

- Name and organization of the active militia. 3. That hereafter the active militia of this state shall be known as "the national guard of New Jersey," and shall consist of not more than forty-eight companies of infantry and one battery of artillery, to be organized into two brigades, and comprised in one division.
- Companies, how officered. 4. That hereafter there shall be to each company of infantry of the national guard one captain, one first lieutenant, one second lieutenant, and not less than fifty or more than eighty enlisted men, from which number of enlisted men there may be selected not more than five sergeants, five corporals, and two musicians; and all acts or parts of acts inconsistent with the provisions of this section be and the same are hereby repealed.
- Parades, &c. 5. That every company of the national guard shall be paraded at least four times in every year, and one of said parades shall be by brigade, when so ordered by the commander-in-chief; but no military encampment of the national guard or state militia shall be allowed or provided for at the expense of the state, except when it may be necessary to repel invasion, or subdue insurrection or riot, or when called to aid the civil authority in the preservation of the public peace or the enforcement of law, or when called into active service by the president of the United States.
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 2. Illegal assessments to be refunded.
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I. Assessments for improvements, taxes, &c.

An act relating to arrears of taxes in cities, towns and townships of this state, and to the payment thereof.

Approved February 12, 1877. P. L. 1877, p. 11.

1. That it shall be lawful for the board of aldermen, or common council, or board of finance of any incorporated city of this state, or of the town council or township committee, to authorize and direct the collector and receiver of taxes, and other proper officer and officers of such city, town or township, to receive and collect, upon all taxes remaining due and unpaid, in whole or in part, in such city, town or township, on the date of the passage of this act, and which shall be paid on or before the thirty-first day of December, eighteen hundred and seventy-seven, interest not to exceed the rate of twelve per centum per annum, from the date on which such taxes became due and payable; and in such case no other interest or penalties on such taxes paid within the time aforesaid shall be collected; but in cases of sales of land for taxes heretofore assessed, the cost of advertising and auctioneer's fees shall be charged and collected on property which has been sold for any of such taxes, and upon the payment of such taxes and interest and costs as aforesaid, at or before the time before mentioned, the proper officers or authorities of said cities, towns or townships shall respectively cancel and surrender any certificate of sale of property which may have been sold for such taxes, and which may then be held by any of said cities, towns or townships; the boards of aldermen or common councils of said cities or said town council or township committee may determine, by a general order or resolution, what rate of interest, not less than seven nor more than twelve per centum per annum, shall be paid on such past due taxes as aforesaid; *provided, however,* that nothing in this act contained shall authorize the receipt, under the provisions of this act, of any such taxes, in cases where land or real estate has been sold for such taxes and bought by any other person than said city, town or township, or some officer thereof for the use of such city, town or township, nor shall any lien upon real estate for taxes be released or affected, nor shall any sale of any real estate for taxes, or the delivery of any certificate or declaration of sale or deed therefor, be stayed or delayed by anything in this act contained.

Penalties on unpaid taxes remitted on payment of interest.

In cases of sale, fees to be added.

Proviso.

An act relating to the refunding, by municipal corporations in this state, of moneys paid to said corporations by owners of property for assessments for benefits for local improvements, in certain cases.

Passed February 27, 1877. P. L. 1877, p. 23.

WHEREAS, large numbers of assessments for local improvements in different cities of this state have been heretofore, and may be hereafter, entirely or partially set aside by the courts of this state having jurisdiction thereof, or other competent authority, by reason of defects in the laws under which said assessments were made, or for other cause, or have been illegally made; *and whereas,* in many instances considerable sums of money have been, and may be hereafter, paid by the owners of property

Preamble.

assessed for said improvements to the proper receiving officers of said cities, which sums of money said cities may be legally liable to refund to said owners so paying said assessments heretofore set aside or that may be hereafter set aside as aforesaid, or that may have been illegally made; *and whereas*, great and unnecessary embarrassment will arise to said cities, and the taxpayers thereof, if said cities are compelled to refund at once to said persons so paying or having paid, as aforesaid, the said moneys assessed for said improvements, and it is therefore desirable and proper that said cities should be authorized to delay repayment of said money until such time as re-assessments for benefits for said local improvements may be made, in conformity with existing laws; *provided*, said re-assessments are made within a reasonable time, and to set off as against such repayment the amount of any such re-assessment made for benefits for said local improvements; therefore,

Illegal assessments to be refunded.

Refunding to be stayed until new assessments made.

Proviso.

2. SEC. 1. That in all cases where assessments for benefits for local improvements in the cities of this state have been, or may hereafter be, set aside by the courts of this state, or other competent authority, by reason of defects in the laws under which said assessments were or shall be made, or for other cause, or have been made under the provisions of any law of this state, which provisions have been declared by the courts thereof to be unconstitutional and void, and owners of property assessed for said improvements have paid, or may hereafter pay, to said municipal corporations, the sums of money so assessed against them for benefits for local improvements, or part thereof, the moneys so as aforesaid paid by any owner assessed as aforesaid, who shall now be legally entitled to recover the amount paid as aforesaid, shall be refunded by said municipal corporations so receiving the same; but the refunding and collection of said sums of money paid for assessments for said local improvements, and the further prosecution of any suits now pending to recover such sums of money, shall be stayed and delayed until such time as a re-assessment for benefits for said local improvements shall have been made by commissioners or other persons lawfully appointed and authorized to make the same; *provided, however*, that interest upon the sums of money so paid as aforesaid for assessments for local improvements set aside or illegally made as aforesaid shall be collected on final settlement from said municipal corporations to the extent and no further that said parties would now be entitled to recover the same up to the time of final adjustment; *and provided further*, that where assessments for benefits for local improvements have been heretofore set aside for the causes aforesaid, or have been illegally assessed as aforesaid, said re-assessment for said improvements shall be made and completed within two years from and after the passage of this act; and, in cases where assessments for benefits for local improvements shall be hereafter set aside for the causes aforesaid, said re-assessments for said improvements shall be made and completed within two years from the date of the setting aside of said assessments; *and provided further*, that nothing in this act contained shall affect in any way the validity of any assessment or re-assessment for benefits for local improvements heretofore made; but in cases where said re-assessments are made and completed prior to the time limited in this act for the refunding of said moneys, the said moneys so as aforesaid paid shall become due and payable at once upon the ratification of said re-assessments, and shall be applied in settlement of said re-assessments; and said re-assessment, with legal interest thereon from the time the said re-assessment is confirmed, shall be a lawful set-off by the said municipal corporation as against the amount legally recoverable by the person entitled to recover any money paid on any such original assessment, set aside or void as aforesaid, and the same may be pleaded in any action that is now, or may hereafter be, pending at any time after such re-assessment is made and confirmed as aforesaid; *and provided further*, that if any writ of *certiorari* be granted to review any such re-assessment, or part thereof, the time to plead the set-off by said municipal corporation shall be extended until after the final determination of said *certiorari*.

Act applicable to pending suits.

3. SEC. 2. That the provisions of this act are hereby declared to be applicable to all suits now pending in any court of this state for the

collection of moneys paid by any owner of property, or other person representing said owner, for assessments for benefits for local improvements which have been heretofore set aside as aforesaid; *provided, however,* that all costs incurred by the plaintiffs in such suits, at the time of the passage of this act, shall be paid by the respective defendants therein.

Proviso.

4. SEC. 3. That any person claiming from any city the repayment of any money paid by him or his assignor for such assessment may give notice in writing to said city of his desire that such money be applied by said city to cancel or reduce the indebtedness of said person to said city upon any other assessment, and thereupon said city shall apply any balance found due to the person giving such notice upon the re-assessment and adjustment in this act directed for the purposes specified in such notice; and the application of such balance upon the assessments specified in such notice shall be considered as made at the time of the receipt of such notice by said city.

Money may be applied to other assessments.

An act in relation to cities incorporated within the limits of townships but not set off therefrom.

Approved March 1, 1877. P. L. 1877, p. 38.

5. SEC. 1. That all cities in this state incorporated within the limits of townships but not set off therefrom by territorial boundaries, and which by their charters are exempt from assessment of taxes for township purposes, be and they are hereby declared separate and distinct from the township in which they are situated.

Cities declared distinct townships.

A further act in relation to assessments in cities.

Approved March 7, 1877. P. L. 1877, p. 55.

