

borough commission, or in some newspaper printed in the township wherein said borough commission is situate; in case the owner or occupant of said lands shall not comply with the requirements of such notice, it shall be lawful for the street department of the borough commission to cause the required work to be done and paid for out of the moneys of the borough commission to the credit of the street department; the cost of such work shall be certified by the person or persons having charge thereof to the person having charge of the collection of taxes and assessments in such borough commission; upon filing said certificate with the collector of taxes of said borough commission the amount of the cost of such work shall be and become a lien upon the said abutting lands in the front of or on the side of which such work was done; and it shall and may be lawful for the authorities in such borough commission to place the assessments made against any property improved in the manner specified in this act in the annual tax bill rendered to the owner or owners of such property, and the same may be collected in the same manner and by the same officers as taxes are or may be collected in such borough commissions; in addition thereto the borough commission may have an action upon contract to recover the said amount against the owner of said lands in any court having obtained jurisdiction thereof; the certified copy of the aforesaid certificate shall in such an action be prima facie evidence of the existence of a debt due from the said owner to the borough.

Cost of work shall be certified to tax collector.

Assessments may be collected same as other taxes.

63. SEC. 3. That all moneys recovered or paid to the borough commission under the provisions of the last preceding section shall be credited to the account out of which the cost of the work was paid.

Moneys recovered shall be credited to cost of work.

Bottlers, &c.

1. Amended by section 15.
2. When marked or stamped bottles, &c., may be used.
3. Amended by section 13.
4. What deemed *prima facie* proof of unlawful use.
5. Owner upon belief may make complaint of unlawful use before justice of the peace.
6. Upon complaint, search warrant may be issued.
7. Amended by section 14.
8. When justice shall deliver bottles, &c., to complainant.
9. Trial by jury may be demanded.
10. Appeal to court of general quarter sessions of the peace.
11. Proceedings, how conducted.
12. Repealer.
13. Penalty for unlawful use, &c., of bottles and boxes.
14. Proceedings after arrest of person charged with violation of act.
15. Manufacturer or dealer using bottles or boxes may file and publish descriptions thereof.
16. What the complaint shall particularly set forth.

17. Essentials of affidavit and conviction as to particular act committed.
18. By whom complaint may be made.
19. What deemed sufficient pleadings.
20. Repealer.
21. Descriptions of names, marks or devices on bottles or boxes may be filed.
22. Bottles or boxes marked according to act not to be used by persons not owners except on consent, &c.
23. Penalty for unlawfully using, breaking, &c., marked bottles or boxes.
24. Violations of act, how proved *prima facie*.
25. Execution to issue for penalty and costs.
26. Penalties to be used for the poor.
27. What violations deemed misdemeanors.
28. When search warrants shall be issued.
29. What descriptions heretofore filed deemed sufficient.
30. Repealer.

An act for the better protection of manufacturers and bottlers of and dealers in mineral waters, beer, ale, porter and other beverages. (a)

Approved March 11, 1881.

P. L. 1881, p. 95.

1. [Amended by Sec. 15, *post.*]
2. That it shall be unlawful for any person or persons hereafter, without the written permission of the owner or owners thereof, to use, sell, dispose of, buy or traffic in, or to willfully mar or erase the name or names, mark or marks thereon, or to break, destroy or otherwise injure any such box or boxes, bottle or bottles so marked or stamped, a description of which shall have been so filed and published as aforesaid, or to fill the same with mineral water, beer, ale, porter or any other beverage whatsoever for the purpose of sale or traffic.
3. [Amended by Sec. 13, *post.*]

When marked or stamped bottles, &c., may be used.

(a) See *Bowden v. Overseer of Randolph*, 12 Vr. 462.

What deemed
prima facie proof
of unlawful use.

4. That the fact of any person or persons, other than the rightful owner or owners thereof, using such box or boxes, bottle or bottles, for the sale therein of any mineral water, beer, ale, porter or other beverage, or any junk vender, or dealer in bottles, having secreted in or upon his, her or their premises, or any other place or places, or having in his, her or their possession, unlawfully, any of such boxes or bottles, shall be prima facie proof of the unlawful use and purchase of such box or boxes, bottle or bottles as aforesaid.

Owner upon belief
may make com-
plaint of unlawful
use, before any
justice, &c.

