.

7. The expense of necessary traveling and other expenses incurred under the provision of this act shall be, after approval by the keeper, paid by the treasurer on the warrant of the comptroller.

Repealer.

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

9. This act shall take effect immediately.

Approved May 11, 1905.

CHAPTER 233.

An Act to amend section two of an act entitled "A further supplement to an act regulating fisheries in the Mullica river," approved April third, one thousand eight hundred and sixty-seven.

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

Section amended.

1. Section two of the act entitled "A further supplement to an act regulating fisheries in the Mullica river," approved April third, one thousand eight hundred and sixty-seven, is hereby amended to read as follows:

Mesh of set-nets.

2. It shall be lawful to use set-nets of any kind, with meshes not less than three inches in size and not exceeding in length or breadth forty feet; *provided,* it shall not be lawful to use any such set-net within four hundred feet of any other set-net, nor within one-eighth of a mile of any fishery on said river on which the owner pays tax, nor to obstruct the free navigation of said river.

Proviso.

2. This act shall take effect immediately.

Approved May 11, 1905.

CHAPTER 234.

A Supplement to an act entitled "An act for the assessment and collection of taxes," approved April eight, one thousand nine hundred and three.

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

Assessment and deductions of bank stock.

1. In assessing the shares of stock of banks or banking associations organized under the laws of this State or of the United States, the assessor shall allow all the deductions and exemptions granted by law

from the value of other taxable property owned by individuals in this State, and the assessment and taxation of such shares of stock shall not be at a greater rate than is made or assessed upon other moneyed capital in the hands of individuals in this State. In making such assessment, the assessed valuation of the real property of such bank or banking association shall be deducted from the total valuation of the shares of stock assessed against the stockholders.

2. This act shall take effect immediately.

Approved May 11, 1905.

CHAPTER 235.

An Act to authorize the board of fish and game commissioners to co-operate with the department of fisheries of the commonwealth of Pennsylvania in the propagation of shad and other food and game fish for stocking the river Delaware, and making an appropriation for that purpose.

Preamble.

WHEREAS, The commonwealth of Pennsylvania is actively engaged in the artificial propagation of shad and other food and game fish, for the purpose of stocking the river Delaware, and has established a hatchery within its borders for that purpose; and

WHEREAS, It is desirous and advisable that the State of New Jersey should assist in this enterprise, therefore,

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

Cooperation in stocking Delaware river.

1. The board of fish and game commissioners are hereby authorized to co-operate with the department of fisheries of the commonwealth of Pennsylvania in the artificial propagation of shad and other food and game fish for the purpose of stocking the waters of the river Delaware.

2. The said board is hereby authorized to expend the sum of twenty-five hundred dollars, or so much thereof as may be necessary and advisable, to carry out the provisions of this act. The said sum is to be available when included in the regular appropriation bill. Sum available.

3. The comptroller of this State shall draw his warrant in payment of all bills approved by said board, and the treasurer of this State shall pay all warrants so drawn, to the extent of the amount appropriated by the Legislature. Payment how made.

4. This act shall take effect immediately.

Approved May 11, 1905.

CHAPTER 236.

A Supplement to an act entitled "An act for the preservation of clams and oysters," approved April fourteenth, one thousand eight hundred and forty-one.

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

1. From and after the passage of this act it shall be unlawful for any person or persons, company or corporation, at any time whatsoever, to use, cast drag or haul any dredge, patent rake or other similar device, which shall be towed, dragged or hauled by or behind any boat, vessel or craft propelled by sail, steam or other power, or to catch therewith any clams, oysters or shells in the waters of the Delaware bay, southwesterly of a line running northwest from the mouth of Green creek, Cape May county, to the intersection of such line with a line direct from the mouth of Dennis creek to Brandywine light house; *provided, however,* that this prohibition shall not apply to any territory which was under lease from the state oyster commission of the state of New Jersey on the first day of Prohibition for taking clams and oysters. Proviso.

February, one thousand nine hundred and five; and any person offending against the provisions of this act shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment at hard labor for any term not exceeding six months, or both, at the discretion of the court; and any boat or vessel employed in the commission of any offense against the provisions of this act shall, with all her tackle, apparel and furniture, be forfeited; and the same may be seized, secured, condemned and disposed of in the manner prescribed in the ninth and tenth sections of the act to which this is a supplement.

Penalty for violation.

Boat and tackle confiscated.

Repealer.

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

Approved May 11, 1905.

CHAPTER 237.

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 in the tidal waters of the Delaware bay and Maurice river cove, in the state of New Jersey," approved March twenty-fourth, one thousand eight hundred and ninety-nine.

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

Lands exempt from lease.

1. That hereafter no lease shall be made by the state oyster commission of the state of New Jersey for any lands under the waters of the Delaware bay southwesterly of a line northwest from the mouth of Green creek, Cape May county, to the intersection of such line with a line running direct from the mouth of Dennis creek to Brandywine light house; *provided, however,* that this prohibition shall not apply to any

Proviso.

territory which was under lease from the state oyster commission of the state of New Jersey on the first day of February, one thousand nine hundred and five.

2. This act shall take effect immediately.

Approved May 11, 1905.

CHAPTER 238.

An Act to preserve and maintain the lakes, ponds, brooks, creeks, rivers and streams of this state, and to prevent the waters thereof from being carried by pipes, conduits, ditches or canals into other states, for use therein, and to authorize the court of chancery to assist in the observance of this act.

Preamble.

WHEREAS, The available waters of the fresh water lakes, ponds, brooks, creeks, rivers and streams of this state do not increase with the growth of population, and unless the same are carefully preserved, will become inadequate to perform the functions they were by nature designed to do, which functions are essential to the health and prosperity of all the citizens of this state; therefore,

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

Diversion of water unlawful.

1. It shall be unlawful for any person or corporation to transport or carry, through pipes, conduits, ditches or canals, the waters of any fresh water lake, pond, brook, creek, river or stream of this state into any other state, for use therein.

Duty of state geologist.

2. It shall be the duty of the state geologist to keep a general oversight over the fresh water lakes, ponds, brooks, creeks, rivers and streams of this state, and to see that the same are preserved for the use and benefit of the citizens and inhabitants of this state, and to prevent the waters thereof from being carried or

transported by pipes, conduits, ditches or canals into other states for use therein; upon its being brought to his knowledge that it is the intention of any person or corporation to so carry or transport into any other state for use therein, the waters of any such fresh water pond, lake, brook, creek, river or stream of this state, it shall be his duty, through the attorney-general, to apply to the court of chancery for injunction to restrain the same, and the court of chancery is hereby authorized and empowered to entertain jurisdiction of a suit in equity to preserve the waters aforesaid for the use and benefit of the citizens and inhabitants of this state, and to prevent their being, by pipes, conduits, ditches or canals, carried or transported to other states for use therein; and to that end to issue such restraining order or injunction, both preliminary and final, as may be necessary, and to enforce the same in the same manner it is empowered to enforce other injunctions or orders.

Restraint by injunction.

3. This act shall take effect immediately.

Approved May 11, 1905.

CHAPTER 239

An Act appointing three commissioners on the part of the State of New Jersey to confer with three commissioners to be appointed on the part of the State of Delaware, in accordance with the provisions of the compact between the States of New Jersey and Delaware respecting the Delaware river and bay, defining their duties and powers and appropriating money to pay the necessary expenses thereof.

Preamble.

WHEREAS, The Legislature of the State of New Jersey has passed an act entitled "An act to ratify and confirm a compact or agreement between the States of New Jersey and Delaware respecting the Dela-

ware river and bay and to authorize the execution thereof," which act has received the approval of the Governor of the State of New Jersey, and the Legislature of the State of Delaware has passed an act of the same title and of the same purport, which act has received the approval of the Governor of the State of Delaware; and

WHEREAS, Said compact or agreement between said two States has been duly signed and executed in duplicate originals by Edward C. Stokes, Robert H. McCarter, Franklin Murphy and Chauncey G. Parker, commissioners on the part of the State of New Jersey, and by Preston Lea, Robert H. Richards, Herbert H. Ward and George H. Bates, commissioners on the part of the State of Delaware, one of which duplicate originals has been retained by said commissioners of Delaware, to be delivered to the Governor of that State, and the other of which duplicate originals has been retained by the commissioners of New Jersey, to be delivered to the Governor of that State; and

WHEREAS, It is provided and agreed by said compact or agreement between said States, among other things, as follows:

Article of compact as to commissioners, laws, and boundary line.

ARTICLE IV. Immediately upon the execution hereof the Legislature of the State of New Jersey shall appoint three commissioners to confer with three commissioners to be immediately appointed by the General Assembly of the State of Delaware for the purpose of drafting uniform laws to regulate the catching and taking of fish in the Delaware river and bay between said two States, which said commissioners for each State respectively shall, within two years from the date of their appointment, report to the Legislature of each of said States the proposed laws so framed and recommended by said joint commission. Upon the adoption and passage of said laws so recommended by the respective Legislatures of said two States, said laws shall constitute the sole laws for the regulation of the taking and catching of fish in the said river and bay between said States. Said laws shall remain in force until altered, amended or re-

pealed by concurrent legislation of the said two States. Said commissioners shall also ascertain the dividing line between said river and bay, and upon each of the shores of said two States, where said dividing line extended shall intersect the same, shall, at the joint expense of said States, erect a suitable monument to mark the said dividing line. Said dividing line between said monuments shall be the division line between the said river and bay for the interpretation of and for all purposes of this compact, and of the concurrent legislation provided for therein.

Faith of state pledged.

The faith of the said contracting States is hereby pledged to the enactment of said laws so recommended by said commissioners, or to such concurrent legislation as may seem judicious and proper in the premises to the respective Legislatures thereof.

Jurisdiction of each state.

Each State shall have and exercise exclusive jurisdiction within said river to arrest, try and punish its own inhabitants for violations of the concurrent legislation relating to fishery herein provided for.

Certain laws to remain in force.

ARTICLE V. All laws of said States relating to the regulation of fisheries in the Delaware river not inconsistent with the right of common fishery hereinabove mentioned shall continue in force in said respective States until the enactment of said concurrent legislation as herein provided.

Now, therefore, in pursuance of the terms of said compact:

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

Commissioners.

1. William J. Bradley, James Strimple and John Boyd Avis, be and they are hereby appointed commissioners on the part of the State of New Jersey to confer with like commissioners appointed or to be appointed by the Legislature of the State of Delaware,

Duties.

to do and perform all the duties, acts, matters and things required and stipulated in the said compact or agreement hereinabove mentioned, to be by them done

Powers.

and performed. That in and upon said commissioners are hereby vested and conferred all powers and authorities necessary and convenient for the full and

complete performance of all the duties, acts, matters and things by this act imposed upon them. Said New Jersey commissioners shall fill any vacancies occurring in the membership of said New Jersey commission by the selection of some other suitable citizen or citizens of the State of New Jersey.

Vacancies.

2. Said commissioners shall, on or before the first day of June, anno domini nineteen hundred and five, organize by the election from their number of a president and a secretary. The president so elected shall be the presiding officer at all separate meetings of said commissioners, and the general executive head of said commission. The secretary so elected shall conduct the correspondence of said commission under its direction, and keep a record of all the meetings, acts and proceedings of said New Jersey commissioners and of all meetings, acts and proceedings of the joint commissioners in the performance of the duties, acts, matters and things stipulated for in the said compact. Said New Jersey commissioners shall have power to cause the production of books, papers and other things, and to summon before themselves, or before the said joint commission, witnesses, experts and otherwise, the testimony of which, in the opinion of said commissioners, shall be material to enable them to justly and fully perform the duties on them hereby imposed. All witnesses may be summoned upon warrants therefor signed by the president of said New Jersey commission, and shall be paid, for attendance and mileage, the fees usually paid in the State of New Jersey for the attendance of witnesses at the trial of civil causes in the circuit courts of said State. The attendance of witnesses before said New Jersey commission, or before said joint commission, may be compelled by attachments issued by said New Jersey commission to the sheriff of any county in the State of New Jersey. Said attachments shall be signed by the president of said New Jersey commission and countersigned by the secretary thereof, and shall be executed and returned by the sheriff to whom the same shall be directed. Each of said commissioners shall have power and authority to administer oaths or affirma-

Organization.

President.

Secretary.

Right to summon witnesses, etc.

Attendance and mileage.

Attachment to secure witness.

tions to witnesses appearing before them or before said joint commission.

Appropriation.

3. The sum of two thousand dollars is hereby appropriated out of the moneys in the treasury of this State, not otherwise appropriated, to pay the necessary expenses attendant upon the execution of the duties of said commissioners. Said moneys shall be drawn from the State treasury from time to time as occasion shall require, upon the warrant of the comptroller drawn upon the State treasurer upon the certificate, in writing, to said comptroller, signed by the president and countersigned by the secretary of said New Jersey commission, giving the details of such expenditures made, or to be made, as aforesaid.

4. This act shall take effect immediately.

Approved May 11, 1905.

CHAPTER 240.

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

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

Age at commitment.

1. Hereafter it shall be lawful for any magistrate, judge, justice or court to commit to the State home established and maintained under the provisions of the act to which this act is a supplement, girls under the age of nineteen years, in the same manner, and with like authority and jurisdiction and according to the same procedure heretofore provided by said act in the case of girls under the age of sixteen years; and any girl so committed shall be received in said home and there maintained and finally discharged or paroled as now provided by said act for the reception, maintenance and discharge of the inmates heretofore committed to said institution.

Discharge.

2. This act shall take effect immediately.

Approved May 11, 1905.

CHAPTER 241.

An Act to repeal an act entitled "An act to provide for payment of improvement certificates issued by, or on behalf of, for or on behalf of, such municipality where assessments have not been collected, or where there is not sufficient of said assessment available to pay said certificates," approved April eighth, one thousand nine hundred and three.

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

Act repealed.

1. The act entitled "An act to provide for the payment of improvement certificates issued by, or on behalf of, for or on behalf of, such municipality where assessments have not been collected, or where there is not sufficient of said assessment available to pay said certificates," approved April eighth, one thousand nine hundred and three, be and the same is hereby repealed.

2. This act shall take effect immediately.

Approved May 16, 1905.

CHAPTER 242.

Supplement to "An act to regulate term of office in municipalities," approved March twelfth, one thousand eight hundred and eighty.

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

Validating appointment to office.

1. When any appointive officer of any municipal government in this state, having been heretofore legally appointed and assumed the duties of such office, his appointment by said governing body shall be deemed to have been valid and binding, notwithstand-

ing that said appointive officer shall have failed to subscribe and file with the clerk of said governing body an oath or affidavit to perform the duties of his office; *provided,* that this act shall not apply to cities.

Proviso.

2. This act shall take effect immediately.

Approved May 19, 1905.

CHAPTER 243.

An Act to repeal so much of the act entitled "An act for the assessment and collection of taxes," approved April eighth, one thousand nine hundred and three, and the amendment thereof, entitled "An act to amend an act entitled 'An act for the assessment and collection of taxes,' approved April eighth, one thousand nine hundred and three, which said amendment was approved March twenty-eighth, one thousand nine hundred and four, in so far as they repeal or affect in any way the act entitled "A further supplement to the act entitled 'An act to encourage the establishment of mutual loan and building associations,' approved February twenty-eighth, one thousand eight hundred and forty-nine," and which said last named supplement was approved March twentieth, one thousand eight hundred and seventy-four, and the assessment and collection of taxes and the deduction of loan association mortgages, or the debts secured by such mortgages from the assessed values of the real estate covered thereby, so as to prevent double taxation.

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

Repealing certain acts and sections referring to mutual loan and building associations.

1. So much of the act entitled "An act for the assessment and collection of taxes," approved April eighth, one thousand nine hundred and three, and the amendment thereof entitled "An act to amend an act entitled 'An act for the assessment and collection of

taxes,' approved April eighth, one thousand nine hundred and three," which said supplement was approved March twenty-eighth, one thousand nine hundred and four, and all the sections thereof, in so far as they repeal or affect in any way the act entitled "A further supplement to the act entitled 'An act to encourage the establishment of mutual loan and building associations,' approved February twenty-eighth, one thousand eight hundred and forty-nine," which said last named supplement was approved March twentieth, one thousand eight hundred and seventy-four, and the statutes enacted prior to said act approved April eighth, one thousand nine hundred and three, and said supplement approved March twenty-eighth, one thousand nine hundred and four, affecting the assessment and collection of taxes, and the deduction of loan association mortgages or the debts secured by such mortgages from the assessed value of the real estate covered thereby, be and the same are hereby repealed.

2. This act shall take effect immediately.

Approved May 19, 1905.

CHAPTER 244.

An Act to authorize the dredging, deepening and removal of obstructions from the bed of any river at any place or places above tide water where it flows through or borders on any city of this state, and to provide for the payment of the expense of the same.

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

Cities may issue bonds for clearing river above tidal waters.

1. The common council, board of aldermen or other 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 dredging, deepening and removal of obstructions from the bed of any river at any place or

or places above tide water where it flows through or borders on any such city; but not more than two hundred thousand dollars of such municipal bonds shall be issued by any municipality; and said bonds may be issued before or after the work is commenced.

Character of bonds.

2. The bonds authorized to be issued as aforesaid shall be made payable at such a fixed time not exceeding twenty years from the date of the same, and shall draw interest at such rate not exceeding five per cent. per annum, and shall be of such denomination as the common council, board of aldermen or other governing body issuing the same may determine, and all such bonds shall be signed by the mayor and such other officer as the board or body issuing the same may determine, and they may either be registered or coupon bonds; all of the said bonds shall be numbered, and a register of such numbers, the date of issuing and the time of payment of the same shall be made by the comptroller, or other proper financial officer, in a book to be provided for that purpose, and none of said bonds shall be sold for an amount less than the par value thereof; the interest on the bonds shall be raised annually by taxation, and the principal of the bonds shall be paid by the city at maturity; and money derived from assessments made as hereinafter provided for upon property for benefits from such improvements shall, when collected, be held as a fund toward the payment of the bonds issued for the purpose of making such improvements.

Interest.

Payment of interest.

3. To provide for the payment of the interest on any bonds issued under the authority of this act the board of aldermen, common council or other governing body as aforesaid shall provide annually by taxation in the annual tax levy of such city such a sum of money as will be sufficient to pay such interest as it falls due.

Payment of principal.

4. To provide for the payment of the principal of any bonds issued under the authority of this act, the board of aldermen, common council or other governing body as aforesaid, in addition to holding as a special fund for that purpose all money derived from assessments made as hereinafter provided for upon

property for benefits from such improvements, shall provide annually by taxation in the annual tax levy of such city such a sum of money as will cause the total of such annual sums, without accretion from interest thereon, to equal that portion of the cost of such improvements which shall not have been assessed upon property for benefits from such improvements; which sum so annually provided, when collected by the collecting officer of said city, shall be paid by him into the special fund aforesaid created by the collection of assessments upon property for benefits from such improvements; and any moneys raised by the sale of said bonds which shall not be expended in the making of said improvements shall likewise be paid into said special fund.

Use of proceeds.

5. The common council, board of aldermen or other governing body may, with the money obtained from the sale of said bonds dredge, deepen and remove obstructions from the bed of any river at any place or places above tide water where it flows through or borders on such city; no part of the bed of such river adjacent to and under the jurisdiction of any other municipality shall be so improved without the consent of such other municipality; the points from which and to which the bed of such river is to be dredged, deepened or cleared of obstructions, or any of them, shall be designated by ordinance; all work shall be given out upon contract to the lowest responsible bidder, and only after bids therefor have been solicited and received; bids shall be advertised for once a week for four weeks in two newspapers published in and circulating in said city, and once in each of such two publications published in the United States and devoted to engineering as the common council, board of aldermen or other governing body shall select; a contract or contracts for the work shall not be awarded until thirty days has elapsed after such advertisement for bids in said two engineering publications has been published; the said common council, board of aldermen or other governing body shall have the right to reject any and all such bids; in soliciting bids the place or places to which material removed from the bed of the river shall

Work done by contract.

Rejection of bids.

be taken may be designated; bids may be at a rate per cubic yard of material removed or otherwise, as the common council, board of aldermen or other governing body may determine; and the work shall be performed under the supervision of the city engineer, who shall certify to the satisfactory performance of the same before any claim of the contractor performing the same shall be allowed or paid.

Supervisor of work.

Commissioner to assess benefits.

6. After the improvements undertaken have been completed, the said common council, board of aldermen, or other governing body shall apply to the court of common pleas of the county wherein such city is situated for the appointment of commissioners to estimate and assess the benefits arising from such improvements to property affected thereby; of the time and place of which application notice shall be given by the publication for ten days in two newspapers printed in and circulating in such city, at which time and place, or at such other time and place as the court shall designate, said court shall, without unnecessary delay, appoint three commissioners, who shall be freeholders and residents of the city making the application, to estimate and assess the said benefits; the said court shall have power to remove any commissioner, and also to fill by appointment any vacancy that may occur in the office of any commissioner from any cause.

Appointed by court.

Oath of commissioners.

7. The said commissioners, before entering upon the execution of the duties required of them by this act, shall take and subscribe, before some person duly authorized to administer the same, an oath or affirmation that they will make all estimates and assessments required of them fairly, legally and equitably, according to the best of their skill and understanding, which oath or affirmation shall be attached to the report which they are hereinafter required to make.

Public hearing.

8. The said commissioners having thus qualified shall give notice under the direction of the said court of the time and place when and where they will hear any persons in interest, who may present themselves to be heard, and at such time and place, and at such other times and places to which they may adjourn for

that purpose, the said commissioners shall attend and shall give a public hearing to those persons who may desire to be heard; the said commissioners shall have power to examine witnesses under oath, to be administered by any one of them, and to enter upon and view any premises that they may deem necessary, and to adjourn from time to time at their discretion, or as directed by said court; they shall use diligent efforts to ascertain the names of the owners of the lands and real estate benefited by the improvements as aforesaid, and shall state the same in the report hereinafter mentioned, but the failure so to ascertain the name of any such owner, or the failure to state the same correctly, or the omission of any such name from said report, shall not be deemed to invalidate the said assessment, nor to be a bar to the collection of the same.

Witnesses.

Owners of property.

9. After having given opportunity as aforesaid for a public hearing of the persons in interest, and having viewed the premises to be benefited by said improvement, the said commissioners shall make a report in writing of their estimates and assessments to the said court, accompanied by a survey and map prepared by the city surveyor or engineer, under their direction, showing the lots or parcels of land and real estate peculiarly benefited by such improvement; the said report shall state the cost of the whole work, the portion, if any, assessed upon the city at large, and shall give the names, so far as ascertained, of the owners of the said lots or parcels of lands and real estate, and the amount of the assessment to each owner for each of such lots or parcels of land and real estate for the benefits arising from such improvements, which assessments shall in each case be in proportion as near as may be to an amount as will be equal to the amount of benefits actually acquired by the lands and real estate so improved by reason of such improvement; in case the costs and expenses of such work shall exceed the amount of said benefits, the excess thereof shall be paid by the city at large and raised by general tax; in no case shall any property or owner thereof be assessed beyond the amount of benefit actually derived from said improvement.

Report to court.

Cost stated.

Individual assessment.

Excess raised by tax.

Hearing of objections.

10. Upon the coming in of any such report signed by the said commissioners, or by any two of them, said court shall cause such notice to be given as it shall deem proper of the time and place of hearing any objections that may be made to such assessment, and after hearing any matter that may be alleged against the same, the said court, either by rule or order, shall confirm the said report, or shall refer the same to the same commissioners for revision and correction, or to the new commissioners, to be appointed by the said court, forthwith to consider the subject-matter thereof, and the said commissioners, to whom such report shall be so referred by the court, shall return the same corrected and revised, or a new report to be made by them in the premises, to the said court, without unnecessary delay, and the same being so returned shall be confirmed or again referred by the said court in the manner aforesaid as right and justice shall require, and so from time to time until a report shall be made and returned which the said court shall confirm; such report, when so confirmed, shall be final and conclusive as well upon the said city as upon the owners of any land and real estate affected thereby; the said court shall thereupon cause a certified copy of said report and the accompanying map to be transmitted to the clerk of said city, with a certified copy of the rule or order of the said court confirming the same, all of which shall be forthwith delivered by the said clerk to the officer of such city charged with the duty of collecting assessments for improvements.

Revision of report.

Confirmed report final.

Assessments a lien.

11. All assessments made under the provisions of this act shall be and remain a first lien upon the lands and real estate affected thereby, notwithstanding any error or omission in stating the name or names of the owner or owners of any lot or parcel of such land and real estate, to the same extent as taxes and assessments are now a lien under the general laws of this state, and shall bear the same rate of interest as other assessments for improvements made under the laws governing such cities, and shall be collected in the same manner that assessments are now collected under such laws, and in case of non-payment of such assess-

Collection.

ments the lands and real estate assessed therefor may be sold in the same manner provided for the sale of lands for the non-payment of assessments made under such laws; *provided, however,* that the amounts so assessed against the different lots or parcels as aforesaid may be paid as follows: one-tenth thereof in each year, with interest thereon, at the rate aforesaid. Proviso.

12. The following fees shall be allowed for services under this act: to each commissioner, five dollars for every day he shall be actually engaged in the performance of the duties herein required of him; the foregoing fees shall be paid by the city making such improvements. Commissioner's fee.

13. No bonds shall be issued, however, under the provisions of this act, where the amount of such bonds, together with all funded and floating indebtedness of such city then outstanding, after deducting the available sinking funds thereof, shall exceed ten per centum of the valuation of the real and personal property in the city as assessed for the purpose of taxation in the year next prior to the issue of bonds under this act, unless the issue of such bonds shall be authorized by the votes of three-fourths of the members of the council or other governing body of the city and approved by the mayor thereof. Limitation in amount of bonds issued.

14. This act shall take effect immediately.

Approved May 22, 1905.

CHAPTER 245.

A Further Supplement to an act entitled "An act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof," approved March twenty-first, anno domini one thousand nine hundred and one.

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

1. No person shall distribute or sell, or offer for distribution or sale, or have in his possession with in- Standard purity of apple vinegar.

tent to distribute or sell, as cider vinegar or apple vinegar, any vinegar which is not produced exclusively by the alcoholic and subsequent acetous fermentations of the juice of apples, or is not lævo-rotatory, or the total amount of acid in one hundred cubic centimeters of which, calculated as acetic acid,is less than four grams, or which contains less than one and six-tenths grams of apple solids or less than twenty-five one-hundredths of one gram of apple ash in one hundred cubic centimeters. The water-soluble ash from one hundred cubic centimeters of the vinegar shall require not less than thirty cubic centimeters of decinormal acid to neutralize its alkalinity, and shall contain not less than ten milligrams of phosphoric anhydride.