6. SEC. 1. That whenever the costs, damages and expenses of any improvement other than for the laying of sidewalks in any city in this state have been assessed wholly upon the line of such improvement, or wholly upon the owners of the lands along such line, the common council, or other legislative body, of such city, or any commissioners of streets and sewers in said city or the board of finance and taxation in any city where such board exists, may vacate and set aside by resolution all the proceedings in relation to such void assessment; and in order to provide for the payment of the costs, damages and expenses of such improvement, an assessment of such costs, damages and expenses may be levied by the officers of such city, or any commissioners in said city, qualified by law to make such assessments in the first instance at any time within two years from and after the passage of this act; and in making such assessment the person or persons authorized to make the same shall assess upon all the tracts or lots of land and real estate benefited by such improvement such proportion of such costs, damages and expenses as will be equal to the amount of benefits actually acquired by said lands and real estate from such improvement, proportioned equitably to the benefit each of such tracts or lots shall be deemed to acquire; and the balance of such costs, damages and expenses, if any, remaining unassessed, shall be a debt upon and paid by such city out of moneys provided for that purpose by the legal authorities of such city, according to the provisions of any law of this state.

When assessments may be vacated and set aside by resolution, &c.

To provide for payment of costs, damages and expenses of improvements.

7. SEC. 2. That any assessment for any improvement, other than for the laying of sidewalks, or such as are mentioned in the first section of this act, whether the same has been confirmed by such city council or other legislative body or any other board in said city or not, or commissioners in said city, may be vacated and set aside by such legislative body, or commissioners of streets and sewers, or said board of finance and taxation in cities where such board exists, by resolution, and a re-assessment made as if such assessment so vacated had never been made; *provided,* that no such assessment shall be so set aside after the whole assessment for the improvement shall have been paid.

Re-assessment may be vacated and set aside.

Proviso.

8. SEC. 3. That where any assessment for any improvement, except the laying of sidewalks, which has been heretofore made, or shall hereafter be made, in any such city, shall be in the judgment of the commissioners

Providing for rebate of assessments.

of the sinking fund of such city, if there be any, or, if there be none, then of the city council or other legislative body thereof, or of any commissioners of streets and sewers in said city, or of the board of finance and taxation in cities where such board exists, greater than the benefits conferred upon the lands assessed by the improvement for which the assessment is made, such sinking fund commissioners or legislative body, or commissioners of streets and sewers, or such board of finance and taxation, as the case may be, may agree with any or all of the owners of lands so assessed for a rebate of such assessments, either from the specific assessments upon such lots respectively, or by a rebate of a certain percentage from the whole of such assessment, which rebate shall be authorized by a resolution of such sinking fund commissioners, or legislative body, or commissioners of streets and sewers, or by said board of finance and taxation in cities where such board exists, as the case may be, to be approved by the mayor or other chief executive officer of such city in cases in which the rebate shall be authorized by such legislative body, or commissioners of streets and sewers in said city, or such board of finance and taxation; and in cases in which it shall be authorized by such sinking fund commissioners or said board of finance and taxation to be approved both by such chief executive officer and by the legislative body of such city, or commissioners of streets and sewers in said city, or by said board of finance and taxation, by the votes of a majority of such body or board; and the said sinking fund commissioners, or said board of finance and taxation, if there be any, or, if there be none, such legislative body or such commissioners of streets and sewers may agree on the part of such city with the owner or owners of any land so assessed for the payment or composition of any such assessments, which agreements shall in all cases be approved in like manner as such resolutions authorizing a rebate of any assessment, and all such agreements shall be good and effectual in law between the parties thereto.

Lands bought in by city and unredeemed may be sold at public auction.

Proviso.

9. Sec. 4. That in all cases in which any lands have been sold by any city to raise and pay any assessments or taxes levied upon the same, and such city has bought such lands at such sales, and the time for the redemption of the same from the effect of such sales under the provisions of the charter of such city has expired, the common council or other legislative body of such city, or said board of finance and taxation in cities where such board exists, may authorize the sale at public auction of all the estate of such city in such lands; and upon such sale being made, a deed of conveyance of such estate shall be executed to the purchaser under the signature of the mayor or other chief executive officer and the seal of such city, to be attested by the clerk of such city as a subscribing witness; *provided*, that no such sale shall be had until the same shall have been advertised four weeks in one newspaper published and circulating in such city, once in each week.

An act to authorize incorporated cities in the state of New Jersey to adjust and compromise certain past due taxes.

P. L. 1877, p. 117.

Approved March 9, 1877.

Preamble.

WHEREAS, certain taxes heretofore levied within cities in this state have been illegally assessed or made,

Providing for adjustment of unpaid and past due taxes.

Proviso.

10. SEC. 1. That it shall be lawful for the board of aldermen or common council of said cities respectively, or any committee of said board of aldermen or common council, of not less than three in number, for that purpose by resolution appointed, to examine, revise, alter, adjust and compromise all or any such past due taxes in said cities respectively, the justness and legality of which may be disputed by any person or persons, or corporation; *provided, however*, that in all cities where there exists a board of finance and taxation, or commissioners of the sinking fund, that such board or commissioners, as the case may be, shall exercise said powers in lieu of said board of aldermen or common council; and in all cases the final action of such committee, board of finance and taxation or commissioners upon any case arising under this act shall, before the same shall become valid, be approved by the board of aldermen or common council of said cities respectively.

11. SEC. 2. That any person or persons, or corporation, separately or collectively, aggrieved by any such past due taxes in any said city, may present to said board of aldermen or common council, or board of finance and taxation, or commissioners of the sinking fund of said city in which such disputed past due tax exists, a petition, therein stating his or their objections to the same and praying for relief; and upon so presenting such petition the past due tax so objected to shall be considered to be disputed, so as to give any such board of aldermen, or common council, or board of finance and taxation, or commissioners of the sinking fund, or any committee thereof, duly appointed by resolution of said board of aldermen, or common council, or board of finance and taxation, or commissioners of the sinking fund, jurisdiction to revise, alter, adjust and compromise the said past due tax as shall be equitable and just; and that every such past due tax which shall be so revised, altered, adjusted and compromised shall be final and conclusive between every such person or persons, or corporation, so objecting, and the city in which such past due tax shall be revised, altered, adjusted and compromised.

Proceedings on petition for relief.

12. SEC. 3. That the proceedings of every of the said board of aldermen, or common council, or board of finance and taxation, or commissioners of the sinking fund, or the duly appointed committee thereof, shall be signed by the presiding officer of such board of aldermen, or common council, or board of finance and taxation, or commissioners of the sinking fund, if had before them, or if before a committee thereof, as herein authorized, then by the said committee, or a majority of them, and filed in the office of the officer of the said city in which such proceedings shall be had, with whom such tax was filed before such revision; and when such proceedings shall be so filed, the said past due tax as revised, altered, adjusted and compromised, shall be and remain a lien upon the property on account of which said tax had been originally levied and assessed, and shall be collected in the manner provided for the collection of taxes in said cities respectively; *provided, however*, that any person or persons, or corporation, desiring to have the benefit of this act shall file his or their petition or petitions therefor within six months from the date of the passage of this act; *provided, however*, that nothing in this act shall be held to alter or affect the rights or remedies at law or in equity of any person so petitioning, or of such city as they existed at the time of filing said petition, unless settlement shall be actually agreed to and effected; *provided, however*, that this act shall not apply to cities containing less than thirty thousand or more than one hundred thousand inhabitants.

Proceedings to be signed by presiding officer and filed in the office where such proceedings are had.

Proviso.

An act to amend an act entitled "A further act in relation to assessments in cities," approved March seventh, eighteen hundred and seventy-seven.

Approved March 9, 1877. P. L. 1877, p. 174.

13. SEC. 1. That the first, second and third sections of the act to which this is a supplement, which are in the following words: (*Vide ante*, p. 1357), shall not extend or apply to any assessment acted upon, made or determined by virtue of the act entitled "An act to adjust unpaid assessments in Jersey City," approved March twenty-sixth, eighteen hundred and seventy-three, nor to any assessment acted upon, made or determined by virtue of an act entitled "An act to adjust unpaid assessments in the city of Paterson," approved April ninth, eighteen hundred and seventy-five.

Not to extend or apply to Jersey City or the city of Paterson.