5. That if any such owner or owners, or his, her or their agent, have reason to believe, and does or do believe, that any of his, her or their box or boxes, bottle or bottles, marked, stamped or impressed and registered as aforesaid, are being or have been unlawfully used as aforesaid by any person or persons, or that any junk vender or dealer in bottles has, or has had, any of such boxes or bottles unlawfully in his possession as aforesaid, or has any of such boxes or bottles secreted in or upon his, her or their premises, or in any other place or places, any such owner or owners, or his, her or their agent, may go before any justice of the peace of the county, or any police justice or recorder of any city wherein such offense may be or have been committed, and make complaint thereof under oath.

Upon complaint,
search warrant
may be issued.

6. That it shall be the duty of any justice of the peace, or any other magistrate as aforesaid, before whom any such complaint shall be made as aforesaid, thereupon to issue a process in the nature of a search warrant, directed to any constable or police officer of said city, which shall recite said complaint as aforesaid, and shall command said constable or officers to immediately search the premises, place or places mentioned in said complaint, and if upon such search any such box or boxes, bottle or bottles, as mentioned in said complaint, be found, to bring the same, together with the body of the person or persons in whose possession they may be found, before such justice.

7. [Amended by Sec. 14, *post.*]

When justice shall
deliver bottles,
&c., to com-
plainant.

8. That if upon the issue of any such process as aforesaid the said constable shall be unable to find the person or persons therein named, but shall find any boxes or bottles therein set forth, he shall bring such boxes or bottles before said justice, who shall thereupon proceed to determine the right of such complainant thereto, and if, upon the hearing had thereon, he shall be satisfied that such boxes or bottles rightfully belong to such complainant, he shall forthwith deliver the same into his, her or their possession.

Parties may
demand trial
by jury.

9. That any time previous to the hearing of said complaint as aforesaid, either party may demand a trial by jury, whereupon said justice shall issue a venire facias to summon a jury of twelve men competent as jurymen to try said complaint, and to decide whether the person or persons complained of be guilty or not guilty, which said jury shall determine the rightful ownership of every such box or boxes, bottle or bottles, if any there be, as well as the guilt of the person or persons complained of; and in case the said jury decide such person or persons guilty, then said justice shall proceed as though he had so determined if no jury had been demanded.

Appeals may be
had to court of
general quarter
sessions.

10. That either party, upon paying all costs incurred and by filing with said justice, within ten days after trial before him, a written notice of his, her or their intention to appeal from the decision of said justice or jury, may appeal to the next court of general quarter sessions of the peace, and may there demand a trial by jury, which court shall proceed to try the same and make such adjudication and delivery thereon as is herein provided in case of such trial before said justice. (a)

Proceedings, how
conducted.

11. That except as herein provided, all proceedings had under the provisions of this act shall, as nearly as may be, be regulated by the provisions of and conducted in the manner prescribed in and by an act entitled "An act constituting courts for the trial of small causes," and the several supplements thereto.

(a) An appeal lies to the quarter sessions, notwithstanding the supplement to the small cause act, approved March 17th, 1882. P. L. 1882, p. 137. *Brant v. Froehlich*, 20 Vr. 356.

12. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and that this act shall take effect immediately. Repealer.

Amendatory act.

Approved March 25, 1885. P. L. 1885, p. 168.

13. SEC. 1. That the third section of the act of which this is amendatory shall be and is hereby amended so as to read as follows;

[That any person or persons who shall so use, sell, dispose of, buy or traffic in, or who shall so mar, erase, break, destroy or otherwise injure or fill any such box or boxes, bottle or bottles as aforesaid, shall be liable to a penalty not to exceed the sum of fifty dollars, to be recovered by proceedings as hereinafter set forth, together with the legal costs of such proceedings, which penalty shall be for the use of the poor of the city, town or township wherein such offense shall be committed.] Penalty for using, selling or injuring boxes or bottles so marked.

14. SEC. 2. That the seventh section of the act of which this is amendatory shall be and is hereby amended so as to read as follows:

[That when any such person or persons as aforesaid shall be brought before any justice of the peace or such other magistrates upon a process issued as aforesaid, such person or persons shall enter into a recognizance, with good security, to be approved by said justice, in the penalty of one hundred dollars, to appear at such time as the said justice shall appoint for a hearing under said complaint, (a) which hearing shall not be less than five nor more than ten days from the day of said arrest, and may be adjourned by such justice from time to time on good and sufficient cause being shown therefor; and in default of such recognizance such person or persons may be committed by said justice to the county jail to abide a hearing, upon which hearing the said justice shall proceed to hear and determine as to the truth of said complaint and the ownership of any such boxes or bottles which may be brought before him; and if said justice shall determine such person or persons guilty of the offense as charged in said complaint, he shall thereupon render judgment against such person or persons for an amount not to exceed the sum of fifty dollars, and all costs of such proceedings, and in default of payment thereof issue execution therefor against the goods and chattels and the body of such person or persons, and shall immediately deliver such boxes or bottles into the possession of such owner or owners to whom the same shall appear to belong.] Proceedings after arrest of person charged with violating act.