Grape vinegar.

2. No person shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell as wine vinegar or grape vinegar, any vinegar which is not produced exclusively by the alcoholic and subsequent acetous fermentations of the juice of the grape, or the total amount of acid in one hundred cubic centimeters of which, calculated as acetic acid, is less than four grams, or which contain less than one and four-tenths grams of grape solids, or less than thirteen one hundredths of one gram of grape ash in one hundred cubic centimeters.

Malt vinegar.

3. No person shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell, as malt vinegar, any vinegar which is not made exclusively by the alcoholic and subsequent acetous fermentations, without distillation, of an infusion of barley malt or cereals whose starch has been converted by malt, or is not dextro-rotatory, or the total amount of acid in one hundred cubic centimeters of which, calculated as acetic acid, is less than four grams, or which contains less than two grams of solids or less than two-tenths of one gram of ash in one hundred cubic centimeters. The water-soluble ash from one hundred cubic centimeters of the vinegar shall require not less than four cubic centimeters of decinormal acid to neutralize its alkalinity and shall contain not less than nine milligrams of phosphoric anhydride.

Sugar vinegar.

4. No person shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell, as sugar vinegar, molasses vinegar or syrup vinegar, any vinegar which is not made exclusively by the alcoholic and subsequent acetous fermentations of solutions of a sugar, syrup, molasses or refiners' syrup, or the total amount of acid in one hundred cubic centimeters of which, calculated as acetic acid, is less than four grams.

Glucose vinegar.

5. No person shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell, as glucose vinegar, any vinegar which is not made exclusively by the alcoholic and subsequent acetous fermentations of solutions of starch sugar, glucose, or glucose syrup, or is not dextro-rotatory, or the total amount of acid in one hundred cubic centimeters of which, calculated as acetic acid, is less than four grams.

Spirit vinegar.

6. No person shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell, as spirit vinegar, distilled vinegar, or grain vinegar, any vinegar which is not made exclusively by the acetous fermentation of dilute distilled alcohol, or the total amount of acid in one hundred cubic centimeters of which, calculated as acetic acid, is less than four grams.

Purity preserved.

7. No person shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell, any vinegar, the total amount of acid in one hundred cubic centimeters of which, calculated as acetic acid, is less than four grams, or which contains any mineral acid, any artificial coloring matter or any preservative.

Name of maker and brand.

8. No person shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell, any vinegar contained in any barrel, vessel, bottle or package unless such barrel, vessel, bottle or package bears a label or imprint thereon in legible type, designating the name and address of the manufacturer of the vinegar and the name of the particular kind of vinegar contained therein.

Penalties.

9. Any person violating any of the provisions of the first, second, third, fourth, fifth, sixth, seventh or eighth sections hereof shall be liable to a penalty of fifty dollars to be sued for and recovered in the same manner as penalties are recovered under the act to which this act is a further supplement.

Sections repealed.

10. Sections three and four of the act entitled "A supplement to the act entitled 'An act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof,' approved March twenty-first, anno domini one thousand nine hundred and one," approved April fourth, one thousand nine hundred and two, be and the same are hereby repealed.

11. This act shall take effect immediately.

Approved May 22, 1905.

CHAPTER 246.

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

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 townships of Mantua and Glassboro, in the county of Gloucester, 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 Pitman," 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 intersection of the westerly line of the Woodbury and Glassboro road with the northwesterly line of the Hurffville and Mullica Hill road and running thence (1) southwesterly along the northwesterly side of said Hurffville and Mullica Hill road to the westerly side of the Glassboro and Carpen-

ter's Landing turnpike road; thence (2) southeasterly along the westerly side of said turnpike road to the southeasterly side of said Hurffville and Mullica Hill road; thence (3) southwesterly along the southeasterly side of said Hurffville and Mullica Hill road to the line dividing Carr Brothers' and Charles Fisher's lands; thence (4) southeasterly along said Carr and Fisher line to the line dividing Mantua and Glassboro township; thence (5) northeasterly along said township line to Long Run; thence (6) easterly along said run, the various courses thereof, to a bridge on the Glassboro and Alcyon Park road; thence (7) southeasterly along the southwesterly side of said road a distance of eleven hundred feet, more or less, to a stone in Ira Iszard's line; thence (8) northeasterly to the intersection of the northerly line of land owned by Josiah Shute with the Glassboro and Carpenter's Landing turnpike road; thence (9) northeasterly to the Dark Hollow bridge on the Westville and Glassboro stone road; thence (10) northerly along the westerly side of the Westville and Glassboro stone road to Mantua creek; thence (11) northwesterly along Mantua creek, the various courses thereof, to a stream dividing Jonathan Kindle's and Zachariah Walker's lands; thence (12) westerly along said stream, the various courses thereof, to a bridge on the Woodbury and Glassboro road; thence (13) northerly along the westerly side of said road to the place of beginning.

3. This act shall take effect immediately.

Approved May 24, 1905.

CHAPTER 247.

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 surrogate (Revision 1898)."

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

When personal estate given to illegitimate children.

1. In any and every case where the father and mother of a child or children heretofore or hereafter born out of lawful wedlock have heretofore entered or shall hereafter enter into the bonds of lawful wedlock, and have co-habited or shall co-habit as husband and wife after such marriage, and such child or children shall have resided with, been recognized and treated by such parents as their child or children, upon the death of the survivor of such father or mother intestate, leaving no legitimate child or children of their marriage, all the personal estate of such father or mother so dying shall be given to and belong to such child or children born out of lawful wedlock; *provided, however,* the provisions of this act shall not apply where the estate of such father or mother so dying shall have been distributed before the passage of this act.

Proviso.

2. This act shall take effect immediately.

Approved May 25, 1905.

CHAPTER 248.

An Act to amend an act entitled "An act to prevent the unlawful use and willful injury to milk cans, and imposing a penalty therefor," approved April ninth, one thousand nine hundred and two.

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

Section amended.

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

Recovery of penalties.

3. The penalty provided by this act shall be recovered by an action to be styled "An action in contract for a penalty," in any court of this state having cognizance thereof, with cost of suit and such reasonable disbursements as any such shipper or shippers, owner or owners, dealer or dealers, or his, her or their agent may incur in retaking any such can or cans to be determined in the said action, which said action shall be brought in the name of the said owner or owners, shipper or shippers.

Section amended.

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

Agent of railroad to care for cans.

5. The superintendent of any railroad over which milk or cream shall be carried or shipped to any place within this state, shall have the power to appoint an agent for the collection, protection and care of any milk or cream cans shipped over such railroad, on such terms of compensation as may be arranged between the said railroad company and any such agent.

3. This act shall take effect immediately.

Approved May 25, 1905.

CHAPTER 249.

A Supplement to an 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 said supplemental act was approved March twenty-first, one thousand nine hundred and five, and extending the provisions of said supplemental act, and extending the provisions of said original act to certain lands under the tidal waters in Raritan bay, in the State of New Jersey, to wit, lands comprehended by the following lines: Beginning at the watch-house at Canaskonk point, on the shore of Raritan bay; thence in a straight line to the government buoy, known as East point buoy; thence on a true course west southwest to the point where said course intersects a line drawn on a course due north from Cliffwood point; thence on a true course south to Cliffwood point; thence along the shore line to the place of beginning.

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

Provisions of act extended.

1. The provisions of the act to which this act is a supplement, and also the provisions of 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, one thousand eight hundred and ninety-nine, be and the same hereby are extended to certain lands lying under the tidal water of Raritan bay, in the State of New Jersey, to wit, lands

Raritan bay district.

comprehended by the following lines: Beginning at the watch-house at Canaskonk point, on the shore of Raritan bay; thence in a straight line to the govern-

ment buoy, known as East point buoy; thence on a true course west southwest to the point where said course intersects a line drawn on a course due north from Cliffwood point; thence on a true course south to Cliffwood point; thence along the shore line to the place of beginning.

When oysters taken.

2. It shall be lawful for the lessees of lands described in the next preceding section and lying under the tidal waters in Raritan bay to catch and take oysters during all or any of the months of the year, and before sunrise and after sunset; *provided*, a special permit in writing is first had and obtained from the oyster superintendent.

Proviso.

Salary of oyster superintendent.

3. In recognition of the increased work entailed upon the oyster superintendent by reason of the passage of this act, he shall hereafter receive additional compensation of salary, determined by the oyster commission, which shall not exceed thirteen hundred dollars per annum, and which shall be paid in equal monthly payments.

Four oyster commissioners.

4. Hereafter the oyster commission shall consist of four members instead of three, whose qualifications for office, appointment, compensation, salary and duties shall be the same in all respects as is provided in the act to which this act is a supplement.

Quorum.

5. Three members of said 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. The oyster commissioners shall hereafter each be appointed for a term of three years, and the four members now constituting the oyster commission shall continue to hold office during the term and time for which they have been respectively appointed.

Term.

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

Approved May 25, 1905.

CHAPTER 250

A Supplement to an act entitled "An act defining motor vehicles and providing for the registration of the same and uniform rules regulating the use and speed thereof," approved March twenty-third, one thonsand nine hundred and three.

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

Section amended.

1. Section two of the act entitled "An act defining motor vehicles and providing for the registration of the same and uniform rules regulating the use and speed thereof" is hereby amended so as to read as follows:

Owner to file declaration and statement.

2. Every resident of this State who is the owner of a motor vehicle, and every non-resident owner whose motor vehicle shall be driven in this State, shall file in the office of the Secretary of State a declaration, duly verified, that such owner is competent to drive the motor vehicle for which application for license is made, and a written statement containing the name and address of such owner, together with a brief description of the character of such motor vehicle, including the name of the maker and the manufacturer's number of the motor vehicle, if number there be, and the rated horse-power of the motor vehicle, and shall pay to the Secretary of State a registration fee of one dollar for each motor vehicle. The Secretary of State shall issue for each motor vehicle so registered a certificate, properly numbered, stating that such motor vehicle is registered in accordance with this section, and shall cause the name of such owner, with his address, the number of his certificate and a description of such motor vehicle or motor vehicles, to be entered in alphabetical order of the owners' names in a book to be kept for such purpose.

Fee.

License and number.

As to transfer of vehicle.

Upon any and every transfer of said motor vehicle by the owner thereof in whose name the same is registered the said registration and certificate thereof shall

forthwith be and become void, and the holder of said registration certificate shall return the same to the Secretary of State for cancellation, and the purchaser thereof shall thereupon, in conformity with the provisions of this section, register the said motor vehicle anew and procure a certificate, as hereinbefore set forth.

Certificate canceled.

New certificate.

Every manufacturer of or dealer in automobiles instead of registering each automobile owned or controlled by him may make application, as hereinbefore provided in this section, for a registry number, and the written statement, in addition to the matters hereinbefore contained, shall state that he is a manufacturer or dealer, as the case may be, and that he desires to use a single number for all machines owned or controlled by him, and thereupon the Secretary of State, if satisfied of the fact stated in said application, shall issue a certificate, as hereinbefore set forth, assigning the same a number as hereinbefore set forth, which certificate shall contain the statement that the same is issued to the applicant as a manufacturer or dealer, as the case may be, and that one certificate shall cover and be valid for all automobiles owned or controlled by such manufacturer or dealer until sold or let for hire, or loaned for a period of more than five successive days, and all such automobiles shall be regarded as registered under such general number; *provided*, and if, in addition to the registration number displayed on the front and back of the car, as hereinafter provided, there shall be added the letter M of equal size and prominence. The fee for every such manufacturer's or dealer's license shall be ten dollars.

In case of dealers or manufacturers,

General number.

Proviso.

Fee.

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

Section amended.

3. The owner of each and every motor vehicle driving the same upon the public streets, public roads, turnpikes, parks, public parkways, public driveways or other public highways in this State shall have the number of the license issued as aforesaid by the Secretary of State, upon both the front and back of every such motor vehicle, in a conspicuous place, so as to be plainly visible at all times during daylight, such num-

License number displayed.

Size of numerals.

bers to be separate Arabic numerals, not less than four inches in height, the strokes to be of a width not less than one-half of an inch, and there shall not be placed upon the front or rear of said vehicle any other numbers similar in size or general appearance, which shall conceal or confuse the identity of the registration number of said motor vehicle.

Section amended.

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

Lamps; brakes; signal device.

4. Every motor vehicle shall carry, during the period from one hour after sunset to one hour before sunrise, at least two lighted lamps, showing white lights, visible at least two hundred feet in the direction toward which such motor vehicle is proceeding, and shall also exhibit one red light visible in the reverse direction; upon the sides or fronts of the two aforesaid lamps showing white lights shall be displayed, when said lamps are lighted, in such manner as to be plainly visible, the number of the license issued as aforesaid by the Secretary of State, the same to be in separate Arabic numerals, not less than one inch in height; every motor vehicle shall also be provided with good and efficient brake or brakes, and shall also be provided with suitable bell, horn or other signal device.

Section. amended.

4. Section five of said act shall be amended to read as follows:

Speed.

5. A rate of speed of one mile in three minutes may be maintained, but upon any public street, public road, or turnpike, public park or parkway, public driveway or public highway in this State the said rate of speed shall not be exceeded by any one driving a motor

Proviso.

vehicle; *provided, however,* that nothing in this section contained shall permit any person to drive a motor vehicle at any speed greater than is reasonable, having regard to the traffic and use of highways, or so as to endanger the life or limb or to injure the

Proviso.

property of any person; *and it is further provided,* that nothing in this section contained shall affect the right of any person injured, either in his person or property by the negligent operation of a motor vehicle, to sue and recover damages as heretofore.

5. Section eight of said act shall be amended to read as follows: Section amended.

8. Any person driving a motor vehicle the owner of which shall not have complied with the provisions of this act, and which motor vehicle shall display a fictitious number, the same being a number other than that designated for such motor vehicle by the Secretary of State, shall, upon conviction, be fined in a sum not exceeding one hundred dollars, and, in default of payment thereof, be punished by imprisonment in the county jail for a period not exceeding thirty days. Penalty for displaying fictitious number.

6. Section nine of said act shall be amended to read as follows: Section amended.

9. Any person driving a motor vehicle upon any public streets, public highways, public roads, turnpikes, parks, public parkways or public driveways in this State Penalty for speeding on public ways.

(1) in a race or on a bet or wager,

(2) or to make a public speed record exceeding the rate of one mile in three minutes,

(3) or any person driving a motor vehicle thereon who shall, in violation of the provisions of section six of this act, pass from either direction a person riding or driving a horse or horses at a speed greater than one mile in three minutes,

(4) or who shall drive a motor vehicle thereon at a speed greater than one mile in two minutes,

shall, upon conviction, be fined in a sum not exceeding one hundred dollars, or may, in the discretion of the magistrate, if the violation be wilful, be imprisoned in the county jail for a period not exceeding ten days; *provided, however,* that no conviction or imprisonment shall be had, under the provisions of this act, upon the uncorroborated testimony of a constable or police officer; *and provided,* that nothing in this section contained shall authorize a speed greater than that provided in section five. Proviso. Proviso.

7. Section eleven of said act shall be amended to read as follows: Section amended.

11. Any constable or police officer is hereby authorized to arrest, without warrant, any person driving a motor vehicle contrary to the ninth section of Arrest without warrant.

this act, and to bring the person so offending before the nearest magistrate of the county where such offense is committed; the person so offending shall be detained in the office of such magistrate until the officer making such arrest shall make oath or affirmation, which he shall do forthwith, as provided in section ten of this act, whereupon such magistrate shall issue a warrant returnable forthwith. The said magistrate shall proceed to hear and determine said complaint and give judgment or adjourn the hearing of said complaint, as provided by sections ten and twelve of this act.

Detention.

Hearing.

Stop on signal.

Any constable or police officer is hereby authorized to stop on signal, but not to arrest without warrant, except as in this section expressly provided, any person driving a motor vehicle in violation of any of the provisions of this act, and to require the name and address of the said person driving said motor vehicle, and the registered number thereof; *provided, however,* said officer shall forthwith, and upon the request of the person so stopped, exhibit his official badge or other written evidence of his appointment and authority as such person.

Proviso.

Give name and number.

If the information hereinbefore provided for shall be given to the said officer, then the said person driving such motor vehicle shall not be detained, but if, after the constable or police officer shall show his authority, such person driving a motor vehicle shall wilfully refuse to give such information to the constable or police officer, thereupon the said constable or police officer is authorized, without a warrant, to arrest said person driving said motor vehicle, and forthwith bring the person so offending before the nearest magistrate where such offense is committed, as hereinbefore provided in this section.

Arrest on refusal.

Section amended.

8. Section seventeen of said act shall be amended to read as follows:

Penalties for violations.

17. Any person violating the provisions of this act shall, except as otherwise provided herein, upon conviction, be fined in a sum not exceeding the amounts hereinafter set forth: for a violation of section two, fifty dollars; for a violation of section three, fifteen

dollars, if the violation be willful, fifty dollars; for a violation of section four, ten dollars; for a violation of section five, fifty dollars; for a violation of section six, fifty dollars. In default in the payment of any such fine there shall be imposed an imprisonment in the county jail for a period not exceeding ten days; *provided,* that any offender who shall have been found guilty of a violation of this act and sentenced therefor, and who shall be convicted of a second offense of the same violation, may for such second offense be fined in double the amount here-prescribed for the first offense, and may, in default of the payment thereof, be punished by imprisonment in the county jail for a period not exceeding ten days; and, *further provided,* that any offender who shall have been found guilty of a violation of section five thereof and sentenced therefor, and who shall be convicted of a second violation of the same section, may, in the discretion of the magistrate, instead of being fined as prescribed, be punished by imprisonment in the county jail for a period not exceeding ten days. Proviso. Proviso.

9. All acts and parts of acts contrary to, or inconsistent with the provisions of this act, are hereby repealed. Repealer.

10. This act shall take effect on the first day of June, nineteen hundred and five. In effect.

Approved May 26, 1905.

CHAPTER 251.

An Act to amend an act entitled "An act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water-rates or water-rents in cities of this state, and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages, and to enforce the payment thereof, and to provide for the sale of lands subjected to future taxation and assessment," approved March thirtieth, one thousand eight hundred and eighty-six.

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

Section amended.

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

Persons having estate or lien of record may redeem.

6. Any person or persons having an estate or interest in, or mortgage or lien upon, any lands and premises sold in pursuance of the fourth section of this act, whose estate, interest, mortgage or lien appears of record in the county, may at any time, before the expiration of six months after notice shall have been given to him of such sale by the purchaser, his heirs or assigns, in the manner hereinafter provided, or before a deed of said premises shall have been delivered, as provided in this act, redeem said lands and premises by paying to the treasurer of the city, for the use of the purchaser, his heirs and assigns, the sum paid by him at such sale, with interest from the date of the sale, at the rate of ten per centum per annum, upon the amount due to the city at the date of sale on account of the particular arrearage or arrearages of unpaid taxes, assessments and water-rates or water-rents for which such sale is made, and upon the costs of such sale allowed by law, and one dollar for each notice served as hereinafter provided; and upon such redemption the city shall pay to such purchaser, his heirs or assigns, the amount received from the person redeeming; such notice shall be in writing and shall be served by the purchaser of the property or his agent on said owner,

When redemption made.

Notice of purchase.

mortgagee or other person having an interest in or lien upon said lands and premises, either personally or by leaving the same at his place of abode with a member of his family above the age of fourteen years; in case such owner, mortgagee or other person having an interest in or lien upon said lands and premises is a non-resident, or his residence cannot, upon due inquiry, be ascertained, then the notice may be served by publishing the same in a newspaper printed and circulating in the city for a period of six weeks, at least once in each week, and depositing a copy of such notice, within twenty days after its first publication, in the post office of the city, enclosed in a wrapper, post-paid, directed to such owner, mortgagee or other person interested in or having a lien upon said lands and premises at his or her last known post-office address, if the same can be ascertained; inquiry for the residence or post-office address of such owner, mortgagee or other person having an interest in or a lien upon said lands and premises shall be made by the purchaser or his agent upon the lands purchased at the sale, if they are occupied, and wherever else in the city the same may be likely to be ascertained, and also by an examination of the record of the deed, mortgage or other instrument on account of which such notice is given; an affidavit shall be made by the purchaser or his agent setting forth the manner and particulars of the service, and, in case the same is made by publication, setting forth what inquiry was made to ascertain the residence and post-office address of such owner, mortgagee or other person having an interest in or lien upon said lands and premises, and in such case an affidavit of the publication shall also be made by the person publishing such newspaper, or by someone in his employ having cognizance of the publication, stating the particulars thereof; and the affidavit or affidavits shall be filed in the office of the clerk of the city within one month after the date of service, and shall be prima facie evidence in all courts and places of the facts therein stated; the purchaser shall be entitled to the possession of said lands immediately upon giving such notice to the owner thereof, in case the same are

As to non-residents.

Affidavit as to inquiry and publication.

Purchaser entitled to possession upon giving notice.

New Jersey State Library

unoccupied, or, if they are occupied, then within thirty days thereafter; and he shall have the same remedy by writ of assistance or otherwise in the circuit court of the county in which the city is situate, or in the court of chancery, for the recovery of the possession of said lands as the purchaser of mortgaged premises at a foreclosure sale is now or may hereafter be entitled to by any law or practice of this state; *provided, however,* that if any estate in any of the said lands shall be held by any heir or devisee of a decedent whose estate appears of record in the county, or if any mortgage or lease shall be held by the executor or administrator of any decedent whose mortgage or lease appears of record in the county, such heir, devisee, executor or administrator shall be entitled to redeem and to have notice as aforesaid before the purchaser shall be entitled to the possession of the lands; *and provided also,* that the records and schedules of all sales made under this act shall be filed and kept in the same offices of the several cities wherein records of tax sales are now by law required to be kept.

May have writ of assistance.

Proviso.

Proviso.

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

Repealer.

Approved June 2, 1905.

CHAPTER 252.

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

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

1. It shall be lawful for twenty-five or more persons engaged in agricultural pursuits to become a corporation upon the mutual plan, for the purpose of

Mutual agricultural insurance companies.

making insurance against loss or damage to property of the insured; or loss of life or damage to the person or property of another, for which the insured is liable, caused by any accident or causalty which may lawfully be the subject of insurance.

Commencement of business.

2. Any company so formed shall not be required to make any deposit with the commissioner of banking and insurance, and shall be entitled to commence business when bona fide engagements by not less than forty persons shall have been entered into for insurance with said company, the premium notes on which shall amount to five thousand dollars.

Powers.

3 When satisfied that such company has complied with all the requirements of this act to entitle it to engage in business, the commissioner of banking and insurance shall issue to said company a certificate setting forth that fact, and authorizing it to commence business, specifying in said certificate the particular kind or kinds of insurance it is authorized to transact.

Certificate of commissioner of banking and insurance.

4. This act shall take effect immediately.

Approved June 2, 1905.

CHAPTER 253.

A Further 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:*

Right to terminate tenancy.

1. Where any lands, tenements or hereditaments are or shall be leased or rented by any agent of the owner thereof, in the name of such agent, either individually or as agent, such owner or the assignee or

grantee of such owner shall have the same right to terminate such tenancy as was or shall be possessed by such agent, and it shall be lawful for the owner or his agent thereunto lawfully authorized, or assignee or grantee of such owner to institute and maintain proceedings in any district court in this state against the tenant or other person in possession either to recover the possession of the rentals thereof, either in the name of such former agent or in the name of such owner, assignee or grantee, or his, her or their agent thereunto lawfully authorized, in the same manner and with the same force and effect as though such lands, tenements or hereditaments were or shall be leased or rented by such owner, subsequent agent, assignee or grantee, in his, her or their own names, to such tenant or person in possession.

Recovery of rentals.

Deed as evidence of possession.

2. It shall be lawful for any such owner, grantee, assignee or agent to offer in evidence, and the court shall admit any deed or other writing for the purpose of showing the right to the possession of the premises for the recovery of which such proceedings is brought.

Unlawful detainer.

3. If any person or persons shall enter, and without the consent of the owner thereof, or of his agent, or attorney thereunto lawfully authorized, and without color of title, take possession of any lands, tenements or hereditaments, and shall willfully and without force hold or detain such lands, tenements or hereditaments after demand and notice in writing given for the delivery of the possession thereof by the owner, or the person to whom the remainder or reversion of such lands, tenements or hereditaments shall belong, his agent or attorney, thereunto lawfully authorized, then such person or persons so holding or detaining such lands, tenements or hereditaments shall be guilty of an unlawful detainer.

Trial and judgment by court.

4. In any proceedings had by virtue of the act to which this is a supplement, the court shall, unless a jury be demanded by either party, at least one day before the return day of the summons, try the issue and give judgment thereon in like manner as in case of a verdict of a jury.

5. It shall and may be lawful for any constable of any city or county wherein a district court is or may hereafter be established, to serve and execute any and all writs or process of said district court; *provided,* that when any party plaintiff, or the attorney of such plaintiff, shall, in writing, require the clerk of any district court to deliver such writ or process to any constable authorized by the provisions of this supplement to serve or execute the process of said district court, and designated by name in such written request, it shall be the duty of such clerk to deliver such writ or process to the constable therein designated. Service by constable. Proviso.

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

Approved June 2, 1905.

CHAPTER 254.

An Act to annex to the borough of Hasbrouck Heights, in the county of Bergen, a part or portion of the township of Lodi, in said county.

