

XVI. Miscellaneous.

An act in relation to the practice in the court of chancery on bills of interpleader.

P. L. 1893, p. 251.

Approved March 13, 1893.

408-185
R02-273

Counsel fee awarded to complainant on bill of interpleader.

185. SEC. 1. That in all cases in which the court of chancery shall decree an interpleader as between the defendants to a bill of interpleader, the said court shall award to the complainant a counsel fee commensurate with the service of his counsel in the cause, to be taxed in the bill of costs and collected therewith.

Chosen Freeholders.

I. GENERAL ACT TO INCORPORATE CHOSEN FREEHOLDERS, WITH SUPPLEMENTS.

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2. General powers.
3. Process, how served on.
4. May raise money, for what.
5. May adjourn from time to time.
6. Annual meeting.
7. Director to be elected.
8. Amended by section 48.
9. Clerk to deliver papers to his successor.
10. Amended by section 56.
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13. How, when tax required to be raised at different times.
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20. Vacancy may be supplied.
21. Officers to account and remedy against.
22. Liability of county collector.
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24. When township responsible for money lost.
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44. What annual statement to embrace.
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46. Boards of chosen freeholders may purchase bonds of the county.
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51. Amended by sections 53 and 68.
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53. Amended by section 68.
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59. Repealer.
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61. Chosen freeholders to provide books and stationery for courts and county officers.
62. Amended by section 65.
63. Repealer.
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65. County collectors' fees.
66. Repealer.
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68. Chosen freeholders to subscribe an official oath.

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70. Classes distinguished by population.
71. What a sufficient classification in any law.

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75. When board may issue bonds for hospital.
76. Repealer.
77. May pay claims of newspapers for printing minutes in certain cases.
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79. Meeting for organization.
80. Compensation of members, &c.
81. Vacancies, how filled.
82. All laws in force, not conflicting, to apply.
83. Powers, authority, &c.
84. Terms of members now in office, when to expire.
85. Terms of present officers, when to expire.
86. Repealer.

(B) ACTS RELATING TO COUNTIES OF THE SECOND CLASS.

87. Terms of office of solicitor and clerk.
88. Monthly statement of expenditures to be published.
89. Designation of newspapers to publish.
90. Repealer.
91. May issue bonds to build bridges.
92. Payment of same to be provided by taxation.
93. May erect county buildings.
94. Board shall appoint building commission.
95. Organization and powers of commissioners.
96. May issue bonds for such purpose.
97. Form and condition of bonds.
98. Principal and interest to be provided for.
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- 102. Court of common pleas to divide into classes.
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- 104. Existing laws not affected, unless inconsistent.
- 105. Repealer.
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- 113. Repealer.
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- 129. Amended by section 133.
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- 131. Proceedings in case of sudden destruction of bridges, &c.
- 132. Bonds issued not to be sold for less than par value.
- 133. Temporary loans in anticipation of taxes.
- 134. Extraordinary expenditures authorized may be in excess of appropriations previously made.
- 135. How cost of bridge provided for.
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- 140. Certain bonds may be renewed.
- 141. Annual salary of members in certain counties to be in lieu of all other fees.
- 142. Penalty for receiving or demanding other compensation than salary.
- 143. Repealer.
- 144. Amended by section 149.
- 145. Bonds to be registered or coupon, &c.
- 146. Principal and interest to be paid by tax.
- 147. Amended by section 148.
- 148. Board to create a sinking fund.

- 149. Bonds may be issued to raise money for arrearages of state and county taxes.
- 150. All cities entitled to two freeholders.
- 151. Repealer.
- 152. Members entitled to mileage.
- 153. Boards to designate proper authority to bury deceased soldiers.
- 154. Interment, where not to be made.
- 155. Boards may designate their committees, &c.
- 156. Powers of presiding officers.
- 157. Presiding officer not to approve or veto certain appointments.
- 158. Amended by section 164.
- 159. Boards empowered to remove persons from office.
- 160. May abolish certain offices.
- 161. Action of board in removing officer or abolishing office, final.
- 162. Cannot change term of service or compensation of certain officers.
- 163. Repealer.
- 164. Boards empowered to appoint officers and fix compensation, &c.
- 165. Boards, how hereafter constituted.
- 166. Election of director.
- 167. Office of director abolished in certain cases.
- 168. Repealer.
- 169. Amended by section 172.
- 170. Bonds issued for building court-houses, &c., how paid.
- 171. Repealer.
- 172. Bonds may be issued for the building of court-houses, &c.
- 173. In what newspapers financial statement may be published.
- 174. Amended by sections 178 and 177.
- 175. Repealer.
- 176. Amended by section 177.
- 177. May make annual appropriations for maintenance of patients in hospitals.
- 178. When may provide for enlargement and extension of public buildings.
- 179. Certificates of indebtedness may be issued for payments due.
- 180. Costs and expenses to be provided for by taxation.
- 181. Repealer.
- 182. Board may appoint superintendent of public works.
- 183. Annual salary of and duties.
- 184. Board may pay officers and employes when appropriation for such payment is exhausted.
- 185. May borrow money in anticipation of county tax for such purpose.
- 186. Repealer.
- 187. County collector to publish financial statement.
- 188. Repealer.
- 189. Towns, boroughs and incorporated villages not entitled to a freeholder when situate in a township electing a freeholder.
- 190. Office abolished in such towns, &c.
- 191. Act not to affect counties of fourth class.
- 192. Repealer.
- 193. Amended by section 196.
- 194. Vacancy in office of collector, how filled.
- 195. Repealer.
- 196. County collector when appointed, term.
- 197. Certain county officers and employes required to give bond.
- 198. Appropriation authorized for payment of rent of armories, &c.
- 199. Amount to be included in annual tax levy.
- 200. County collector to pay amount collected to commandant of company.
- 201. Act not to affect cities.
- 202. Board may renew maturing bonds.
- 203. Payment to be provided by taxation.

I. General act to incorporate chosen freeholders, with supplements.

An act to incorporate the chosen freeholders in the respective counties of the state.

Approved April 16, 1846. R. S. 182.

1. The chosen freeholders of the several townships, precincts and wards in the respective counties of this state, and their successors, shall be and they are hereby constituted a body politic and corporate in law by the

Incorporation and names of boards.

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S97-213
S97-243a
S99-427
A99-41
S01-49
S02-257a
S02-674a

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s04-31
292a

following names, that is to say: that the said freeholders in and for the county of Bergen, shall be styled and known by the name of "the board of chosen freeholders of the county of Bergen" (the corporate name of the freeholders in the other counties of the state is precisely the same, substituting in each case the name of the proper county).

Powers.

2. That the said boards of chosen freeholders in and for their respective counties, and their successors, shall be able and capable to acquire, purchase, receive, have and hold any lands, tenements, hereditaments, goods and chattels in trust to and for the use of their said counties respectively, (a) and for such other uses as are or may be designated by law; to sue or be sued, implead or be impleaded, to make and use a common seal, and the same to alter and renew at their pleasure, and to ordain, establish and put in execution such by-laws, ordinances and regulations, as shall seem necessary and convenient for the government of their respective corporations; *provided*, the same are not contrary to the constitution or laws of this state.

Proviso.

Process, how served.

3. That when any suit shall be instituted against any of the said corporations, a copy of the summons, precept or such other legal process as may be issued against the same, shall be left with the director of the board or clerk thereof, thirty days at least before the session of the court to which such process shall be returnable.

May raise money.

4. That it shall be the duty of every such corporation, at their stated and annual meeting or at any other meeting duly held for the purpose, to vote, grant and raise such sum or sums of money for the building, purchasing or repairing of poorhouses, jails, court-houses and bridges, the surveying and ascertaining the lines, the prosecuting and defending the rights, defraying the public and other necessary charges, and doing, fulfilling and executing all the legal purposes, objects, business and affairs of such county, as they or the major part of them shall deem adequate or proper; all which moneys so raised, shall be applied, paid and expended under the direction and management of the said corporation. (b)

May adjourn.

5. That it shall and may be lawful for such corporation, at their annual or other legal meetings, to adjourn from time to time as they shall judge necessary.

Annual meeting.

6. That there shall be a stated meeting of every such corporation at the place of holding the court of common pleas in and for such county, at the hour of eleven in the forenoon of the second Wednesday in the month of May, annually. (c)

Director to be elected.

7. That it shall and may be lawful for every such corporation to elect, annually, one of their own members to preside at their meetings, who shall be called the director of the board; and in case of his absence or refusal to act, then such corporation shall proceed to the election of another. [See Sec. 80, *post*.]

8. [Amended by Sec. 48, *post*.]

Papers, &c., to be delivered to successor by clerk.

9. That upon the death or expiration of the office of clerk of any of the said corporations, the common seal, and all the minutes, papers, deeds, writings, documents and books of or belonging to such corporation, shall be delivered to the successor in office, on the oath or affirmation of the preceding clerk, or, in case of his death, on the oath or affirmation of his executors or administrators; and if any such clerk, his executors or administrators, shall refuse or neglect to deliver the same, on oath or affirmation as aforesaid, being lawfully demanded, then every such person

Penalty.