Amendatory act.

Approved March 21, 1888. P. L. 1888, p. 183.

15. SEC. 1. That the first section of the act of which this is amendatory shall be and is hereby amended so as to read as follows:

[That all manufacturers of and dealers in mineral waters, beer, ale, porter or any other beverage whatsoever, and also all dairymen, producers and bottlers of and dealers in milk, using or having to use boxes or bottles upon which his, her or their name or names, mark or marks shall be respectively marked, stamped or impressed, may file in the office of the clerk of the county in which the business of any such manufacturer, dairyman, producer, bottler or dealer is conducted, or in the county wherein the principal office or depot of any such manufacturer, bottler or dealer shall be located doing business in this state, but manufacturing or bottling out of this state, a description of such boxes or bottles, and of the name or names, mark or marks thereon, and may cause the same to be published for four weeks successively in a daily, weekly or other newspaper published in the said county.] Manufacturer or dealer may file and publish description of boxes or bottles.

(a) The complaint is defective if it charges in the alternative the commission of one or another of several offenses. *Brant v. Froehlich*, 20 Vr. 336.

Supplement.

P. L. 1890, p. 35.

What the complaint shall particularly set forth.

Approved March 5, 1890.

16. SEC. 1. That in the complaint made in pursuance to the provision of said act, to which this is a supplement, it shall be sufficient to state:

First. That the complainant or complainants is a manufacturer or manufacturers, bottler or bottlers of or dealer or dealers in mineral waters, beer, ale, porter, or other beverages, dairymen, producers and bottlers of and dealers in milk in the township, town or city of _____, in the county of _____, in the state of New Jersey, having in use boxes or bottles upon which his, her or their name or names, mark or marks, is respectively marked, stamped or impressed;

Second. That he, she or they have filed in the office of the clerk of the county of _____, being the county in which the business of such manufacturer or manufacturers, bottler or bottlers, or dealer or dealers, dairymen and producers is carried on, or principal office or depot established, a description of such boxes or bottles, and of the name or names, mark or marks thereon;

Third. The description of such boxes or bottles and of the name or names, mark or marks thereon, in accordance with the description so filed;

Fourth. That (any person or persons) naming him, her or them, if their name be known, if not, then to describe them as John Doe and Richard Roe, or both if more than one person, has used, sold, disposed of, bought or trafficked in, or is using, selling, disposing of, buying or trafficking in, or has marred, erased, broken, destroyed or otherwise injured or filled, or is marring, erasing, breaking, destroying or otherwise injuring or filling, or has unlawfully in his, her or their possession, any such box or boxes, bottle or bottles as aforesaid;

Fifth. That the place or places to be searched shall be described with reasonable accuracy.

Essentials of affidavit and conviction as to particular act committed.

17. SEC. 2. That in such affidavit it shall not be necessary to state the particular act committed by any person or persons, as a violation of the act to which this is a supplement, but it shall be sufficient to charge the same as defined in the fourth clause of the affidavit; but in case of conviction, the justice of the peace or jury shall prescribe the particular act upon which such conviction is had or made.

By whom complaint may be made.

18. SEC. 3. That such complaint may be made by any such manufacturer or manufacturers, bottler or bottlers, dealer or dealers, dairymen and producers, or by any person in his, her or their behalf.

What deemed sufficient pleadings.

19. SEC. 4. That no other pleadings shall be required other than said complaint and process issued by the justice of the peace.

Repealer.

20. SEC. 5. That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.

An act for the better protection of persons manufacturing, bottling or selling soda waters, mineral or aerated waters, porter, ale, beer, cider, milk, cream, or other beverages, owning and using bottles or boxes.

P. L. 1891, p. 218.

Manufacturers, &c., may file and publish a description of names, devices, &c., on bottles or boxes.

Approved March 20, 1891.

21. SEC. 1. That any and all person or persons manufacturing, bottling or selling soda waters, mineral or aerated waters, porter, ale, beer, cider, milk, cream or other beverages, owning and using or having to use bottles or boxes, with his, her or their name or names or other marks or devices branded, stamped, engraved, etched, blown, impressed or otherwise produced upon such bottles or boxes may file in the office of the clerk of the county in which his, her or their business is conducted, or if such person or persons shall manufacture or bottle out of this state, then in any county in this state, a description of the name or names, marks or devices so used by him, her or them, and may cause such description to be published.

once a week for three weeks successively in a newspaper published in the county in which said description may have been filed as aforesaid.