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

1. All that part or portion of the territory of the township of Lodi, in the county of Bergen, contained or included within the following described boundaries, to wit: Beginning at the most northerly corner of the borough of Hasbrouck Heights, being also in the easterly line of the borough of Lodi, said corner being the northwesterly corner of the Henry Kipp homestead farm, lately the property of E. B. Merritt, trustee; running thence (1) northerly along the easterly line of the borough of Lodi about two thousand feet to the center line of the Lodi branch railroad (now abandoned), being also the southwesterly line of the Hackensack Improvement Commission; thence (2) Boundaries of portion of township of Lodi annexed to Hasbrouck Heights.

southeasterly along the center line of the Lodi branch railroad, being the line of the Hackensack Improvement Commission, about four thousand seven hundred and seventy feet to the junction with the center line of the New Jersey and New York railroad; thence (3) northerly along the center line of the New Jersey and New York railroad, being also the line of the Hackensack improvement commission, about two hundred feet to the line between the land of William H. Ames and the land of G. H. Leavitt; thence (4) southeasterly along said line between the land of William H. Ames and G. H. Leavitt, to a point distant easterly one thousand feet at right angles from the said center line of the New Jersey and New York railroad; thence (5) southwesterly and parallel with the New Jersey and New York railroad, about two thousand five hundred feet to the easterly corner of borough of Hasbrouck Heights, being at the corner where the southerly line of the Williams farm projected intersects said line one thousand feet east of the New Jersey and New York railroad; thence (6) northwesterly along the present line of the borough of Hasbrouck Heights one thousand feet to the center line of the New Jersey and New York railroad; thence (7) northeasterly along the New Jersey and New York railroad, being the present line of the borough of Hasbrouck Heights to the center of Williams avenue, formerly Lodi avenue; thence (8) southeasterly along Williams avenue and the borough line to the southeasterly corner of the aforesaid land lately of E. B. Merritt, trustee; thence (9) northeasterly along said land and the line of the borough of Hasbrouck Heights to the northeasterly corner of said land and the northeasterly corner of the present borough of Hasbrouck Heights; thence (10) northwesterly along the land formerly of E. B. Merritt, trustee, being the present line of the borough of Hasbrouck Heights to the point of beginning; be and the same is hereby taken or detached from the said township of Lodi and annexed to and made a part of the borough of Hasbrouck Heights, in the county of Bergen, so that the territorial limits of the said borough of Hasbrouck Heights

shall extend to, be included in, and contain the lands and premises within the above boundaries, together with the inhabitants thereof, and the governmental authority of said borough of Hasbrouck Heights be and the same is hereby in all respects extended to and shall be exercised within said boundaries, the same in all things as though the aforesaid described lands and premises had been included within the territorial limits of said borough upon its organization. Government of.

2. This act shall take effect immediately, and all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby in all things repealed. Repealer.

Approved June 2, 1905.

CHAPTER 255.

A Further Supplement to an act entitled "An act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water rates or water rents in cities of this State, and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages, and to enforce the payment thereof, and to provide for the sale of lands subjected to future taxation and assessment," passed March thirtieth, one thousand eight hundred and eighty-six.

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

1. All taxes and all assessments levied and assessed on lands and real estate in any city of this State which now are or which shall hereafter become unpaid and in arrear for the space of two years from and after the time when due and payable, may, in the discretion and upon the direction of the board or body having charge of the control of the finances of the city, be collected, and the lands and real estate subject thereto sold by Sale of property by city, for unpaid taxes after two years.

the comptroller or other collecting officer of the city, in the same manner in which said officer is authorized and empowered by the said act to collect assessments, charges and liens fixed, adjusted and determined, as by the said act provided, notwithstanding the said lands and real estate may have been sold and purchased by such city for such taxes under any sale had by virtue of any law of this State other than that to which this is a supplement; and to sell the lands subject thereto, and to make conveyance of the same in the same manner and with the same effect as if made on proceedings to enforce the payment of the taxes, assessments and liens fixed, adjusted and determined, as in the said act provided; and in all such cases the procedure and practice shall be the same as in such act provided; and the deed for the lands sold shall be given at the time and in the manner provided in the said act and the supplements thereto, where sales were made for taxes and assessments levied and assessed on lands and real estate after the passage of the said act, and the right of redemption as provided in the said act and its supplements in all such sales shall remain and continue as heretofore; *provided,* that the process for the collection of taxes by sale of the land subject thereto established by this act shall not supersede any other method of collecting the same, but shall be supplemental and in addition thereto.

Manner of sale.

Conveyance.

Redemption.

Proviso.

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

Repealer.

Approved June 2, 1905.

CHAPTER 256.

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

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

Term of councilmen.

1. In all cities that may have adopted or may hereafter adopt the act to which this is a supplement, and wherein the common council is composed of more than two members elected from each ward, that the terms of office and the offices of all councilmen holding office shall determine and end on the thirty-first day of December following the adoption of this act as hereinafter provided, and that at the first general election for members of the Assembly of this State held after such adoption there shall be elected two councilmen from each ward in such city, one of whom shall be elected for the term of one year and one for the term of two years, and at each general election aforesaid held thereafter there shall be one councilman elected from each ward, who shall hold office for the term of two years; the terms of office of said councilmen shall begin, and they shall have the power conferred by, and shall be subject to provisions of the act to which this is a supplement and to other laws.

Number to ward.

When act effective.

Referendum.

2. This act shall take effect immediately, but its provisions shall remain inoperative in any city of this State until assented to by a majority of the voters thereof voting at an election to be held in such city at a time which shall be fixed by the city clerk of such city, and which date shall be within thirty days from the date of the submission to city council of a petition signed by at least three hundred voters of such city who were duly registered and entitled to vote at the preceding election for members of the General Assembly of the State of New Jersey, which petition shall set forth the residences of the petitioners and shall

Petition to council.

demand that this act be submitted to all voters of said city for adoption or rejection. Of the said election the city clerk of such city shall cause public notice of the time and place of holding the same to be given by advertisements, signed by himself, and set up in at least twenty public places in such cities, and published in two or more daily newspapers printed or circulated therein for at least six days previous to the time of such election, and said clerk shall provide for each elector voting at such election ballots, to be printed or written or partly printed or partly written, on which shall be the words "For the adoption for this city of the provisions of an act of one thousand nine hundred and five, entitled 'A supplement to an act entitled "An act relating to, regulating and providing for the government of cities."'" If said words or proposition be marked off or defaced upon the ballot, it shall be counted as a vote against the adoption of this act; if not marked off or defaced, it shall be counted in favor thereof. Submission may be made at a special election to be held for this purpose as above provided, or at any general or municipal election held in such city, and if any such election shall result in its rejection, it may be re-submitted in the same manner at any general election thereafter. If such submission or re-submission shall be made at any municipal or general election, then the said words "For the adoption for this city of the provisions of an act of one thousand nine hundred and five, entitled 'A supplement to an act entitled "An act relating to, regulating and providing for the government of cities,"'" shall be printed on each ballot beneath the list of candidates thereon, and no separate ballot shall be required in such case. If submitted at a special election, such election shall be held at the usual places of holding the annual election in such city. The polls shall open at six o'clock in the forenoon and close at seven o'clock in the afternoon. Every such election shall be conducted by the proper election officers of such city for the time being, and in the manner prescribed by law regulating elections therein, and such officers shall return to the city clerk of such city a true and correct statement, in writing,

Public notice.

Election.

How conducted.

under their hands, of the results of said election; and it shall be the duty of the city clerk to certify and report the same to the city council or other legislative body of such city or municipality at its first meeting thereafter, and the same shall be entered at large on the minutes of said body; whereupon, if it is found that a majority of the votes cast are in favor of the adoption of this act, this act shall, in all respects, be and become operative in such city, and binding on the inhabitants thereof and upon all persons and property to be affected thereby, and shall abrogate, repeal and annul all acts and parts of acts then existing whether general or special, in anywise affecting the government of such city, which are contrary to or inconsistent with the provisions of this act.

City clerk's duty.

Effect, if adopted.

Approved June 2, 1905.

CHAPTER 257.

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

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

1. Any person or persons who shall organize or incorporate, or procure to be organized or incorporated, any corporation or body corporate under the laws of this State, with intent thereby to further, promote or conduct any fraudulent or unlawful object, shall be guilty of a misdemeanor.

Incorporation for fraudulent purposes a misdemeanor.

2. Any person or persons who, being officers, directors, managers or employes of any corporation or body politic incorporated under the laws of this State, shall wilfully use, operate or control said corporation or body corporate for the furtherance or promotion of any fraudulent or unlawful object, shall be guilty of a misdemeanor.

Persons using corporation to defraud guilty of misdemeanor.

3. This act shall take effect immediately.

Approved June 2, 1905.

CHAPTER 258.

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

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

Section amended.

1. Section thirteen of an act entitled "An act to regulate elections," approved April fourth, one thousand eight hundred and ninety-eight, be and the same is hereby amended so as to read as follows:

County boards of election; how composed.

13. There shall be in every county a county board of elections, to consist of four persons, to be commissioned by the governor in the month of July in each year, and who shall be legal voters within the counties for which they are respectively appointed; the chairman of the state committee of each of the two political parties which at the last preceding general election cast the largest and next largest number of votes in the state for members of the general assembly may, in the month of June, in writing, nominate two citizens from each county, qualified as aforesaid, for members of the county board of elections in and for such county; and if such nominations be made in said month of June, the governor shall commission such appointees; *provided,* that two of such members shall be appointed for the term of one year from the first day of August next, and the remaining members shall be appointed for the term of two years from the first day of August next; and thereafter one member of such board shall be appointed annually by each of said chairmen, in the same manner, in the month of July, and shall continue in office for two years from the first day of August next after their appointment; in case of the death or disability of any member of said boards, the governor shall be forthwith notified thereof by the chairman or secretary of said board; the governor shall cause notice of such death or disability to be given to the chairman of the state committee who

Proviso.

Annual appointment.

Vacancies.

appointed such member; and such chairman shall, within six days thereafter, appoint a successor, who shall thereupon be commissioned by the governor; all appointments to fill any vacancies occurring in said boards shall be for the unexpired term only; if, in any case, either of said chairmen shall fail to send a list of appointments to the governor within the time aforesaid, the governor shall make such appointments of his own selection from the citizens of the county in which such vacancy shall occur; said county boards of election shall be provided by the board of freeholders of the respective counties with a suitable office and furniture, in the court house of the county for which they are respectively appointed, or in a building as near as possible adjacent thereto; the terms of all members of the county boards of elections, as now constituted, shall cease and determine on the first day of August next.

If chairman fail to appoint, then governor.

Suitable quarters provided.

2. That section fourteen of an act entitled "An act to regulate elections," approved April fourth, one thousand eight hundred and ninety-eight, be and the same is hereby amended so as to read as follows:

Section amended.

14. Said county boards of election shall, at ten o'clock in the forenoon, on the first Tuesday in August, or on such other day as they may agree on within the first ten days of August, in each year, meet at the court house, or other place provided as aforesaid, in their respective counties and organize by electing one of their number to be chairman and one to be secretary; but the chairman and secretary shall not be the appointees of the same chairman; in case of a failure to elect such chairman for three ballots or viva voce votes, then the oldest (in years) of such board shall be the chairman thereof; and on failure to elect such secretary for three ballots or viva voce votes, the member of the board next oldest (in years) to the chairman of such board; the chairman and secretary shall not be the appointees of the same chairman.

Organization of county boards of election.

3. That section fifteen of an act entitled "An act to regulate elections," approved April fourth, one thousand eight hundred and ninety-eight, be and the same is hereby amended so as to read as follows:

Section amended.

Boards of registry and election; their appointment.

15. The county board of election in each county shall cause to be made a complete registry of all the legal voters in their respective counties, and for that purpose shall appoint for each election district in the county four persons, legal voters and residents of such districts, to be the board of registry and election for such district; not more than two of such appointees in each election district shall be nominated by one chairman; the said boards of registry and election shall be appointed on or before the twenty-fifth day of August in each year, upon nominations made in writing by the chairman of the county committee of each of the two political parties which at the last preceding general election cast the largest and next largest number of votes in said county for members of the general assembly; said nominations shall be made after the tenth and not later than the fifteenth day of August in each year; and in event that either chairman shall neglect to file such nominations in the manner and within the time herein prescribed, the county board of election shall immediately cause notice to be given to said chairman, and he may supply the deficiency in the list of nominations on or before August twenty-second next following; and the county board of elections shall appoint said nominees; *provided, however,* that all nominees shall answer in writing, over their own signatures, and to the satisfaction of the county board of elections, all reasonable questions which may be submitted to them or prepared for that purpose by the county board of elections, which refer to the efficiency, eligibility and character of the nominees, and bear upon their fitness to serve as members of the board of registry and election; and on failure so to do, said board may by a majority vote reject such nominee, and thereupon shall immediately notify such chairman to nominate another member of such board; if the chairman of either of the said county committees shall fail to present, in the manner and within the time herein specified, a list of nominees for appointment as members of the district boards of registry and election, the county board of elections shall supply any deficiency in the list of nominees from the citizens of the

Proviso.

If nominee ineligible.

county; *provided, also,* that the county board of elections may remove from office any member of any board of registry and election for neglecting or refusing to properly discharge the duties of his office at the time required by law, for intoxication, for incapacity, or for deceit or falsehood exercised in securing his own appointment; and all police officers, constables, sheriff and peace officers are hereby required to remove summarily, by force if necessary, any member of the board of registry and election in said county whose removal has been ordered in writing by the county board of elections, attested by the signatures of the chairman and secretary of such board; the vacancy so made shall be filled immediately by the county board of elections, but for the unexpired term only. Proviso.

4. Section seventeen of an act entitled "An act to regulate elections," approved April fourth, one thousand eight hundred and ninety-eight, be and the same is hereby amended so as to read as follows: Section amended.

17. The terms of office of the members of the district boards of registry and election shall begin on September first of each year and expire on August thirty-first of the following year, or when their successors are appointed and qualified; all vacancies in the district boards of registry and election, except those caused by the removal of a member from office, shall be filled by the county boards of elections in the same manner as hereinbefore provided for in the original appointment of such members, but for the unexpired term only; *provided, however,* that in case of a vacancy occurring in said board on the day of election, by reason of the absence or disability of a member, except in case of removal by order of the county board of elections, such vacancy shall be immediately filled by the member of the district board who was nominated by the same chairman as the member whose place has become vacant; such appointment shall be immediately reported to the county board of elections. Term of board of registry and election. Proviso.

5. Section nineteen of an act entitled "An act to regulate elections," approved April fourth, one thousand eight hundred and ninety-eight, be and the same is hereby amended so as to read as follows: Section amended.

Organization of district boards.

19. Each of said boards shall, at its first meeting, elect one of its members as judge, who shall be chairman of said board, and another of its members as inspector; such judge and inspector shall be nominees of different chairmen, and the other two members of the board shall be clerks of election, and shall perform all the duties required by law of the clerks of registry and election; in case of failure to elect a judge as herein provided, after balloting or voting three times, the member of the board oldest in years shall become judge, and in case of failure to elect an inspector, after balloting or voting three times, the next oldest member of the board in years shall become the inspector; *provided,* that both chairman and inspector shall not be nominees of the same chairman.

Proviso.

Section amended.

6. Section twentythree of an act entitled "An act to regulate elections," approved April fourth, one thousand eight hundred and ninety-eight, be and the same is hereby amended so as to read as follows:

Registration by canvassing in municipalities under 30,000.

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 the first Tuesday of September in each year 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 Friday 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 subdi-

Proviso.

Board may divide in canvassing.

visions, and any two of their number, designated by the chairman and inspector, 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 the second Tuesday of September next preceding the general eral election said boards shall meet at the places provided in this act for holding the primary election in their respective election districts at one o'clock in the afternoon, and continue in session until nine o'clock in the evening, at which time and places said boards shall hold the primary elections as provided in this act, and shall also 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.

Register made from canvassing books.

7. Section ninety-four of an act entitled "An act to regulate elections," approved April fourth, one thousand eight hundred and ninety-eight, be and the same is hereby amended so as to read as follows:

Section amended.

94. In every township or municipality (other than cities) containing but one election district, the members of the district board of election conducting any township, local or charter election therein shall, upon the close of the election, ascertain and determine what officers have been elected, sums of money voted, or propositions adopted, and the result of the election in all other particulars; in every township or municipality containing more than one election district the members of the district boards of election conducting any such election shall meet on the day after holding the same, at the hour of two o'clock in the afternoon, at the polling place in the district in which the town-

Determination of result of election.

Returns canvassed next day.

ship or municipal clerk may reside, and when so met shall ascertain and determine in like manner the result of said election in said township or municipality; *provided,* that when such township or municipality contains more than two election districts, two members only from the board of election of each district, to be designated by the board, shall meet in like manner and ascertain the result of said election as above provided; such determination shall be written out and signed by the election officers making the same, and forthwith delivered to and filed by the township or municipal clerk.

Proviso.

8. This act shall take effect immediately.

Approved June 3, 1905.

CHAPTER 259.

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:*

Delinquent corporations void; governor may extend time for payment.

1. If any corporation created under any act of this State shall for two consecutive years neglect or refuse to pay the State any tax which has been or shall be assessed against it under any law of this State and made payable into the State treasury, the charter of such corporation shall be declared void as in section two of this act provided, unless the governor shall, for good cause shown to him, give further time for the payment of such tax, in which case a certificate thereof shall be filed by the governor in the office of the comptroller, stating the reasons therefor.

Reported by comptroller and declared void by proclamation.

2. On or before the first Monday in January in each year the comptroller shall report to the governor a list of all corporations which for two years next preceding such report have failed, neglected or refused to pay the taxes assessed against them under any law of this State as above, and the governor shall forthwith issue his proclamation, declaring under this act of the legislature that the charters of these corporations are repealed, and all powers conferred by law upon such corporations shall thereafter be deemed inoperative and void.

Proclamation filed and published.

3. The proclamation of the governor shall be filed in the office of the secretary of state, and published in such newspapers and for such length of time as the governor shall designate.

Acting under voided charter a misdemeanor.

4. Any person or persons who shall exercise or attempt to exercise any powers under the charter of any such corporation after the issuing of such proclamation shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment not exceeding one year, or a fine not exceeding one thousand dollars, or both, in the discretion of the court.

Proceedings against delinquent corporation by attorney-general.

5. After any corporation of this State has failed and neglected for the space of two consecutive years to pay the taxes imposed upon it by law, and the comptroller of this State shall have reported such corporation to the governor of this State, as provided in this act, then it shall be lawful for the attorney general of this state to proceed against said corporation in the court of chancery of this State for the appointment of a receiver, or otherwise, and the said court in such proceeding shall ascertain the amount of the taxes remaining due and unpaid by such corporation to the State of New Jersey, and shall enter a final decree for the amount so ascertained, and thereupon a fieri facias or other process shall issue for the collection of the same as other debts are collected, and if no property which may be seized and sold on fieri facias shall be found within the said State of New Jersey, sufficient to pay such decree, the said court shall further order and decree that the said corporation, within ten days from and after the service of notice of such decree

Final decree.

upon any officer of said corporation upon whom service of process may be lawfully made, or such notice as the court shall direct, shall assign and transfer to the trustee or receiver appointed by the court, any chose in action, or any patent or patents, or any assignment of, or license under any patented invention or inventions owned by, leased or licensed to or controlled in whole or in part by said corporation, to be sold by said receiver or trustee for the satisfaction of such decree, and no injunction theretofore issued nor any forfeiture of the charter of any such corporation shall be held to exempt such corporation from compliance with such order of the court. And if the said corporation shall neglect or refuse, within ten days from and after the serving of notice of such decree, to assign and transfer the same to such receiver or trustee for sale as aforesaid, it shall be the duty of said court to appoint a trustee to make the assignment of the same, in the name and on behalf of such corporation, to the receiver or trustee appointed to make such sale, and the said receiver or trustee shall thereupon, after such notice and in such manner as required for the sale under fieri facias of personal property, sell the same to the highest bidder, and the said receiver or trustee, upon the payment of the purchase money, shall execute and deliver to such purchaser an assignment and transfer of all the patents and interests of the corporation so sold, which assignment or transfer shall vest in the purchaser a valid title to all the right, title and interest whatsoever of the said corporation therein, and the proceeds of such sale shall be applied to the payment of such unpaid taxes, together with the costs of said proceedings.

Assignments.

Trustee to make assignment.

Sale by receiver.

Reinstatement by proclamation.

6. Whenever it is established to the satisfaction of the governor that any corporation named in said proclamation has not neglected or refused to pay said tax within two consecutive years, or has been inadvertently reported to the governor by the comptroller as refusing or neglecting to pay the same as aforesaid, the governor is hereby authorized to correct such mistake, and to make the same known by filing his procla-

mation to that effect in the office of the secretary of state.

Reinstatement by payment of specified sum.

7. If the charter of any corporation organized under any law of this State shall hereafter become or shall have heretofore become inoperative or void by proclamation of the governor or by operation of law, for non-payment of taxes, the governor, by and with the advice of the attorney general, may, upon payment by said corporation to the secretary of state of such sum in lieu of taxes and penalties as to them may seem reasonable, but in no case to be less than the fees required as upon the filing of the original certificate of incorporation, permit such corporation to be reinstated and entitled to all its franchises and privileges, and upon such payment as aforesaid the secretary of state shall issue his certificate entitling such corporation to continue its said business and its said franchises; *provided, however,* that the provisions of this section shall in nowise apply to any gas, electric light, telephone, telegraph, water, pipe-line, railroad, street railway company, or other corporation having the right to use the public streets or to take and condemn lands in this State; *and provided further,* that nothing in this section contained shall relieve any such corporation from the penalty of forfeiture of its franchises in case of failure to pay future taxes imposed under the act to which this is a supplement or under any law of this State.

Proviso.

Proviso.

Repealer.

8. This act shall take effect immediately, and all acts and parts of acts inconsistent herewith are hereby repealed.

Approved June 3, 1905.

CHAPTER 260.

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

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

Section amended.

1. Section sixty-five be amended to read as follows:

Village trustees may contract for water supply.

65. It shall be lawful for the trustees of any village incorporated under this act to enter into a contract with any aqueduct board or water company, or with any city or other municipal corporation having water works, for the obtaining and furnishing of a supply of water, for a year or term of years, to be used by and within such village for the purpose of extinguishing fires and for such other public uses and purposes as may be found convenient, which contract when so made shall be the lawful and valid contract of said village, as well as of said aqueduct board or water company, or of said city or municipal corporation, and the moneys in said contract agreed to be paid in each year shall be levied and assessed in the annual tax levies of each year in the same manner as the other village taxes are levied and assessed; *provided, however,* no such contract shall be made for a longer period than ten years in any one term.

Annual charge raised by tax.

Proviso.

2. This act shall take effect immediately.

Approved June 3, 1905.

CHAPTER 261.

An Act to provide for a commission to investigate the whole subject of franchises granted by municipalities to public utility corporations in their relations to such municipalities and to the state, and to advise the legislature in connection therewith.

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

Commission to investigate granting of public franchises.

1. The governor shall appoint, as soon as conveniently may be after the passage of this act, a commission of five persons, whose duty it shall be to investigate the entire subject of the grant of franchises by municipalities to public utility companies, permitting the use and occupation of the public streets and highways, and to report to the next session of the legislature the result of such investigation, together with such recommendations in connection therewith as to the said commission shall seem proper, including a recommendation as to what legislation, if any, regulating, controlling and limiting the power of municipalities in making such grants, ought to be enacted.

As to taxing public franchises.

2. That said commissioners investigate and report upon the advisability of having the value of franchises of corporations using the public streets for trolley, gas, telephone, telegraph or water purposes, annually assessed by some appropriate taxing authority and taxed at local rates of taxation.

Powers.

3. Such commission, when appointed, shall have full power to use any process of the courts of this state to compel the attendance of witnesses, the production of books, papers and documents.

4. This act shall take effect immediately.

Approved June 3, 1905.

CHAPTER 262.

An Act to authorize cities of the second class in this State to provide music in the public parks of such cities during the months of July and August in each year.

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

Park concerts.

1. It shall be lawful for the municipal board having charge of the finances of any city of the second class in this state to appropriate and set aside annually, to the credit of the municipal board or body having charge of the public parks in any such city, a sum of

Appropriation.

money not exceeding two thousand dollars in any one year, for the purpose of providing music in the public parks of such city, and to raise, levy and collect said money so appropriated in the same manner as other taxes are levied and collected in said city.

May issue temporary bonds.

2. The said board having charge and control of the finances of any such city is hereby authorized to raise the said sum of money called for by the first appropriation made under this act, by issuing and selling temporary loan bonds in the name and upon the credit of the city, and to put the amount of the interest and principal of said temporary loan bonds into the next tax levy thereafter made in such city, and to levy and collect the said amount in the same manner as other taxes are levied and collected in any such city.

When money available.

3. It shall be the duty of the municipal board or body having charge of the public parks in any such city to expend the said sum of money so appropriated as aforesaid in providing instrumental or band music in the public parks of such city during the months of July and August in each year.

Contracts.

4. All contracts for such music shall be approved by the mayor of such city, and any provision of the

laws of this State requiring contracts in such city to be made to the lowest responsible bidder shall not apply to contracts made in pursuance of this act.

5. This act shall take effect immediately.

Approved June 26, 1905.

CHAPTER 263.

An Act to amend an act entitled "An act concerning corporations [Revision of 1896]," approved April twenty-first, one thousand eight hundred and ninety-six.

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

1. Section seven of the act entitled "An act concerning corporations [Revision of 1896]," approved April twenty-first, one thousand eight hundred and ninetysix. be and the same is hereby amended so as to read as follows: Section amended.

7. Any corporation of this state, heretofore or hereafter organized under the laws of this state, may conduct business, have one or more offices, and hold, purchase, mortgage and convey real and personal property outside of this state in any of the several states, territories, possessions and dependencies of the United States, the District of Columbia, and in foreign countries; *provided*, such powers are included within the objects set forth in its certificate of incorporation or charter. Conduct business and have property outside state. Proviso.

2. This act shall take effect immediately.

Approved June 26, 1905.

CHAPTER 264.

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 six.

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

Annual appropriations.

1. The following sums, or so much thereof as may be necessary, be and they are 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 six, namely:

I.

EXECUTIVE DEPARTMENT.

Executive department.

For the governor, for salary, ten thousand dollars;

For the private secretary of the governor, for salary, three thousand dollars;

For compensation for assistants in the executive department, three thousand dollars;

For blanks and stationery for the use of the executive department, four hundred dollars;

For postage, expressage and other incidental expenses for the executive department, twelve hundred dollars.

2.

OFFICE OF THE COMPTROLLER.

Comptroller.

For the comptroller, for salary, six thousand dollars;

Disapproved.

For the deputy comptroller, for salary, three thousand six hundred dollars.

For compensation for other clerical service in the comptroller's office, four thousand six hundred dollars;

For additional allowance for compensation for other clerical service in the comptroller's office, one thousand four hundred dollars.

For salaries and expenses of assistants employed in the comptroller's office, including the salary and expenses of a state auditor, three thousand five hundred dollars;

For additional allowance for salaries and expenses of assistants employed in the comptroller's office, including the salary and expenses of a state auditor, one hundred dollars;

For blanks and stationery for use in the office of the comptroller, seven hundred dollars;

For postage, expressage and other incidental expenses for the comptroller's office, twelve 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, eight thousand five hundred dollars;

For blanks and stationery for use in the office of the treasurer, six hundred and fifty dollars;

For postage, expressage and other incidental expenses for the office of the treasurer, six hundred and fifty dollars.

4.

OFFICE OF THE SECRETARY OF STATE.

Secretary of state.