(a) The title to public bridges built by the county, is vested in the board of chosen freeholders. *Freeholders of Monmouth v. Red Bank Turnpike Co.*, 3 C. E. Gr. 91. Money raised illegally from tavern licenses does not belong to the board. *Freeholders of Essex v. Barber*, 2 Hal. 64. See *Evans v. City of Trenton*, 4 Zab. 764. The title to all property belonging to a county is vested in its chosen freeholders. *Freeholders of Essex v. Newark Nat. Bank*, 3 Dick. 51.

(b) The board may pay all reasonable expenses incurred by a public officer in the arrest and prosecution of public offenders, although such expenses may not be taxable in any bill of costs, nor recoverable against the county by an action at law. Their power, however, over the county money is not unlimited, and an illegal appropriation may be set aside upon the complaint of a taxpayer. *Lewis v. Freeholders of Hudson*, 8 Vr. 254. If a

pardon remit a fine, an action will not lie against the board to recover it. *Cook v. Freeholders of Middlesex*, 3 Dutch. 837. A court of equity has power to enjoin a fraudulent or unlawful appropriation of public moneys by a board of chosen freeholders. *McKinley v. Freeholders*, 2 Stew. 164. The acts of a board within the limits of their power are not reviewable by the courts. *Id.* See *Freeholders of Essex v. Newark Nat. Bank*, 3 Dick. 51.

(c) The term of office of chosen freeholders commences at the time of the organization of the board at their annual meeting on the second Wednesday in May, and continues until a like organization in the following year. *Matter of Highway*, 1 Har. 91. Except where changed by special enactment. *State, Feury v. Roe*, 6 Vr. 123.

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shall forfeit one hundred dollars, to be recovered with costs, by action of debt, in any court having cognizance of that sum, in the name and for the use of the said corporation.

10. [Amended by Sec. 56, *post.*]

11. That if any of the members of the said corporation shall neglect or refuse to attend at the annual stated meeting, or at any special meeting as aforesaid of such corporation, then such member shall forfeit eight dollars, to be recovered with costs, by action of debt, in any court having cognizance of that sum, in the name and for the use of the said corporation.

Penalty for non-attendance.

12. That when any of the said corporations shall pass an order or grant, for the raising of any sum or sums of money for any purpose specified in this or any other act, it shall be the duty of such corporation to direct, in writing, the assessors of the respective townships in the said county, to assess the said sum or sums on the inhabitants and their estates agreeably to the law for the time being for the raising of money by taxation for the use of the state; *and further*, that it shall be their duty also to direct, in writing, the time and place of the meeting of the said assessors, to adjust and ascertain the proportion of the said sum or sums to be levied on each township, and the time for collecting the same; which proportion, so adjusted and fixed, shall be assessed and collected by the respective assessors and collectors of the several townships in such county. (a)

How money assessed and raised.

13. That when any of the said corporations shall at any time consider a tax, for any of the purposes specified in this or any other act, necessary to be raised at a time different from the state tax, then the said assessors and collectors shall perform the like duties, be allowed the like compensation for their services in the premises, be liable to the like fines and penalties, to be recovered by the same persons, and in like manner, and in all things be governed by the like regulations as are prescribed and enjoined in and by the law for the time being for the assessing, levying, and collecting money by taxation for the use of the state, except so far as relates to the time of assessing and collecting, which shall be ascertained in the manner mentioned in the section next preceding; and except also, that the fines and penalties shall, when recovered, be paid to the director of such corporation, and applied to such county uses and purposes as the said corporation shall direct; *provided always*, that when the said tax shall be ordered to be raised at the same time with the state tax, one-half of the usual fees, and no more, shall be allowed to the said assessor and collector.

How, when tax required to be raised at different time.

14. That if any person shall think himself or herself aggrieved by any such assessment, he or she may appeal to the commissioners of appeal in and for the township or precinct, agreeably to the provisions for that purpose made in an act entitled "An act concerning taxes."

Appeal from assessment.

15. That in case of non-payment of the assessment of any tax which shall be due at any time different from that fixed for the payment of the state tax aforesaid, for the space of twenty days after demand thereof, the collector of such township shall make out a list of the names of such delinquents, with the sums due from them respectively, thereto annexed, and forthwith deliver the same to some justice of the peace residing in such township, or if necessary, to any other justice of the peace of the said county, and shall, within one week after the expiration of the said twenty days, pay the taxes by him received to the collector of the county.

Proceedings against delinquents.

16. That it shall be the duty of the said justice of the peace, on receiving a list of the names of such delinquents mentioned in the preceding section to administer an oath or affirmation to the said collector, that the moneys in the said list mentioned has been duly demanded, or due notice thereof given to or left at the usual place of abode of each delinquent, who may then reside in such township, and thereupon shall give to the collector a receipt for such list, certifying therein the names of such delinquents, and the sums at which they were respectively assessed; *and further*, that the said township collector shall not be charged by the county collector with the sums in such list contained, until he receive the same from the constable.

Proof of demand required.

(a) See *Bayonne v. Commissioners of Appeals*, 17 Vr. 96.

- Duty of justice.** 17. That when any list of the names of delinquents as aforesaid, shall be received by any justice of the peace for prosecution, it shall be the duty of such justice to proceed thereon in the manner prescribed by the then existing law for the recovery from the delinquents of taxes directed to be raised for the use of the state.
- Duty of constable.** 18. That it shall be the duty of every constable to execute every warrant, precept or other process to him directed and delivered against such delinquents, respectively, or their estates, in the manner prescribed in and by the law for the time being, in cases of the like kind, where taxes are to be raised for the use of the state.
- County collector to be elected, and give bond.** 19. That each of the said corporations shall, at their annual stated meetings, elect some fit person, being a freeholder and resident in such county, and not a member of such corporation, to the office of county collector, who shall, before he enters upon the execution of his office, give bond, with two sureties, being freeholders and residents in the county, to the said corporation, in such penal sum as they shall think proper, conditioned for the faithful performance of the duties of his said office as collector of such county according to law, (a) and who shall continue in office, and exercise all the rights and discharge all the duties appertaining thereto, until his successor shall be lawfully elected and shall have given bond. (b) [See Sec. 196, *post.*]
- Vacancy may be supplied.** 20. That if the person so chosen to the office of county collector, shall die, or remove out of the county, or become incapable of serving, or shall refuse to serve, or neglect or refuse to give such bond, as aforesaid, then it shall be lawful for the said corporation to elect another in his room.
- Officers required to account, and may be sued.** 21. That the said corporations shall be and they hereby are severally empowered, from time to time, and as they shall judge proper, to require all public officers in and for their respective counties and others, to render unto them a true account of all the moneys or other property, which they have heretofore received, or shall hereafter receive or be entrusted with, by virtue of this or any other act, for the use of the said corporations or their respective counties, and to institute at law or in equity, such suit or suits against such officers and persons or any of them, or their or any of their legal representatives, for such moneys or other property as aforesaid, or any part thereof, as shall be necessary or proper; and further, that the said corporations are hereby also severally empowered to require such officers and others, to render unto them, from time to time, a true account of all moneys or other property belonging to this state, which such officers or others have received or may receive, and for which they are responsible to and liable to be sued by the said state or its treasurer, or other person in behalf of the state; and also to institute such suit or suits as aforesaid, for the same, as they shall judge proper.
- Liability of county collector.** 22. That if any county collector shall neglect or refuse to account as aforesaid, to and with such corporation, when thereunto lawfully required, he shall, for every such neglect or refusal, forfeit three hundred dollars, to be recovered with costs, by action of debt, in any court having jurisdic-

(a) A *mandamus* may issue to compel the board to accept the official bond of a person, who has been declared by the county canvassers duly elected as collector, and the determination of such canvassers is conclusive on such an application, but would not be on a *quo warranto*. *State, Stokes v. Freeholders of Camden*, 6 Vr. 217. A *mandamus* to a township committee to compel them to accept the bond of a constable, was refused, where there was a doubt as to his election. *Prickett's Case, Spen.* 134. Where a collector has received public money, those who were bound for him at the time it came into his hands are responsible until he duly disburse or pay it over. *Freeholders of Warren v. Wilson*, 1 Har. 110. The collector is liable for interest upon money remaining in his hands after a reasonable time for paying it over. *Board of Burlington v. Pennimore, Cox* 242. He has no discretion in the payment of school money; nor can he set off any claims of his own or of the county. *State, Herder v. Collector of Hunterdon*, 7 Vr. 363. He has the power to receive payment of any debt due to the board, but not to give away a security, or cancel it without payment. He has not the right to deposit the funds of the county in any bank which he may

select, without the approval of the board. *Freeholders of Middlesex v. Thomas*, 5 C. E. Cr. 39. A settlement made with the collector by a committee of the board appointed to examine his accounts is not final against the county. *Board of Burlington v. Pennimore, Cox* 190. The acquiescing of the board in the claim of a person to be director and to preside at a meeting, and the proceeding to business and electing by ballot a county collector, constitutes a legal election to said office. *Dugan v. Farrier*, 18 Vr. 383. The boards of freeholders are entrusted with discretionary power to pass upon the sufficiency or insufficiency of a bond presented by a county collector. *Conger v. Chosen Freeholders*, 26 Vr. 112. In the absence of proof that such discretion has been abused, the court will not by *mandamus* require the acceptance or approval of such bond. *Id.* See *Frost v. Missett*, 11 Steu. 586.