22. SEC. 2. That it shall be unlawful for any person other than the owner thereof, without the written consent of such owner, to fill, for the purpose of sale, with soda waters, mineral or aerated waters, porter, ale, beer, milk, cider, cream or other beverages, any bottles or boxes with the owner's name or names or other marks or devices branded, stamped, engraved, etched, blown, impressed or otherwise produced thereupon, of which a description shall have been filed and published under the provisions of section one of this act; or to willfully break, destroy or otherwise injure the same; or to sell, buy, traffic in or otherwise dispose of the same; or to deface, erase, obliterate, cover up or otherwise remove or make invisible any such name or names or other marks or devices thereon.

Bottles or boxes marked according to act not to be used by persons not owners except on consent, &c.

23. SEC. 3. That any person who shall violate any of the provisions of section two of this act shall be liable to the penalty of fifty dollars, to be recovered in an action of debt, with costs, in any court of this state having cognizance thereof; said action to be brought by the owner or owners of such bottles or boxes.

Penalty for unlawful use, &c.

24. SEC. 4. That violations of the provisions of section two of this act shall be prima facie established, respectively, by proof of the use by any manufacturer of or dealer in or bottler of soda water, mineral or aerated waters, porter, ale, beer, cider or other beverages, or by any dairyman, producer or bottler of milk or cream, of any bottles or boxes of which a description shall have been filed and published under section one of this act, without the written consent of the owner thereof (said bottles or boxes not being the property of such manufacturer, dealer, dairyman, producer or bottler) or by proof that any such manufacturer, bottler, dealer, dairyman or producer or any junk dealer or dealer in bottles had in his possession, without the written consent of such owner, such bottles or boxes, whether whole or broken, or any part or parts of such bottles or boxes, or any such bottles or boxes whereof the name, marks or devices shall have been defaced, erased, obliterated, covered up or otherwise removed or made invisible.

Violations of act, how proved prima facie.

25. SEC. 5. That execution against the goods and chattels and the person of the defendant shall issue for the penalty and costs recovered under section three of this act.

Execution to issue for penalty and costs.

26. SEC. 6. That all penalties recovered under this act shall be for the use of the poor of the city, town or township wherein such violation shall have been committed, and shall immediately upon receipt thereof be paid to the officer of such city, town or township by law charged with the care of the poor.

Penalties to be used for the poor.

27. SEC. 7. That any person who shall violate any of the provisions of section two of this act or who shall have in his possession any bottles or boxes of which a description shall have been filed and published under the provisions of section one of this act, with intent to violate any of the provisions of section two of this act, shall be guilty of a misdemeanor and on conviction thereof shall be punished by fine not exceeding one hundred dollars or by imprisonment not exceeding six months, or both, at the discretion of the court.

What violations deemed misdemeanors.

28. SEC. 8. That on probable cause shown by the oath or affirmation of the owner of any bottles or boxes a description of which shall have been filed and published under the provisions of section one of this act, or of his agent thereunto specially authorized, that any person has in his possession any bottles or boxes a description of which shall have been filed and published as aforesaid, having violated any of the provisions of section two of this act or with intent to violate the same, a search warrant shall issue to discover and obtain the said bottles or boxes; said search warrant shall be issued and served or executed by the several officers authorized under the laws of this state to issue, serve or execute search warrants.

When search warrants shall be issued.

29. SEC. 9. That all persons who have heretofore filed in the office mentioned in section one of this act a description of the name or names, marks

What descriptions heretofore filed deemed sufficient.

or devices upon their property therein mentioned and have caused the same to be published according to the laws existing at the time of such filing and publication, shall not be required to again file and publish such description; but such filing and publication shall be deemed to be a filing and publication within section one of this act.

Repealer.