For the secretary of state, for salary, six thousand dollars;

For the assistant secretary of state, for salary, three thousand dollars;

For compensation for all clerical services in the office of secretary of state, eleven thousand three hundred and fifty dollars;

For postage, expressage and other incidental expenses for the office of secretary of state, two thousand five hundred dollars;

For blanks and stationery for use in the office of the secretary of state, five thousand three hundred dollars;

For the purpose of compiling, indices of wills, deeds and other records, in the general vault of the office of the secretary of state, two thousand four hundred dollars;

For services and expenses for the purpose of carrying out the provisions of "An act respecting the recording of certificates and other papers relating to and affecting corporations," approved March twenty-eighth, one thousand nine hundred and four, one thousand seven hundred and fifty dollars.

5.

ATTORNEY-GENERAL'S DEPARTMENT.

Attorney-general.

For the attorney-general, for salary, seven thousand dollars;

For the assistant attorney-general, for salary, five thousand dollars;

For compensation and expenses of assistants employed by the attorney-general, nine thousand seven hundred dollars;

For blanks and stationery for use in the office of the attorney-general, five hundred dollars;

For postage, expressage and other incidental expenses for the attorney-general's department, twelve hundred dollars.

6.

STATE BOARD OF ASSESSORS.

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, two thousand five hundred dollars;

For compensation for clerical service in the office of the state board of assessors, six thousand dollars;

For additional allowance for compensation for clerical services in the office of the state board of assessors, two thousand dollars; *provided,* a bill pending entitled "A further supplement to an act entitled 'An act to revise and amend "An act for the taxation of railroad and canal property," approved April tenth, one thousand eight hundred and eighty-four,' which act was approved March twenty-seventh, one thousand eight hundred and eighty-eight," becomes a law; Proviso.

For blanks and stationery for use in the office of the state board of assessors, nine hundred dollars;

For postage, expressage and other incidental expenses for the state board of assessors, nine hundred dollars;

For compensation of local assessors and witnesses, and compensation and expenses of surveyors, pursuant to chapter one hundred and one of the laws of one thousand eight hundred and eighty-four, five thousand dollars.

7.

DEPARTMENT OF BANKING AND INSURANCE.

Banking and insurance.

For the commissioner of banking and insurance, for salary, six thousand dollars;

For the deputy commissioner of banking and insurance, for salary, two thousand five hundred dollars;

For compensation for assistants in the department of banking and insurance, eight thousand dollars;

For blanks and stationery for use in the department of banking and insurance, one thousand eight hundred dollars;

For postage, expressage and other incidental expenses for the department of banking and insurance, one thousand five hundred dollars;

For compensation of building and loan association examiners, fifteen thousand three hundred dollars;

For actual and necessary traveling and incidental personal expenses of building and loan association examiners, six thousand five 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.

BOARD OF TAXATION OF NEW JERSEY.

Board of taxation.

For salaries for president and four members, nineteen thousand dollars; salary for secretary, two thousand five hundred dollars; salary of stenographer, nine hundred dollars; for blanks, stationery, etc., three hundred dollars; for postage, expressage and incidentals, five hundred dollars; *provided,* the said board be created by enactment of the present Legislature.

Proviso.

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, six hundred dollars.

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, one thousand three hundred and twenty-five dollars;

For compensation of assistants in the office of the state board of health, pursuant to said chapter, seven thousand three hundred and forty dollars;

For additional compensation of assistants in the office of the state board of health, pursuant to said chapter, nine hundred dollars;

For compensation to the secretary of said board, pursuant to said chapter, two thousand five hundred dollars;

For expenses to be incurred pursuant to chapter two hundred and twenty-five, laws of one thousand eight hundred and eighty-six, two thousand dollars;

For blanks and stationery for use in the office of state board of health, one thousand four hundred dollars;

For maintenance of the bacteriological laboratory, five thousand dollars;

For postage required in sending to the physicians of this state the annual report of the state board of health and of the bureau of vital statistics, three hundred and fifty dollars;

For the purpose of carrying into effect the provisions of "An act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof," passed at the legislative session of one thousand nine hundred and 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 eighty-four of the laws of one thousand eight hundred and eighty-six, fourteen thousand eight hundred and eighty dollars.

II.

BUREAU OF STATISTICS.

For the chief of the bureau of statistics, for salary, two thousand five hundred dollars; Statistics.

For the deputy chief of the bureau of statistics, for salary, two thousand dollars;

For the current expenses of the bureau of statistics, seven thousand dollars;

For blanks and stationery for use in the office of the bureau of statistics, four hundred dollars.

12.

STATE HOUSE COMMISSION.

State house.

For the 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-six thousand dollars.

13.

STATE MUSEUM.

Museum.

For curator, for salary, one thousand five hundred dollars;

For the commission to acquire new material for the museum and for blanks, stationery and other incidental expenses, one thousand six hundred dollars.

14.

GEOLOGICAL SURVEY.

Geological survey.

For salaries and expenses of the department of the geological survey, including the continuance of forestry investigations and expenses in connection with the publication of the reports and maps of the geological survey, fifteen thousand dollars.

15.

SUPREME COURT.

Supreme court.

For the chief justice and associate justices of the supreme court, for salaries, eighty-two thousand dollars;

For the judges of the circuit courts, for salaries, thirty thousand 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 five hundred dollars.

For blanks and stationery for use of the chief justice and associate justices of the supreme court, two hundred dollars.

16.

OFFICE OF CLERK OF THE SUPREME COURT.

Clerk of supreme court.

For the clerk of the supreme court, for salary, six thousand dollars;

For compensation for clerical service in the office of the clerk of the supreme court, sixteen thousand dollars;

For additional allowance for compensation for clerical service in the office of the clerk of the supreme court, five hundred dollars;

For blanks and stationery for use in the office of the clerk of the supreme court, one thousand two hundred and fifty dollars;

For postage, expressage and other incidental expenses for the office of the clerk of the supreme court, one thousand four hundred dollars.

17.

COURT OF CHANCERY.

Court of chancery.

For the chancellor, for salary, ten thousand dollars;

For the vice-chancellors, for salaries, sixty-three thousand dollars;

For compensation of sergeants-at-arms, four thousand two hundred dollars;

For additional allowance for compensation of sergeants-at-arms, one hundred dollars;

For compensation of stenographers, and for services pursuant to section one hundred and three of chapter one hundred and fifty-eight, laws of one thousand nine hundred and two, fourteen thousand seven hundred dollars;

For additional compensation of stenographers and for services pursuant to section one hundred and three of chapter one hundred and fifty-eight, laws of one thousand nine hundred and two, eight hundred dollars;

For compensation and allowance of advisory masters, two thousand five hundred dollars;

For additional allowance for compensation and allowance of advisory masters, seven hundred and fifty dollars;

For rent of rooms in Camden, Jersey City, Newark, and Paterson, for the use of chancellor, vice-chancellors and advisory masters, seven thousand 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.

18.

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, two thousand and seventy-five dollars.

19.

COURT OF ERRORS AND APPEALS.

Court of errors and appeals.

For compensation of judges of the court of errors and appeals, eleven 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.

20.

COURT OF PARDONS.

Court of pardons.

For compensation for judges of court of pardons, two thousand five hundred dollars;

For compensation of subordinate officers, three hundred dollars.

21.

LAW AND EQUITY REPORTS.

Legal reports.

For the publication of the chancery reports, five thousand three hundred dollars;

For the publication of the law reports, five thousand two hundred dollars;

For salary of chancery reporter, five hundred dollars;

For salary of supreme court reporter, five hundred dollars;

For binding chancery and law reports, one thousand two hundred dollars.

22.

NATIONAL GUARD.

National guard.

For expenses for division, brigade and regimental headquarters, four thousand dollars;

For allowances for two batteries of artillery, at seven hundred and fifty dollars each, one thousand five hundred dollars;

For allowances for two troops of cavalry, at two thousand dollars each, including rent of armory, four thousand dollars;

For allowances for sixty companies of infantry, at five hundred dollars each, thirty thousand dollars;

For allowance for one signal and telegraph corps, one thousand dollars;

For transportation for battalion drills, inspections, parades, and for pay and expenses of inspecting officers, five thousand dollars;

For compensation of officers and employes, and expenses incurred in connection with rifle practice, fourteen thousand five hundred dollars;

For pay of officers and enlisted men, and expenses in connection with the annual encampment, thirty-three thousand dollars;

For compensation of the superintendent and employes, and for forage, fuel and maintenance of the state camp grounds, ten thousand dollars;

For fuel, light and maintenance of the state arsenal, one thousand five hundred dollars;

For expenses of military boards and courts-martial, one thousand dollars;

For transportation of disabled soldiers of the late rebellion and the Spanish-American war, fifty dollars;

For maintaining, heating, and lighting armories at Jersey City, Camden, Newark, Paterson and Trenton, at four thousand five hundred dollars each, twenty-two thousand five hundred dollars;

For pay and expenses of officer detailed from the United States army for military instruction to officers and enlisted men of the national guard, six hundred dollars;

For insuring regimental armories, buildings at the State camp grounds at Sea Girt, the State arsenal and all public military stores, five thousand five hundred dollars;

For ordnance stores, uniforms, clothing, camp and garrison equipage, freight and expressage and miscellaneous supplies, eight thousand dollars;

For clerical services, postage, stationery and printing for officer detailed by the war department with the national guard, seven hundred dollars;

For battery A, field artillery, in lieu of armory rent, to assist in the maintenance of the armory owned by the battery, one thousand dollars.

NAVAL RESERVE.

Naval reserve.

First battalion, in lieu of company allowances, one thousand five hundred dollars;

For battalion headquarters, three hundred dollars;

For pay of shipkeeper, maintenance and expenses, six thousand five hundred dollars;

For pay and expenses of officers and men on annual cruise, two thousand four hundred dollars;

Second battalion, in lieu of company allowances, one thousand five hundred dollars;

For battalion headquarters, three hundred dollars;

For pay of shipkeeper, maintenance and expenses, four thousand five hundred dollars;

For pay and expenses of officers and men on annual cruise, one thousand eight hundred dollars.

23.

ADJUTANT-GENERAL'S DEPARTMENT.

Adjutant-general.

For the adjutant-general, for salary, two thousand five hundred dollars;

For compensation for clerical service in the adjutant-general's office, five thousand five hundred and sixty dollars;

For blanks and stationery for use in the adjutant-general's office, one thousand five hundred dollars;

For postage, expressage and other incidental expenses for the adjutant-general's office, seven hundred and fifty dollars;

For clerical service, compiling data for the roster of officers and enlisted men of New Jersey in revolutionary and other wars, at Trenton, New Jersey, or elsewhere, one thousand two hundred dollars;

For annual dues to Interstate National Guard Association, for the year one thousand nine hundred and six, fifty dollars;

For compensation for extra clerical service in the adjutant-general's office, for the year one thousand nine hundred and six, compiling roster of New Jersey troops in colonial, revolutionary and other wars, two thousand five hundred dollars;

24.

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, namely:

For chief clerk, for salary, two thousand one hundred dollars;

For clerk, for salary, one thousand five hundred dollars;

For stenographer, for salary, six hundred dollars;

For military storekeeper, for salary, one thousand two hundred dollars;

For carpenter, machinist and to the persons having in charge accoutrements, et cætera, cleaning arms, et cætera, teamster and laborer, for salaries, four thousand five hundred and one dollars;

For additional allowance for carpenter, machinist and to the persons having in charge accoutrements, et cætera, cleaning arms, et cætera, teamster and laborer, for salaries, seventy-eight dollars and twenty-five cents;

For blanks and stationery for use in the quartermaster-general's department, five hundred dollars;

For postage, expressage and other incidental expenses for the quartermaster-general's department, four hundred and fifty dollars.

25.

MONMOUTH BATTLE MONUMENT.

Freehold monument.

For the commission having in charge the Monmouth battle monument and grounds, pursuant to chapter one hundred and eighteen of the laws of one thousand eight hundred and eighty-six, five hundred dollars.

26.

TRENTON BATTLE MONUMENT.

Trenton monument.

For the Trenton battle monument association, for the purpose of keeping said property in good condition and repair, five hundred dollars.

27.

PENSIONS.

Pensions.

For amount required to pay pensions, pursuant to various acts relative thereto, four thousand six hundred and eighty-four dollars.

28.

HOME FOR DISABLED SOLDIERS AT KEARNY.

Kearny home.

For support of the New Jersey home for disabled soldiers at Kearny, and for the chaplain thereof, fifty thousand dollars.

29.

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.

30.

WASHINGTON ASSOCIATION OF NEW JERSEY.

Morristown headquarters.

For trustees of the Washington association of New Jersey, twenty-five hundred dollars.

31.

STATE BOARD OF AGRICULTURE.

Board of agriculture.

For the State board of agriculture, eight thousand dollars;

For the State board of agriculture, for the purpose of carrying out the provisions of an act to prevent the introduction into and spread of injurious insects in New Jersey, to provide a method for compelling their destruction, to create the office of State entomologist, to authorize inspection of nurseries and to provide for certificates of inspection, three thousand dollars.

32.

TUBERCULOSIS COMMISSION.

For expenses and payments by the State tuberculosis commission, fifteen thousand five hundred dollars. Tuberculosis.

33.

AGRICULTURAL EXPERIMENT STATION.

For salaries and expenses of the agricultural experiment station, twenty thousand dollars; Experiment station.

For printing bulletins of the agricultural experiment station, one thousand five hundred dollars;

For expenses incurred by the New Jersey agricultural experiment station in carrying out the provisions of "An act concerning the regulation of the sale of concentrated commercial feeding stuffs," three thousand dollars;

To the agricultural experiment station for experiments and investigations concerning the mosquito problem, the sum of three thousand five hundred dollars; for State aid to municipalities, the sum of six thousand dollars; provided the bill authorizing such investigations, experiments and State aid becomes a law. Proviso.

34.

BOARD OF VISITORS TO THE AGRICULTURAL COLLEGE OF NEW JERSEY.

For the board of visitors to the agricultural college of New Jersey, for personal expenses incurred pursuant to chapter three hundred and sixty-five of the laws of one thousand eight hundred and seventy-three, fifty dollars; Visitors to agricultural college.

For advertising pursuant to chapter nine of the laws of one thousand eight hundred and seventy-nine, ninety dollars.

35.

STATE HOSPITALS.

Asylums.

For traveling expenses of managers, nine hundred dollars;

For expenses in transferring insane convicts, two hundred dollars;

For medical examination of insane convicts, three hundred dollars.

36.

STATE HOSPITAL AT TRENTON.

Trenton asylum.

For maintenance of county patients, at the rate of two dollars per week, one hundred thousand dollars;

For support and clothing insane convicts, at the rate of five dollars per week for each insane convict, twelve thousand dollars;

For support and clothing of indigent patients, at the rate of four dollars per week, thirty-five thousand dollars;

For salaries of officers, twelve thousand dollars;

For additional allowance for salaries of officers, five hundred dollars;

For appraisement of personal property, seventy-five dollars.

37.

STATE HOSPITAL AT MORRIS PLAINS.

Morristown asylum.

For maintenance of county patients, at the rate of two dollars per week, one hundred and thirty thousand dollars;

For support and clothing of insane convicts, at the rate of five dollars per week for each insane convict, twenty thousand six hundred and fifty-two dollars;

For support and clothing of indigent patients, at the rate of four dollars per week, seventy-four thousand six hundred and forty dollars;

For salaries of officers, fourteen thousand five hundred and fifty 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, one hundred thousand dollars;

In the Hudson county lunatic asylum, sixty thousand dollars;

In the Camden county lunatic asylum, twenty-one thousand five hundred dollars;

In the Burlington county lunatic asylum, sixteen thousand dollars;

In the Passaic county lunatic asylum, four thousand dollars;

In the Gloucester county lunatic asylum, one thousand two hundred dollars;

In the Cumberland county lunatic asylum, fourteen thousand dollars.

In the Salem county lunatic asylum, two thousand dollars;

In the Atlantic county lunatic asylum, seven thousand five hundred dollars.

39.

STATE PRISON.

State prison.

For maintenance of convicts, one hundred and ten thousand dollars;

For furniture, appliances and repairs of State prison, ten thousand dollars;

For the principal keeper, for salary, three thousand five hundred dollars;

For the supervisor, for salary, three thousand dollars;

For the deputy keepers and employes, for salaries, ninety-five thousand dollars;

For the six inspectors, for salaries, three thousand dollars;

For the keeper, for payments to discharged convicts, two thousand five hundred dollars;

For teacher and moral instructor to the convicts in the State prison, pursuant to section seven, chapter one hundred and fifty-five of the laws of one thousand eight hundred and seventy-six, for salary, one thousand dollars.

40.

STATE HOME FOR BOYS.

Jamesburg school.

For the trustees of the New Jersey State home for boys, seventy-two thousand five hundred dollars;

For the trustees of said home, for expenses incurred by them in the discharge of their duties, five hundred dollars;

For establishing and maintaining a graded school system, three thousand five hundred dollars.

41.

STATE HOME FOR GIRLS.

Girls' home at Trenton.

For the trustees of the New Jersey State home for girls, for the support and necessary repairs to the home, twenty-five thousand dollars;

For the trustees of said home, for expenses incurred in the discharge of their duties, three hundred dollars;

For the assistant engineer, for salary, six hundred dollars.

42.

STATE BOARD OF ARBITRATION.

Arbitration.

For the members of the board of arbitration, for salary, 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.

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, five thousand dollars;

For expenses of the fish and game commissioners, one thousand dollars;

For printing game laws, license blanks, et cætera, seven hundred and fifty dollars.

44.

BLIND AND FEEBLE-MINDED.

Blind and feeble-minded.

For clothing, maintenance, support and instruction of the blind persons, inhabitants of this State, fifteen thousand dollars;

For clothing, maintenance, support and instruction of the feeble-minded persons, inhabitants of this State, seventy-two thousand dollars;

For maintenance, support and instruction of feeble-minded women, thirty thousand dollars.

45.

DEPARTMENT OF LABOR.

Factories. For the commissioner, for salary, two thousand five hundred dollars;

For the assistant commissioner, for salary, one thousand five hundred dollars;

For eleven inspectors, for salaries, eleven thousand dollars;

For department clerks, for services, two thousand four hundred dollars;

For additional allowance for department clerks, for services, three hundred and fifty dollars;

For printing, postage, expressage and other incidental expenses, one thousand dollars;

For expenses of commissioner, assistant commissioner and inspectors, five thousand one hundred and fifty dollars.

46.

STATE CHARITIES AID ASSOCIATION.

Charities. For expenses of the association, six hundred dollars.

47.

STATE HORTICULTURAL SOCIETY.

Horticulture. To the treasurer of the New Jersey state horticultural society, the sum of four hundred dollars.

48.

STATE OYSTER COMMISSION FOR THE DISTRICT OF OCEAN COUNTY.

Ocean county oyster district. For the commissioners, for salaries, seven hundred and fifty dollars;

For the superintendent, for salary, one thousand dollars;

For patrol service, one thousand dollars;

For incidental expenses, five hundred dollars; *provided,* all bills are approved by the Governor; Proviso.

For office rent, fifty dollars.

49.

ADVERTISING.

For advertising proclamations issued by the governor, notices of the attorney-general in relation to delinquent miscellaneous corporations, and notices of the comptroller in regard to public printing, et cætera, five thousand dollars. Advertising.

50.

PRINTING.

For printing and binding public documents, forty thousand dollars; Printing.

For compensation of an expert printer for services in preparation of specifications for bids, supervision of work, examination of bills, and such other duties as may by law be imposed upon him, six hundred dollars;

For preparing index of session laws, one hundred dollars;

For printing and circulation of the laws, seven thousand five hundred dollars.

51.

PUBLIC ROADS.

For public roads, two hundred and seventy thousand dollars; Roads.

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, constructing and performing such other duties as necessity may require, one thousand five hundred dollars;

For traveling expenses of supervisor, five hundred dollars;

For expenses for clerk hire, attorney and consulting engineer, fees, stationery and actual traveling expenses, two thousand dollars;

For additional allowance for expenses for clerk hire, attorney and consulting engineer, fees, stationery and actual traveling expenses, five hundred dollars.

52.

OYSTER COMMISSION.

Propagation of oysters.

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.

NEW JERSEY OYSTER AND SHELL COMMISSION.

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, three hundred dollars;

Biological department.

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, three hundred dollars.

53.

LEGISLATURE.

Legislature.

For compensation of senators and members of the general assembly, forty thousand eight hundred and thirty-three dollars and thirty-two cents;

For compensation of officers and employes of the legislature, thirty thousand one hundred and fifty dollars;

For stationery for use of the legislative session, pursuant to chapter two hundred and eight of the laws of one thousand eight hundred and sixty-eight, five hundred dollars;

For manuals of the legislature of New Jersey, 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, six thousand seven hundred dollars;

For toilet and other necessary supplies for use at the legislative session, to be furnished by the state house commission, one thousand dollars.

54.

COLLATERAL INHERITANCE TAX.

For surrogates' fees, appraisers' compensation and expenses, legal and other disbursements, pursuant to chapter two hundred and ten of the laws of one thousand eight hundred and ninety-four, twelve thousand dollars. Inheritance tax.

55.

INSURANCE.

For insurance upon state house and contents thereof, five hundred dollars. Insurance.

56.

REFUNDING TAXES ON MISCELLANEOUS CORPORATIONS.

For taxes improperly levied upon corporations and to be refunded, pursuant to law, five hundred dollars. Refund taxes.

57.

WEATHER SERVICE.

Weather reports.

For the continuance of weather stations and preparation, printing and distribution of reports, pursuant to chapter two hundred and fifty-eight of the laws of one thousand eight hundred and ninety-two, one thousand dollars.

58.

BODIES THROWN UPON SHORES OF THE STATE BY SHIPWRECK.

Shipwrecked bodies.

For expenses incurred in viewing bodies cast upon shores by shipwreck, one hundred dollars.

59.

COURT EXPENSES.

Per diem for law judges.

For compensation of judges of the court of common pleas, pursuant to section forty-nine, chapter one hundred and forty-nine of the laws of one thousand nine hundred, one thousand dollars.

60.

AGRICULTURAL COLLEGE FUND.

Agricultural college.

To the treasurer of Rutgers College, for interest on one hundred and sixteen thousand dollars, certificates of indebtedness of the state of New Jersey, due January first and July first, one thousand nine hundred and six, pursuant to the provisions of chapter one hundred and thirty-five of the laws of one thousand eight hundred and ninety-six, five thousand eight hundred dollars.

61.

RIPARIAN COMMISSION.

For salaries of riparian commissioners, six thousand dollars; Riparian commission.

For salaries and expenses incurred in the prosecution of the work of the commissioners, six thousand five hundred dollars.

62.

OBSTRUCTIONS TO NAVIGATION.

For expenses incurred in removing any boat, barge or scow stranded or sunk in any of the navigable rivers of this state, three hundred dollars. Removing sunken vessels.

63.

MANUAL TRAINING AND INDUSTRIAL SCHOOL FOR COLORED YOUTH.

For maintenance of the manual training and industrial school for colored youth, six thousand dollars. Bordentown school.

64.

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.

65.

STATE NORMAL SCHOOL.

Normal school.

For the support of the state normal school, fifty thousand dollars;

For necessary repairs to the grounds, buildings and furniture, and for keeping the same insured, four thousand dollars.

66.

FREE SCHOOL LIBRARIES.

School libraries.

For the formation of libraries in the free public schools of the state, seven thousand dollars.

67.

FARNUM PREPARATORY SCHOOL.

Farnum school.

For the support of the Farnum preparatory school at Beverly, two thousand dollars.

68.

INDUSTRIAL EDUCATION.

Manual training.

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, fifteen thousand dollars;

For payment to schools for manual training, fifty thousand dollars.

69.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

Educational department.

For salary of state superintendent of public instruction, five thousand dollars;

For salary of assistant superintendent and for clerical services in the office of state superintendent of public instruction, eight thousand five hundred dollars;

For additional allowance for salary of assistant superintendent and for clerical services in the office of state superintendent of public instruction, five hundred dollars;

For stationery and blanks, four 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;

For one thousand copies of the manual of the legislature of New Jersey, as provided by chapter one hundred and nine, laws of one thousand nine hundred and four, one thousand dollars.

70.

SCHOOL FUND EXPENSES.

For necessary legal and other expenses incurred by or under the direction of the trustees for the support of public schools in the investment and protection of the school fund, and in the collection of the income thereof, three thousand five hundred dollars. School fund.

71.

STATE BOARD OF EDUCATION.

For necessary expenses of the state board of education, two thousand five hundred dollars; Board of education.

For procuring plans for school houses, five hundred dollars;

For supervising plans of new school houses by state board of education, one thousand dollars; Disapproved.

For expenses of bureau of information for teachers and school officers, five hundred dollars.

72.

TEACHERS' INSTITUTE AND HIGH SCHOOL INSPECTION.

Institutes. For expenses of teachers' institutes and high school inspection, four thousand dollars.

73.

TEACHERS' LIBRARIES.

Teachers' libraries. For the establishment and maintenance of libraries for use of teachers, six hundred dollars.

74.

COUNTY SUPERINTENDENTS.

County superintendents. For county superintendents of schools, for salaries, thirty-six thousand five hundred dollars;

For additional allowance for county superintendents of schools, for salaries, five thousand five hundred dollars; *provided,* such sum is authorized by enactment of the present legislature.

Proviso.

75.

EMERGENCY.

Emergencies. For the governor, to enable him to meet any emergency requiring the expenditure of money not otherwise appropriated, the sum of ten thousand dollars, said sum, or any part thereof, to be paid by the treasurer on the warrant of the comptroller upon accounts approved by the governor.

76.

STATE BOARD OF EXAMINERS.

For expenses incurred by the state board of examiners and compensation for the person appointed by the state board of education, two hundred and fifty dollars. Examinations.

77.

STATE SEWERAGE COMMISSION.

For salaries of commissioners, seven thousand five hundred dollars; Sewerage commission.

For salary of secretary, seven hundred and fifty dollars;

For additional allowance for salary of secretary, four hundred and fifty dollars;

For rent and necessary expenses of the commissioners, including experimental work, five thousand dollars; *provided,* said expenses are approved by the governor. Proviso.

78.

NEW JERSEY HOME FOR DISABLED SOLDIERS, SAILORS, MARINES AND THEIR WIVES AND FOR THEIR WIDOWS, AT VINELAND.

For maintenance, salaries and all other expenses, twenty thousand dollars. Vineland home.

79.

STATE OYSTER COMMISSION.

For the better regulation and control of the taking, planting and cultivating of oysters on the lands lying Oyster commission.

under the tidal waters of the Delaware river, Delaware bay, Maurice river cove and Raritan bay, in the state of New Jersey, twelve thousand dollars;

For the protection of the natural seed oyster grounds on lands lying under the tidal waters of the Delaware river and Delaware bay, north of "southwest line," in the state of New Jersey, two thousand dollars;

For expenses of surveying and mapping lands to be leased for oyster culture under the tidal waters of the Delaware river, Delaware bay, Maurice river cove and Raritan bay, in the state of New Jersey, three hundred dollars.