(b) The term of office of a county collector is "fixed by law" within the meaning of the act entitled "An act in regard to honorably-discharged union soldiers and sailors holding public office or position," passed April 9th, 1889. P. L. p. 231. *Smith v. Regan*, 25 Vr. 167.

tion of that sum, by and in the name of such corporation, and the same when recovered, shall be appropriated to such county uses and purposes as the said corporation shall direct; and the said county collector shall also be liable to be prosecuted in the manner prescribed in the section next preceding.

23. That it shall be the duty of every constable to pay the tax money, which he shall raise from every delinquent on any warrant, precept or other process to him directed for that purpose, to the collector of the township, within eight days after he shall have made the same; and further, that it shall be the duty of said collector to pay such tax money, so by him received from the said constable, to the county collector, within two weeks after receiving the same.

When taxes collected to be paid.

24. That if the collector of any township shall squander, waste, embezzle or become insolvent and unable to pay any tax moneys, or other moneys or property belonging to the said corporation or their respective counties, and by him received, then the said township, for which such collector was chosen or appointed, shall be liable for and make good such deficiency or loss, by adding the same to the quota of such township in the next assessment to be made therein by the authority of the corporation of such county, and which the assessor of such township is hereby required to assess, under the like penalties as are hereinbefore referred to for neglect of duty.

When township responsible for money lost.

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25. That the collector and constable of every township is hereby directed to render a true account to the inhabitants of such township, at their annual or other meeting, of all moneys which he shall receive on any assessment to be made in such township, by the authority of the corporation of such county, and if there be any overplus money remaining in his hands, he shall pay the same to such person or persons as may be appointed to receive the same by the inhabitants of such township, who at their annual meeting, shall appropriate it to such township uses as they shall think proper to direct; and in case such collector or constable shall not so account and pay as aforesaid, then the inhabitants of the said township are hereby empowered to prosecute him for the same.

Duty and liability of township collector and constable.

26. That the collector of the county shall, from time to time, pay the money by him received, in pursuance of any assessment made by the corporation of such county, to the order of the corporation, signed by the director for the time being.

County collector to pay to order.

27. That if any county collector shall neglect or refuse to pay such tax or other moneys by him received as aforesaid, to the order of such corporation, or shall neglect or refuse to perform any of the duties enjoined on him by law, where taxes are to be assessed, levied, raised and collected by the authority of the corporation of the said county, he shall, for every such offense, forfeit and pay three hundred dollars, to be recovered, with costs, by action of debt, in any court of record having cognizance of that sum, by the corporation of the same county, to be applied, on recovery, to such county uses as they shall direct.

Penalty for neglect or refusal.

28. [Amended by Secs. 62 and 65, *post*.]

29. That the justices of the peace and constables shall severally perform the like duties, be allowed the like compensation for their services in the premises, be liable to the like fines and penalties, to be recovered by the same persons, and in like manner, and in all things be governed by the like regulations, as are prescribed and enjoined in and by the law for the time being for the assessing, levying and collecting money by taxation for the use of the state, except so far as is herein otherwise directed, and except also, that the fines and penalties shall, in cases of assessments made by authority of the corporation of any county, be paid, when recovered, to the director of such corporation, and applied to such county uses and purposes as the said corporation shall direct.

Further duties of justices and constables.

Fines and penalties, to whom paid.

30. That it shall and may be lawful for the board of chosen freeholders of every county in this state, if they shall deem it necessary, to purchase or build a poorhouse, at such place in the county as the said corporation shall appoint.

Poorhouse.

413-30
31V-368

By whom gov-
erned and regu-
lated.

414-31, 32
39v-17

Poor employed
there.

414-32
S97-415B

Money, how
raised.

Two counties may
have one poor-
house.

May manage it
jointly.

Jointly procure
materials, &c.

Expenses to be
apportioned.

"Township," how
construed.

Powers and au-
thorities con-
tinued until their
successors organ-
ized.

Estate to vest in
board.

31. That the said poorhouse, when built or purchased, shall be under the direction, superintendence and government of the said corporation, who are hereby authorized to appoint such officers, hire such servants, and to make such regulations, ordinances and by-laws respecting the same, as they shall, from time to time, deem necessary or convenient. (a)

32. That the poor of the county shall be sent to and kept in such poorhouse, when built or purchased agreeably to law, at the charge and expense of the county; and the said corporation are hereby empowered to procure such articles, materials and things for their employment, and to put them to such work as they or the officers by them appointed shall, from time to time, direct; and the money necessary to be expended for the purposes specified in this and the preceding section shall be granted and raised by the order of the said corporation, in the like manner as money for other county purposes is directed to be granted, assessed, collected and raised by virtue of this act.

33. *And whereas*, it may be convenient and economical for two or more counties to unite in building or purchasing a poorhouse—*be it therefore enacted*, that the boards of chosen freeholders of any two or more counties are hereby authorized to join in building or purchasing a poorhouse in common for the said counties, at such place as they shall agree upon, and which, when built or purchased, shall be under the joint direction, superintendence and government of the said corporations, whose duty it shall be to elect such officers, hire such servants, and make such regulations, ordinances and by-laws respecting the same, as they shall, from time to time, deem necessary or convenient.

34. That the said corporations, so uniting in building or purchasing the poorhouse last mentioned, are hereby empowered to procure such articles, materials and things for the employment of the poor that may be sent to and kept therein, and to put them to such work and service as they or the officers by them appointed shall think proper to direct.

35. That the moneys necessary to be expended for building, purchasing or repairing the said poorhouse, maintaining the poor therein, procuring articles, materials and things for their employment, compensating the said officers and servants, and for other incidental expenses, shall be adjusted and apportioned by the said corporations between their respective counties in equal moieties, or by the rates of tax which each shall be assessed to pay for the support of government, or in such other proportion as the said corporations shall deem just and proper; and the sum so ascertained and agreed upon to be paid by each county, shall be granted and raised by the order of the corporation of such county, in the same manner as money for other county purposes is directed to be granted, assessed, collected and raised by virtue of this act.

36. [Amended by Sec. 49, *post.*]

37. That the term "township," made use of in this act, shall be understood to comprehend precinct and ward.

38. That the powers and authorities granted to the several boards of chosen freeholders in the several counties within this state, shall be considered to continue in each and every board, until the organization of the new board at their annual meeting on the second Wednesday of May; the election of new members to the contrary notwithstanding.

39. That the lands, tenements and hereditaments which have been granted, conveyed or vested to, or in the board of justices and chosen freeholders of any county, or any person or persons for the use of such county, shall be and remain vested in the board of chosen freeholders of the said county, and shall be, remain and enure to and for the use and benefit of such county, in the same manner and according to such estate, title and interest as the said board of justices and chosen freeholders or other person or persons had therein.

(a) Under this section the board may appoint such officers for the government of the poorhouse as the public need requires, continue them at their will, appoint them as they see fit, and

abolish the office or change the incumbent at their pleasure. *Adams v. Haines*, 19 Vr. 25.

40. That in case a sufficient number of chosen freeholders of a county, to constitute a board, shall not attend at the time and place of the annual or other legal meeting of the board of chosen freeholders, it shall be lawful for the attending members to adjourn the meeting of the board to such time as they shall think proper.

Less than quorum may adjourn.

41. That the boards of chosen freeholders in the several counties of this state, and their successors in office, shall have full power and authority to sell and convey any lands, tenements, hereditaments, goods and chattels, holden or hereafter to be holden by them for their respective counties, they appropriating the proceeds of such sale or conveyance to the legal use of such county.

Power to sell and convey.

42. That when the board of chosen freeholders of any county shall, at their annual meeting, refuse to go into the measure of building or purchasing a poorhouse according to the provisions of this act, in case the said board shall be requested so to do by the chosen freeholders of any township or townships of said county, the said chosen freeholders being authorized by a vote of the town meeting of the township or townships from which they shall be chosen, to make such request, the said refusal shall be entered on the minutes of the said board, whereupon such township or townships, so by their chosen freeholders making such request, may then proceed to build or purchase a poorhouse according to the directions of the act entitled "An act for the settlement and relief of the poor," and every such township or townships, after they have built or purchased such poorhouse, or have commenced building the same, shall not be liable to pay or contribute in any manner whatsoever, towards building or purchasing any poorhouse that may afterwards be directed to be built or purchased by the board of chosen freeholders of such county, nor to the support of the poor of the county, unless by and with the consent of a majority of the inhabitants of said township or townships, manifested by a public vote at an annual town meeting, nor unless the board of chosen freeholders shall pay to such township or townships the full value of all the lands, buildings and improvements which may by them have been built, purchased or otherwise provided for the purposes aforesaid, and in which case it shall be lawful for the overseers of the poor of such township or townships, under their hands and seals, to make a deed or deeds of conveyance, to the boards of chosen freeholders for all such lands, tenements, hereditaments and real estate, so paid for as aforesaid; and further, that the provisions in this section contained, shall extend to and include every township that hath heretofore built or purchased a poorhouse, with the lands on which the buildings and improvements shall have been erected.

When township may build poorhouse.

And be exempt from assessments for other poor.

So where they have already built.

43. That it shall be the duty of the several boards of chosen freeholders in this state, in each and every year, within sixty days after their annual meeting, to cause to be made out and published in one or more newspapers, circulated in their respective counties, a full and complete account of all their expenditures for the preceding year. [See Secs. 44 and 45.] (a)

Annual statement published.

Supplement.

Approved April 6, 1865. P. L. 1865, p. 955.