30. SEC. 10. That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Bridges.

I. BRIDGE ACT OF 1846, WITH SUPPLEMENTS.

1. Of erecting or repairing bridge when expense over \$500.
 2. Same, when expense over \$50 and under \$500.
 3. Same, when expense less than \$50.
 4. Small bridge, how built.
 5. Bridge between counties.
 6. Act not to extend to toll bridges, &c.
 7. Proceedings in Mounmouth county and Hunterdon county to erect, repair or rebuild bridge when expense over \$50 and under \$500.
 8. When expense shall not exceed \$50.
 9. Action may be brought against township or board of freeholders for neglect to repair bridge.
 10. Proceedings in Sussex county to erect, rebuild or repair bridge, when expense over \$500.
 11. Appointment of committee to be in writing and designate time and place of meeting.
 12. Expenses, how defrayed.
 13. Amended by sections 37 and 38.
 14. Amended by section 28.
 15. Penalty for fast driving.
 16. Board of chosen freeholders may purchase toll bridges.
 17. Proceedings when freeholders and owners cannot agree.
 18. Proceedings in case of appeal.
 19. Commissioners to take oath.
 20. Freeholders may issue bonds to pay for such bridge.
 21. Bonds a lien on property, when payable.
 22. Principal and interest of bonds raised by tax.
 23. Amended by sections 31 and 35.
 24. Law heretofore passed, how construed.
 25. Physicians exempt from penalty for fast driving.
 26. Repealer.
 27. Proceedings when two or more boards of chosen freeholders cannot agree as to location and construction of bridge.
 28. Unlawful to drive over bridges at faster gait than a walk. Penalty.
 29. Freeholders may purchase toll bridges.
 30. Repealer.
 31. Amended by section 35.
 32. Repealed by section 36.
 33. Amended by sections 34 and 40.
 34. Amended by section 40.
 35. Erection of bridges over navigable waters.
 36. Repealer.
 37. Amended by section 38.
 38. Liability for damages when bridges over navigable waters are being repaired.
 39. Repealer.
 40. Bridges between two or more counties erected, &c., at joint expense.
- ### II. MISCELLANEOUS BRIDGE ACTS.
41. Amended by section 47.
 42. Bridge may be put in special care of person appointed.
 43. Penalty for making vessel fast to bridge, &c.
 44. Construction of words "hoist or hoisted."
 45. Distance posts may be erected on both sides of bridges over navigable waters. Ball raised on approach of railway trains.
 46. Penalty for person commanding vessel passing distance posts when ball is raised.
 47. Regulations for approaching, passing and opening drawbridges. Penalty for damage to.
 48. Justices of the peace have cognizance of violations of act. Proceedings before Justice.
 49. Repealer.
 50. Not to drive at faster gait than walk over toll bridge. Penalty.
 51. Nor over free chain bridge. Penalty. Notice to be posted at ends of bridge.
 52. Penalty for destroying such notices.
 53. Penalty for destroying or removing timber, &c., from bridges over Delaware river.
 54. Penalty for fast driving over bridges over Delaware river.
 55. Penalty for carrying lighted cigars, &c., over such bridges.
 56. Drivers shall keep to the right in driving over such bridges.
 57. Notice of penalties to be posted on such bridges.
 58. When act to take effect as to such bridges.
 59. Amended by section 62.
 60. Mortgages given by bridge companies without authority validated.
 61. Mortgages to be lien upon rights and franchises.
 62. Bridge companies may mortgage their property, rights and franchises.
 63. Height of bridges over Morris canal and feeders.
 64. Width and grade of approaches thereto.
 65. Freeholders authorized to build bridges over railroad cuts or crossings.
 66. May borrow money and issue bonds therefor.
 67. Railroad company not relieved from legal requirements.
 68. Bridge over navigable stream between two counties, how constructed and maintained.
 69. Where such bridge shall extend when piers or wharf lines are established by law.
 70. When a draw in such bridge shall be provided.
 71. Regulations for protection of such bridges, how made.
 72. Municipalities to construct approaches to such bridges.
 73. Moneys for building such bridges and approaches, how raised.
 74. Repealer.
 75. Proceedings to acquire lands for such approaches. Commissioners appointed. Award to be made.
 76. Award to be paid by municipality.
 77. Title vested on payment of award.
 78. Appeal in case of dissatisfaction with award.
 79. On appeal, trial by jury may be had.
 80. Freeholders may issue bonds for building bridges.
 81. Payment of bonds to be provided for by taxation.
 82. Act not to apply to certain counties.
 83. Freeholders may acquire toll bridge as a free bridge.
 84. Roads leading to toll bridges which have been acquired by any county deemed county roads.
 85. Expense relating thereto provided for by the issue of bonds.
 86. Repealer.
 87. Freeholders may build new road in lieu of rebuilding a bridge where such course is less expensive.
 88. Such work to be done by contract. How paid for.
 89. When new road built, board relieved from rebuilding or repairing bridge.
 90. Proceedings for condemnation of lands in building bridges over navigable waters. Commissioners appointed. Damages to be awarded.
 91. Title to vest on tender of award.
 92. Appeal may be had from award. Proceedings on.
 93. Second-class counties may issue bonds not exceeding \$100,000 for building bridges.
 94. Payment of bonds to be provided for by taxation.