An act relating to the refunding, by commissioners of streets and sewers, or any other commissioners in any city in this state, of moneys paid to any such commissioners by owners of property for assessments for benefits, for local improvements, where said assessments have been subsequently set aside.

Approved March 9, 1877. P. L. 1877, p. 183.

WHEREAS, large numbers of assessments for local improvements in different cities of this state have been heretofore, and may be hereafter, entirely set aside by the courts of this state having jurisdiction thereof, or other competent authority, by reason of defects in the laws under which said assessments were made, or for other cause, or have been illegally made; and whereas, in many instances considerable sums of

Preamble.

money have been and may be hereafter, paid by the owners of property assessed for said improvements to commissioners of streets and sewers in said cities, which sums of money said cities or said commissioners may be legally liable to refund to said owners so paying said assessments heretofore set aside, or that may be hereafter set aside as aforesaid; *and whereas*, great and unnecessary embarrassment will arise to said cities, and the taxpayers thereof, if said cities or said commissioners are compelled to refund at once to said persons so paying or having paid, as aforesaid, the said moneys assessed for said improvements, and it is therefore desirable and proper that said cities or said commissioners, as the case may be, should be authorized to delay repayment of said money until such time as re-assessments for benefits for said local improvements may be made in conformity with existing laws; *provided*, said re-assessments are made within a reasonable time; therefore,

Money paid on illegal assessments to be refunded.

14. SEC. 1. That in all cases where assessments for benefits for local improvements in the cities of this state have been, or may hereafter be set aside by the courts of this state, or other competent authority, by reason of defects in the laws under which said assessments were or shall be made, or for other cause, or have been made under the provisions of any law of this state which have been declared by the courts thereof to be unconstitutional and void, and owners of property assessed for said improvements have paid, or may hereafter pay, to commissioners of streets and sewers in any city the sums of money so assessed against such owners or their real estate for benefits for local improvements, or part thereof, the moneys so as aforesaid paid by any owner assessed as aforesaid, who shall be legally entitled to recover the amount paid as aforesaid, shall be refunded by said commissioners so receiving the same; but the refunding and collection of said sums of money paid for assessments for said local improvements shall be stayed and delayed until such time as a re-assessment for benefits for said local improvements shall have been made by such commissioners or by other commissioners or other persons lawfully appointed and authorized to make the same; *provided, however*, that interest upon the sums of money so paid as aforesaid for assessments for local improvements set aside as aforesaid, shall be collected on final settlement from said commissioners at the rate of seven per centum per annum, from the date of the payment of said assessments up to the time of final adjustment; *and provided further*, that where assessments for benefits for local improvements have been heretofore set aside for the causes aforesaid, or have been illegally assessed as aforesaid, said re-assessment for said improvements shall be made and completed within two years from and after the passage of this act; and in cases where assessments for benefits for local improvements shall be hereafter set aside for the causes aforesaid, said re-assessments for said improvements shall be made and completed within two years from the date of the setting aside of said assessments; *and provided further*, that nothing in this act contained shall affect in any way the validity of any re-assessment for benefits for local improvements heretofore made; but in cases where said re-assessments are made and completed prior to the time limited in this act for the refunding of said moneys, the said moneys so as aforesaid paid shall become due and payable at once upon the ratification of said re-assessments, and shall be applied in settlement of said re-assessments, and the balance, if any, in favor of the person so paying, refunded.

Proviso.

Act applicable to pending suits.

15. SEC. 2. That the provisions of this act are hereby declared to be applicable to all suits now pending in any court of this state for the collection of moneys paid by any owner of property, or other person representing said owner, for assessments for benefits for local improvements which have been heretofore set aside as aforesaid; *provided, however*, that all costs incurred by the plaintiffs in such suits, at the time of the passage of this act, shall be paid by the respective defendants therein.

Proviso.

II. Bonded indebtedness.

An act authorizing the incorporated cities, towns and townships of this state to renew matured and maturing bonds.

Approved March 8, 1877. P. L. 1877, p. 88.

16. SEC. 1. That whenever any bonds heretofore legally issued by any incorporated city, town or township in this state, under the authority of law, are now due and unpaid, or shall hereafter become due, the board of aldermen or common council, or township committee of any such city, town or township may renew ninety-six and two-thirds per centum of said indebtedness or any less part thereof by the issuing of the bonds of said city, town or township for that purpose; which bonds shall be made payable at periods of time not exceeding thirty years from the date of issuing the same, and shall draw such rate of interest, not exceeding seven per centum per annum, and be issued in such sums as the board of aldermen, common council or township committee of any such city, town or township shall by ordinance or resolution determine; which bonds shall be of the denomination of not less than fifty dollars, nor more than one thousand dollars, and shall be executed under the corporate seal of said city, town or township, and the signature of the mayor or chairman of the township committee thereof, and shall have coupons attached for every half-year's interest until due; which coupons shall be signed by the said mayor or chairman and numbered to correspond with the bond to which they shall respectively be attached, and all the bonds issued under this act shall be numbered, and a register of such numbers, the date of issuing and the time of payment, shall be made by the said mayor or chairman of said city, town or township, in a book to be provided for that purpose.

Amount of indebtedness for which bonds may be renewed.

When payable.

How executed.

17. SEC. 2. That the debt hereby authorized and the interest thereon shall be raised and paid by a tax annually levied and collected as other city, town or township taxes are now or may be hereafter levied and collected; and the whole of each year's interest shall be so raised, levied, collected and paid within each year; and the board of aldermen, common council or township committee of any said city, town or township may dispose of said bonds at either public or private sale for the best price that can be obtained for the same, but not at a less price than par value; and said bonds and all moneys derived from the sale thereof shall be inviolably applied and used for the payment of the said maturing bonds.

Amount to be raised by annual tax.

Bonds not to be sold for less than par value.

An act to authorize cities to issue bonds to fund obligations incurred for street improvements.

Approved March 9, 1877. P. L. 1877, p. 150.

18. SEC. 1. That it shall be lawful for the governing body of any city in this state to issue bonds of the said city, under the signature of the mayor and city clerk, and with the corporate seal affixed, and countersigned by the proper financial officer of said city, to be styled "street improvement bonds," the aggregate amount of which said bonds shall not at any time exceed two per centum of the amount of the assessed taxable valuation of the said city for the preceding year; the said bonds to be issued in such sums, payable at such time or times, not longer than ten years, and bearing interest, payable semi-annually, at a rate not exceeding seven per centum per annum, as the governing body of such city shall by ordinance prescribe.

Issue of street improvement bonds authorized.

19. SEC. 2. That the proceeds of the said bonds shall be appropriated only to the payment and cancellation of indebtedness incurred by such cities for street improvements, and all moneys received as principal and interest on account of assessments for any street improvement for which such bonds are issued, are hereby pledged and appropriated for the payment of the principal and interest of the bonds hereby authorized to be issued; in cities where there are commissioners of the sinking fund then they shall be pledged and appropriated to the said commissioners for the said purpose.

Proceeds, how appropriated.

20. SEC. 3. That it shall be the duty of the said commissioners of the sinking fund in any such city to pay the interest on the above mentioned bonds, as the same shall fall due, and all surplus money that may come into their hands above the amount needed to pay the interest as aforesaid,

Payment of interest.

shall be safely invested by them and applied to the payment of the said bonds as they shall fall due; and in any city where no commissioners of the sinking fund are in existence, the governing body of such city may perform the duties hereby prescribed for such commissioners, or may designate by ordinance a board to perform such duties, and may appoint by resolution the members of such board; *provided, however*, that this act shall not apply or affect cities of this state having upwards of seven thousand inhabitants.

A further act concerning cities.

P. L. 1877, p. 185.

Approved March 9, 1877.

Cost of buildings to be paid by general tax. 21. SEC. 1. That in all cases where school houses or engine houses in any city, have been heretofore built, or are now in process of construction, and no appropriation is in existence to pay for the same, the cost of such buildings shall be borne by the city at large, and paid by general tax.

May issue bonds. 22. SEC. 2. That in all cases mentioned in the first section of this act, it shall be lawful for the board that has ordered the erection of the buildings as provided in the first section of this act, to request the board of finance and taxation, or other board or department, having the control of the finances in any city, to issue, and such board or department on such request may issue the bonds of the said city for the purpose of raising the whole or any part of such cost, to be borne and paid as aforesaid, which bonds shall be in such sums, and shall run for such times, as the board of finance and taxation or other board or department having charge of the finances of said city shall direct; and said bonds shall bear interest not exceeding seven per centum per annum, and shall be sold not less than par, and the proceeds thereof shall be applied to defraying the cost aforesaid.