44. SEC. 1. That the account required to be published by the forty-third section of the act to which this is a supplement shall embrace a detailed statement of all the expenditures of said boards for the preceding year, including every description of expenditure by items, the amount claimed and the amount allowed in each instance, for what purpose, by whom ordered, and to whom paid; also, a full statement of all moneys paid on account of matters incident to the war, for bounties to volunteers, substitutes, or drafted men, and to whom paid, including discounts or commissions allowed to any person or corporation for negotiating the sale of bonds, notes, or other obligations issued by said boards.

What annual statement to embrace.

45. SEC. 2. [Amended by Secs. 47 and 54, post.]

(a) See *Cory v. Freeholders of Somerset*, 15 Vr. 445. S. C., 18 Vr. 181.

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Supplement.

Approved March 14, 1878.

P. L. 1878, p. 93.

Board of chosen freeholders may purchase bonds of the county.

Proviso.

Proviso.

46. SEC. 1. That it shall be lawful for the board of chosen freeholders of any county in this state, whenever in its opinion the interest of the county will be promoted thereby, to purchase or cause to be purchased with funds raised for the purpose or on hand, and not otherwise appropriated, at prices not above market rates, for the time being, any of the bonds or obligations of such county, issued by such board, as securities for loans, pursuant to law; *provided*, that nothing in this act contained shall authorize the purchase of any bond issued for the purchase or payment for any real estate upon which to erect any county or city buildings; *provided*, that no bonds shall be purchased the validity of whose issue is now in question in any courts of this state.

Supplement.

Approved March 14, 1879.

P. L. 1879, p. 230.

47. SEC. 1. [This section, amending Sec. 45, *ante*, is again amended by Sec. 54, *post*.]

Supplement.

Approved March 14, 1879.

P. L. 1879, p. 274.

Election of clerk.

Proviso.

Proviso.

Duty of the clerk.

48. SEC. 1. That the eighth section of said act, which is in the following words, to wit [see Rev. p. 128], be and the same is hereby amended to read and be in the words following, to wit :

[That the said corporation may annually elect some fit person, being a resident in the county and not a member of such corporation, for their clerk, who may be entitled to such per diem compensation, or annual salary, as the corporation may, by resolution, fix; *provided*, that in counties having less than seventy thousand inhabitants such annual salary shall not exceed three hundred dollars; *provided further*, that in any county where the clerk is now paid an annual salary by law, or by any resolution or by-law of such corporation, such salary shall not be increased beyond the amount now so fixed as aforesaid; it shall be the duty of the clerk to keep the minutes, and enter the orders and proceedings of the corporation in a book to be kept for the purpose, and he shall have the custody of the common seal, and the papers, deeds, writings, documents and books relating to the said corporation; before he enters upon the duties of his office, the said clerk shall take and subscribe an oath or affirmation before the director of the board, who is hereby authorized to administer the same, that he will well and faithfully discharge all the duties appertaining to the said office.]

Supplement.

Approved March 12, 1880.

P. L. 1880, p. 315.

Compensation of members of boards of chosen freeholders

Itemized bill of service to be verified by affidavit.

Proviso

49. SEC. 1. That the thirty-sixth section of the act to which this is a supplement, and which now reads as follows [see Rev. p. 132], be and the same is hereby amended so as to read as follows :

[That each of the members of the respective boards of chosen freeholders shall have and receive out of the moneys raised by such boards, two dollars for each day he shall be actually and necessarily employed in discharging the duties enjoined on him as such officer, upon his filing with the county collector an itemized bill of such service, verified by affidavit, and the same being ordered paid by the board of chosen freeholders according to law; and no other allowance or emolument, directly or indirectly, shall be received by such officer; *provided, however*, that this act shall not apply to any county in this state where the members of boards of freeholders are now paid an annual salary by any special law of this state.] [See Secs. 80 and 152, *post*.]

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50. SEC. 2. That no bill shall be ordered paid by the board of chosen freeholders of any county in this state, except at a regular meeting of said board, and then only when properly itemized and verified according to law. (a)

Bills, when to be ordered paid.

51. SEC. 3. [Amended by Secs. 53 and 68, post.]

Supplement.

Approved March 12, 1880.

P. L. 1880, p. 317.

52. SEC. 1. That whenever the board of chosen freeholders of any county in this state shall have appointed a committee of members of their body upon any subject or matter within their jurisdiction, or to examine any officer of said board or holding an appointment from said board in relation to the discharge of his official duties or conduct, or to the receipt or disbursement by him of any moneys in the discharge of said duties, or concerning the possession or disposal by him, in his official capacity, of any property belonging to said board or to the county, or to inspect or examine any book, account, voucher or document in the possession or under the control of such officer, relating to the affairs or interest of said county, it shall be lawful for the chairman of said committee, or any member thereof, to administer an oath or affirmation to any person attending as a witness before said committee, and for any judge of the circuit court of said county, on application made to him by the director of said board, to make an order awarding process of subpoena out of said court for persons wanted as witnesses before said committee to appear and testify before said committee; and upon filing such order in the office of the clerk of said court it shall be the duty of said clerk to issue process of subpoena, under the seal of said court, requiring such witness to appear and testify before said committee, which process of subpoena shall be served in the same manner and be of the same force and effect as like process issued out of said court; and any person attending in pursuance of such subpoena shall be entitled to the same fees as witnesses in other cases, and in case of disobedience of such process, or of refusal to testify, or be sworn or affirmed, shall be subject to the same penalties, including punishment as for contempt of said court, as are provided in cases pending in said court; and any person who shall willfully and corruptly testify falsely to any matter, upon oath or affirmation administered by any member of such committee, upon such investigation or inquiry, shall, upon conviction thereof, be subject to the penalties of perjury.

Chairman of committee of board of chosen freeholders authorized to administer oaths to witnesses, &c.

Judge of circuit court may order process of subpoena to compel attendance of witnesses to appear and testify.

Penalty for refusing to testify, &c.

Penalty for testifying falsely.

Supplement.

Approved March 21, 1881.

P. L. 1881, p. 157.

53. SEC. 1. [This section, amending Sec. 51, ante, is amended by Sec. 68, post.]

Amendatory act.

Approved March 31, 1882.

P. L. 1882, p. 244.

54. SEC. 1. That section two of the above act, approved March fourteenth, one thousand eight hundred and seventy-nine [see Secs. 45 and 47, ante], be amended to read as follows:

[That it shall be the duty of the county collector to make out and cause such annual statement to be published in such newspapers in the county as are designated by the governor and comptroller to publish the laws, together with such other newspapers as in their judgment such board shall designate, within thirty days after the annual meeting of the board, reference being made as nearly as possible to an equal division of the papers representing the two political parties; and for every neglect so to do, such county collector shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine not exceeding fifty dol-

County collector to make out and publish annual statement in the newspapers, &c.

(a) Any meeting of the board, whether stated or special, is a regular meeting within the meaning of the act. Lindabury v. Freeholders of Ocean, 18 Vr. 420.

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Proviso. lars; *provided*, this act shall not apply to counties where the annual statement is published in pamphlet form according to law.] [See Secs. 173 and 187, *post.*]

Repealer. **55. SEC. 2.** That all acts or parts of acts inconsistent herewith are hereby repealed, and that this act shall take effect immediately.

Supplement.

P. L. 1883, p. 44.

Approved February 23, 1883.

56. SEC. 1. That the tenth section of the act of which this is amendatory, be and the same is hereby amended to read as follows:

Clerk of board to call special meetings on order of director or three members.

[That it shall be the duty of the clerk of the board, on the written or printed order of the director, or of any three members of the board, specifying the business, object and purpose thereof, and the place where the same shall be held, to convene special meetings of said board, by writing under his hand, directed to the respective members thereof, and left at their respective places of abode, or mailed to the post-offices nearest thereto, respectively, at least five days before the day of meeting so specified, and stating in such notices the business, object and purpose thereof, and the place where the same shall be held; if any such clerk shall, on such order as aforesaid, refuse or neglect to call or convene special meetings of the board, he shall forfeit one hundred dollars, to be recovered, with costs, in an action of debt in any court of competent jurisdiction in the name and for the use of the board.]

Supplement.

P. L. 1886, p. 83.

Approved March 16, 1886.

County courts may be provided with reports and text-books.

57. SEC. 1. That it shall be lawful for the board of chosen freeholders of any county to provide for the use of the county court at the court-house, a set of New Jersey reports and statutes, and such text-books as may be designated by the circuit judge, the amount to be expended for the same not to exceed five hundred dollars for the first year's purchases, and one hundred dollars for any succeeding year.

Supplement.

P. L. 1887, p. 14.

Approved March 9, 1887.

Term of office of members.

Proviso.

58. SEC. 1. That the members of the boards of chosen freeholders in the respective counties of this state, elected after the passage of this act, shall hold their office for the term of two years; *provided*, that in those assembly districts, wards and townships which are entitled to elect two members of the board of freeholders, the two members elected to said board from each of said districts, wards and townships, shall at the first annual meeting of the board of chosen freeholders after the passage of this act, proceed to determine by lot their respective terms of office, and one member of the board from each of said districts, wards and townships, shall hold office for the term of one year, and the other member of the board from each of said districts, wards and townships, shall hold office for the term of two years, each to hold office until his successor in office shall be chosen and qualified; and at each succeeding annual election thereafter but one member of the board of chosen freeholders shall be elected from each of said districts, wards and townships, who shall hold office for the term of two years and until his successor in office shall be chosen and qualified.