80.

STATE BOARD OF CHILDREN'S GUARDIANS.

Children's guardians.

To the state board of children's guardians, for expenses, seven thousand five hundred dollars.

81.

PUBLIC LIBRARY COMMISSION.

Library commission.

For the purpose of carrying into effect the provisions of chapter sixty-two, laws of one thousand nine hundred; for clerical assistance, necessary traveling and other expenses incurred by the commission, and for carrying into effect the provisions of chapter one hundred and seventy-five, laws of one thousand eight hundred and ninety-eight, and its supplements, providing for the establishing and maintenance of a system of traveling libraries, three thousand dollars.

82.

TRENTON ARMORY.

Trenton armory.

For the purpose of erecting and equipping an armory in the city of Trenton, fifty thousand dollars.

83.

NEW JERSEY REFORMATORY.

Rahway reformatory.

For traveling and other official expenses of commissioners, one thousand dollars;

For the superintendent, for salary, three thousand dollars;

For the subordinate officers and employes, for salaries, thirty-eight thousand dollars;

For additional allowance for the subordinate officers and employes, for salaries, two thousand dollars;

For maintenance, forty thousand dollars;

For furniture, appliances and repairs (including industrial departments), fifteen thousand dollars;

For the superintendent, for payments to discharged inmates, two thousand five hundred dollars;

For traveling expenses of parole officer, five hundred dollars.

84.

VILLAGE FOR EPILEPTICS.

Epileptic village.

For the superintendent, for salary, two thousand five hundred dollars;

For the steward, for salary, one thousand dollars;

For the assistant physician, for salary, eight hundred dollars;

For maintenance, including fuel and light, forty-five thousand dollars;

For excavating and building concrete reservoir near power house and for air-lift to raise water from wells to reservoir, including engineer's fees, five thousand two hundred dollars; plans and specifications for the same to be approved by the governor;

For one, one hundred and twenty-five horse-power boiler, complete, with fittings, foundation and setting of the same, five thousand dollars;

For one horizontal pump, capacity ten thousand gallons per hour, to raise water to tank, seven hundred dollars.

85.

STATE AGRICULTURAL COLLEGE.

Ceramics. For the purpose of carrying into effect the provisions of "An act to provide for the establishment of a course in practical and scientific instruction in the art of clay-working and ceramics in the state agricultural college," approved March seventeenth, one thousand nine hundred and two, two thousand five hundred dollars.

86.

PRESERVATION OF RECORDS.

Archives. For the purpose of publishing and completing the early records of this state, known as "New Jersey Archives," three thousand five hundred dollars.

87.

STENOGRAPHIC REPORTERS.

County court stenographers. For amount to be refunded to the various counties in this state for salaries of stenographic reporters appointed by the justices of the supreme court, pursuant to chapter eighty-one of the laws of one thousand nine hundred and one, ten thousand dollars.

88.

STATE SCHOOL TAX.

School tax. For the purpose of reducing the state school tax to be assessed for the year one thousand nine hundred and six, a sum equal to thirty-five per centum of the entire amount to be so raised is hereby appropriated, approximating one million dollars.

89.

BUREAU OF SHELL FISHERIES.

Shell fisheries.

For the chief of the bureau, for salary, one thousand two hundred dollars;

For blanks, stationery and other incidental expenses, one thousand dollars.

90.

FOREST FIRES.

Forest fires.

For the purpose of carrying into effect the provisions of "An act concerning forest fires and the prevention thereof," approved April third, one thousand nine hundred and two, five hundred dollars.

91.

SANITARIUM FOR TUBERCULOUS DISEASES.

Sanitarium.

For equipment of the sanitarium, thirty thousand dollars;

For maintenance, twenty thousand dollars.

92.

TENEMENT HOUSE SUPERVISION.

Tenement house commission.

For rent of offices, two thousand dollars;

For furnishing office, five hundred dollars;

For printing and stationery, two thousand dollars;

For clerical service and stenographer, two thousand one hundred dollars;

For architect and plan examiner, two thousand five hundred dollars;

For ten inspectors, one thousand dollars each, ten thousand dollars;

For secretary and executive officer, two thousand five hundred dollars;

For incidentals, postage and expressage, five hundred dollars;

For inspectors' expenses, one thousand two hundred and fifty dollars.

93.

VOTING MACHINES.

Voting machines.

For the state board of voting machine commissioners, fifty thousand dollars.

94.

JAMESTOWN TER-CENTENNIAL EXPOSITION.

Jamestown exposition.

For the board of commissioners appointed to represent the state of New Jersey at the Jamestown Ter-Centennial Exposition, to be held on and near the waters of Hampton Roads, in the state of Virginia, during the year nineteen hundred and seven, twenty-five thousand dollars; *provided*, such sum is authorized by enactment of the present legislature.

Proviso.

95.

PUBLICATION OF PUBLIC ACTS.

Revision commissioners.

To the revision commissioners appointed under chapter two hundred and twenty-seven, laws of one thousand nine hundred and four, for expenses and for compensation of assistants, twelve thousand dollars.

96.

Atlantic county oyster district.

For the purpose of carrying out the provisions of a bill pending entitled "An act for the better regulation and control of the taking, planting and cultivating of oysters and clams on lands lying under the tidal waters of the county of Atlantic, in the state of New Jersey," five thousand dollars; *provided,* said bill becomes a law.

Proviso.

97.

Additional salaries.

For additional salary for the chancellor, chief justice and associate justices of the supreme court, ten thousand dollars; *provided,* the bill pending entitled "A supplement to an act entitled 'An act relative to the court of errors and appeals' (Revision, 1900) approved March twenty-third, one thousand nine hundred," becomes a law.

Proviso.

98.

DEPARTMENT OF CHARITIES AND CORRECTIONS.

Charities and corrections.

For salary of commissioner, three thousand dollars;
For salary of assistant (architect), two thousand five hundred dollars;
For clerical hire, nine hundred dollars;
For traveling expenses of commissioner and assistant, six hundred dollars;
For blanks, stationery, postage, et cætera, five hundred dollars.

99.

FOREST PARK RESERVATION COMMISSION.

Forest park commission.

For the purchase of forest lands and expenses therewith by the state board of forest park reservation commissioners, pursuant to chapter forty-seven, laws of one thousand nine hundred and five, ten thousand dollars;

For the use of the state board of forest park reservation commissioners, pursuant to said chapter, including maintenance of state forest lands, three thousand five hundred dollars.

100.

STATE HOME FOR GIRLS.

Girls' home. Proviso.

For maintenance, ten thousand dollars; *provided*, a further supplement to the present law (Revision of 1900) increasing the age limit, becomes a law.

Appropriation from school fund.

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 six:

FREE PUBLIC SCHOOLS.

Public schools.

For the support of free public schools, two hundred thousand dollars;

Bonds.

There shall be paid from the income of the school fund such sums required to pay premiums and accrued interest on bonds purchased by the trustees for the support of public schools.

Approval of plans and contracts by governor.

3. Before any building or buildings shall be commenced for the cost of which money is appropriated by this act, the plans, specifications and contracts necessary for the entire completion thereof shall, and each of them shall, be submitted to and approved by the governor, and such contracts shall not be approved or entered into if the total expenditure under all of the contracts necessary to the entire completion of such building or buildings according to such plans and specifications shall exceed the amount appropriated by this act for such building or buildings; and in any and every case where it shall appear that the appropriation is insufficient to complete such building or

If appropriation insufficient.

buildings, the appropriation hereby made therefor shall not be applied toward the construction of such building or buildings, but shall lapse and no payment shall be made therefrom.

Moneys used as specified.

4. No money shall be drawn from the treasury except for objects as hereinabove specifically appropriated, and except such sums which are by law devoted to specific purposes, namely, state school tax, United States appropriation to agricultural college, United States appropriation for disabled soldiers, United States 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; this section shall not be construed to prohibit the payment due upon any contract made under an appropriation of the previous year.

Further appropriations to boards authorized to receive fees, etc.

5. In addition to the specific appropriations above made to the several boards and institutions which are now by law authorized to receive moneys derived from the sales of their products or paid for board, tuition or maintenance in any institution, or received for license fees, there shall be available and there is hereby further appropriated to the institutions or boards on whose account the same are received by the state, for maintenance and general expenses, the amount of such moneys as shall be paid into the state treasury for such license fees or for the products of, or on account of board, tuition and maintenance in, any such institution; *provided,* that nothing in this section contained shall apply to the New Jersey reformatory or state prison; *provided, further,* that this section shall be inoperative unless Assembly Bill No. 223 of the present legislature becomes a law.

Proviso.

Proviso.

Effective.

6. This act shall take effect on the first day of November, one thousand nine hundred and five.

Approved June 26, 1905, except item 2, in paragraph 2, and item 4, in paragraph 71.

New Jersey State Library

I am compelled to disapprove item No. 2, in paragraph 2, because I do not think the salaries of State Officials should be regulated in an appropriation bill.

I disapprove of item 4, in paragraph 71, because by the creation of the Department of Charities and Corrections, the architect therein provided for, can, I think, perform these duties without this appropriation.

CHAPTER 265.

An Act relating to the issue and redemption of trading stamps and other devices.

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

Stamps must have money value on face.

1. No person shall sell or issue any stamp, trading stamp, cash discount stamp, check, ticket, coupon or other similar device which will entitle the holder thereof, on presentation thereof, either singly or in definite number, to receive, either directly from the vendor or indirectly through any other person, money or goods, wares or merchandise, unless each of said stamps, trading stamps, cash discount stamps, checks, tickets, coupons or other similar devices shall have legibly printed or written upon the face thereof the redeemable value thereof in lawful money of the United States.

Stamps redeemable in money or merchandise.

2. Any person who shall sell or issue to any person engaged in any trade, business or profession any stamp, trading stamp, cash discount stamp, check, coupon or other similar device which will entitle the holder thereof, on presentation thereof, either singly or in definite number, to receive, either directly from the vendor or indirectly through any other person, money or goods, wares or merchandise, shall, upon presentation, redeem the same either in goods, wares

or merchandise or in lawful money of the United States, at the option of the holder thereof, at the value in lawful money printed on the face thereof; *provided,* the same be presented for redemption in number or quantity aggregating in money value not less than five cents in each lot.

Proviso.

Liability of merchant for redemption of stamps.

3. Any person engaged in any trade, business or profession who shall distribute, deliver or present to any person dealing with him, in consideration of any article or thing purchased, any stamp, trading stamp, cash discount stamp, check, ticket, coupon or other similar device which will entitle the holder thereof, on presentation thereof, either singly or in definite number, to receive, either directly from the person issuing or selling the same as set forth in the second paragraph hereof, or indirectly through any other person shall, upon the refusal or failure of the said person issuing or selling same to redeem the same as set forth in the second paragraph hereof, be liable to the holder thereof for the face value thereof, and shall, upon presentation of the same in lots or number aggregating in money value not less than five cents in each lot, redeem the same either in goods, wares or merchandise, or in lawful money of the United States, at the option of the holder thereof, at the value in lawful money printed upon the face thereof.

Violation a misdemeanor.

4. Any person, firm or corporation who shall violate section one of this act shall be deemed guilty of a misdemeanor.

To whom act does not apply.

5. This act shall not apply to tickets, coupons or other vouchers placed by any manufacturer in or upon packages or goods manufactured by him nor to those so placed by any merchant, if such tickets, coupons or other vouchers are to be redeemed by such merchant.

When act effective.

6. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed, and this act shall take effect September first, nineteen hundred and five.

Approved June 29, 1905.

CHAPTER 266.

An Act fixing the compensation of comptrollers in cities of this State.

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

Salary of city comptroller.

1. It shall be lawful for the common council, board of aldermen or board having control of the finances of any city to increase the annual salary of the comptroller of the city to an amount not exceeding twenty-five hundred dollars; *provided, however,* that this act shall not be construed to limit the salary of such officer in such cities of this State where such officer now receives a larger salary.

Proviso.

Repealer.

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

Approved July 6, 1905.

CHAPTER 267.

An Act to authorize the erection of new buildings in counties of this state for almshouse purposes.

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

Almshouse accommodations.

1. Whenever in any county of this state the board of chosen freeholders shall adopt a resolution declaring the necessity for almshouse accommodations for the poor of such county, or declaring such accommodations then in existence in any such county to be inadequate, old, dilapidated or unfit for use, it shall be lawful for the board of chosen freeholders of any such county to provide by the erection of a new building or

buildings such almshouse accommodations as in their judgment may be proper and necessary for the care and comfort of the poor of such county committed to such almshouse.

Bond issue.

2. In order to provide the funds wherewith to erect such building or buildings, it shall be lawful for the said board, if in its judgment the cost thereof if placed in the tax levy for any one year would be too burdensome on the taxpayers, to issue bonds therefor, which bonds shall not in the aggregate exceed one-tenth of one per cent. of the total amount of the real and personal property assessed for taxation in said county, which bonds shall be signed by the director of said board and the county collector and attested by the clerk of said board; shall be denominated on their face New Almshouse Bonds; shall be of such denominations as said board shall fix and shall be payable not less than forty years from their date; shall bear interest at a rate not exceeding four per centum per annum and shall be sold at public sale for not less than par and accrued interest; such bonds may be either registered or coupon as the said board shall decide; it shall be the duty of the county in which any bonds shall be issued under the authority of this act to provide for the payment of the same at maturity by establishing a sinking fund sufficient to pay off the principal and interest thereof and shall provide by taxation for raising the money for this purpose, and shall place the moneys derived therefrom under the control of the sinking fund commissioners of such county.

Amount.

Denominated.

Rate.

Sinking fund to provide for payment.

3. This act shall take effect immediately.

Approved July 10, 1905.

CHAPTER 268.

A Further Supplement to an act entitled "An act relative to the supreme and circuit courts" (Revision of 1900), approved March twenty-third, one thousand nine hundred.

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

Section amended.

1. Section thirty-nine of the act to which this is a further supplement is hereby amended so as to read as follows:

Number of circuit court judges.

39. There shall be appointed by the governor, by and with the advice and consent of the senate, five judges, each of whom shall be empowered to hold, in the absence of a justice of the supreme court, the

Proviso.

circuit courts in the respective counties; *provided,* that the circuit court judges now in office shall continue in office until the expiration of their respective terms; and in like manner there shall be appointed successors to said judges, respectively, when said offices, or any of them, shall become vacant by death, expiration of the official term of the incumbents, or otherwise; each

Term and salary.

of said judges shall hold his office for the term of seven years from the date of his commission, and shall receive an annual salary of seven thousand five hundred dollars, payable monthly, in equal installments, by the treasurer of the state.

Repealer.

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

Approved August 7, 1905.

CHAPTER 269.

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

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

1. Amend section twenty-three of the act to which this is an amendment so that it shall read as follows: Section amended.

23. The yearly salary of a county superintendent of schools shall be two thousand dollars. Such salary shall be paid in equal monthly installments, and the State Comptroller shall, on the order of the State Superintendent of Public Instruction, draw his warrant for such salary on the State Treasurer in favor of such county superintendent of schools. Salary of county superintendents.

2. This act shall take effect immediately.

Approved August 7, 1905.

CHAPTER 270.

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

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

1. In any and all cities that may have adopted or may hereafter adopt the act to which this is a supplement, when any person makes application for a license Requirements for hotels.

to sell malt, spirituous, vinous and all intoxicating liquors within such city, it shall not be necessary to state in the application therefor that the applicant is provided with stabling and provender for beasts.

2. This act shall take effect immediately.

Approved August 7, 1905.

JOINT RESOLUTIONS.

Joint Resolutions.

JOINT RESOLUTION No. 1.

Joint Resolution relating to the boundary controversy between the States of New Jersey and Delaware.

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

Commissioners to confer with those of Delaware as to boundary controversies.

Edward C. Stokes, Governor, Robert H. McCarter, Attorney-General, Franklin Murphy and Chauncey G. Parker, be and they hereby are appointed and constituted commissioners of the state of New Jersey to confer with like commissioners representing the state of Delaware for the purpose of framing a compact or agreement between the said states and legislation consequent thereon to be submitted to the legislatures of said two states for action thereon, looking to the amicable termination of the suit between said states now pending in the Supreme Court of the United States and the final adjustment of all controversies relating to the boundary line between said states and to their respective rights in the Delaware river and bay.

This joint resolution shall take effect immediately.

Approved February 14, 1905.

JOINT RESOLUTION No. 2.

Joint Resolution authorizing and providing for the appointment of a commission to investigate and report upon the existing turnpikes, pay or toll roads in this state, with the view of converting the same into free public roads.

Preamble.

WHEREAS, there exists in this state a number of turnpikes, pay or toll roads which if opened to free travel would be of great benefit to the people of the state; and,

WHEREAS, the present existing provisions for the conversion of these roads into free public roads has not proven adequate; therefore,

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

Commissiod on turnpikes.

1. The governor is hereby authorized to appoint a commission consisting of five citizens of this state who shall investigate and ascertain the number and mileage of the turnpike, pay or toll roads in this state, the approximate values thereof, and any and all other matters in relation thereto as may be deemed advisable, with a view of devising the ways and means of speedily converting such turnpikes, pay or toll roads into free public roads, and to report fully thereon to the governor on or before the thirtieth day of November next, and such report, together with his recommendation thereon, if any, the governor shall present to the next legislature.

Organization.

2. The commission when appointed shall organize by the election of one of its members as chairman, and shall have power to select and employ a secretary and other necessary assistants, and to adopt rules for the government of the commission.

No com ensation; expenses met.

3. The commissioners shall serve without compensation, but shall receive their actual expenses and disbursements, to pay which, and the compensation and expenses of the secretary and other assistants, the sum

of five hundred dollars is hereby appropriated, which expenses and disbursements shall be paid by the state treasurer, upon warrant of the state comptroller, upon itemized vouchers thereof certified to by the chairman of the commission, and the approval of the governor.

4. This resolution shall take effect immediately.

Approved March 14, 1905.

JOINT RESOLUTION No. 3.

Joint Resolution authorizing the appointment of a commission to report on the necessity or advisability of revising or codifying the poor laws.

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

Commission relating to the poor.

1. The governor is hereby authorized to appoint a commission consisting of six persons to examine carefully all the laws in force in this state relating to the care, custody, maintenance and settlement of the poor in this state, and to report to the next legislature, by bill or otherwise, the result of such investigation.

No compensation; expenses met.

2. The members of said commission shall receive no salary, but shall be allowed their actual expenses in doing the work of the commission. They shall have authority to appoint a clerk and to fix the salary of such clerk. No money shall be paid out for expenses unless the same shall first be appropriated from moneys not otherwise appropriated.

3. This resolution shall take effect immediately.

Approved April 3, 1905.

JOINT RESOLUTION No. 4.

As to the records of soldiers of this state on the northwestern frontiers, one thousand seven hundred and ninety-one; the war with France, one thousand seven hundred and ninety-eight to one thousand eight hundred and one; the war with Tripoli, one thousand eight hundred and one to one thousand eight hundred and five; the war with Algiers, one thousand eight hundred and fifteen; the war with Spain, one thousand eight hundred and ninety-eight to one thousand eight hundred and ninety-nine; the Philippine insurrection, one thousand eight hundred and ninety-nine to one thousand nine hundred and one, and the China relief expedition, one thousand nine hundred to one thousand nine hundred and one.

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

Publication of soldiers' records compiled by adjutant-general.

1. The governor, the adjutant-general, the comptroller and the treasurer be authorized to cause to be published such number of copies as they may deem proper of the records of soldiers of this state who served on the northwestern frontiers, one thousand seven hundred and ninety-one; the war with France, one thousand seven hundred and ninety-eight to one thousand eight hundred and one; the war with Tripoli, one thousand eight hundred and one to one thousand eight hundred and five; the war with Algiers, one thousand eight hundred and fifteen; the war with Spain, one thousand eight hundred and ninety-eight to one thousand eight hundred and ninety-nine; the Philippine insurrection, one thousand eight hundred and ninety-nine to one thousand nine hundred and one, and the China relief expedition, one thousand nine hundred to one thousand nine hundred and one, which have been compiled in the adjutant-general's office, and that they be directed to make such disposition of the same upon such plan and in such manner

as shall appear to them most judicious and consistent with the public interest.

2. This joint resolution shall take effect immediately.

Approved April 19, 1905.

JOINT RESOLUTION No. 5.

Joint Resolution to promote the equalization of taxes.

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

Taxation o railroads referred to board of equalization

1. The further consideration of the taxation of railroad property, and of all other classes of property, covering the question of valuation, evasion and equalization, be referred to the state board of equalization, when appointed, for its consideration; and that said board be, and it is hereby directed to recommend from time to time, to the legislature of this state, such legislation as it may deem necessary or advisable to establish equality of listing, valuation and assessment, so that all property, real or personal, corporate or individual, except that used for religious, educational or charitable purposes, shall bear its full, equal and just burden of taxation without discrimination.

Approved June 2, 1905.

PROCLAMATIONS.

Proclamations by the Governor.

PROCLAMATION.

STATE OF NEW JERSEY,

EXECUTIVE DEPARTMENT, TRENTON.

WHEREAS, William M. Lanning was, at the general election held on the Tuesday next after the first Monday in November, in the year nineteen hundred and two, elected by the voters of the Fourth 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 sixth day of June, nineteen hundred and four, did resign as such member of said House of Representatives, thereby causing a vacancy to exist in the representation of this State in the House of Representatives of the United States:

Therefore, I, Franklin Murphy, 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 eighth 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 resignation of the said William M. Lanning.

Given under my hand and the great seal of the State of New Jersey at Trenton, the first day of October, in the year
[L. S.] of our Lord, nineteen hundred and four, and of the independence of the United States, the one hundred and twenty-ninth.

FRANKLIN MURPHY,
Governor.

By the Governor:
S. D. DICKINSON,
Secretary of State.

PROCLAMATION.

EXECUTIVE DEPARTMENT,
TRENTON, November 14, 1904.

WHEREAS, the President of these United States has appointed Thursday, November the twenty-fourth, as a day of festival and thanksgiving by all the people of the United States at home and abroad for all the mercies vouchsafed to us during the past year,

Now, Therefore, I, Franklin Murphy, Governor of the State of New Jersey, in accordance with a custom that has come down to us from our forefathers, do join with the President in requesting that the people of this State to observe the day named as a day of thanksgiving to the Giver of all good for all His mercies to us as a people and as individuals.

I do also request that the day be observed as a day of prayer, that the blessings of an overruling Providence may be continued to us and that we in all humility, asking forgiveness for our sins, and for light

to see the right and strength to do it, may, as far as in us lies, continue to deserve the divine favor.

Witness my hand and the great seal of the State of New Jersey hereunto affixed. Done at the City of Trenton this fourteenth day of November, in the year of our Lord one thousand nine hundred and four, and of the independence of the United States the one hundred and twenty-ninth.

[L. S.]

FRANKLIN MURPHY,
Governor.

By the Governor:

S. D. DICKINSON,
Secretary of State.

ARBOR DAY PROCLAMATION.

STATE OF NEW JERSEY,

EXECUTIVE DEPARTMENT.

I, Edward C. Stokes, Governor of New Jersey, by virtue of the authority vested in me by the legislature, do hereby designate Friday, the fourteenth day of April, nineteen hundred and five, as Arbor Day, and recommend that the day be devoted to the planting of trees and to such exercises as will promote a knowledge of the importance and value of our tree and plant life. Particularly should the public schools and other institutions of learning under state control thus observe the day.

It is also desirable that part of the day be given to the study of our native birds and the importance of preserving them, and I make further recommendation to that end.

In testimony whereof I have hereunto set my hand and caused the great seal of
[L. S.] the State to be affixed at Trenton, this twenty-fourth day of March, one thousand nine hundred and five.

EDWARD C. STOKES.

By the Governor:
S. D. DICKINSON,
Secretary of State.

PROCLAMATION

STATE OF NEW JERSEY,

EXECUTIVE DEPARTMENT.

TRENTON, N. J., January 3, 1905.

WHEREAS, The Comptroller did, on the third day of January, nineteen hundred and five, under the provisions of an act entitled "A further supplement to an act entitled 'An act to provide for the imposition of state taxes upon certain corporations, and for the collection thereof,' approved April 18, 1884," which supplementary act was approved March 23, 1900, report to the Governor a list of all corporations coming under said act; and

WHEREAS, The following named corporations so reported have, for the two years preceding such report failed, neglected or refused to pay the State taxes assessed against them for the year 1902 under the laws of the State of New Jersey, and made payable into the State Treasury; and

WHEREAS, Under the provisions of said act, the

charters of said corporations are repealed and all powers conferred by law upon such corporations declared inoperative and void, unless the Governor gives further time for payment; and

WHEREAS, The Governor has not given further time to the corporations so reported and hereinafter named for the payment of such taxes, and the same are still unpaid;

Therefore, I, Franklin Murphy, Governor of the State of New Jersey, pursuant to the provisions of said act of the Legislature, do hereby issue this proclamation that the charters of the following named corporations so reported and in default, to wit:

MISCELLANEOUS CORPORATIONS—UNPAID TAXES FOR THE YEAR 1902.