Bonds not to be sold less than par.

Not to apply to certain cities.

23. SEC. 3. That the provisions of this act shall not apply to cities having a population of less than fifty thousand inhabitants, and that nothing in this act shall be construed to authorize the issue of bonds in any city, the debt of which is now limited by law.

A supplement to an act entitled "An act concerning cities," approved April twenty-first, one thousand eight hundred and seventy-six.

P. L. 1877, p. 196.

Approved April 21, 1877.

24. SEC. 1. That section one of an act entitled "An act concerning cities," approved April twenty-first, one thousand eight hundred and seventy-six, which reads as follows: (*Vide ante*, p. 716), be amended to read as follows:

May borrow money to provide for unfunded or floating indebtedness, and issue bonds therefor.

That hereafter it shall be lawful for any city within this state, by and through its common council or its board of finance or finance department from time to time to borrow money for the use of said city, in such sums as they may think best, to provide for present unfunded or floating indebtedness, or in anticipation of the collection of taxes or of assessments for benefits for street or sewer improvements in arrears in such city, not to exceed at any time, the amount thereof in arrear, either by temporary loans or by the issue of bonds not to exceed ten years to run, and to issue proper evidences of indebtedness or bonds therefor, to be signed by the mayor, sealed with the city seal and attested by the city clerk, and the said evidences of indebtedness and the said bonds shall be in such form as said common council, board of finance or finance department shall fix and determine, and the bonds may be either registered or coupon bonds or both, as may be determined by such board or department, such bonds to bear interest at not exceeding seven per centum per annum, payable as such board or department may direct; *provided, nevertheless*, that said bonds shall not be sold for less than ninety-five per centum of their par value.

Payment of principal and interest of bonds, how provided for.

25. SEC. 2. That all moneys received as principal and interest on account of said taxes and assessments in arrears, for the arrearage of which bonds shall be issued by virtue of the provisions of this act, are hereby pledged and appropriated to the commissioners of the sinking fund of said cities, where such commissioners exist, for the payment of the principal and interest of the bonds hereby authorized to be issued.

26. SEC. 3. That whenever any owner of lands in any city within this state has or shall give a bond to such city for the payment of any assessment levied against his or her lands, and shall desire to have a portion of said lands released from such bond and the assessment for which it is given, and shall proceed and obtain an apportionment of such assessment under the provisions of the act entitled "An act to authorize the apportionment of taxes, assessments and water rents," approved April twenty-first, one thousand eight hundred and seventy-six, so as to determine the amount of said assessment upon the land to be released, then it shall be lawful for such city to receive the amount so apportioned on account of said bond, and release such proportion of such lands from such bond and the assessment for which it is given.

Proceedings for release of portion of lands from bond and assessment.

27. SEC. 4. And that nothing in this act shall be construed to permit the increase of indebtedness in any city whose debt is now limited by law, and in any city wherein there is a board of finance or finance department the powers in this act conferred shall be exercised by such board or department and not by the council, and that this act shall take effect immediately.

Not applicable to certain cities.

An act in reference to the mode of payment of interest on the indebtedness of cities.

Approved March 9, 1877. P. L. 1877, p. 296.

28. SEC. 1. That it shall be lawful hereafter for the board of finance and taxation, or other board or department having charge of the finances of any city, to prescribe by resolution the mode and manner of payment of all interest that may fall due on any city indebtedness, whether the same be interest on bonds registered or coupon, or upon any other class or character of indebtedness.

Manner of payment of interest to be prescribed by resolution.

III. Officers.

An act concerning cities.

Approved March 8, 1877. P. L. 1877, p. 83.

29. SEC. 1. That the common council of any city of less than ten thousand inhabitants where they now have a city marshal elected by the people, may annually hereafter appoint, in lieu of such election, by a majority of the whole number of its members, at their first stated meeting after their organization, or as soon thereafter as possible, a city marshal, who shall serve for one year, unless sooner removed by order of council; said marshal shall possess all the powers, perform all the duties required to be done by any marshal now elected by the people.

Appointment of city marshal in cities of less than ten thousand inhabitants.

An act relative to the election of constables in incorporated cities and towns.

Approved April 6, 1876. P. L. 1876, p. 82.

30. SEC. 1. That at the annual charter elections in each of the incorporated cities and towns of this state, which are or may be divided into wards, the voters of each ward may elect one constable therein; *provided*, that this act shall not apply to any incorporated city or town in which the number of constables in each ward is fixed by the charter thereof.

Election of constable. Proviso.

An act for the regulation of salaries of city treasurers.

Approved March 9, 1877. P. L. 1877, p. 159.

31. SEC. 1. That in any case where by the act of incorporation of any city, or any supplement thereto, the salary or compensation of the city treasurer shall be fixed at the sum of five hundred dollars, it shall be lawful for the mayor and council or board of aldermen to fix by resolution the salary or compensation of said treasurer; *provided*, the same shall not exceed the sum of two thousand five hundred dollars; *and provided, further*, that the salary or compensation of such city treasurer which has been so fixed as aforesaid, shall not be increased during the continuance of the term of office of such treasurer.

Compensation of treasurer.

Proviso.

An act relating to the giving of official bonds by certain city officials.

P. L. 1877, p. 164.

Approved March 9, 1877.

Member of board when elected by the people to give bonds.

32. SEC. 1. That no member of any board of works, police board or fire board, in any city in this state, where the members of such board are elected by the people of said city or any district therein, shall become a member of any such board unless he shall first give a bond with good and sufficient sureties in the sum of fifteen thousand dollars, conditioned for the faithful performance of the duties of his office, the said bond to be approved and accepted by the board of finance and taxation of said city, or in the absence of such board, the finance department of said city; and on failure for thirty days to give such bond, there shall be deemed to be a vacancy in such board as to said member so failing to give such bond.

Failure to give bonds to be deemed a vacancy, &c.

An act to authorize the municipal authorities of the cities in the state of New Jersey to fix and regulate the salaries of their officers.

P. L. 1877, p. 225.

Approved March 9, 1877.

Annual salaries of city officers to be fixed by ordinance.

Proviso.

33. SEC. 1. That it shall be lawful for the board of aldermen or common council of any incorporated city of this state, to fix by ordinance the annual salary of each person elected by the people or appointed by such board of aldermen or common council to any office in any such city, and the time and the manner of the payment thereof; *provided*, that the salary of the members of such board of aldermen or common council shall not be increased beyond the amount now fixed by law for said boards respectively; *and provided further*, that nothing in this act shall be construed to authorize the payment of a salary to any city officer not now entitled by law to receive a salary, but the salary of no city officer shall be altered during the term for which he has been or may be appointed; *provided*, that no salaries of officers or clerks in the finance department of any city wherein there are now commissioners of the sinking fund established by law, whether such salaries are fixed by statute or otherwise, shall be changed without the consent of a majority of such commissioners.

Salary not to be changed during the fiscal year.

34. SEC. 2. That no salary, when so fixed by ordinance, shall be changed during the fiscal year for which it shall have been fixed, but said board of aldermen or common council may, at the commencement of any fiscal year, by ordinance, change any such salary as in the judgment of said board of aldermen or common council the welfare of the said city may require.

Act not to apply to certain cities.

35. SEC. 3. That this act shall take effect immediately, but this act shall not apply to cities having over fifty thousand inhabitants, nor shall this act be construed to apply to the salaries of teachers in any of the public schools of this state.

IV. Relief of poor.**An act to provide for the further relief of the poor.**

P. L. 1877, p. 17.

Approved February 20, 1877.

Appropriation for poor may be increased.

Proviso.

36. SEC. 1. That where the appropriation now made for the aid and relief of the poor in cities, boroughs and towns having five thousand inhabitants and upwards, has been already expended, or is or may be inadequate and insufficient for the necessary relief of the suffering and destitute poor, it shall be lawful for the board of finance of any such city or town, or in the absence of such board, then the common council or other authority or board of any such city, borough or town, to increase said appropriation at any time during the fiscal year for which the same was made, in such amount as by said board or common council, as the case may be, may be deemed reasonably necessary for the purpose of such aid and relief; *provided*, such additional appropriation shall not exceed ten thousand dollars; *and provided further*, that it shall be the duty of such board or common council thus making appropriation, to adopt and enforce such measures and regulations respecting the disbursing such appropriation, or otherwise relieving the poor, in amount thereof, as in their judgment will seem a prudent, wise and economic expenditure of such appropriation and afford the desired aid to the poor.