Repealer.

59. SEC. 2. That all acts or parts of acts, general or special, public or private, inconsistent with this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Supplement.

P. L. 1888, p. 373.

Approved April 2, 1888.

Treasurer to send copy of state publications to clerks of counties having law libraries.

60. SEC. 1. That the treasurer of the state of New Jersey, in the distribution of the laws of this state, and of the reports of the law and equity courts of this state, and of any digests and revisions, and all other publi-

cations issued and published by or at the expense of the state of New Jersey, shall send one copy of all such publications to the clerk of each county where law libraries have been or may hereafter be established under the act to which this is a supplement, or under any act or acts supplemental thereto, for the use of such law libraries, which copies shall be so furnished at the expense of the state of New Jersey.

Supplement.

Approved April 23, 1888.

P. L. 1888, p. 467.

61. SEC. 1. That hereafter it shall be lawful for the boards of chosen freeholders of the respective counties of this state, at the expense of such counties, to provide and furnish books of records, blanks and stationery of every kind which may be necessary for use by the courts of such counties, the county clerks, surrogates, registers and sheriffs of this state in the due and proper execution of the duties of their respective offices.

Lawful for chosen freeholders to provide books and stationery for courts and county officers.

Amendatory act.

Approved May 3, 1889.

P. L. 1889, p. 331.

62. SEC. 1. [This section, amending Sec. 28, *ante*, is amended by Sec. 65, *post*.]

63. SEC. 2. That all acts and parts of acts, general, special or local, inconsistent with this act be and the same are hereby repealed, in so far as they are inconsistent herewith, and that this act shall take effect immediately.

Repealer.

Supplement.

Approved February 25, 1892.

P. L. 1892, p. 40.

64. SEC. 1. That it shall be lawful for the commissioners of the sinking fund, or any similar body or committee appointed by the board of chosen freeholders of any county of this state, or a majority of such commissioners, body or committee, at their discretion, to invest the moneys collected by them, in all cases where such investment is authorized by law, in the bonds, stocks or securities of the United States of America or in the bonds of the state of New Jersey or in the bonds of the municipalities, or any of them, situate in or lying within the limits of said county, for the use of said county, and keep the same invested as now required by law; *provided*, that such municipality has never made default in the payment of principal or interest of any bonds issued by it; *and provided further*, that the total amount of the indebtedness of such municipality does not exceed ten per centum of its ratables liable to taxation, as shown by the assessor's books for the time being. [See Sec. 148, *post*.]

Commissioners of sinking fund may invest moneys collected by them in municipal, state or U. S. bonds.

Proviso.
Proviso.

Amendatory act.

Approved March 8, 1893.

P. L. 1893, p. 113.

65. SEC. 1. That section twenty-eight of said act [see Secs. 28 and 62, *ante*], which reads as follows:

"That the county collectors of the several counties of this state shall be entitled to receive two cents, and no more, for each dollar of all taxes and other moneys which they shall receive and pay to the order of such corporation; but in case the board of chosen freeholders of any of the counties in this state are of opinion that the fees named in this section are too high, they are hereby authorized to fix the fees of the county collector for receiving and paying county money at a less rate; *provided*, the same shall be so fixed before the election of any county collector to be affected thereby," be and the same is hereby amended so as to read as follows:

[That the county collectors of the several counties of this state shall be entitled to receive two cents, and no more, for each dollar of all taxes and other moneys which they shall receive and pay to the order of such corporation; but in case the board of chosen freeholders of any of the counties in this state are of the opinion that the fees named in this section

Section to be amended.

County collectors' fees.

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are too high, they are hereby authorized to fix the fees of the county collector for receiving and paying county money at a less rate; *provided*, the same shall be so fixed before the election of any county collector to be affected thereby; *and provided, further*, that in all counties of the first class in this state the fees of the county collector so fixed, or hereafter to be fixed by the board of chosen freeholders of any such county of the first class, shall not be fixed at a less rate than shall give such county collector of any such county of the first class the sum of three thousand five hundred dollars per annum.]

66. SEC. 2. That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall take effect immediately.

P. L. 1893, p. 115.
Term of office of county auditor.

Supplement.

Approved March 8, 1893.

67. SEC. 1. That the auditor or other officer appointed by the board of chosen freeholders in any county of this state for the purpose of exercising supervision over the expenditure and receipt of moneys by the collector of said county shall hereafter be appointed and shall hold his office for the term of three years or until his successor shall have been elected and shall have qualified, unless he shall have been sooner removed in the manner provided by law.

P. L. 1894, p. 529.

Supplement.

Approved May 25, 1894.

68. SEC. 1. That section three [see Secs. 51 and 53, *ante*] of a supplement to an act to incorporate the chosen freeholders of this state, approved March twelfth, one thousand eight hundred and eighty, be and the same is hereby amended so as to read as follows:

[That each of the members of the board of chosen freeholders of the several counties of this state shall, before they enter upon the duties of their office, subscribe an official oath to faithfully, impartially and justly perform all the duties of their office to the best of their understanding and ability; which oath shall be taken before the presiding judge of the court of common pleas in said county, or any justice of the peace in said county, and filed in the office of the county clerk.]

Members shall subscribe oath.

And file same in county clerk's office.

II. Classified counties.

An act for the classification of counties of this state for all purposes of legislation in relation thereto.

P. L. 1883, p. 20.
How classified.

Approved February 7, 1883.

69. SEC. 1. That from and after the passage of this act, the classification of the counties of this state shall, for all purposes of legislation in relation thereto, be as follows, viz., counties of the first class, counties of the second class, counties of the third class, counties of the fourth class. (a)

70. SEC. 2. That "counties of the first class" shall consist of all counties in this state that have within their territorial limits a population exceeding one hundred and fifty thousand inhabitants; that "counties of the second class" shall consist of counties in this state that have a population within their territorial limits of not less than fifty thousand nor more than one hundred and fifty thousand inhabitants; and that "counties of the third class" shall consist of counties in this state that have a population within their territorial limits of not less than twenty thousand nor more than fifty thousand inhabitants; and that "counties of the fourth class" shall consist of all counties in this state not embraced within either the first, second, or third class, as herein distinguished.

71. SEC. 3. That it shall be a sufficient classification of counties to which any law hereafter enacted shall apply, to refer in any such law to counties

What shall be a sufficient classification.

(a) The constitutionality of this act was questioned by counsel, but not determined by the court, in *Stedler v. Freeholders of Hudson*, 16 Vr. 462.

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85V-468

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A96-84
86V-275

420-70
A01-250

under the classification herein provided by the classification herein designated, and such law shall be construed to apply to and embrace all counties of the class referred to in the act; and all courts of this state shall take notice of this classification, and construe all legislation founded upon the classification herein designated, as if this act were a part of the law under consideration, when any law passed on the basis of the classification in this act shall in any wise be called in question.

(A) ACTS RELATING TO COUNTIES OF THE FIRST CLASS.

A further supplement to an act entitled "An act to incorporate the chosen freeholders in the respective counties of this state" [Revision], approved April sixteenth, one thousand eight hundred and forty-six.

Approved April 11, 1889.

P. L. 1889, p. 264.

72. SEC. 1. That the board of chosen freeholders in any county of the first class within this state and in which there is or may hereafter be established by law, a county board of health, shall appropriate and set apart a sum not to exceed three thousand and five hundred dollars annually for the construction, maintenance and repair of a public hospital for such county, for the treatment of cases of a contagious nature other than small-pox.

Appropriation for construction, maintenance, &c., of public hospital.

73. SEC. 2. That it shall and may be lawful for such board of chosen freeholders to render annually to such county board of health the said sum not to exceed three thousand and five hundred dollars, to be by said board of health expended for the purposes aforesaid.

Annual appropriation and by whom expended.

74. SEC. 3. That such county board of health shall have exclusive charge and control of the expenditure of said sum for the purposes aforesaid, and shall account for such expenditure on or before the end of each and every fiscal year to the county collector of such county, rendering at the same time to him the balance, if any, of such sum remaining.

County board of health to have exclusive charge and control of expenditures.

75. SEC. 4. That in case any such board of freeholders shall have heretofore appropriated any sum for the purposes aforesaid, and in excess of moneys at their disposal, it shall and may be lawful for such board of freeholders to issue bonds for or otherwise to grant and raise a sum not to exceed three thousand and five hundred dollars for the erection and construction of a hospital for contagious diseases other than small-pox, within such county; such sum so raised to be rendered to such county board of health, and to be by them exclusively used for the erection and construction of such hospital.

When board may issue bonds for hospital.

Sum raised, how used.

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

Repealer.

An act to enable the board of chosen freeholders of counties of the first class in this state to pay claims of newspapers or newspaper proprietors, for printing the minutes of official proceedings thereof in certain cases.

Approved April 2, 1891.

P. L. 1891, p. 279.

77. SEC. 1. That where in any county of the first class in this state the minutes or official proceedings of the board of chosen freeholders thereof have been published in any newspaper published in such county, under any recommendation of a committee adopted by such board without further action or authority relative thereto, and the bills for publishing the same have not been paid, the board of chosen freeholders of any such county are hereby authorized to pay any reasonable claim for said publication or printing as if the same were duly authorized in the first instance, where the same appears to have been done in good faith, upon recommendation as aforesaid; *provided*, that the sum to be paid for any such publication or printing to any newspaper under this act shall not exceed three hundred dollars.