Abram Robinson Canning Company,
Acetyvone Manufacturing Company,
A. C. Graw Company,
Acker Process Parent Company,
Acme Fire Escape Company,
Adamantine Company,
Adams Patented Adjustable Gate Head Company,
Addison Black Granite Company,
A. D. Fenwick Machine Company,
Adjustable Stopper Manufacturing Company,
A. D. Meiselbach Typewriter Company,
Adolph J. Grinberg Company,
Aetna Bronze Company,
Ahwaga Manufacturing Company,
Alabama Ochre Company,
Alaska Company,
Alaska Mining and Prospecting Company,
Alaska and Western Mining and Trading Company,
Albany Manufacturing Company,
Albert W. Palmer and Company, Limited,
Alcolia Company,
Allen Steel Company,
Allentown Manufacturing Company,
Aluminoid Company,

Amalgamated Petroleum Company,
Amazon Mining Company,
American Alkali Company,
American Automatic Piano Company,
American Belting and Packing Company,
American Bluing Company,
American Bond Company,
American Bread Company,
American Citrous Manufacturing Company,
American Coal Export Company,
American Coated Paper Company,
American Coke and Gas Company,
American Co-operative Ticket Company,
American Cotton Goods Company,
American Dental Manufacturing Company,
American Development and Investment Company,
American Digester Manufacturing Company,
American Electric Power Company,
American Elevated Railroad Company,
American Enameled Paper Company,
American and European Patents Promotion Company,
American Fibre Company,
American Finance Company,
American Flax and Fibre Company,
American Foundry Facing Company,
American General Hospital Company,
American Golf Ball Company,
American Hygienic Ice Company,
American Improved Egg Testing Machine Company,
American Kaolin Company,
American Knit Underwear Association of New Jersey,
American Leather and Cloth Company,
American Loan and Security Company,
American Mail Device Company,
American Manufacturing and Musical Company,
American Mica and Mineral Company,
American National Guaranty Company,
American Oil Company,
American Oil and Development Company,
American Ore Reduction Company,
American Petonite Company,

American Piano Manufacturing Company,
American Plow Company,
American Pure Ice Water Company,
American Refining and Crucible Company,
American Sanatory and Dispensary Company for Consumptives,
American School of Opera,
American Slate Blackboard Company,
American Sparklets Company,
American Spelter Company,
American Talc Company,
American Tile Company,
American Tie Plate and Rail Brace Company,
American Tourist Ass'n,
American Travelers Bureau,
American Trunk Strap Company,
American Turpentine Company,
American Twist Drill Machine Company,
American Typewriter Telegraph Company,
American Wastes Disposal Company,
America's Historic Art Company,
Amphian Manufacturing Company,
Andrew Ventilator Company,
Anglo American Developing Company,
Anglo-American Exploration Company,
Anglo American Wheel Within Wheel Company,
Annuity Endowment Corporation,
Antiseptic Telephone Appliance Company,
A. P. Willetts Lumber Company,
Arcadian Electric Light and Manufacturing Company,
Ardsley and Kenmere,
Arkansas Development Company,
Armatograph Company,
Art Fabric Printing Company,
Artic Refrigerating Company,
Asbury Park Bottling Company,
Asbury Park Building Supply Company,
Asbury Park Steam Laundry,
Atchison Railway Light, Heat, Power and Water Company,
Athena Silk Company,
Atlantic City Coaster Company,

Atlantic Grocery Company,
Atlantic and Gulf Underwriters,
Atlantic Highlands Wharf Company,
Atlantic Sea Food Company,
Atlantic Supply Company,
Atlantis Club,
Atlas Medical Company,
Atlas Plaster Company,
Atlin-Ruby Hydraulic Mining Company,
A. T. Sellers Company,
Attorneys' Advertising Ass'n,
Audible Electric Block Signal Company,
August Kline Manufacturing Company,
Aurora Consolidated Gold Mining Company,
Austen Chemical Research Company,
Automatic Amusement Machine Company,
Automatic Banjo Company,
Automatic Roller Screen Company,
Automatic Wood Carving Machine Company,
Automobile and Marine Power Company,
Automobile Patents Exploitation Company,
Automobile Transit Company,
Avenel Hotel Company,
A. W. Parker Company,
Bakers and Consumers Compressed Yeast Company,
Ball Bearing Snap Hook Company,
Ball Manufacturing Company,
Bankers Finance Company,
Bankers Railway Corporation Company,
Baracoa Rubber Company,
Barbour Silk Company,
Bardo & Calvert Company,
Barker Air Brake System,
Barker Manufacturing Company,
Barnes Laundry Company,
Bash and Company,
Bates Medicine Label Company,
Bathrick Mailing Company,
Bay City Oil and Development Company of Alabama,
Bay State Gas Company of New Jersey,
Bay State Petroleum Company,
Beaver Coal Company,

Beaver Manufacturing Company,
Beaver Tool Company,
Beaver Velvet Company,
Bering Strait Mining Company,
Bell Plow Company,
Bell Publishing Company,
Bergen County Herald Publishing Company,
Bernard Remedy Company,
Bernards Light, Heat and Power Company,
Best Livery Stable Company,
Beverly and Mount Holly Turnpike Company,
B. Goetz Manufacturing Company,
Bianchi Company,
Bias Supporter Company,
Big Diamond Mining Company,
Bijou Chemical Company,
Biographical Directory Company,
Black Bonanza Mining Company,
Blossburg and Gaines Oil and Gas Company,
Blossom Picking Machine Company,
Blue Ridge Tanning Company,
Bohem-Hine Company,
Boise Basin Mining and Development Company,
Bonsilate Manufacturing Company,
Boone Co. Dist. Company,
Boston Leak Mender Company,
Boston Paving Brick Company,
Boston, Quincy and Nantasket Point Steamboat Company,
Boston Sanitary Manufacturing Company,
Boston Seam Face Granite Company,
Boston Sheet Metal Manufacturing Company,
Bowers Manufacturing Company,
Boyd Directory Company,
Bradford Importing and Trading Company,
Brewers Investment Company,
Bridgewater Steel Company,
Brilliant Gas Light Company,
Brinkerhoff Company,
Bromonia Company,
Buck Run Coal Mining Company,
Buffalo Rifle Range Company,

Building and Improvement Company, of Eatontown, N. J.,
Building and Land Company,
Bundy Lamp and Gas Company,
Bunker Coal Company,
Bunnell and Eno Investment Company,
Burrows Gaslight Company of Pennsylvania,
Burt Manufacturing Company,
Butler Bible Work Company,
Butler Pure Food Company,
Butler and Ward Company,
Butte Mining and Development Company,
Cabanas Company,
California Raisin Growers' Ass'n,
Calumet Graphite Company,
Camden Retail Grocers Exchange,
Camp Diamond Company,
Canada Beet Sugar Company,
Canadian Electro-Chemical Ore Reduction Company,
Canaan Creamery,
Canton and Osnaburg Brick and Tile Company,
Cape May and Delaware Bay Navigation Company,
Cape May Lumber and Supply Company,
Cape May Pier and Transportation Company,
Cape Nome Hydraulic Mining Company,
Capital Portland Cement Company,
Carley, Rosengarten and Carley,
Carlin Contracting Company,
Carrow Company,
Carter Contracting Company,
Cascade Tumbler Company,
Cellulite Trunk and Bag Company,
C. E. Mackey and Company,
Central Construction Company,
Central Distributing Company,
Central Electric Heating Company,
Central New York Natural Gas and Oil Company,
Central Oil, Coal and Timber Company,
Central Pure Food Company,
Central Stock and Grain Company,
Central Storage and Transfer Company,
Central Sugar Company,

Century Brewing Company,
Century Specialty Manufacturing Company,
Century Stopper Company,
C. G. Paul Manufacturing Company,
Charles C. Larrabee Ice Company,
Charles Creighton Foundry Company,
Charles H. Mueller Music Company,
Charles R. Hedden Construction Company,
C. H. Brigham Company,
Cherokee Mining and Reduction Company,
Cherry Creek Copper Company,
Cheshire Portland Cement and Lime Company,
Chester Lumber and Coal Company,
Chickasha Water, Light and Telephone Company, of Chickasha, I. T.,
Chochite Gold Mining Company,
Choctaw Coal and Mining Company,
C. H. O'Neill Company,
Christian Assembly Company,
Church Automobile and Specialty Company,
Churchill Construction Company,
Citizens Sewerage Company, of Haddon Township, New Jersey,
City of New York Contract Company,
Clen-o-Zone Company, of Passaic, New Jersey,
Clifton Park Investment Company,
Clover Leaf Cattle and Irrigation Company,
Club Stables,
Coal Dealers Supply Company,
Coast Land Company,
Cody Military College and International Academy of Rough Riders,
Coleman Electric Lighting, Ice and Development Company,
College Dormitory Company,
Colonia Town Company,
Colonial Cereal Company,
Colonial Clock Company,
Colonial Company,
Colonial Exploitation and Trading Company of New York,
Colonial Investment Corporation,

Colorado Smelting and Mining Company,
Columbia Air Churn Company,
Columbia Brewing Company,
Columbia Clock Company,
Columbia Cuba Improvement Company,
Columbia Gold and Copper Company,
Columbia Heights Land Company,
Columbia Iron Company,
Columbia Metal and Manufacturing Company,
Columbia Photo Supply Company,
Columbian Contracting Company,
Columbiana Gas Company,
Comfort Chair Company,
Commercial Financial Press Ass'n,
Commercial Oil Company of America,
Compressed Air Power Company of New Jersey,
Connecticut Valley Sumatra Tobacco Growing Company,
Consolidated Art Glass Company,
Consolidated Brake Shoe Company,
Consolidated Company,
Consolidated Copper Mining Company,
Consolidated Fibre Company,
Consolidated Granule and Drug Company,
Consolidated Manufacturing Company,
Consolidated Pure Food Company,
Consolidated Quartz and Mica Company,
Consumers Distillery Company,
Consumers Ice Company of Newark,
Consumers Ice Manufacturing and Coal Company,
Consumers Match Company,
Consumers Water Company,
Continental Glass Ware Company,
Continental Leather Company,
Continental Match Company,
Continental Realty Company,
Continental Transit Company,
Contracting Company General,
Coombs and Company,
Co-operative Land Company,
Co-operative Mercantile Company,
Co-operative Stock Brokerage Company,

Cordrey Asbestos Chimney Lining Company,
Cornell Cumberland Coal Company,
Corning Lumber Company of New Jersey,
Corporate Investment Company,
Corporation Charter Company,
Corporation Securities Company of America,
Cosmopolitan Lighting Company,
Cosmopolitan Power Company,
Cosmos Company,
Covenant Company,
C. R. Carver Machinery Company,
Cronkright's Birch Beer Extract Company,
Crown of Austria Company,
C. R. Williams and Company,
Crystal Lead Chemical Company,
Crystal Plate Ice Company,
Cuba Quarry Company,
Cuban American Timber Company,
Cuban Land and Cattle Company,
Cuban Plantations Company,
Cuban Sanitarium and Plantation Company,
Cuban Steel Ore Company,
Cumberland Construction Company,
Cumberland Leather Board Company,
Cummings Cement Company,
Cuneo Trading Company,
Curtis-Kirk Photo Supplies Company,
Cuyahoga Steel and Wire Company,
Daily News Publishing Company,
Davidson Grain Company,
Decorative Marble Company,
Deep Rock Spring Company,
De Forests Express Company,
Delaware Power Company,
Delaware Wood Company,
Devon Grocery Company,
Diamond Cut Glass Company,
Dickens Manufacturing Company,
Diggs Manufacturing Company,
Direct Traction Company,
Distillers Distributing Company,
D. M. White Piano Company,

Doolittle Glass Company,
Double Duty Range Manufacturing Company,
Douglass Glass Company,
Dovale Company,
Dow Composing Machine Company,
Doyle Air Burner Company,
Drake, Breed and Company,
Dr. A. Morgan Hudson Company,
Dressmakers' Importing Ass'n,
Dry Goods World Publishing Company,
Du Bois Automobile Agency,
Dundee Slavonian Store (Incorporated),
Duquesne Ice Company,
Eagle Rubber Manufacturing Company,
Eagle Silk Company,
Eamsi Remedy Company,
East Falls Lumber Company,
East Mexico and International Company,
East Side Silk Dyeing and Printing Company,
East Tennessee Zinc Company,
Eastern Book Concern,
Eastern Fish Cutting Machine Company,
Eastern Improvement Company,
Eastern Metallic Cushion Company,
Eastern Realty Company,
Eastern and Roswell Live Stock Company,
Eastern Sanitary Street Cleaning Company,
E. A. Walker Manufacturing Company,
Eclipse Porcelain Works,
Economy Furnace Company,
Economic Railway Rail Joint and Nut Lock Company,
Economic Sewing Machine Company,
Ecuador Development Company,
Eggers Apothecary Hall,
Egyptian Pottery Company,
Ehret Fastener Company,
Ehrhardt Multiple Fuse Block Company,
E. J. Curley and Company,
E. J. & L. Nordlinger Company,
El Christo Cigar Company,
Electric Purifying Company,

Electropulsion Company,
Elizabeth Brass Foundry Company,
Elkwood Park Association,
El Oro Mining Company,
E. L. Rowe Company,
Emery Oil Company,
Empire Baking Powder Company,
Empire Clay Company,
Empire Consolidated Quicksilver Mining Company,
Empire Novelty Manufacturing Company,
Empire Theater and Apartment House Company,
Engineers Specialty and Supply Company,
Enterprise Clay and Kaolin Company,
Enterprise Feed and Lime Company,
Enterprise Publishing Company,
E. O. Thompson Company,
E. P. Holden Machinery Company,
Equitable Construction Company,
Ernest W. Naylor Engineering Company,
Espenscheid Hat Company,
Essex Asphalt and Contracting Company,
Estell Land Company,
Estey Mining and Milling Company,
Euclid Manufacturing Company,
Eureka Submarine Diving Company of America,
Evansville Cement Company,
Exporters' Association of America,
Exton Silica Sand Company,
Eyssen' Packer Defibrator Company,
Fabric Tip Shoe Lace Company,
Fairview Pineapple and Fruit Company,
Falcon Electric Company,
Farquhar-Food Company,
Federal Construction Company,
Federal Development Company,
Federal Realty and Mining Company,
Federal Water Power and Cable Company,
Fehr Chemical Company,
F. Hormann and Son Company,
F. H. Palmer Manufacturing Company of New Jersey,
Fidelity Guarantee Company,
Fidelity Investment Company,

Fidelity Secret Service Ass'n,
Fifth Avenue Publishing Company,
Fireproofing Company,
Fischer Manufacturing Company,
F. J. Darlington Charcoal Chewing Gum Company,
F. L. C. Martin Automobile Company,
Florida Palmetto Company,
Florida Syrup and Manufacturing Company,
Flower Medicine Company,
Foreign and Colonial Company of America,
Foreign Patents Company,
Forest Automobile Company,
Formice Company,
Frank B. Cox Company,
Frank Eveland Cycle Company,
Fraternal Publishing Company,
Fred M. Gane Company,
Frederick Webster Company,
Freehold and Howell Plank Road Company,
Freeman-Bryant Manufacturing Company,
Frigidine Oil Company,
Front Street Warehousing Company,
Fulton Ice Company,
Fulton Twine Holder Company,
Garland Tie Machine and Manufacturing Company,
Gas Company of Paterson,
G. B. Underwood Inspirator Company,
Gelatin Novelty Company,
Gem Manufacturing Company,
General Credit Company,
General Forging Company,
General Novelty Company,
General Reduction, Fertilizing and Contracting Company,
Genista Manufacturing Company,
Gentlemen's Driving and Field Club of Monmouth County,
George F. Brandenburgh Company,
George Campbell Company,
George B. Dodge Company,
George H. Hitchcock Granite Company,

George R. Lamb Distilling Company,
German Publishing and Medicine Company,
Gerwhit Company,
Gillespie-Bruce Corporation,
Girard Dry Extract Company,
Girard Machine Works (Incorporated),
Glascow Woolen Mill Company,
Glassblowers' Building Company of the State of New Jersey,
Glass Cork Medicine Measuring Company,
Glenburn Ice Company,
Glenmore Manufacturing Company,
Globe Electric Express Company,
Globe Refining Company,
Gloucester Cotton Mills Company,
Gold Street Car Heating Company,
Golden Star Mining and Milling Company,
Goodwill Property Company,
Gordon-Mitchell Gas Lamp Company,
Gorham-Russell Company,
Gosper Motor Company,
Gould's Rift Power Company,
Gramercy Finance Company,
Grand Canyon Copper Company,
Grand Prize Copper Company,
Granite Portland Cement Company,
Grant Gold Mining and Milling Company of Sunshine, Boulder County, Colorado,
Gray-Robinson Machine Company,
Great Eastern Grocery Company,
Great Falls Street Railway Company,
Great Lakes Dredging-Contracting Company,
Great Southern Lumber and Mining Company,
Great Western Cement Company,
Great Western Navigation Company,
Greco-Turkish Emery Stone Company,
Greenmount Nurseries Company,
Greger Manufacturing Company,
Gregg Medical Dressing Bench Company of New Jersey,
Gregory Manufacturing Company,
Greylock Mining andMilling Company,

Grimes Creek Electric Power Company,
Guanica Land Company,
Guillott Company,
G. W. Hall Shoe Company,
Gyno-Vita Medical Association, of Wilkesbarre, Pa.,
Haeseler Metal Company,
Haeseler Pneumatic Tool Company,
Hallett and Blackford Company,
Hamil and Booth Company,
Hamilton Industrial Company,
Hammett School Supply Company,
Hanscom and Hough Storage Battery Company,
Harlem Dry Goods Corporation,
Harlem Gold Mining Company,
Harris Acetylene Stove Company,
Harrison Furniture Company,
Hartford Chemical Company,
Hartman Hotel Company,
Harvey's Lake Miniature Electrical Railway and Light Company,
Hasbrouck Heights Company,
Hasbrouck Heights Specialty Manufacturing Company
Hassett Machine Company,
Hattie Gold and Copper Mining Company,
Havana Brick Company,
Havana Construction Company,
Havana Contractors Company,
Hayden Water Purifier and Heater Company,
Hayes Patent Mortar Mixer Company,
Hazleton Gas Company,
H. B. Kopf Company,
Headley-Christie Construction Company,
Health Mineral Spring Water Company,
Heckert-Baltzley Company,
Helois-Upton Company,
Henquin Company,
Henrietta Motor Vehicle Company,
Herald Publishing Company,
Herald Syndicate,
Herbana Medical Company,
Hercules Motor Company,

H. Fell Poultry Company,
Highland Bottling Company,
Hird Cushion Tire Company,
H. L. Hartshorn Company,
Hoboken Company,
Hoboken Feed Company,
Hoffman Manufacturing Company,
Hogan Motor Company of West Haven, Connecticut,
Holden, Kelly & Corby,
Holmes Van Dyke Company,
Home Manufacturing Company of Mount Holly, New Jersey,
Homestead Building and Underwriting Company,
Homeopathic Medicine Company,
Honduras Ice Company,
Hopper Powder Gun Company,
Horne-Stewart Company,
Horse Shoe Copper Mining Company,
Horst Brothers,
Hoshor Platt Company,
Hoskaninni Mining Company,
Hossack Brothers Company,
Hotel Dailey Company,
Howard Watch Company,
Hoyt Manufacturing Company,
Hudson City Improvement Company,
Hudson Manure Company,
Hudson River Land Company,
Hudson River Quarries Company,
Hudson Rolling Mill Company,
Humphrey Chemical Company,
Hundley Heating Furnace Company,
H. W. Jacobs Company,
Hygenic Fibre Company,
Hygienic Specialties Manufacturing Company,
Hygienic Water Purification Company,
Ice Manufacturing and Distributing Company,
Icleanem Company,
Illinois By-Product Coke Company,
Illinois Coke and Gas Company,
Illinois Crude Oil Company,
Improved Sweeper and Lifter Company,

Independent Asphalt Company,
Independent Distributing Company,
Independent Printing and Publishing Company,
Independent Thread Company,
Indian Joe Gold Mining Company,
Indian Rift Power Company,
Indiana Portland Cement Company,
Indo-Egyptian Compress Company,
Industrials Information Company,
Ingalls and Kendricken Company,
International Clay Manufacturing Company,
International Compress Company,
International Contract Corporation,
International Development Company,
International Emery and Corundum Company,
International Forest, Fish and Game Association of Pennsylvania,
International Garrigus Boiler Cleaner Company,
International Ice and Refrigerating Machine Company,
International Investment Company,
International Manufacturing Company,
International Mustard and Pickle Company,
International Publishing Company,
International Spirits and Whiskey Mellowing Company,
International Steel Company,
International Umbrella Company,
International Vehicle and Manufacturing Company,
Interstate Commercial Realty Company,
Interstate Independent Telephone Company,
Iron Mountain Construction Company,
Island Land Company,
Ivory Stay and Wire Company,
I. W. Dawson Company,
Jagels Brothers,
James A. Blair and Company,
James River Live Stock Company,
James S. Price Manufacturing Company,
Jamestown Cut Glass Company,
Jamieson Fire Resisting Paint Company,
J. C. Buttre Company,

J. Dechert Company,
Jeffers Manufacturing Company,
Jefferson Company,
Jefferson Livery and Boarding Stables,
Jersey Central Improvement Company,
Jersey City Packing Company,
J. F. Hayes Pharmaceutical Company,
J. G. Love Company,
J. M. Thorburn Company,
John F. Waud Publishing Company,
John Habben Company,
John Milnes Construction Company,
John Norwood Company,
John Reynders and Company,
John T. Baldwin and Company,
Johnson Carbonator Company,
Johnson Leather Company,
Journalist Home Ass'n,
J. P. Rue and Company,
J. Roberts Patents Company,
J. Scott Dickey Company,
J. W. Bellis and Company,
J. W. Bingham Company,
J. W. Jones Engineering Company,
Keeton Paper Mills,
Ken-Cole-Be File and Binder Company,
Kentucky Western Coal, Coke and Railway Company,
Kentucky Wood Alcohol, Mining and Manufacturing Company,
Kero Lighting Company,
Keromotor Development Company,
Keystone Construction Company,
Keystone Equipment Company,
Keystone Frame and Moulding Company,
Keystone Manufacturing Company,
Keystone Scale Company,
King Niagara Grape Company,
Kiralfy's Constantinople Company,
Kleanz-Bright Manufacturing Company,
Klemm Sewing Machine Company,
Knappmann Whiting Company of Carteret, New Jersey,

Koohinoor Copper Mining Company,
Kokol Company,
Kougrock Mining and Developing Company,
Kura Derma Medical Company,
Labrador Mining and Mineral Exploration Company,
Lafayette Cordial Company,
Lake Shore Salt Company,
Landru Silk Mill,
Lang Patent Skirt and Shirt Waist Fastener Company,
Lansdale Ice Manufacturing, Cold Storage and Brewing Company,
Lanser Filter Company,
Lapwing Manufacturing Company,
La Ventura Copper Company,
Law Emery Wheel and Machine Company,
L. B. McIver and Company,
Leavenworth Coal and Power Company,
Lehigh Mountain Granite Company,
Lehigh Supply Company,
Lehmans Fine Grocery, Provisions, Tea, Coffee, Butter, Cheese and Egg Establishments,
Leland Hotel Company,
Lenoir Land and Lumber Company,
Lexington Gold Mining Company,
Licking River Lumber Company,
Light Weight Battery Company,
Linamolin Varnish and Oil Company,
Lincoln Worsted Mills,
Little Gem Manufacturing Company,
Lloyd Fresco Cleaning and Decorating Company,
Loeben Manufacturing Company,
Logan Burner Company,
L. O. Howell Company,
Long Island Automatic Machine Company,
Longstreet, Morton and Company,
Louis Rich Company,
Lowry-Johnson Boiler Flue Device Company,
Loyal Silk Company,
Luzerne Oil Company,
M. and A. Manufacturing Company,
MacDonald-Arthur Company,

MacDonald-Chapin Company,
Machinery Exchange Company,
Mackey Investment Company,
Mac-Lac Company,
Madam Waitee Manufacturing Company,
Maine Island Company.
Manhattan and Bronx Cigar Company, Limited,
Manhattan Bronze Company,
Manhattan Registering and Measuring Bottle Company,
Manhattan Typewriter Company,
Mansfield, The Druggist, Inc.,
Manufacturers Protective Ass'n.,
Marion Manufacturing Company,
Marion T. Davis Sanitarium Company,
Marshall Improvement Company,
Massachusetts Power Company,
Matawan Propeller Company,
Max Levy Company,
Maythams Towing and Wrecking Company,
McGuire and Hall,
McKay Lead and Zinc Company,
Meadow Brook Mining Company,
Medical Critic Publishing Company,
Mentor Company,
Mercantile Adjustment Company,
Mercantile Watch Company,
Merchants Oil and Gas Development Company,
Merchants Outlet Company,
Merchants Rapid Delivery Vehicle Manufacturing Company,
Merrick Fire Proofing Company,
Merrill Pneumatic Hump Company,
Merrill-Sergeant Pneumatic Company,
Merrimac Wreckage and Paper Company.
Metallic Railroad Tie Manufacturing Company.
Metaphysical Publishing Company,
Mexican Construction and Development Company,
Metropolitan Construction and Supply Company,
Mexican Process Company,
Middlesex Land Company,
Miles and Stebbins Company,
Mill Brook Mining Company,

Miller Realty Company,
Milton Construction Company,
Misko Cutlery Company,
Missouri and Illinois Railway Company,
Missouri Publishing Company,
Mitchell, Schiller and Barnes,
M. Montoto Cigar Company,
Model Home Builders Company,
Mohawk Cement Company,
Mohawk Construction Company,
Money Publishing Company,
Monarch Manufacturing Company,
Monmouth Beach Land and Construction Company,
Monroe Cheese Company,
Monroe Gold Mining Company,
Monroe Water Works and Light Company,
Montana Diamond Company of America,
Montanye-Wells Company,
Morris Electric Company,
Morris Publishing Company,
Morrisana Silk Mills,
Motormobile Company,
Mount Holly Ice and Coal Company,
Mount Kineo Lumber Company,
Mount Pleasant Mining Company,
Mount Pleasant Land Ass'n.,
Moy Pharmacy Company,
Mrs. Joe Person Remedy,
Muncie Underwear Company,
Munger Vehicle Tire Company,
Murray Dean Mining Company,
Mu Trust Ass'n.,
Mutual Linseed Oil Company,
Mutual Press,
Mutual Provident Company,
Narragansett Land Company,
National Board and Paper Company,
National Bread Company,
National Camera Company,
National Carbonate Company,
National Cereal Milling Company,
National Clinometer Company,

National Construction Company,
National Electric Improvement Company,
National Electric Light, Heat and Power Company,
National Electric Protection Company,
National Match Company,
National Match Vending Company,
National Mercantile Agency,
National Metal Lithographing Company.
National Multiphone Company, Incorporated,
National Porpoise Lace Company,
National Product Corporation,
National Realty and Loan Society,
National Screen Company,
National Trade Exchange,
National Time Company,
National Waterproof Sign Company.
National Window Swinging Corporation,
National Witch Hazel Company,
Natures Seven Remedy Company,
Neostyle Envelope Company,
Nevada Apartment House Company,
Nevada Copper Company.
New Amsterdam Oil Company,
Newark Baby Carriage Company,
Newark City Cafe Company,
Newark Crucible Steel Company,
Newark Electro-Galvanizing and Plating Company,
Newark Stock Commission Company,
New Brunswick Copper Company,
New Century Car Heater Company,
New Century Engineering Company,
New Century Gas Fixture Manufacturing and Art Metal Company,
New Diamond Slate Company,
New Egypt Packing Company,
New England Glove Company,
New England Metal Company,
New England Wellington Lighting Company,
New Era Solvent Company,
New Express Company,
New Idea Attraction Company,
New Idea Printing Machine Company,