37. SEC. 2. That said board or common council is hereby authorized to borrow the amount of money which such board or common council may by this act appropriate for the purpose of such appropriation in anticipation of taxes next thereafter to be levied and to issue proper evidence or evidences of indebtedness therefor, to be signed by the mayor, sealed by the city, borough or town seal and attested by the clerk, and the said board or common council, as the case may be, shall provide for the repayment of the said borrowed money in the tax levy to be made next thereafter unless the same be previously paid, and it is hereby made the duty of said mayor to sign and the said clerk to attest and seal with the corporate seal such evidence of indebtedness the issue of which may be ordered under this act as herein provided.

Money may be borrowed.

V. Water works.

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 21, 1876. P. L. 1876, p. 318.

38. SEC. 1. 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 in this state having a population of not more than fifteen thousand, and not less than two thousand inhabitants, and for the purpose of supplying such city, town or village, and the inhabitants thereof, with water.

Formation of company.

39. SEC. 2. That such persons desirous of forming a company for such purpose, shall make, sign and acknowledge before some officer authorized to take such acknowledgment of deeds, a certificate in writing, which shall state the corporate name adopted by the company, the amount of the capital stock, the term of its existence, the number of directors, the names of those who shall manage the affairs of the company for the first year, or until their successors are elected and qualified, and the name of the city, town or village in or for which such works are to be constructed and the business of the company carried on, such certificate shall be filed in the office of the secretary of state, together with the consent in writing of the corporate authorities, if any, of the town or city proposed to be supplied with water.

Certificate to be filed in office of secretary of state.

40. SEC. 3. That when such certificate and consent shall have been filed as aforesaid, the persons who shall have signed and acknowledged the same and their successors shall be a body politic and corporate, and shall have power as such to take and divert any and all such springs and streams of water, and build, erect, alter, repair, enlarge and maintain all such reservoirs and works, and lay down all such pipes and conduits for water, at such times and in such places as shall be necessary and proper to enable said corporation to carry into effect the purposes of its incorporation.

On filing certificate, persons signing to be body corporate.

41. SEC. 4. That it shall be lawful for such corporation to enter upon any and all lands in the neighborhood of the village, town or city which it is intended to supply with water and to make all such preliminary examinations, explorations, measurements and levellings as may be necessary and proper for its corporate purposes, doing thereby as little damage as possible to the owner or owners.

May enter upon lands, &c.

42. SEC. 5. That in case said corporation cannot agree with the owner or owners, or other persons interested in any lands which said corporation may desire to take, use and occupy, or from which they may desire to take or divert, either in whole or in part, any spring or springs, stream or streams of water, for the purposes of its corporation, as to the amount of compensation to be paid to such owner or owners for such taking, use, occupation or diversion, it shall be lawful for any justice of the supreme court of this state, upon application by said corporation; and upon two weeks' previous notice, served in person, or by leaving at the dwelling house, or usual place of abode of such owner or owners, or, in case of absence from the state, or legal disability, published in a newspaper published nearest to the lands in question, to appoint three disinterested

Proceedings if company and owners cannot agree as to amount of compensation to be paid, &c.

Court to appoint commissioners.

commissioners, resident of the county in which said lands are situated, to assess and ascertain the value of the lands so proposed to be taken, used and occupied; and the damages to be done to any lands by the laying down of such pipes, and erection and maintenance of such works, and by the diversion, total or partial, as the case may be, of said springs and streams of water; which commissioners shall appoint a time and place at which they shall meet to execute the duties of their appointment, and shall cause two weeks' notice thereof to be given to the parties interested therein, either by personal service, or by publication in a newspaper published in the county where such lands may lie; at which time and place the said commissioners shall meet and view the premises, and hear the parties interested, and take evidence, if any be offered, and for that purpose shall have power to administer oaths or affirmations, and to adjourn from day to day, and in case of the refusal or failure of either or any of said commissioners to attend and perform their said duties the said judge shall have power to appoint another or other disinterested person or persons as commissioners to act in the place of such absent commissioner or commissioners; and the said corporation shall make and exhibit to the said commissioners at their meeting aforesaid for the use of the parties interested, a statement and description in writing, or by drawings or maps, or both, of the lands and streams by them sought to be taken or diverted as aforesaid, and of the use, occupation of, and excavations upon any lands by them sought to be made; and the said commissioners shall thereupon ascertain and assess the value and damages aforesaid, and shall execute under their hands and seals, or the hands and seals of a majority of them, an award to said corporation of the lands, rights and privileges by them sought in the statements and description aforesaid, stating therein the amount of damages and compensation therefor by them assessed in favor of such owner or owners, which award shall be by them acknowledged and filed in the county clerk's office, and by him recorded in the registry of deeds; *provided always*, that if any real estate, the owner or owners of which shall not have given his, her or their consent in writing to the diversion or diminution of said springs or streams, or to the damages to which by reason of the diversion or diminution of said springs or streams, shall not have been ascertained and paid pursuant to the directions of this act, shall be injured or damaged by the diversion or diminution of any said springs that the owner or owners thereof may have and maintain his, her or their action to recover damages for such injury which he, she or they may sustain by reason of anything done under this act as if this act had not been passed.

Commissioners shall assess damages, &c.

Proviso.

Amount of damages awarded to be paid before taking possession, &c.

Proceedings in case of appeal.

43. SEC. 6. That before taking possession of any such lands, or entering thereon for the purpose of making any excavation or occupation thereof, or by diverting any spring or stream of water, the said corporation shall pay or tender to such owner or owners, or in case of absence from the state, or legal disability, shall deposit with the clerk of the circuit court of said county the amount of damages so awarded; and the award of said commissioners, and the payment or tender or deposit as aforesaid, of such damages shall vest in said corporation, the lands, rights and privileges by them sought, described and set forth in said statement and description, in all respects the same as if the same had been conveyed to said corporation by said owner or owners under their hands and seals.

44. SEC. 7. That if either party feel aggrieved by said assessment and award, such party may appeal to the next or second term of the circuit court of said county, by petition and notice thereof served upon the opposite party two weeks prior to such term, or published a like space in a newspaper published nearest the lands in question, which petition and notice, so served or published, shall vest in said court full power to hear and determine said appeal, and if required they shall award a *venire* for a jury to come before them, who shall hear and finally determine the issue under the direction of the court, as in other trials by jury, and it shall be the duty of the said jury to assess the damages to the said lands as above mentioned, and the value of such as shall be absolutely taken; and said court shall have power to order a struck jury, or a jury of view, or both,

to try any such appeal; and also to order any jury which may be empaneled and sworn to try any such appeal to view the premises in question during said trial, and the right of said corporation to appeal from and dispute the correctness of any award shall not be waived or taken away by the paying or tendering the amount of the award, and taking possession of the land or exercising the rights covered by such award; and the right of any owner of any such lands or rights in like manner to appeal, shall not be waived or lost by the acceptance of the amount so awarded, when tendered, and upon the final determination of any such appeal the said court shall render such judgment in favor of the one party and against the other, as the right and justice of the case shall require, and shall award to the party substantially succeeding and prevailing in said appeal, his, her or their costs of said appeal against the opposite party, and shall have power to enforce the judgment so rendered by execution, as other judgments are enforced, and also by summary proceedings and attachments for non-payment thereof.

45. SEC. 8. That the business of said company shall be managed by a board of directors of not less than five who shall be stockholders therein and a majority of whom shall be residents of this state, and a majority of directors chosen shall be a quorum, and there shall be an election of directors within one year from the filing of the articles of association and annually thereafter at such time as shall be fixed by the by-laws of such company, three weeks' notice thereof shall be given by publication in a newspaper in general circulation in such city, town or village, the stockholders shall be entitled to vote either in person or by proxy.

Directors to be stockholders.

46. SEC. 9. That the officers of such company shall be a president who shall be one of the directors, a secretary and treasurer and such other officers, agents and servants as the board of directors shall deem necessary, such officers shall be elected annually by the directors and shall be required to give bond with penalty and surety to the approval of by said board of directors, conditioned for the faithful discharge of their respective duties.