May pay claims of newspapers for printing minutes in certain cases.

Proviso.

CHOSEN FREEHOLDERS.

An act to re-organize the boards of chosen freeholders in counties of the first class in this state.

P. L. 1894, p. 355.

Passed May 16, 1894.

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32V-118
340
36V-522

How boards of freeholders shall be constituted.

78. SEC. 1. That on and after the first Monday in December, eighteen hundred and ninety-four, boards of chosen freeholders in counties of the first class in this state shall be constituted as follows: there shall be one member of such board from each ward of each city of the first class in such county; two members at large from each city of the second class in such county, and two members from each township and incorporated town not forming a part of a township, and having by the last preceding federal or state census as the case may be a population of more than ten thousand inhabitants; one member from each township and incorporated town, not forming a part of a township, and having by the last preceding federal or state census a population of less than ten thousand inhabitants; they shall be elected in and for their respective wards, cities, townships and incorporated towns on the first Tuesday after the first Monday in November, eighteen hundred and ninety-four, and on the first Tuesday after the first Monday in November, in each second succeeding year, they shall be respectively citizens of such wards, cities, townships and incorporated towns in and for which they are elected, their terms of office shall begin on the first Monday in December next after their election and they shall hold office for two years and until their successors are elected and qualified.

When they shall be elected.

Qualifications.

Terms and when they shall begin.

When board shall meet for organization.

79. SEC. 2. That the boards of chosen freeholders in counties of the first class constituted as hereinbefore directed shall meet for organization on the first Monday in December, one thousand eight hundred and ninety-four, and thereafter on the first Monday in December of each second succeeding year and shall elect from their own number a "director" who shall be the presiding officer of said boards, and shall appoint the standing committees thereof.

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31V-363

Compensation of members.

Director's salary.

How salaries shall be paid.

Shall take and subscribe oath of office.

80. SEC. 3. That the members of the boards of chosen freeholders of counties of the first class shall receive as compensation for their services a salary of five hundred dollars per annum, and that the "director" shall receive the additional sum of five hundred dollars as such "director;" said salaries shall be paid out of the county treasury by the county collector of said counties in equal quarterly payments as the same become due, and no other compensation shall be allowed, given or paid to any of said members, or to the "director," for any services or expenses whatever connected with his said office; before assuming the duties of his office each freeholder appointed, chosen or elected under the provisions of this act shall take and subscribe an official oath for the faithful performance of the duties of his office, which oath shall be filed in the respective offices of the clerks of said counties. [See Sec. 152, *post.*]

Governing power of municipality shall fill vacancies.

Proviso.

81. SEC. 4. That any vacancy or vacancies hereafter existing in any of the boards of chosen freeholders constituted or elected under the provisions of this act shall be filled by the governing body of the city, incorporated town or township for which such vacancy or vacancies shall exist; *provided*, that the members chosen to fill such vacancy or vacancies shall be citizens of the ward, city, incorporated town or township for which the vacancy or vacancies shall exist, and shall hold office for the unexpired term only.

All laws in force not conflicting shall apply.

82. SEC. 5. That all laws, public general, special or private, now in force, relating to the boards of chosen freeholders of counties subject to the operation and provisions of this act, and consistent with this act, shall apply to the boards of chosen freeholders as the same shall be constituted or elected under the provisions of this act.

Powers, authority, &c., of boards.

83. SEC. 6. That the boards of chosen freeholders constituted or elected under the provisions of this act, shall be vested with all the powers, authority, rights and privileges, and shall have imposed upon them all the duties which are now vested in or imposed upon the boards of chosen freeholders now existing in each of said counties, and that all laws, parts of laws, statutes and parts of statutes now in force, and in anywise appli-

cable to the boards of chosen freeholders in said counties, public, private, general or special, be and the same hereby are in all respects continued in full force and made applicable to the boards of chosen freeholders constituted or elected under the provisions of this act, except in so far as the same may conflict with or be inconsistent with the meaning of this act.

84. SEC. 7. That the terms of office of all chosen freeholders, and the terms of office of all "directors-at-large," chosen or elected prior to the passage of this act in any of the counties subject to the provisions of this act, shall expire on the second day of December in the year one thousand eight hundred and ninety-four, notwithstanding that such members of such boards of chosen freeholders, or such directors-at-large, may have been chosen or elected for a longer term, or for a period extending beyond the said first day of December, one thousand eight hundred and ninety-four; and such members of such boards of chosen freeholders, and such directors-at-large, whose offices are terminated by this act, shall only receive and be paid as a salary and compensation for their services that part of the annual salary or emolument now provided for by law, proportioned to the actual time served by them in said offices.

Terms of chosen freeholders now in office, when to expire.

Shall be paid only for time of service.

85. SEC. 8. That the terms of office of all officers now holding office under appointment by the boards of chosen freeholders of counties of the first class, or under appointment by any officer of any such boards, shall expire on the second day of December, one thousand eight hundred and ninety-four, notwithstanding that such officers may have been appointed for a longer term; and all offices filled by appointment by such boards of chosen freeholders shall be and become vacant from and after said second day of December, one thousand eight hundred and ninety-four, and the boards of chosen freeholders constituted or elected under the provisions of this act shall forthwith, upon their organization, appoint successors to the offices hereby vacated, who shall serve for terms of one year only; *provided*, that the persons now holding the respective offices of county auditor and county collector shall continue to exercise the duties of their respective offices until their successors shall have been appointed by the respective boards of chosen freeholders organized under this act, and shall have duly qualified; *and provided further*, that nothing in this section contained shall apply to or in anywise affect any honorably-discharged soldier or sailor of the United States, or the widow of such soldier or sailor in office at the time of the passage of this act, but any and all such persons shall continue and remain in their respective offices or positions the same as if this act had not been passed, and shall be removed only for cause.

Terms of office of present officers, when to expire.

423-85
29V-320

Successor of shall be appointed.

Proviso.

Proviso.

86. SEC. 9. That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall be deemed a public act and shall take effect immediately.

Repealer.

(B) ACTS RELATING TO COUNTIES OF THE SECOND CLASS.

A further supplement to an act entitled "An act to incorporate the chosen freeholders in the respective counties of this state" [Revision], approved April sixteenth, one thousand eight hundred and forty-six.

Approved April 23, 1888.

P. L. 1888, p. 461.

87. SEC. 1. That the solicitor or attorney and clerk of the boards of chosen freeholders in the counties of the second class of this state, elected after the passage of this act, shall hold their office for the term of two years.

Terms of office of solicitor or attorney and clerk.

423-87
35V-178

An act relative to the publication of the expenditures of the public moneys by the boards of chosen freeholders in the counties of the second class.

Approved March 23, 1893.

P. L. 1893, p. 493.

88. SEC. 1. That it shall be the duty of the board of chosen freeholders in counties of the second class monthly to publish in a newspaper printed and published in said county, a detailed itemized statement of the expendi-

Monthly statement of expenditures to be published.

County collector to prepare the statement.

Newspapers to be designated to publish monthly statement.

Repealer.

tures of the public moneys by said board for the preceding month; and it shall be the duty of the county collector of every such county to prepare the statements of such expenditures for publication.

89. SEC. 2. That it shall be the duty of the board of chosen freeholders in said counties of the second class, at their first regular meeting held after the passage of this act, to designate a newspaper in said county to publish the said expenditures of the public moneys, as herein provided for, and which newspaper so designated shall publish the same for the period of one year, at the expiration of which year it shall be the duty of the said board of chosen freeholders to again designate a newspaper for that purpose; and in like manner shall a newspaper be designated each succeeding year.

90. SEC. 3. That all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

An act to authorize the issue of bonds for building public bridges in second-class counties.

P. L. 1895, p. 391.

Approved March 21, 1895.

Chosen freeholders may issue bonds for purpose of building bridges.

91. SEC. 1. That it shall be lawful for the board of chosen freeholders of any county of the second class in this state, for the purpose of building any new public bridge or bridges in said counties, to issue bonds in the corporate name and under the corporate seal of any said county, signed by the director and the clerk of the board of chosen freeholders of such counties and countersigned by the county collector thereof, to be denominated on their face bridge bonds, to an amount not exceeding one hundred and fifty thousand dollars; such bonds may be registered or coupon bonds, and shall bear a rate of interest not exceeding five per centum per annum, payable half-yearly, and shall be redeemable not exceeding thirty years from their date, in the discretion of the board of chosen freeholders of such county, which bonds may be sold at public or private sale for the best price they can obtain for the same, but shall not be sold for less than par value, and all real estate and property within any such county shall be liable for the payment of the principal and interest that may become due on the bonds to be issued by virtue of this act.

92. SEC. 2. That the board of chosen freeholders of any county of the second class that shall issue bonds by virtue of this act, shall have power and authority to provide by taxation for the payment of said bonds and the interest thereon, and shall yearly and every year, until the said bonds shall be redeemed and paid off, order and cause to be assessed and collected by tax at the same time and in the same manner as other taxes are assessed and collected in such counties, a sum of money sufficient to pay the interest on the said bonds as the same shall become due and payable, and to pay and discharge the principal at the several times it shall become due and payable.

An act to enable counties of the second class in this state to furnish suitable accommodations for the transaction of public business.

P. L. 1895, p. 575.

Approved March 22, 1895.

Board of chosen freeholders may erect buildings to accommodate the courts, &c.