New Jersey Automobile Company Branch,
New Jersey Chemical Company,
New Jersey Clay Mining Company,
New Jersey Construction and Investment Company,
New Jersey Co-operative Finance Corporation,
New Jersey Decorating Company,
New Jersey Home Buyers League,
New Jersey Keramic Tile Works,
New Jersey Lithograph Company,
New Jersey and Missouri Zinc Mining Company,
New Jersey Motor Carriage Company,
New Jersey Power Storage Company,
New Jersey Share Bond Company,
New Jersey Southern Steamboat Company,
New Jersey Transportation Company,
New Jersey Tube Company,
New London Steam Woolen Mill Company,
New Phoenix Brewing Company,
New Process Metal Company,
New York and Alaska Mining Company,
New York and Beaumont Oil Refining Company,
New York and Boston Finance Company,
New York and Brooklynu Construction Company,
New York City Realty Company,
New York Commercial Guaranty Company,
New York Fire Proof Wood Company,
New York-Kanawha Splint Coal Company,
New York Leather and Paint Company.
New York and Mexican Development Company,
New York Milk Products Company,
New York and Missouri Development Company,
New York Motor Vehicle Company,
New York, New Jersey and Ohio Oil Company,
New York Oil Producing Company,
New York and Pennsylvania Oil and Gas Company,
New York and Rochester Steel Mat Company,
New York Rubber Tire Company,
New York and Southern Export Company,
New York Steel Fence Company,
New York Stock Commission Company,
New York and Superior Mining Company,
Nielsen Brothers Company, Limited,

Nile Tobacco Works,
Noble Oil Company,
Noblit Supply Company,
Nome Exploration and Gold Mining Company of America,
Non-Flammable Wood Company of America,
Nonpareil Restaurant Company,
North American Debenture Company of New York,
North American Financiering Company,
North American Iron Company,
North American Steel Company,
North American Turquoise Syndicate,
Northampton Paper Company,
Northwestern Construction Company,
Norwood Park Ass'n.,
Nova Scotia Leaching Company,
Nutley Paper Mills,
Ocean City Amusement Company,
Ofeldt Automobile and Steam Launch Company,
Official Railway Shipping Guide.
Oil Exchange and Surety Company,
Old Colony Brass Company,
Old Dominion Coal Mining and Prospecting Company,
Old Dominion Construction Company,
Open Tobacco Pipe Company,
Orange Mountain Traction Company,
Oriental and Occidental Gold Mining Company,
Orion Manufacturing Company,
Osborn Stoddard Company,
Otto E. Lohrke and Company, Limited,
Pacific-American Fisheries Company,
Pacific Coast Portland Cement Company,
Pacific Investment Company,
Pacific Packing and Navigation Company,
Pacific Realty and Industrial Corporation,
Packard Bowers Dredging Company,
Paint and Color Importing Company,
Pan-American Light Company,
Pancoast International Ventilator Company,
Paraguay Development Company,
Parkside Apartment House Company,

Parson Manufacturing Company,
Passaic Equitable Gas Company,
Passmore Meeker Company,
Paterson Base Ball Club,
Paterson Dyeing Company,
Paterson Manufacturing Company,
Paul T. Norton Company,
Peacock Copper Mining and Milling Company,
Peare and MacConnell Company,
Pearl Glass Works,
Pearson Publishing Company,
Peck Paper and Printing Company,
Peerless Dress Stay Company,
Pen-Mar Supply Company,
Peerless Sectional Gear Company,
Penn Lubricating Company,
Pennsylvania Blue Stone and Quarry Company,
Pennsylvania Metal Company,
Pennsylvania and New England Transportation Company.
Pennsylvania Portland Cement Company,
Pennsylvania Signal and Supply Company,
Pennsylvania Silk Company,
Pennypack Yarn Finishing Company,
Penon Blanco Gold Mines Company, Limited,
Peoples Advertising Company,
Peoples Merchandise and Dairy Company,
Peoples Vacation and Tourist Company,
Perfect Non-Refillable Bottle Company,
Perfection Gas Light and Heating Company of New Jersey,
Permian and Trans-Pecos Texas Copper Company,
Perrine, Gartz & Company,
Perth Amboy Publishing Company,
Phenix Art Metal Company,
Phenix Real Estate Corporation,
Philadelphia Big Four Slate Syndicate,
Philadelphia Burrows Gas Light Company,
Philadelphia Storage and Delivery Company,
Philadelphia Stock, Grain and Provision Company,
Philadelphia and Suburban Express Company,
Philadelphia Textile Specialty Machine Company,

Philadelphia Wool Scouring and Carbonizing Company,
Phoenix Composite Board Company,
Phoenix Manufacturing Company,
Phonautograph Company,
Piedmont Copper Mining and Smelting Company,
Pine Bluff Water Company,
Pittsburg Home Supply Company,
Pittsburgh Consolidated Coal and Brick Company,
Pittsburgh and New Jersey Land and Improvement Company,
Pittsylvania Mining Company,
Platt Plaster Company,
Pleasure Bay Transportation Company,
Pneumatic Syndicate Company,
Pocahontas Coal and Timber Lands Company,
Pocahontas Medicine Company,
Porcupine Mountain Copper Company,
Portland Smelting and Refining Company,
Post Publishing Company,
Potomac Manufacturing Company,
Powers Automatic Hose Reel Company,
Powhatan Manufacturing Company,
Price Brake Company,
Printed Reports Mercantile Agency,
Priscilla Knitting Mills,
Proeger Glass Manufacturing Company,
Prospect Building Company of Newark, New Jersey,
Prospect Hall Company,
Providence Tunnell Company,
Provident Medical Company,
Prudential Investment Company,
Publishers of the World,
Puerto Principe Land and Fruit Company,
Punctnot Tire Company,
Quaker City Biscuit Company,
Quaker City Gold Mining Company,
Quaker Oil Company,
Railway Supply Manufacturing Company,
Ramshorn Manufacturing Company,
Rapid Locomotor Improvement Company,
R. B. Lyon Company,

R. C. Dotson Company,
R. C. Jackson Piano Company,
Reading Manufacturing Company,
Realty and Bond Company of Winston-Salem, North Carolina,
Realty Improvement Company,
Rebel Publishing Company,
Reco Mining Company,
Red Prince Mining Company,
Redding and Miller Company,
Reeves Machine Company,
Reflect Incandescent Lamp Company,
Regenerative Electric Locomotion Company,
Reilly Brake and Fender System,
Reliable Land and Improvement Company of New Jersey,
Remington Automobile and Motor Company,
Republican Printing and Publishing Company of Hoboken, N. J.,
Reuben Trier Leather Company,
Reynolds Iron Works Company,
R. H. and B. C. Reeve Company,
Rhea Flex Fibre Company,
Rhodes Peak Mining Company,
Ricca Manufacturing Company.
Rich Rock Mining and Milling Company.
Richard Fitz Gerald Waterproof Company,
Richie Drug Habit Cure Company of New York,
Rio Tinto Copper Mining Company,
Risley Company,
Rival Saw Manufacturing Company of New Jersey,
Rivera Leather Company,
Riverside Building Company,
Riverside Knitting Mills Company,
Rivollier-Granger Velvet Machine Company,
Roe Marsellus and Company,
Rockfellow Grocery Company,
Rockland Lime Company,
Rockledge Park Improvement Company,
Rocky River Springs,
R. O. Mercantile Company,
R. Martin Hosbach Company,

Roosevelt Apartments,
Rosa Marie Sugar Company of Cuba,
Roside Fabric Company,
Rotary Braiding Machine Company,
Royal Laundry Company,
Royal Rubber Company,
Ruckstuhl Bros. Piano Company,
Russell Agricultural Chemical Company,
Russell Medical Company,
Russolite Manufacturing Company,
Rutenber Automobile and Manufacturing Company,
Rutland Sanitarium Ass'n,
Sackem Company,
Safety Bottle and Ink Company,
Safety Lock Company,
Safford Electric Manufacturing Company,
Salvador Company,
Sangamon Construction Company,
Sanitary Enameled Clay Company,
Sanitary Specialty Company,
Santa Clara Fruit and Cattle Company,
Santo Domingo Central Construction Company,
Santo Domingo Timber and Traction Company,
Sapphire Corundum Company,
Sar Alvarez Cigar Company,
Shickerling Grote Glove Company,
Schlageter and Nolck Company,
Schuylkill Haven Iron Company,
S. D. Drake Realty Company,
Seattle Smelting and Refining Company,
Sea Isle City Lot and Building Ass'n No. 3.
Sea Isle City Lot and Building Ass'n No. 4.
Sea View Land Company,
Security Conduit Company,
Security Title Guarantee and Abstract Company,
Securities Guaranty Company,
Self-Heating Branding Iron Company,
Seneca Company,
Seven Devils Mining and Development Company,
Sevigne Bread Wrapper Company,
Shark River Amusement Company,
Shaw Carpet Cleaning Company,

Shaw Electrical Company,
Shawnee, Oklahoma and Indian Territory Railroad Construction Company,
Sheffield Brewing and Ice Company,
Sheffield Farms Company,
Sheldon Manufacturing Company,
Sherman Brown Stone Company,
Shinnecock Land Company,
Shoemaker-Pickering Company,
Silver King Land and Cattle Company,
Simonds, Crawford and Simonds Company,
Simpson Security Company,
Skabcura Dip Company,
S. K. King and Company,
Smith-Beard Silk Company,
Smith Imperial Stencil Machine Company,
Smith Remedy Company,
Smith, Stern & Company,
Snap Hook and Eye Manufacturing Company,
Sneckner Motor Company,
Sniders Turret Hydrant and Nozzle Company,
Sonneborn Company,
Sound and Coast Wrecking Company,
South American Exploration Company,
South American Railway Construction Company,
South Jersey Real Estate and Hotel Investment Company,
South Jersey Water and Electric Power Company,
Southern Central Telephone Company,
Southern Commercial Company,
Southern Construction and Improvement Company,
Southern Pine Product Company,
Sozo Supply Company,
Spence-Grant Manufacturing Company,
Split Rock Graphite Company,
Springer Manufacturing Company,
Standard Automobile Company of New York,
Standard Briquette Company,
Standard Chemical Works,
Standard Lead and Zinc Company,
Standard Rotary Motor Company,
Star Wall Paper Company,

State Lighting Company,
States Realty Company,
Stearns and Crane,
Stevenson & Jester Company,
Stiles Safety Sand Box Company,
Stock Investment and Trading Company,
Stombridge Glass Company,
Storey General Electric Company,
Straightway Transfer Ticket and Punch Company,
Street Railway Advertising Company,
Strong Machinery and Supply Company,
Stubbs Steel Company,
Stultz Company,
Submarine Construction Company,
Suburban Realty Company,
Sultar Company,
Sun Electric Manufacturing Company,
Surprise Merchandise Company,
Sussex Light and Power Company,
Swift Pharmacy Company,
S. W. Rice Manufacturing Company,
Sylvania Lumber Company,
Syndicate Leasing Company,
Tallapoosa Gold Mining Company,
Tammany Times Company,
Tate Drug Company,
Taylor Automatic Gun Company,
Taylor Flour Company,
Taylor-Moore Folding Crate Company,
Taylor, Pearson and Company,
Taylor, Stinson Company,
Taylor Tire and Development Company,
Teachers Pan-Tourist Company,
Telescope Mailing Tube Company,
Tennessee River Coal Mining, Lumber and Mineral Company,
Texas Consolidated Oil Company,
Texas Oil Transportation Company,
Texas Pacific Oil Company,
Thayer Portrait Company,
Theatrical Confection and Vending Company,
Theodore Placer Gold Mining Company,

Thermo-Pressus Reduction Company,
Thomas and Davis Company,
Thomas Fibre Company,
Thomas Motor Cycle Company,
Thompson Automobile Company,
Thornycroft Steam Wagon Company of America,
Thurlow-Burnham Company,
Thurston-Clark Hosiery Company,
Timber Peak Mining Company,
Todd Fibre Extracting and Cleaning Machine Company,
Tomichi Valley Smelting Company,
Topkuk Mining Company,
Torrington Time Globe and Novelty Company,
Totowa Land Improvement Company,
Townsend, Desmond & Voorhis Company,
Tractor Company,
Traction and Light Company,
Tractor-Truck Company, formerly Tractor-Truck Automobile Company,
Traders Surety Company of New Jersey,
Transcendent Light Company,
Trenton Basket Ball Team,
Trenton Improvement and Construction Company,
Trenton Lamp Company of Trenton, N. J.,
Tugman Company,
Tula Iron and Steel Works and Manufacturing Company,
Tumaco Produce Company,
Tuolumne Power and Development Company,
Turner Motor Company,
Umbrella Hardware Company,
Union Brewing Company of the Town of Union,
Union Cleaning and Laundry Company,
Union Clothing Company,
Union Gas and Electric Company,
Union Land and Construction Company,
Union Law and Medical Company,
Union Real Estate Company,
Union Realty Company (No. 2),
Union Saw Manufacturing Company of New Jersey,
Union Sterilizer Company,

Union Stock Yards Can Company,
Union Street Railway Advertising Company,
Union Tire Company,
United Air Power and Refrigerating Company,
United Claud Mining Company,
United Electric Power Company,
United Inventors Manufacturing Company,
United Mercantile and Realty Company,
United States Bread Company,
United States Coal and Coke Company,
U. S. Correspondence School of Music,
United States Distillers Distributing Company,
United States Drapery Company,
United States Drilling Company,
United States and Egypt Trading Company,
United States Electric Manufacturing Company,
United States File Company,
United States German-American Medical Institute & Clinics,
United States Light Manufacturing Company,
United States Mining and Manufacturing Company,
United States Paper Box Machinery Company,
United States Power Company,
United States Silk Company,
United States Steel Wheel Company,
United States Steering Gear and Valve Company,
United States Supply Company,
United States Tin Mining and Smelting Company,
United States Tire Inflator Company.
United States Worsted Company,
United Water Works Improvement Company,
Universal Clock Company,
Universal Fire Alarm Company,
Universal Food Company,
Universal Grocer's Pass Book Advertising Company,
Universal Lock Company,
Universal Publicity Company,
Universal Safety Mooring Company,
Universal Transfer Company,
Utah Land and Irrigation Company,
Vacuum Can and Jar Company,
Valdes and Yukon Railroad Company,

Variegated Slate Company,
Vera Cruz Trading Company,
Venezuelan Cement Company of "El Avila,"
Ventnor Company,
Victor Supply Company,
Virgilina Copper Mining Company,
W. A. Gavenesch Company,
Walter N. Gray Company,
Walter Thorpe Company,
Walter Z. Holmes Company,
Walters Manufacturing Company,
Washington Mining Company,
Warwick Brewing and Ice Company, Limited.
Water Company of Texarkana,
Watchung Realty Company,
Waterbury Laboratories,
Watson Water Tube Boiler Company,
Waukesha Water Company,
W. C. Jennings Company,
Weldy Industrial Company,
Well Dressed Suspender Company,
Wells Ice Company,
West Albion Slate Company,
West Coast Construction Company,
West End Hotel Company,
West Park Merchandise Company,
Westerfield Company,
Western Mining and Milling Company,
Western Pennsylvania Coal and Coke Company,
Western Springs Company,
West Jersey Ice Manufacturing Company,
West Jersey Toll Line Company,
Wetter Numbering Machine Company,
W. H. Blight Supply Company,
Wheel within Wheel Company,
Wheeler Electric and Manufacturing Company,
Wilbraham-Baker Blower Company,
Wilkes-Barre Investment Company,
Willard Lumber Company,
Willard Oil and Gas Company,
Willoughby-Owen Company,
Windella Pineapple Company,

Winslow Voting Machine Company,
Wisconsin Color-Photo Company,
W. J. Alberts Furniture Company,
Woodbine Machine and Tool Company,
Woodcliff Sanitarium Company,
Wood Loco Vehicle Company,
Woods American Composition Company,
Woods Dry Goods Commercial Agency,
Woods Motor Cab Company of Detroit,
Woods Motor Cab Company of Washington,
Woods Vehicle Company,
World Printing House,
Wroxborough Company,
W. W. Pryor Hardware Manufacturing Company,

Yalaha China Clay Company,
Yellowstone Park Railroad Company,
Yosemite Coal Mining Company,
Yu Kan Chemical Company,

Zinc Smelting Corporation,

are void, and all powers conferred by law upon such corporations, and each of them, are hereby declared inoperative and void; and I direct that this proclamation shall be filed in the office of the Secretary of State, and be published for one week in the following newspapers, namely,

Jersey City Journal, Jersey City.
The Freie Zeitung, Newark.
The Paterson Daily Call, Paterson.
Elizabeth Daily Journal, Elizabeth.
State Gazette, Trenton.
New Brunswick Home News, New Brunswick.
The Orange Journal, Orange.
Trenton Times, Trenton.
Camden Post-Telegram, Camden.
Newark News, Newark.
Newark Daily Advertiser, Newark.
Woodbury Constitution, Woodbury.
Plainfield Courier-News, Plainfield.
Hoboken Observer, Hoboken.

In witness whereof, I have hereunto set my hand and caused the great seal [SEAL.] to be affixed at Trenton, this third day of January, one thousand nine hundred and five.

FRANKLIN MURPHY,

By the Governor:
S. D. DICKINSON,
Secretary of State.

DECREES OF DISSOLUTION.

(609)

Decrees of Dissolution.

IN CHANCERY OF NEW JERSEY.

BETWEEN WILLIAM H. FORD, *Complainant,* AND WHITE MOUNTAIN PAPER COMPANY, *Defendant.*	On Bill for Receiver. Order.

An order and decree having been made herein on the twenty-fifth day of August, nineteen hundred and three, whereby it was decreed that the White Mountain Paper Company should be dissolved and its charter be forfeited and void, unless cause to the contrary should be shown on this date; and it appearing that a copy of said decree was mailed to each stockholder at his postoffice address, as shown in the list on file, as required by said order; and no cause appearing or being shown to the contrary,

It is, on this eighth day of September, nineteen hundred and three, on motion of Collins & Corbin, solicitors of complainant, ordered, adjudged and decreed, that the White Mountain Paper Company be, and the same hereby is, dissolved and its charter is forfeited

and void, pursuant to the provisions of the Act Concerning Corporations, Revision of 1896.

W. J. MAGIE,
C.

EUGENE STEVENSON,
V. C.

A true copy:
E. C. STOKES,
Clerk.

Endorsed:
"Filed September 10, 1903.
"S. D. DICKINSON,
"Secretary of State."

IN CHANCERY OF NEW JERSEY.

BETWEEN WESTINGHOUSE ELECTRIC & MANUFACTURING COMPANY ET AL., *Complainants,* AND THE GEO. A. WILLIAMS COMPANY, *Defendant.*	On Bill, &c. Decree Dissolving Corporation.

This matter being opened to the Court by Pierre F. Cook, the Receiver herein, and due proof being made of the service of the order to show cause heretofore granted herein on the fourteenth day of December, nineteen hundred and three, and it appearing to the Court that the Receiver appointed in the above entitled cause has disposed of all the property of said corporation under the direction of this Court, but has not yet distributed the same to the persons entitled thereto; and it appearing that such distribution cannot be made until after the beginning of the year nineteen hundred and four, and that before such distribution can be

made the estate of the said corporation may become liable to the annual franchise tax to the State of New Jersey for the said year of nineteen hundred and four unless said corporation shall be dissolved; and good reason appearing therefor,

IT IS THEREUPON, on this twenty-eighth day of December, nineteen hundred and three, on motion of said Receiver of said defendant corporation, ordered, adjudged and decreed that the said order to show cause be made absolute, and that the said The Geo. A. Williams Company be, and the same is hereby dissolved, and that its charter be and the same is hereby declared to be forfeited and void.

W. J. MAGIE,
C.

Respectfully advised,
EUGENE STEVENSON,
V. C.

A true copy:
E. C. STOKES,
Clerk.

Endorsed:
"Filed Dec. 29, 1903.
"S. D. DICKINSON,
"Secretary of State."

IN CHANCERY OF NEW JERSEY.

BETWEEN HENRY E. FANSHAWE, *Complainant,* AND STOREY MOTOR & ELECTRIC COMPANY, *Defendant.*	On Bill, &c. Decree Dissolving Corporation.

This matter being opened to the Court by Frank P. McDermott, of counsel with the Receiver herein, and

it appearing to the Court that the Receiver appointed in the above entitled cause has disposed of all the property of the said corporation, under the direction of this Court, but has not yet distributed the same to the persons entitled thereto; and it appearing that such distribution cannot be made until the beginning of the year nineteen hundred and four, and that before such distribution can be made the estate of the said corporation may become liable to the annual franchise tax of the State of New Jersey for the said year nineteen hundred and four, unless said corporation shall be dissolved; and good reason appearing therefor,

IT IS THEREUPON, on this thirty-first day of December, nineteen hundred and three, on motion of said Frank P. McDermott, of counsel for the Receiver, ordered, adjudged and decreed that the said Storey Motor & Electric Company be and the same is hereby dissolved, and that its charter be and the same is hereby declared forfeited and void.

W. J. MAGIE,
C.

Respectfully advised,
FREDERIC W. STEVENS,
V. C.

A true copy:
E. C. STOKES,
Clerk.

Endorsed:
"Filed Jan. 19, 1904.
"S. D. DICKINSON,
"Secretary of State."

IN CHANCERY OF NEW JERSEY.

BETWEEN
WALTER E. GREACEN, ET AL.,
Complainants,
AND
DWYER LEATHER COMPANY,
Defendant.

This cause being opened to the Court by Charles E. Hendrickson, Jr., Receiver of the above named defendant, and it appearing that the Dwyer Leather Company was adjudged to be insolvent by decree of this Court made August second, nineteen hundred and one, and that the State franchise tax is about to come due, and that the franchise is not being operated,

It is, on this twenty-ninth day of April, nineteen hundred and four, ordered, adjudged and decreed that the said Dwyer Leather Company be and is hereby dissolved and its charter is hereby declared forfeited and void,

AND IT IS FURTHER ORDERED that a copy of this order which need not be certified be served upon every stockholder of said company by mailing, postage prepaid, the same to every stockholder whose postoffice address can be ascertained within five days from the date hereof.

AND IT IS FURTHER ORDERED that any stockholder of said company may apply to this Court without further notice at the Chancery Chambers, Jersey City, on Monday, the sixteenth day of May, nineteen hundred and four, to have this decree vacated or modified.

W. J. MAGIE,
C.

Respectfully advised,
EUGENE STEVENSON,
V. C.

A true copy:
E. C. STOKES,
Clerk.

I, Edward C. Stokes, Clerk of the Court of Chancery of the State of New Jersey, the same being a Court of Record, do hereby certify that the foregoing is a true
[SEAL.] copy of the order dissolving corporation, filed Apl. 29, 1904, in the cause wherein Walter E. Greacen, et al., are complainants and Dwyer Leather Company is defendant, now on the files of my office.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed the seal of said Court, at Trenton, this fourth day of May, A. D. nineteen hundred and four.

E. C. STOKES,
Clerk.

Endorsed:

"Filed and recorded May 5, 1904.
"S. D. DICKINSON,
"Secretary of State."

IN CHANCERY OF NEW JERSEY.

BETWEEN
HANNAH V. GALLAGHER, ET AL.,
Complainants,
AND
ASPHALT COMPANY OF AMERICA,
Defendants.

This cause being opened to the Court by Charles E. Hendrickson, Jr., of counsel with complainants, and it appearing that the Asphalt Company of America was adjudged to be insolvent by decree of this Court entered on the nineteenth day of October, nine-

teen hundred and three, and that all the assets of the company have been disposed of by receivers appointed by the U. S. Circuit Court for the District of New Jersey, and that the State franchise tax is about to come due, and that the franchise is not being operated,

It is, on this twenty-ninth day of April, nineteen hundred and four, ordered, adjudged and decreed that the Asphalt Company of America be and is hereby dissolved, and its charter is hereby declared forfeited and void.

AND IT IS FURTHER ORDERED that a copy of this order which need not be certified be served upon every stockholder of said company by mailing postage prepaid the same to every stockholder whose postoffice address can be ascertained within five days from the date hereof.

AND IT IS FURTHER ORDERED that any stockholder of said company may apply to this Court without further notice at the Chancery Chambers, Jersey City, on Monday, the sixteenth day of May, nineteen hundred and four, to have this decree vacated or modified.

W. J. MAGIE,
C.

Respectfully advised,
EUGENE STEVENSON,
V. C.

A true copy:
E. C. STOKES,
Clerk.

[SEAL]

I, Edward C. Stokes, Clerk of the Court of Chancery of the State of New Jersey, the same being a Court of Record, do hereby certify that the foregoing is a true copy of the order dissolving corporation, filed April 29, 1904, in the cause wherein Hannah V. Gallagher and another are complainants, and Asphalt Company of America is defendant, now on the files of my office.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed the seal of said Court, at Trenton, this fourth day of May, A. D. nineteen hundred and four.

E. C. STOKES,
Clerk.

Endorsed:

"Filed and recorded May 5, 1904.
"S. D. DICKINSON,
"Secretary of State."

IN CHANCERY OF NEW JERSEY.

BETWEEN
PETER FOGARTY,
Complainant,
AND
NEW YORK GARAGE COMPANY
Defendant.

This cause being opened to the Court by Charles E. Hendrickson, Jr., Receiver of the above named defendant, and it appearing that the New York Garage Company was adjudged to be insolvent by decree of this Court made March seventh, nineteen hundred and four, and that the State franchise tax is about to come due, and that the franchise is not being operated,

It is, on this twenty-ninth day of April, nineteen hundred and four, ordered, adjudged and decreed that the said New York Garage Company be and is hereby dissolved, and its charter is hereby declared forfeited and void.

AND IT IS FURTHER ORDERED that a copy of this order which need not be certified be served upon every stockholder of said company by mailing postage prepaid the same to every stockholder whose postoffice address can be ascertained within ten days from the date hereof.

AND IT IS FURTHER ORDERED that any stockholder of said company may apply to this Court without further notice at the Chancery Chambers, Jersey City, on Monday, the twenty-third day of May, nineteen hundred and four, to have this decree vacated or modified.

W. J. MAGIE,
C.

Respectfully advised,
EUGENE STEVENSON,
V. C.

A true copy:
E. C. STOKES,
Clerk.

I, Edward C. Stokes, Clerk of the Court of Chancery of the State of New Jersey, the same being a Court of Record, do hereby certify that the foregoing is a true [SEAL] copy of the order dissolving corporation, filed April 29, 1904, in the cause wherein Peter Fogarty is complainant and New York Garage Company is defendant, now on the files of my office.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed the seal of said Court, at Trenton, this fourth day of May, A. D. nineteen hundred and four.