Election of officers.

47. SEC. 10. That the amount of the capital stock shall be fixed by the company, but may be increased by a vote of the stockholders at any annual meeting, and such capital stock be divided into shares of not more than one hundred dollars each.

Capital stock may be increased.

48. SEC. 11. That if any person or persons shall wilfully do or cause to be done, any act or acts whatever, thereby to injure any reservoir, conduit pipe, cock, machine, or structure whatsoever, or anything appertaining to the works of said corporation whereby the same may be stopped, obstructed or injured, the person or persons so offending shall be considered guilty of a misdemeanor, and being thereof convicted, shall be punished by fine not exceeding three hundred dollars, or imprisonment at hard labor not exceeding two years, or both; *provided*, such criminal prosecution shall not in anywise impair the rights of action for damages by a civil suit, hereby authorized to be brought for any such injury as aforesaid, by and in the name of said corporation in any court of this state having cognizance of the same.

Penalty for injury done to works.

49. SEC. 12. That such company be and they are hereby fully authorized and empowered to lay their pipes beneath such public roads, streets, avenues and alleys, as they may deem necessary for the purposes aforesaid, free from all charge to be made by any person or persons, or body politic whatsoever, for said privilege, and also such hydrants at the crossings or intersections of said streets and alleys; *provided*, that the said pipes shall be laid at least three feet below the surface of the same, and shall not in anywise unnecessarily obstruct or interfere with the public travel or damage public or private property; *and provided*, that the consent shall be obtained of the corporate authorities, if any there be, of any town through which the same may be laid.

Capital stock may be increased.

Proviso.

May lay pipes beneath public roads, streets, &c., free from charge.

Proviso.

50. SEC. 13. That said company may sell and dispose of the water issuing from their reservoirs, aqueducts or pipes for such price or prices or quarterly or annual rents, and such restrictions as they may think proper.

May sell and dispose of the water.

51. SEC. 14. That such company shall commence the construction of the proposed water works within six months from the date of their organization, and shall complete the same within two years from the date of commencement.

Time for commencing and completion of works after organization.

Any aqueduct company now in existence may extend works, &c.

52. SEC. 15. That any aqueduct company now in existence under any special charter in this state shall have the right from time to time to add to and extend their works to such extent as may be necessary to carry out the purposes of its corporation, and for that purpose to take all such lands and divert all such streams of water, in the manner hereinbefore provided, as shall be necessary for that purpose.

P. L. 1877, p. 114.

Supplement.

Approved March 9, 1877.

May issue and dispose of bonds.

53. SEC. 1. That every company organized under the act to which this is a supplement may make and issue bonds, with or without coupons attached, bearing interest not exceeding seven per centum per annum, to borrow money or to secure any indebtedness created by them, and sell, exchange or otherwise dispose of the same upon such terms and conditions as they may deem advisable, and such bonds and the interest thereon may be secured by mortgage or mortgages given or executed to a trustee or trustees for the use of the bondholders upon the corporate franchises, real and personal estate and all other property of such company or any part thereof; *provided*, they shall not issue bonds for a greater sum than two-thirds of their capital stock paid in, including any former loans.

Proviso.

A supplement to "An act to enable cities to supply the inhabitants thereof with pure and wholesome water," approved April twenty-first, eighteen hundred and seventy-six.

P. L. 1877, p. 119.

Approved March 9, 1877.

54. SEC. 1. That the seventh section of the act to which this is a supplement, and which reads as follows: (*Vide ante*, p. 723), be and the same is hereby amended so as to read as follows, to wit:

Amount which cities are authorized to borrow.

7. That any of the said cities be and they are hereby authorized to borrow any sum not exceeding ten hundred thousand dollars, for the purpose of defraying all the expenses and the cost of the purchase of real estate, works, property, rights, franchises, privileges and appurtenances of the said existing water company or companies, and of maintaining and extending the same, and for the purpose of defraying all the expenses and the cost of such other lands, buildings or water privileges as shall be purchased or taken for the purposes of this act, and for the purchase of materials, the laying of pipes and mains in the said city, and constructing all works necessary for the full accomplishment thereof, and of all expenses incidental thereto, and to secure the payment thereof by issuing bonds not exceeding the amount aforesaid, under the seal of said city, and the signature of the mayor and other proper officers of said city, bearing interest at the rate not exceeding seven per centum per annum, payable semi-annually, and to pledge the property and credit of said city for the payment of the same; that the principal of said debt shall be payable at periods not less than ten nor more than fifty years from date, and the treasurer of said city may dispose of the said bonds at either public or private sale for the best price that can be obtained, but at not less than their par value; that record of all said bonds so issued and disposed of shall be kept by the said treasurer, and all moneys received therefrom shall be deposited by said treasurer in any bank or banks to be designated from time to time by a majority of said board of aldermen or common council, and shall be drawn upon by said treasurer for the purposes of this act solely, and for none other, and only when said treasurer shall be so ordered by proper warrant or warrants issued by said board of aldermen, council or other legislative body of said city.

May issue bonds.

55. SEC. 2. That the eleventh section of the act to which this is a supplement, and which reads as follows, to wit: (*Vide ante*, p. 724), be and the same is hereby amended so as to read as follows:

Authorized to charge and collect water rents.

That the board of aldermen, common council, or other legislative body of said city, be and they are hereby authorized and empowered by ordinance to charge the owners of any and every building erected along the line of any street, road, lane or alley in said city, in which any water pipes are now laid, or shall hereafter be laid, by order of said board of aldermen or common council, and shall not have the water introduced on

the premises, a water rent not exceeding the rent charged by said city for a single hydrant, and collect the same in the manner hereinbefore provided for, for the collection of water rents in arrears; and that the board of aldermen, common council, or other legislative body of said city, may from time to time fix by ordinance a sum to be assessed annually upon all vacant lots situated along the line of any street, road, lane or alley in said city in which any water pipes are now laid, or shall hereafter be laid, by order of said board of aldermen or common council, which sums so fixed and assessed shall be denominated water rents, and shall be collected in the manner hereinbefore provided for, for the collection of water rents.

56. SEC. 3. That the twelfth section of the act to which this is a supplement, and which reads as follows, to wit: (*Vide ante*, p. 724), be and the same is hereby amended so as to read as follows, to wit:

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

Moneys received,
how applied.

57. SEC. 4. That whenever any water works owned and controlled by any city in this state shall be directly managed and conducted by any board of water commissioners, or other body authorized by law, then and in that case the said board of commissioners or other body shall have all the powers, rights and duties in respect to the management of said water works, and the assessment and collection of said water rents or taxes, which are by this act, or the act to which this is a supplement, conferred, or may be hereafter conferred upon the board of aldermen, council, or other legislative authority of such city.

Board of water
commissioners
authorized to act
in cities where
such boards exist.

58. SEC. 5. That any city in this state owning and controlling water works under and by virtue of any act heretofore passed, may enjoy and exercise all the powers, rights and privileges conferred by this act, so far as the same may be applicable, and with no other limitations or restrictions than are herein contained and specified.

Cities owning
works under act
heretofore passed
to enjoy rights
and privileges
conferred by this
act.

VI. Fire departments.

An act to facilitate the establishment of fire departments in cities.

Approved March 8, 1877.

P. L. 1877, p. 65.

59. SEC. 1. That it shall and may be lawful for the city council of any city in this state having a population of not exceeding ten thousand inhabitants, and at present having no department for extinguishing of fires, and whose charter or act of incorporation authorizes the organization and maintenance of a fire department, and the procuring of fire extinguishing apparatus, and forming of fire companies, building of suitable houses and furnishing a supply of water for that purpose, to issue the bonds of such city to an amount not exceeding the sum of fifteen thousand dollars, to be used and proceeds thereof applied for the above purposes, under the restrictions and in the manner provided in such charter or act of incorporation; such bonds shall be in sums of one hundred dollars each, or the multiples thereof, and shall be denominated "fire department bonds," and shall be payable in twenty years, with interest at a rate not to exceed seven per centum per annum, payable semi-annually, and shall be signed by the mayor, or in his absence or inability, by the presiding officer of said city for the time being, and attested by the city clerk, and countersigned by the comptroller, and shall not be sold or negotiated at less than par.