93. SEC. 1. That in any county of the second class in this state in which there are not public buildings the property of the county suitable and sufficient to accommodate the courts, the different officers and departments of the county government, the board of chosen freeholders of any such county is hereby authorized to erect such buildings upon property now owned by such county as hereinafter provided.

94. SEC. 2. That for the purposes of this act, whenever the board of chosen freeholders of such county shall decide by a resolution of two-thirds of all its members that such a building or buildings shall be necessary, it shall be the duty of the circuit court, upon the presentation of such resolution thereto by said board, to appoint three disinterested freeholders and

424 - 91
S04 - 360

Amount and character of the bonds.

Shall not be sold for less than par.

Board shall provide for payment by taxation.

424 - 93
S99 - 327

Board shall appoint a building commission.

residents of said county, no more than a majority of whom shall be members of the same political party, and who shall give a bond for the proper performance of their duty in the penal sum of ten thousand dollars, and shall serve during the pleasure of the appointing power and until others are appointed in their places, unless removed for cause by the said court, who shall have power to erect on the property now owned by said county such buildings as they shall deem suitable for the purposes of this act.

95. SEC. 3. That said commissioners shall organize by the selection of one of their members as chairman, and all payments made for the purposes of this act for the labor and materials furnished shall be upon orders or certificates of said commissioners, signed by their chairman, and the acts of a majority of said commissioners shall be the acts of the commissioners as herein authorized; and such commissioners shall receive as full compensation for their services one hundred dollars per month each for the time they serve, and the chairman shall receive twenty-five dollars per month in addition thereto; and the clerk and counsel respectively of the board of chosen freeholders of such county shall act as clerk and counsel respectively of such commissioners, and shall receive such compensation for their services as such commissioners shall decide.

96. SEC. 4. That it shall be lawful for the board of chosen freeholders of any such county, by resolution adopted by a vote of not less than two-thirds of all the members of such board, to order, direct and authorize the issue, for the purposes aforesaid, of bonds in the corporate name and under the corporate seal of such county, the total amount of which shall not exceed the sum of two hundred thousand dollars.

97. SEC. 5. That such bonds, so as aforesaid directed and authorized to be issued, shall be signed by the director or director-at-large of the board of chosen freeholders of such county and the county collector thereof, and the corporate seal shall be attached thereto; they shall state upon their face for what purpose the same are issued; they shall be of the denomination of not less than one thousand dollars each; such bonds may be either registered or coupon bonds, and shall bear interest at a rate not exceeding four per centum per annum, payable half-yearly, which bonds may be sold at either public or private sale for the best price which can be obtained therefor, but the same shall not be sold for less than their par value; and registered bonds may be exchanged for coupon bonds, and vice versa, at the option of the holder, if the board of chosen freeholders shall by resolution consent thereto; all real and personal property within such county shall be liable for the payment of the principal and interest of such bonds.

98. SEC. 6. That the board of chosen freeholders of such county shall provide for the payment of the principal and interest of said bonds by taxation as follows: every year after the issue thereof, said board shall, by tax, in the manner hereinafter directed for the payment of the principal, raise and provide moneys sufficient to pay the interest thereon as the same shall accrue; yearly and every year, commencing with and including the year one thousand nine hundred and one, until said bonds shall be redeemed and paid off, such boards shall order and cause to be assessed and collected by tax at the same time and in the same manner that other county taxes in such county are assessed and collected, a sum in addition to the amount required for interest, of not less than ten thousand dollars, to pay the principal of said bonds; and provision for the redemption and payment thereof, in accordance with this section, shall be made at the time of the direction for and issue of the bonds as aforesaid; *provided*, that the whole expenditure for the erection of said building or buildings and all purposes of this act shall not exceed the sum of two hundred thousand dollars.

99. SEC. 7. That the work done and the materials required to be furnished by virtue of this act, shall be done and furnished only under a contract or contracts in writing, which shall be awarded upon bids duly advertised for in three newspapers printed and published in said county, at least ten days previously, and the lowest bidder only shall be entitled to

Organization and powers of commissioners.

Compensation of commissioners and officers.

Chosen freeholders may issue bonds.

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S98-35

425-96
S98-264

Form and conditions of bonds.

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S98-264

Shall not be sold for less than par.

Board shall provide for payment of principal and interest.

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S98-264

Proviso.

Work shall be done and materials furnished by contract.

Bids shall be advertised for and awarded to the lowest bidder.

CHOSEN FREEHOLDERS.

Contractor shall give bond with surety.

the contract; and such bidder shall be required to enter into bond, with such sureties as such commissioners shall determine by resolution at the time the bids are ordered or invited, for the faithful performance of the contract, which sureties shall not be less than two in any case, and they shall be residents and freeholders in the county, seized of real property therein over and above all their debts and above all liens and incumbrances on the property of not less than sixty per centum of the contract to be secured by their bond; in case of the rejection of any bid for any reason, as well as in a case where the lowest bidder may for any unforeseen reason fail to enter into contract as above specified, new bids shall be advertised for, and the contract to be made shall be made with the lowest bidder; all bids must be accompanied by offer of sureties qualified as aforesaid, who shall make oath to the same, and who shall specify therein that each of them is ready and willing to enter into bond for the faithful performance of the contract as above provided.

Repealer.

100. SEC. 8. That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

(C) ACTS RELATING TO COUNTIES OF THE THIRD AND FOURTH CLASSES.

An act to re-organize the boards of chosen freeholders in counties of the third and fourth classes in this state.

P. L. 1890, p. 50.

Approved March 5, 1890.

Term of office of chosen freeholders.

101. SEC. 1. That from and after the passage of this act in all counties of the third and fourth classes of this state the members of the board of chosen freeholders shall be elected for the term of three years and until their successors are elected and qualified, except as hereinafter provided.

Court of common pleas to divide townships, wards, &c., into classes.

102. SEC. 2. That the court of common pleas in and for each respective county aforesaid, within five days after the passage of this act, shall meet and divide into three classes the several boroughs, townships, wards and districts in its county (each class to contain the same number of boroughs, townships, wards and districts from which chosen freeholders are elected as near as possible), and shall designate them as class one, class two and class three.

Term of office of freeholders of each class as designated by court

103. SEC. 3. That the chosen freeholders now elected, or who shall be elected at the first election held after the passage of this act, in any of the boroughs, townships, wards and districts designated as class one by said court shall be elected and hold office for the term of one year; and that the chosen freeholders elected at the first election held after the passage of this act from the boroughs, townships, wards and districts comprised in class two shall be elected and hold office for two years; and the chosen freeholders elected from the boroughs, townships, wards and districts comprised in class three shall be elected and hold office for three years and until their successors are elected and qualified, and thereafter each chosen freeholder within the county shall be elected for three years, as provided in section one of this act, except where a vacancy occurs by death, resignation or other cause before the expiration of the term when the member chosen to fill the vacancy shall fill it, but for the unexpired term.

Act not to affect existing laws, unless inconsistent herewith.

104. SEC. 4. That this act shall not in anywise affect or change the application of any and all laws, rules and regulations for the control and governance of said board of chosen freeholders where the same are not inconsistent herewith, nor change nor affect its rights, privileges, authorities, powers and duties not inconsistent herewith.

Repealer.

105. SEC. 5. That all acts or parts of acts, general or special, public or private, inconsistent with this act be and the same are hereby repealed, and that this act shall be deemed a public act and shall take effect immediately.

CHOSEN FREEHOLDERS.

An act concerning clerks of boards of chosen freeholders in counties of the third and fourth classes in this state.

Approved March 29, 1892. P. L. 1892, p. 356.

106. SEC. 1. That from and after the passage of this act in all counties of the third and fourth classes of this state the clerks of the board of chosen freeholders shall hereafter be elected for the term of three years, and shall continue in office until their successors are elected.

Terms of clerks of boards of chosen freeholders in third and fourth-class counties three years.

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

Repealer.

(D) ACTS RELATING TO COUNTIES HAVING A POPULATION NOT LESS THAN SEVENTY-FIVE THOUSAND NOR MORE THAN TWO HUNDRED THOUSAND.

An act to organize the board of chosen freeholders in each of the counties of this state having within its territorial limits a population of not less than seventy-five thousand inhabitants or more than two hundred thousand inhabitants.

Passed May 9, 1894. P. L. 1894, p. 248.

108. SEC. 1. That hereafter the board of chosen freeholders in each county of this state having within its territorial limits a population of not less than seventy-five thousand inhabitants or more than two hundred thousand inhabitants shall consist of one chosen freeholder from each ward of each city, one chosen freeholder from each township and one chosen freeholder from each borough possessing complete autonomy of local government in such county. (a)

Constitution of board.

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A98-57
S01-360
30V-365

109. SEC. 2. That at the first municipal and township elections held in each of the counties aforesaid after the passage of this act, and every second year thereafter, there shall be elected by the electors of each ward and township and each borough possessing complete autonomy of local government in such county as aforesaid, in the same manner and under the same laws and regulations as are or may be provided for such municipal and township elections, one chosen freeholder, as provided for in the first section of this act, to be a member of the said board of chosen freeholders, who shall hold his office for two years, and that the term of office of the respective members of every board of chosen freeholders elected under the provisions of this act shall commence at twelve o'clock noon on the second Wednesday of May next ensuing such election.

How and when elected.