E. C. STOKES,
Clerk.

Endorsed:
"Filed and recorded May 5, 1904.
"S. D. DICKINSON,
"Secretary of State."

IN CHANCERY OF NEW JERSEY.

BETWEEN
HENRY S. MAUNING, ET AL.,
Complainants,
AND
HERCULES MOTOR COMPANY,
Defendant.
} Order.

This cause being opened to the Court by Charles E. Hendrickson, Jr., Receiver of the above named defendant, and it appearing that the Hercules Motor Company was adjudged to be insolvent by decree of this Court made September third, nineteen hundred and one, and that the State franchise tax is about to become due, and that the franchise is not being operated,

It is, on this second day of May, nineteen hundred and four, ordered, adjudged and decreed that the said Hercules Motor Company be and is hereby dissolved, and its charter is hereby declared forfeited and void.

AND IT IS FURTHER ORDERED that a copy of this order which need not be certified be served upon every stockholder of said company by mailing postage prepaid the same to every stockholder whose postoffice address can be ascertained within five days from the date hereof.

AND IT IS FURTHER ORDERED that any stockholder of said company may apply to this Court without further notice at the Chancery Chambers, Jersey City, on Monday, the sixteenth day of May, nineteen hundred and four, to have this decree vacated or modified.

W. J. MAGIE,
C.

Respectfully advised,
EUGENE STEVENSON,
V. C.

A true copy:
E. C. STOKES,
Clerk.

I, Edward C. Stokes, Clerk of the Court of Chancery of the State of New Jersey, the same being a Court of Record, do hereby certify that the foregoing is a true [SEAL] copy of the order for dissolution, filed May 2, 1904, in a cause wherein Henry S. Mauning, et al., are complainants and Hercules Motor Company is defendant, now on the files of my office.

IN TESTIMONY WHEREOF I have hereto set my hand and affixed the seal of said Court, at Trenton, this ninth day of May, A. D. nineteen hundred and four.

E. C. STOKES,
Clerk.

Endorsed:

"Filed and recorded May 9, 1904.
"S. D. DICKINSON,
"Secretary of State."

IN CHANCERY OF NEW JERSEY.

BETWEEN
HENRY S. MAUNING ET AL.,
AND
NEW YORK AUTOMOBILE COMPANY,
Defendants.
} Order.

This cause being opened to the Court by Charles E. Hendrickson, Jr., Receiver of the above named defendant, and it appearing that the New York Automobile Company was adjudged to be insolvent by decree of this Court made September sixteenth, nineteen hundred and one, and that the State franchise tax is about to become due, and that the franchise is not being operated,

It is, on this second day of May, nineteen hundred and four, ordered, adjudged and decreed that the said

New York Automobile Company be and is hereby dissolved and its charter is hereby declared forfeited and void.

AND IT IS FURTHER ORDERED that a copy of this order which need not be certified be served upon every stockholder of said company whose postoffice address can be ascertained within five days from the date hereof.

AND IT IS FURTHER ORDERED that any stockholder of said company may apply to this Court without further notice at the Chancery Chambers, Jersey City, on Monday, the sixteenth day of May, nineteen hundred and four, to have this decree vacated or modified.

W. J. MAGIE,
C.

Respectfully advised,
EUGENE STEVENSON,
V. C.

A true copy:
E. C. STOKES,
Clerk.

I, Edward C. Stokes, Clerk of the Court of Chancery of the State of New Jersey, the same being a Court of Record, do hereby certify that the foregoing is a true [SEAL] copy of the order for dissolution, filed May 2, 1904, in a cause wherein Henry S. Mauning, et als., are complainants and the New York Automobile Company is defendant, now on the files of my office.

IN TESTIMONY WHEREOF I have hereto set my hand and affixed the seal of said Court, at Trenton, this ninth day of May, A. D. nineteen hundred and four.

E. C. STOKES,
Clerk.

Endorsed:
"Filed and recorded May 9, 1904.
"S. D. DICKINSON,
"Secretary of State."

IN CHANCERY OF NEW JERSEY.

BETWEEN RICHARD P. LYDON, *Complainant,* AND CARPENTER STEEL COMPANY, *Defendant.*	On Bill, &c. Order Dissolving Defendant Corporation, &c.

This matter being opened to the Court by Lindabury, Depue & Faulks, of counsel with Robert E. Jennings, the Receiver of the above named insolvent corporation, Carpenter Steel Company, and it appearing to the Court that the debts of the said corporation have been provided for and that the said Receiver has disposed of all of the assets, property and effects of the said corporation under the direction of this Court, and the said Receiver having applied to the Court for an order dissolving the said corporation, and declaring its charter forfeited and void, and due notice having been given to the said corporation and to the Attorney General of the State, of this application, and no objection being made thereto, and good reason appearing therefor,

IT IS THEREUPON, on this first day of November, one thousand nine hundred and four, ordered, adjudged and decreed, and the Chancellor doth hereby order, adjudge and decree, that the said Carpenter Steel Company, the defendant in the above entitled cause, be and the same is hereby dissolved, and its charter be and the same is hereby declared forfeited and void.

W. J. MAGIE,
C.

Respectfully advised,
FREDERIC W. STEVENS,
V. C.

I, Edward C. Stokes, Clerk of the Court of Chancery of the State of New Jersey,

the same being a Court of Record, do hereby certify that the foregoing is a true
[SEAL] copy of the order dissolving defendant corporation, &c., filed November first, 1904, in a cause wherein Richard P. Lydon is complainant and Carpenter Steel Co. is defendant, now on the files in my office.

IN TESTIMONY WHEREOF I have hereto set my hand and affixed the seal of said Court, at Trenton, this first day of November, A. D. nineteen hundred and four.

E. C. STOKES,
Clerk.

Endorsed:

"Filed and recorded Nov. 1, 1904.
"S. D. DICKINSON,
"Secretary of State."

IN CHANCERY OF NEW JERSEY.

BETWEEN CHARLES O. HENDRICK, *Complt.* AND THE THOMAS SLAIGHT LOCK MANUFACTURING COMPANY, *Defdt.*	On Bill, &c. Decree Dissolving Corporation.

The above defendant company having been decreed to be insolvent and a Receiver appointed therein, and it appearing that the Receiver will not be able to make distribution of the estate until after the beginning of the year nineteen hundred and five, and that before such distribution can be made the estate of the said corporation may become liable to the annual franchise tax to the State of New Jersey for the said year of nineteen hundred and five, unless said corporation shall be dissolved, and good reason appearing therefor,

IT IS THEREUPON, on this sixth day of December, in the year nineteen hundred and four, on motion of Elwood C. Harris, Receiver of the said defendant corporation, ordered that the said The Thomas Slaight Lock and Manufacturing Company be, and the same is hereby dissolved, and that its charter be and the same is hereby declared to be forfeited and void, but this decree shall not impair or affect the right of said Receiver to collect the property and estate of said insolvent corporation, and to sell the same and distribute the proceeds thereof among the creditors and stockholders thereof, and to enforce the payment of claims due by suit in any court of competent jurisdiction.

W. J. MAGIE,
C.

Respectfully advised,
JOHN R. EMERY,
Vice Chancellor.

A true copy:
E. C. STOKES,
Clerk.

"Filed and recorded Dec. 20, 1904.
"S. D. DICKINSON,
"Secretary of State."

IN CHANCERY OF NEW JERSEY.

BETWEEN
FREDERICK O. SCHOELLNER,
Complt.
AND
F. O SCHOELLNER & Co.,
Defdt.

On Bill, &c.
Decree Dissolving Corporation.

The Receivers appointed in the above entitled cause having disposed of the property of the said corporation, but having some claims still to collect; and it

appearing that a distribution cannot be made until after the beginning of the year nineteen hundred and five; and that before such distribution can be made the estate of the said corporation may become liable to the annual franchise tax to the State of New Jersey, for the said year nineteen hundred and five, unless said corporation shall be dissolved, and good reason appearing therefor,

IT IS THEREUPON, on this sixth day of December, nineteen hundred and four, on motion of Elwood C. Harris, Receiver of the said defendant corporation, ordered that the said F. O. Schoellner & Co. be and the same is hereby dissolved, and that this charter be and the same is hereby declared to be forfeited and void, but this decree shall not impair or affect the right of said Receiver to collect the property and assets of said insolvent corporation, and distribute the proceeds thereof among the creditors and stockholders thereof, and to enforce the payment of claims due by suit in any court of competent jurisdiction.

W. J. MAGIE,
C.

Respectfully advised,
JOHN R. EMERY,
Vice Chancellor.

A true copy:
E. C. STOKES,
Clerk.

Endorsed:
"Filed and recorded Dec. 20, 1904.
"S. D. DICKINSON,
"Secretary of State."

IN CHANCERY OF NEW JERSEY.

BETWEEN
JOHN ENSTICE, FRANK ENSTICE and EDWARD J. ENSTICE,
Complts.
AND
THE ENSTICE BROS. COMPANY, INCORPORATED,
Defdts.

On Bills, &c.
Decree Dissolving Corporation.

The Receiver appointed in the above entitled caused having disposed of all the property of the said corporation, and having made distribution of the assets of the said corporation, and good reason appearing therefor,

IT IS THEREUPON, on this sixth day of December, in the year nineteen hundred and four, on motion of Elwood C. Harris, Receiver of the said defendant corporation, ordered that the said The Enstice Bros. Company, Incorporated, be, and the same is hereby dissolved, and that its charter be and the same is hereby declared to be forfeited and void.

W. J. MAGIE,
C.

Respectfully advised,
JOHN R. EMERY,
Vice Chancellor.

A true copy:
E. C. STOKES,
Clerk.

Endorsed:
"Filed and recorded Dec. 20, 1904.
"S. D. DICKINSON,
"Secretary of State."

IN CHANCERY OF NEW JERSEY.

BETWEEN ADOLPH L. BRAUN, *Complt.* AND BRAUN & CHAMBERLIN, A CORPORATION, *Defdt.*	On Bill, &c. Decree Dissolving Corporation.

The Receiver appointed in the above entitled cause having disposed of all the business of the said corporation, but having still some accounts to collect and real estate to sell, that will delay distribution of the estate; and it appearing that such distribution cannot be made until after the beginning of the coming year; and that before such distribution can be made the estate of the said corporation may become liable to the annual franchise tax of the State of New Jersey for the said year nineteen hundred and five, unless said corporation shall be dissolved, and good reason appearing therefor,

IT IS THEREUPON, on this sixth day of December, in the year nineteen hundred and four, on motion of Elwood C. Harris, Receiver of the said defendant corporation, ordered that the said Braun & Chamberlin, a corporation, be and the same is hereby declared to be forfeited and void, but this decree shall not impair or affect the right of said Receiver to collect the property and assets of said insolvent corporation, and to sell the same and distribute the proceeds thereof among the creditors and stockholders thereof, and to enforce the payment of claims due by suit in any court of competent jurisdiction.

W. J. MAGIE,
C.

Respectfully advised,
JOHN R. EMERY,
Vice Chancellor.

A true copy:
E. C. STOKES,
Clerk.
Endorsed:
"Filed and recorded Dec. 20, 1904.
"S. D. DICKINSON,
"Secretary of State."

IN CHANCERY OF NEW JERSEY.

ARTHUR K. BROWN, Surviving Receiver, *Complainant,* AND AMERICAN ALKALI COMPANY, *Defendant.*	On Bill, &c. Decree.

This cause being opened to the Court by F. Morse Archer, of counsel with complainant (and in the presence of Vroom, Dickinson and Scammell, solicitors for the defendant, who appear and consent hereto), and it appearing that the American Alkali Company was adjudged to be insolvent by decree of the United States Circuit Court for the District of New Jersey, on the 9th day of September, 1902, and that the State franchise tax is soon to come due, and that the franchise is not being operated,

It is, on this sixth day of December, 1904, ordered, adjudged and decreed that the American Alkali Company be and is hereby dissolved, and its charter is hereby declared forfeited and void.

W. J. MAGIE,
C.

Respectfully advised,
J. J. BERGEN,
V. C.

I, Edward C. Stokes, Clerk of the Court of Chancery of the State of New Jersey, the same being a Court of Record, do hereby certify that the foregoing is a true [SEAL] copy of the decree, filed Dec. 6, 1904, in the cause wherein Arthur K. Brown, surviving Receiver, is complainant, and American Alkali Company is defendant, now on the files of my office.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed the seal of said Court, at Trenton, this twenty-first day of December, A. D. nineteen hundred and four.

E. C. STOKES,
Clerk.

Endorsed:

"Filed and recorded Dec. 21, 1904.
"S. D. DICKINSON,
"Secretary of State."

IN CHANCERY OF NEW JERSEY.

BETWEEN
M. E. CLARENDON & SON CO.,
Complainant,
AND
PALMER LEATHER COMPANY,
Defendant.

On Bill, &c.
Decree Dissolving Corporation.

Frank F. Guild, the Receiver of said corporation appointed in the above entitled cause, having represented to the Court that he has disposed of all the business of said corporation, but having a few assets undisposed of which will delay distribution of the estate; and it appearing that such distribution cannot be made until the beginning of the coming year, and before such distribution can be made, the estate of said corporation may become liable to the annual franchise tax of the State of New Jersey for the year nineteen

hundred and five, unless said corporation shall be dissolved, and good reason appearing therefor,

IT IS THEREUPON, on this twentieth day of December, nineteen hundred and four, on motion of Guild & Martin, of counsel with said Receiver, ordered that the said Palmer Leather Company be and the same is hereby dissolved, and its charter be and the same is hereby declared forfeited and void; *provided, however,* that nothing herein shall affect the right of said receivers to collect the property and assets of said insolvent corporation and to sell the same and distribute the proceeds thereof among the creditors and stockholders thereof, nor affect any right of action that said Receiver may have against any person or corporation for any cause whatsoever, or any suit brought against said corporation before the appointment of said Receiver and now pending.

W. J. MAGIE,
C.

Respectfully advised,
JOHN R. EMERY,
Vice Chancellor.

I, Edward C. Stokes, Clerk of the Court of Chancery of the State of New Jersey, the same being a Court of Record, do hereby certify that the foregoing is a
[SEAL] true copy of the decree dissolving corporation, filed Dec. 20, 1904, in a cause wherein M. E. Clarendon & Son Co. is complainant and Palmer Leather Company is defendant, now on the files of my office.

IN TESTIMONY WHEREOF I have hereto set my hand and affixed the seal of said Court, at Trenton, this twenty-second day of December, A. D. nineteen hundred and four.

E. C. STOKES,
Clerk.

Endorsed:

"Filed and recorded Dec. 28, 1904.
"S. D. DICKINSON,
"Secretary of State."

IN CHANCERY OF NEW JERSEY.

BETWEEN
THOMAS COGAN,
Plaintiff,
AND
THE CONOVER MANUFACTURING COMPANY,
Defendant.

On Petition.
Order.

This matter coming on before the Court in the presence of J. Merritt Lane, for the Receiver, and it appearing that due notice of the order to show cause made by this Court upon the fourteenth day of February, A. D. nineteen hundred and five, has been given to the creditors and stockholders of the said corporation, and to the Attorney General of the State of New Jersey, in accordance with the direction of said order, and no one appearing for any stockholder or creditor, or for the Attorney General,

And it appearing to the Court that there is no prospect of the corporation being enabled to accept a reconveyance of its property, franchises, rights and effects, the Receiver having disposed of all of the same, and holding the funds in his possession at the present time for distribution under the order of this Court;

And it appearing that this Court has not directed any such re-conveyance;

It is, on this twenty-seventh day of February, A. D. nineteen hundred and five, ordered, adjudged and decreed that the said defendant corporation, The Conover Manufacturing Company, be, and the same is hereby dissolved, and its charter is declared forfeited and void.

AND IT IS FURTHER ORDERED that a copy of this decree be filed with the Secretary of the State in accordance with the law.

W. J. MAGIE,
C.

Respectfully advised,
LINDLEY M. GARRISON,
V. C.

A true copy:
VIVIAN M. LEWIS,
Clerk.

Endorsed:
"Filed and recorded March 4, 1905.
"S. D. DICKINSON,
"Secretary of State."

IN CHANCERY OF NEW JERSEY.

BETWEEN
GEORGE A. SMOCK,
Complainant,
AND
TANGIER SAND COMPANY,
Defendant.

On Petition.
Order.

This matter coming on before the Court, in the presence of Grey, McDermott & Enright, for the Receiver, and it appearing that the order to show cause made by this Court upon the third day of April, A. D. nineteen hundred and five, has been duly served upon the creditors and stockholders of said corporation, and upon the Attorney General of the State of New Jersey, in accordance with the direction of said order, and no one appearing for any stockholders or creditors, or for the Attorney General,

And it appearing to the Court that there is no prospect of the corporation being enabled to accept a reconveyance of its property, franchises, rights and effects, the Receiver having disposed of all of the same, and holding the funds in his possession at the present time for distribution under the order of this Court,

And it appearing that this Court has not directed any such re-conveyance,

It is, on this tenth day of April, A. D. nineteen hundred and five, ordered, adjudged and decreed that the said defendant corporation, the Tangier Sand Company, be and the same is hereby dissolved, and its charter is declared forfeited and void.

AND IT IS FURTHER ORDERED that a copy of this decree be filed with the Secretary of the State, in accordance with the law.

W. J. MAGIE,
C.

Respectfully advised,
LINDLEY M. GARRISON,
V. C.

A true copy:
VIVIAN M. LEWIS,
Clerk.

Endorsed:
"Filed and recorded April 14, 1905.
"S. D. DICKINSON,
"Secretary of State."

IN CHANCERY OF NEW JERSEY.

BETWEEN NEWELL W. BLOSS, *Complainant,* AND INTERNATIONAL MERCANTILE AGENCY, *Defendant.*	On Bill, &c. Decree Dissolving Corporation.

All of the property of the above defendant having been sold and disposed of except certain choses in action, and it appearing that distribution is not likely to be made until after the estate of said corporation will become liable to the State of New Jersey for the annual franchise tax for the year nineteen hundred and five unless said corporation is soon dissolved, and

it appearing that there is no further utility in preserving the corporate franchise of the defendant, and further that the amount realized or likely to be realized from the assets of said corporation will not be sufficient to pay its debts, and that the debts of the corporation have not been paid or provided for, and that there does not remain nor can there be obtained sufficient capital to enable the defendant to resume its business, and that no application has been made to this Court to direct a re-conveyance to the defendant of its property, franchises, rights and effects, and it further appearing that notice of the order to show cause why the defendant corporation should not be dissolved, made on the twenty-fifth day of January, nineteen hundred and five, returnable the sixth day of February then next has been duly given, and the hearing on said order being regularly continued to this date,

It is, on this tenth day of April, nineteen hundred and five, on motion of Grey, McDermott and Enright, of counsel with George R. Beach, Receiver, &c., ordered, adjudged and decreed that the defendant corporation, International Mercantile Agency, be and the same is hereby dissolved, and that its charter be and the same is hereby declared forfeited and void.

This decree, however, is not to affect the lien, if any, of the franchise tax for the year nineteen hundred and four, claimed by the State of New Jersey.

W. J. MAGIE,
C.

Respectfully advised,
LINDLEY M. GARRISON,
V. C.

[SEAL]

I, Vivian M. Lewis, Clerk of the Court of Chancery of the State of New Jersey, the same being a Court of Record, do hereby certify that the foregoing is a true copy of the decree dissolving corporation, filed April 13, 1905, in a cause wherein Newell W. Bloss is complainant and International Mercantile Agency is defendant, now on the files of my office.

IN TESTIMONY WHEREOF I have hereto set my hand and affixed the seal of said Court, at Trenton, this fifteenth day of April, A. D. nineteen hundred and five.

VIVIAN M. LEWIS,
Clerk.

Endorsed:

"Filed and recorded April 15, 1905.
"S. D. DICKINSON,
"Secretary of State."

IN CHANCERY OF NEW JERSEY.

BETWEEN
FERDINAND SCHAUB, ET AL.,
Complainant,
AND
OLYMPIA MUSICAL AUTOMATON COMPANY,
Defendant.
} On Bill, &c.

All of the property of the above defendant having been sold and disposed of except certain choses in action, and it appearing that distribution is not likely to be made until after the estate of said corporation will become liable to the State of New Jersey for the annual franchise tax for the year nineteen hundred and five, unless said corporation is soon dissolved, and it appearing that there is no further utility in preserving the corporate franchise of the defendant, and further that the amount realized or likely to be realized from the assets of said corporation will not be sufficient to pay its debts, and that the debts of the corporation have not been paid or provided for, and that there does not remain nor can there be obtained sufficient capital to enable the defendant to resume its business, and that no application has been made to this Court to direct a re-conveyance to the defendant of its property, franchises, rights and effects, and it further appearing that notice of the order to show

cause why the defendant corporation should not be dissolved made on the twenty-ninth day of March, nineteen hundred and five, return the tenth day of April then next has been duly given,

It is, on this tenth day of April, nineteen hundred and five, on motion of Charles E. Hendrickson, Jr., Receiver of defendant corporation, ordered, adjudged and decreed that the defendant corporation, Olympia Musical Automaton Company, be and the same is hereby dissolved, and that its charter be and the same is hereby declared forfeited and void.

This decree, however, is not to affect the lien, if any, of the franchise tax for the year nineteen hundred and four, claimed by the State of New Jersey.

W. J. MAGIE,
C.

Respectfully advised,
LINDLEY M. GARRISON,
V. C.

A true copy:
VIVIAN M. LEWIS,
Clerk.

Endorsed:
"Filed and recorded April 19, 1905.
"S. D. DICKINSON,
"Secretary of State."

IN CHANCERY OF NEW JERSEY.

BETWEEN THOMAS F. O'ROURKE, *Complainant,* AND HUDSON MACHINE AND PNEUMATIC TOOL COMPANY, *Defendant.*	On Bill, &c. Order.

It appearing by the petition of John M. Enright, the Receiver appointed in above cause, that it is no

longer necessary to preserve the corporate existence of the defendant corporation, and that unless said corporation is dissolved a franchise tax for the year nineteen hundred and five will in a short time become a burden upon the assets of said corporation, and it further appearing from the files in above cause that the debts of the corporation have not been paid or provided for, and that there does not remain sufficient capital to enable the defendant to resume its business, and that no application has been made to this Court to direct a re-conveyance to the defendant of its property, franchises and effects, and it further appearing that the order to show cause made herein on the thirty-first day of March, nineteen hundred and five, returnable this day, has been duly served as required by said order,

It is, on this twelfth day of April, nineteen hundred and five, on motion of Grey, McDermott & Enright, of counsel with Receiver, ordered, adjudged and decreed, and the Chancellor does by virtue of the power and authority of this Court and the statute in such case made and provided, order, adjudge and decree that the Hudson Machine and Pneumatic Tool Company be and the same is hereby dissolved, and that its charter be and the same is hereby declared forfeited and void.

W. J. MAGIE,
C.

Respectfully advised,
LINDLEY M. GARRISON,
V. C.

A true copy:
VIVIAN M. LEWIS,
Clerk.

Endorsed:
"Filed and recorded April 19, 1905.
"S. D. DICKINSON,
"Secretary of State."

IN CHANCERY OF NEW JERSEY.

BETWEEN CHAUNCEY H. STRICKLAND, *Complainant,* AND NATIONAL SALT COMPANY, *Defendant.*	On Petition, etc. Decree Dissolving Corporation.

Upon reading and filing the petition of Frank P. McDermott and Nathan S. Beardslee, Receivers of the National Salt Company, the above named insolvent corporation, and proof being made of the service of the order to show cause made on said petition upon the stockholders of said corporation, as directed by said order, bearing date the twelfth day of December, A. D. nineteen hundred and four, and sufficient cause appearing why the said corporation should be dissolved; and no cause appearing to the contrary,

IT IS THEREUPON, on this twenty-eighth day of December, in the year nineteen hundred and four, on motion of Charles W. Fuller, solicitor of the said Receivers, ordered, adjudged and decreed that the National Salt Company, the defendant corporation, be and the same is hereby dissolved, and its charter is hereby declared forfeited and void, according to the statute in such case made and provided.

W. J. MAGIE,
C.

Respectfully advised,
EUGENE STEVENSON,
V. C.

[SEAL]

I, Vivian M. Lewis, Clerk of the Court of Chancery of the State of New Jersey, the same being a Court of Record, do hereby certify that the foregoing is a true copy of the decree dissolving corporation, filed Dec. 29th, 1904, in a cause wherein Chauncey V. Strickland is complainant and National Salt Company is defendant, now on the files of my office.

IN TESTIMONY WHEREOF I have hereto set my hand and affixed the seal of said Court, at Trenton, this nineteenth day of April, A. D. nineteen hundred and five.

VIVIAN M. LEWIS,
Clerk,

Endorsed:

"Filed and recorded April 20, 1905.
"S. D. DICKINSON,
"Secretary of State."

IN CHANCERY OF NEW JERSEY.

BETWEEN SAMUEL B. THORNE, ET AL., *Complainant,* AND PARAGON GENERAL MANUFACTURING COMPANY, *Defendant.*	On Petition. Decree Dissolving Corporation.

This matter coming on before the Court in the presence of J. Merritt Lane, for the Receiver, and it appearing that due notice of the order to show cause, made by this Court upon the third day of April, A. D. nineteen hundred and five, has been given to the creditors and stockholders of the said corporation, and to the Attorney General of the State of New Jersey, in accordance with the direction of said order, and no one appearing for any stockholder or creditor, or for the Attorney General,

And it appearing to the Court that the said defendant corporation is hopelessly insolvent and without any prospect of being able to resume its business, or to become entitled to be relieved from the injunction heretofore granted in this cause, restraining it from the exercise of its franchises,

It is, on this tenth day of April, A. D. nineteen hun-

dred and five, ordered, adjudged and decreed that the said defendant corporation, the Paragon General Manufacturing Company, be and the same is hereby dissolved, and its charter is declared forfeited and void.

W. J. MAGIE,
C.

Respectfully advised,
EUGENE STEVENSON.

I, Vivian M. Lewis, Clerk of the Court of Chancery of the State of New Jersey, the same being a Court of Record, do hereby certify that the foregoing is a true [SEAL] copy of decree dissolving corporation, filed Apr. 19, 1905, in the cause wherein Samuel B. Thorne is complainant and Paragon General Manufacturing Co. is defendant, now on the files of my office.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed the seal of said Court, at Trenton, this twenty-first day of April, A. D. nineteen hundred and five.

VIVIAN M. LEWIS,
Clerk.

Endorsed:
"Filed and recorded April 24, 1905.
"S. D. DICKINSON,
"Secretary of State."

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