Authority given
to city council to
issue bonds in
cities of less than
ten thousand in-
habitants, for the
purposes of a fire
department.

An act to authorize the purchase of steam fire engines in incorporated towns, and providing means for the payment of the same.

P. L. 1877, p. 222.

Approved March 9, 1877.

Towns of not more than twenty-five hundred inhabitants may purchase steam fire engine.

May issue bonds in payment.

Proviso.

Election may be held at a special town meeting called for the purpose.
Voting to be by ballot.

Expense of special town meeting to be paid in same way as for annual meetings.

60. SEC. 1. That it shall be lawful for the common council of any incorporated town in this state, whose population does not exceed twenty-five hundred inhabitants, to purchase a steam fire engine and the necessary appliances to use the same, at a cost not to exceed five thousand dollars.

61. SEC. 2. That in case any common council shall desire to purchase a steam fire engine, the said common council may issue town bonds; said bonds shall be issued for no other purpose than for the payment of the said engine, and shall be signed by the mayor and countersigned by the clerk of the said town; *provided, however*, that before any such bonds shall be made or issued, the following condition shall be complied with and observed: a petition requesting the said common council to issue such bonds, and the purpose for which they are to be used, shall be presented to the said common council, signed by a majority in number of the holders of real estate of said town, which said petition shall be verified by the oath of the assessor of the said town that it is so signed; the said common council shall, on receiving such petition, cause a resolution to issue such bonds to be submitted to the legal voters of such town by causing such resolution to be written or printed on ballots, underneath which shall be written or printed the words "for the above resolution," or "against the above resolution," which vote may be taken either at the annual town meeting or at a special town meeting to be called by the said common council for that purpose; *provided further*, the bonds hereby authorized shall bear interest at a rate not exceeding seven per centum, and shall not be sold or disposed of for less than their par value.

62. SEC. 3. That in case such vote is taken at the regular annual town meeting, the said resolution may be printed or written, or partly printed or partly written, on the ballots used at such town meeting; and in case a special town meeting is called for that purpose, the ballots to be used shall contain only the said resolution and the words thereunder as mentioned in the preceding section; and that the said common council shall give at least ten days' notice of such special town meeting, specifying the time and place where such town meeting shall be held and the purpose and object thereof, by notices printed or written, posted in five or more of the most public places in said town; and the result of said town meeting as to the said resolution shall in either case be certified to the said common council by the judge of election presiding at such town meeting and the town clerk, under their respective hands; and in case a majority of the legal voters as shall appear by such certificate shall have voted for such resolution, then such common council shall proceed to issue such bonds forthwith, and use the same for the purpose expressed in said resolution; and such bonds shall not be sold or disposed of in any way or manner for less than their par value.

63. SEC. 4. That in case a special town meeting be held for the purpose mentioned in this act, the same shall be held and conducted in the same manner in which the annual town meeting is held and conducted, and that the expenses thereof shall be paid in the same way.

VII. Licenses.

An act concerning cities.

Approved March 2, 1877.

P. L. 1877, p. 44.

Licensing of junk shops.

64. SEC. 1. That the common councils or boards of aldermen of the several cities of this state, shall have power by ordinance, to license, regulate, control or prohibit the keeping of shops, commonly called "junk shops," or shops for the purchase and sale of junk, old rope, old iron, brass, copper, tin, lead, rags and slush, under such regulations and upon such terms as the said councils or boards of aldermen may adopt.

An act concerning the granting of licenses to sell strong and spirituous liquors, wine, ale and beer within the limits of incorporated cities.

P. L. 1877, p. 232.

Approved March 9, 1877.

Time when licenses shall expire.

65. SEC. 1. That in each and every city in this state, whose charter or its supplements provide that all licenses for the sale of strong and spirituous

liquors, wine, ale and beer within the limits of such city shall be granted by a board of excise commissioners consisting of resident freeholders of such city, nominated by the mayor and confirmed by the common council of such city; all licenses hereafter granted by such board of excise commissioners for the sale of ale, beer and light wines, as hereinafter provided, shall expire on the first day of July next succeeding the granting of any such license.

66. SEC. 2. That the license fee to be hereafter charged by such board of excise commissioners for selling strong and spirituous liquors, wines, ale and beer shall be not exceeding seventy-five nor less than fifty dollars, and that the license fee for the sale of ale, beer and light wines shall not exceed twenty-five nor be less than fifteen dollars, for the term of one year from the date of any such license; that such board of excise commissioners shall grant license for the sale of strong and spirituous liquors, wine, ale and beer, or for the sale of ale, beer and light wines for any part of a year, not less than one month next preceding the first day of July, every such license so granted to expire as provided in the first section of this act; that the license fee to be charged and assessed by such board of excise commissioners for the sale of strong and spirituous liquors, wine, ale and beer for a less time than one year, shall be at the rate of not more than seven nor less than four dollars a month for each month of the unexpired year; that the license fee for the sale of ale, beer and light wines for a less time than one year shall be at the rate of not more than three nor less than one and a half dollars a month for each month of the unexpired year; and that all fees for license shall hereafter accompany any and all applications for license, such fee to be returned to the person or persons applying for license in all cases where applications for license are refused by such board of excise commissioners.

Amount which may be charged as license fee.

When issued for less than one year.

67. SEC. 3. That any such board of excise commissioners may at their option transfer any license by them granted to any person or persons, to any other person or persons who shall apply to them for such transfer; *provided*, that such board of excise commissioners shall be satisfied that any such person or persons are of good moral character, and upon the payment of a transfer fee of three dollars; that any transfer of license shall be written or printed upon the face of any such license, and any such transfer shall entitle and authorize any person or persons to continue at the same place of business the sale of strong and spirituous liquors, wine, ale and beer, or ale, beer and light wines, as provided and mentioned in any and every of such licenses respectively.

Board of excise may transfer license.

Proviso.

68. SEC. 4. That whoever shall sell any strong or spirituous liquors, wines, ale or beer, in quantities less than five gallons at a time, at any place within such incorporated city without having a license therefor granted by such board of excise commissioners, shall on conviction thereof, according to the form of the statute in that behalf made and provided, forfeit and pay such sums as may be fixed by the special police justice before whom such conviction shall be had; *provided*, the amount of such forfeiture or fine for any one violation of the provisions of this act, shall not exceed the sum of fifty dollars.

Penalty for selling without license.

Proviso.

69. SEC. 5. That all acts or parts of acts inconsistent with any of the provisions of this act, concerning all incorporated cities mentioned in the first section of this act, be and the same are hereby repealed, and this act shall take effect immediately; *provided*, that the provisions of this act shall not apply to any city having by the last census less than one hundred thousand inhabitants.

Repealer.

Proviso.

VIII. Miscellaneous.

An act in relation to the expenditure of public money by municipal corporations.

Approved April 4, 1871.

P. L. 1871, p. 92.

70. SEC. 1. That it shall not be lawful for the board of chosen freeholders, or the township committee, or common council, or commissioners of any county, city, township, town or borough in this state to pay or disburse out of any of the moneys of the said county, city, or town, or township, or borough, to any person, unless the person claiming or receiving said moneys shall first present to the party or parties paying any

Nopayment to be made by a municipal corporation without affidavit of party claiming, that the bill is correct.

such moneys, a detailed bill of items or demand, specifying particularly how such bill or demand is made up, and the dates and the names of the persons to whom the amounts composing such bill or demand were severally paid, with the affidavit of the party claiming payment of said bill or demand that the same is correct, that any disbursing officer is authorized to take said affidavit without cost.

An act to authorize the boards of education who hold their charters independent of any city in this state to pay certain liabilities.

P. L. 1877, p. 51.

Approved March 6, 1877.

Certain boards of education authorized to borrow money and issue bonds.

71. SEC. 1. That the respective boards of education who hold their charters independent of any city in this state, shall be and they are hereby authorized to borrow such sum or sums of money as shall be necessary to pay off and discharge their liabilities, incurred before the passage of a supplement to an act entitled "An act for the punishment of crimes," approved February seventh, one thousand eight hundred and seventy-six; and that said boards of education shall have full power to issue bonds for said loan, and regulate the manner and time of payment of the same and interest thereon; *provided*, the same shall not extend to a period of more than fifteen years.

Proviso.

An act concerning commissioners to regulate municipal affairs.

P. L. 1877, p. 54.

Approved March 6, 1877.

Laws providing for appointment of commissions, &c., to regulate municipal affairs repealed.

72. SEC. 1. That such parts of all public, special and local laws as provide for the appointment of commissions or commissioners by the senate and general assembly of the legislature in joint meeting, to regulate municipal affairs in any city in this state, be and the same are hereby repealed; and the terms of office of all such commissions and commissioners shall cease and determine on the second Monday after the election of the members of the boards substituted in lieu of said commissions and commissioners by the second section of this act.

Mode of choosing a board in lieu of existing boards of commissions, &c.

73. SEC. 2. That in all cases where the above repealing section shall operate in any city in this state, there shall be substituted in lieu of each of the existing boards of said commissions or commissioners, to exercise all the powers heretofore conferred upon such commissions or commissioners, a board to consist of six persons, namely: one shall be chosen by the electors in each aldermanic district in said city, who shall be a qualified voter of said city; and the result of such election shall be canvassed in the manner now provided by law for the election of such other officers of such city as are now elected by ballot at the charter election in such city; that the several boards, substituted in lieu of the said commissions and commissioners, shall be elected by the people at the charter election holden next after the passage of this act in any city, and shall hold their office as follows: three of each board for one year, and three for two years, and at each charter election thereafter there shall be elected for two years three members of each of said boards in place of those whose term has expired; and each member of said boards shall receive an annual salary of five hundred dollars per annum; and at the first meeting of said boards in the year one thousand eight hundred and seventy-seven they shall determine by lot which of said members of said boards shall hold office for one year, which for two years, and such determination shall be filed in the office of the city clerk of said city; each of said boards shall have power to elect a president and clerk, and all vacancies happening in said boards shall be filled by the mayor of the city by and with the advice and consent of the body elected by the people, exercising powers of municipal legislation in said city; *provided always*, the said vacancies shall not be filled for any term longer than the unexpired term of such office.

Term of office.

Annual salary.

Term of first board to be determined by lot.

Proviso.

An act for the government of cities.

P. L. 1877, p. 68.

Approved March 8, 1877.

Proceedings may be published in a newspaper or

74. SEC. 1. That whenever the board of aldermen, council, or common council of any city is required by the provisions of its charter to designate one or more newspapers to publish the proceedings of such board of

aldermen, common council, or council, and to publish the proceedings of any of the other boards in said city in a newspaper or newspapers printed and published in said city and authorized to publish the laws of the state at the date of the passage of such city charter or any supplement thereto; that in every such case such city may hereafter publish the said proceedings in a newspaper or newspapers published and printed in said city that shall have been in existence and published in said city for over two years.

An act concerning the payment of judgments against any city.

Approved March 8, 1877. P. L. 1877, p. 70.

75. SEC. 1. That hereafter it shall be lawful for any city within this state, by and through its board of finance or finance department, from time to time, to borrow money for the use of said city, in such sums as may be necessary to pay any judgment now recovered, or that may hereafter be recovered against such city, either by temporary loans or by the issue of bonds not to exceed twenty years to run, and to issue proper evidences of indebtedness or bonds therefor, to be signed by the mayor, sealed with the city seal and attested by the city clerk; and the said evidences of indebtedness and the said bonds shall be in such form as said board of finance or finance department shall fix and determine, and the bonds may be either registered or coupon bonds, or both, as may be determined by such board or department, such indebtedness and bonds to bear interest at not exceeding seven per centum per annum, payable as such board or department may direct; said bonds not to be sold or used at less than their par value.

newspapers that has been published over two years.
Authorized to borrow money and issue bonds to pay judgments.

Bonds, how executed.

76. SEC. 2. That there shall be put in the tax levy of each year a sum sufficient to pay the interest of certificates of bonds issued under the first section, and also such percentage of the principal of said bonds as shall be fixed by the board of finance or finance department, from time to time, and all percentage of the said principal sum thus raised by taxation is hereby pledged and appropriated to the commissioners of the sinking fund in the city where such commissions exist, for the payment of the principal of said certificates or bonds.

Provision for payment of interest, &c.

An act respecting deficiencies in appropriations for the payment of teachers' salaries in cities.

Approved March 8, 1877. P. L. 1877, p. 87.

77. SEC. 1. That where in any city containing a board of directors of education or other board having the control and management of the public schools in said city, the appropriation made for the payment of teachers' salaries shall have been exhausted before the end of the fiscal year for which said appropriation shall have been made, and the teachers, notwithstanding said appropriation shall have been exhausted, shall have continued teaching during the balance of said fiscal year without compensation, it shall be lawful for the board of finance and taxation, or such other board as is now directed by law to make the appropriation for the payment of teachers' salaries in such city, to order and direct payment for the whole or such portion of said services as the said board may decide ought in justice to be paid; *provided*, that payment shall not be ordered or directed for more than one month's services as aforesaid; and said board is hereby authorized to borrow, in anticipation of taxes next thereafter to be levied in such city, sufficient money to pay for such services of teachers rendered as aforesaid, as the said board may have ordered to be paid, and the amount thus borrowed shall be put in the tax levy next thereafter.

Board of finance or other board authorized by law to make appropriation shall direct payment to be made of teachers' salaries.

Proviso.

An act concerning cities.

Approved March 9, 1877. P. L. 1877, p. 143.

78. SEC. 1. That in case any work has been done or materials furnished in or for the erection or construction of any building or buildings, or any excavation therefor, or any addition, alteration or repair of any building or buildings, for or on account of any city in said state, and such work or materials were not duly advertised and contracted for in the manner prescribed by law, then the justice of the supreme court holding the circuit court for the county in which such city shall be situated, shall

Justice of the supreme court holding the circuit court shall appoint referee in case work or materials were not duly advertised and contracted for.

appoint a referee who, if it appears to his satisfaction, that such work and materials were furnished in good faith, and without any intention to evade the law, by the order of any lawfully constituted board in such city, or by the architect, superintendent or other person having charge of the work on any such building or buildings, shall order paid to the person or persons who may have done or furnished the same, such sum of money in payment thereof as shall be just and reasonable; and the money so ordered to be paid shall upon confirmation of the report of said referee by said judge, and approval of such report by a resolution of the board of finance of said city, or finance department, adopted for that purpose, and approval of such resolution by the mayor of said city, be paid by said city in like manner as if due advertisement and contract had been made in the premises.

Money to be paid on confirmation of report of referee.

An act respecting the reports of boards having the control and management of public schools in cities.

P. L. 1877, p. 149.

Approved March 9, 1877.

Reports to be made in the month next succeeding termination of fiscal year.

79. SEC. 1. That when in any city containing a board of directors of education or other board having the control and management of the public schools in such city, annual reports concerning the condition of the public schools in such city are now required by law to be published in the month of August of each and every year, said reports shall hereafter be made in the month next succeeding the termination of each and every fiscal year of said city, and shall be reports for the said fiscal year terminated immediately preceding the month in which said reports are by this act directed to be published.

An act concerning appropriations made by and to the boards of education in cities of this state.

P. L. 1877, p. 171.

Approved March 9, 1877.

Appropriations may be modified. Proviso.

80. SEC. 1. That it shall be lawful for any board of education of any incorporated city of this state, from time to time, to modify the several appropriations made by the board, to be expended under the direction of its several committees, during any fiscal year; *provided, however,* that said modifications shall not authorize any expenditure in excess of the sum appropriated for the current expenses of the department of public instruction at the time when such appropriation shall have been originally made.

Money appropriated for current expenses not to be otherwise used.

81. SEC. 2. That the amount appropriated by the board of aldermen or other body charged with the duty of making appropriations for defraying the current expenses of the department of public instruction of any city of this state, for each successive year, shall thereby become appropriated to defray such current expenses and shall be used for no other purpose whatever.

An act relative to the publication of the minutes and proceedings of the several municipal boards of the cities of this state.

P. L. 1877, p. 299.

Approved March 9, 1877.

Providing for the recovery for publication of minutes and proceedings.

82. SEC. 1. That in any city in this state the municipal boards whereof are authorized by special act of the legislature to publish the minutes and proceedings of said board or boards, the proprietor or proprietors of the official newspaper or newspapers so designated by said board or boards, which said official newspaper or newspapers have heretofore published said minutes in full, and not an abstract or synopsis thereof, shall be entitled to receive and recover from said city or cities payment therefor, according to the rates fixed by said municipal board or boards.