110. SEC. 3. [Amended by Sec. 115, post.]

111. SEC. 4. That each and every board of chosen freeholders elected and organized under the provisions of this act shall be vested with all the powers and authority and rights and privileges and duties now vested in and imposed upon the present board of chosen freeholders in each of the counties to which this act is applicable.

Powers, privileges and duties of.

112. SEC. 5. That the board of aldermen or city council in any city, the borough council in any borough, and the township committee in any township, shall have power for such city, borough or township, to fill any vacancy that may occur in any board of chosen freeholders of any county to which this act is applicable, and the person or persons so appointed shall hold the position of chosen freeholder for the unexpired term only.

Vacancies, how filled.

113. SEC. 6. That the act entitled "An act to re-organize the board of chosen freeholders in certain counties of this state," approved March fifteenth, one thousand eight hundred and ninety-two, and all other acts and parts of acts, general, special, and local, inconsistent with the provisions of this act, be and the same are hereby repealed; provided, however, that the members of the present board of chosen freeholders and all persons appointed by them in any capacity whatever, in each of the counties to which this act is applicable, shall be and continue in office, and that each

Repealer.

Proviso.

(a) See Davis v. Davis, 28 Vr. 80, 203.

CHOSEN FREEHOLDERS.

such board of chosen freeholders and all persons appointed by them shall be possessed of the same powers, authority, rights, privileges and duties as are now vested in and imposed upon them until twelve o'clock noon of the second Wednesday of May, one thousand eight hundred and ninety-four, when the same shall cease and determine.

Governing
bodies author-
ized to make
temporary ap-
pointments.

114. SEC. 7. That the board of aldermen or common council in cities, borough council in boroughs and township committees in townships, in the counties to which this act is applicable, be and they are hereby authorized and empowered to choose from their respective wards, boroughs and townships members of the board of chosen freeholders hereby created, to serve until the second Wednesday in May, in the year eighteen hundred and ninety-five.

Supplement.

Approved March 25, 1895.

P. L. 1895, p. 690.

115. SEC. 1. That the third section of an act entitled "An act to organize the board of chosen freeholders in each of the counties of this state having within its territorial limits a population of not less than seventy-five thousand inhabitants or more than two hundred thousand inhabitants," approved May ninth, one thousand eight hundred and ninety-four [see Sec. 110, *ante*], be and the same is hereby amended to read as follows:

428-115
30V-365

Salaries of mem-
bers and directors.

[That each of the members of every board of chosen freeholders elected under and by virtue of the provisions of this act shall receive as a salary and compensation for his services the sum of three hundred dollars per annum, and the director of said board shall receive the sum of five hundred dollars per annum, to be paid out of the county treasury by the county collector, in equal quarterly payments, and that no other compensation shall be allowed, given or paid to any of said members for any services whatsoever; *provided, however*, that this act shall not apply to the board of chosen freeholders of any county having within its territorial limits a population of less than one hundred thousand inhabitants.]

Proviso.

Repealer.

116. SEC. 2. That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and this act shall take effect immediately.

(E) ACT RELATING TO COUNTIES HAVING A POPULATION EXCEEDING
SEVENTY-FIVE THOUSAND.

An act concerning the election of members of the board of chosen freeholders in certain counties of this state and fixing the time for holding the same.

P. L. 1892, p. 120.

Time for hold-
ing election.

Approved March 15, 1892.

117. SEC. 1. That in each of the counties of this state, having within its territorial limits a population exceeding seventy-five thousand inhabitants, the members of the board of chosen freeholders of such counties shall be elected on the second Tuesday in April.

Registration
lists to be used.

118. SEC. 2. That at the election for members of the board of chosen freeholders in the counties above mentioned, on the second Tuesday of April next ensuing, the registration list made and used at the last election held in said counties for members of the general assembly, with the correction and revision thereof, as made and used at the township and municipal elections held since the above-mentioned election for members of the general assembly, shall and the same is hereby declared to be the proper registry list to be used at said election.

Certain elections
theretofore had
declared null
and void.

119. SEC. 3. That the election of any member of the board of chosen freeholders in said counties above mentioned, in the year of our Lord eighteen hundred and ninety-two, on any day other than the second Tuesday of April, in said year eighteen hundred and ninety-two, shall be and such election is hereby declared null and void and of no effect whatever.

Repealer.

120. SEC. 4. That all acts or parts of acts which provide for the election of members of the board of chosen freeholders in counties of this state,

subject to the provisions of this act, on any day other than the second Tuesday in April, are, so far as they are inconsistent with this act, repealed, and that this act shall take effect immediately.

III. Miscellaneous acts.

An act authorizing the boards of chosen freeholders of the several counties of this state to renew bonds.

Approved April 5, 1876. P. L. 1876, p. 80.

121. SEC. 1. That whenever any bonds heretofore issued for any loan made under the authority of law, by the board of chosen freeholders of any county of this state, shall hereafter become due, and no provision shall be made for the payment of the same, such board may renew the said loan or loans by the issuing of the bonds of such corporation for the said loan or any part thereof, which bonds shall be made payable at such time or times, not over thirty years from the date of issuing the same, but so issued that at least three and one-third per centum thereof shall become due and payable every year, and shall draw such rate of interest, not exceeding seven per centum per annum, and shall be issued in such sums as such board shall determine; and said bonds shall be executed by attaching the seal of such corporation, and be signed by the director of the board, and the clerk thereof, and countersigned by the collector of said county, and shall, except as hereinafter provided, have coupons attached for every half year's interest until due, which coupons shall be numbered to correspond with said bond and signed by said collector; and where the said board judge best, said bonds, or any of them, may be registered and made payable to the order of the purchaser, and shall thus be registered as provided by said board, and issued without coupons, and be transferable only in person, or by power of attorney, on the books to be provided by said board for that purpose, and all bonds issued under this act shall be numbered, and a register of the number, denomination, date of issuing, and name of person to whom issued, if registered, and time of payment, shall be made by the collector, in a book to be provided by said board for that purpose.

When boards of chosen freeholders may renew loan or loans by issuing bonds.

122. SEC. 2. That the debt hereby authorized, and the interest thereon, shall be paid by a tax annually levied and collected, in the same manner as the county taxes are now or may hereafter be levied and collected, and the whole of each year's interest shall be so raised, levied and collected and paid within each year, and in addition thereto there shall be also raised, levied and collected in each year an amount sufficient to pay the bonds falling due in said year.

Debt and interest to be paid by tax.

An act to authorize the issue of bonds for enlarging and repairing public buildings and bridges in counties.

Approved March 9, 1877. P. L. 1877, p. 189.

123. SEC. 1. That it shall be lawful for the board of chosen freeholders in any county of this state, for the purpose of building or enlarging and repairing any of the county public buildings of any such county, and for the purpose of rebuilding and repairing any of the public bridges of any such county, to purchase land when necessary to erect buildings for county purposes, and issue bonds in the corporate name and under the corporate seal of any such county, signed by the director and the clerk of the board of chosen freeholders of any such county, countersigned by the county collector of any such county, to be denominated on their face "repairing bonds," to an amount not exceeding twenty thousand dollars; such bonds may be registered or coupon bonds, and shall bear a rate of interest not exceeding seven per centum per annum, payable half-yearly, and shall be redeemable at any time not exceeding ten years from their date, in the discretion of the board of chosen freeholders of any such county, which

May purchase land and issue bonds therefor. Bonds, how executed.

Not to be sold at less than par value.

Payment of bonds to be provided for by taxation.

Counties to which act shall not apply.

bonds may be sold at public or private sale for the best price they can obtain for the same, but shall not be for less than the par value; and all real estate and property within any of such counties shall be liable for the payment of the principal and interest that may become due on the bonds to be issued by virtue of this act.

124. SEC. 2. That the board of chosen freeholders of any such county shall have power and authority to provide by taxation for the payment of the said bonds and the interest thereon, and shall yearly, and every year until the said bonds shall be redeemed and paid off, order and cause to be assessed and collected by tax, at the same time and in the same manner that other taxes in any of such counties are assessed and collected, a sum of money sufficient to pay the interest on the said bonds as the same shall become due and payable, and to pay and discharge the principal at the several times it shall become due and payable.

125. SEC. 3. That this act shall take effect immediately, but this act shall not apply to any county having over fifty thousand inhabitants.

An act in relation to county expenditures.

P. L. 1878, p. 248.

Approved April 2, 1878.

430-126
S01-284
S02-215
S02-228
A02-188a
S02-267a

Boards of chosen freeholders to declare amount of money necessary for certain purposes. Current expenses.

430-126
S 03-43
44
66

126. SEC. 1. That in ordering in each year the amount of money to be raised for county purposes, the boards of chosen freeholders of the several counties in this state shall declare the amount necessary to be raised for each of the following classes and sub-classes of expenditures, to wit:

I. Current expenses, to wit: first, for courts; second, for county jail, for county penitentiary, and for county poorhouse, or for such of said institutions as may be maintained by the county; third, for the support of lunatics in state asylums, and for the support of lunatics in county asylums, if the board have a county asylum; fourth, for the compensation and lawful expenses of chosen freeholders and committees, and for the salaries of their officers; fifth, for fees of coroners; sixth, of elections; seventh, for stationery; eighth, for advertising, publishing and printing; ninth, for incidental expenses.

Debt and interest.

II. Debt and interest, to wit: first, for payment of principal of bonded debt falling due in each year, or for sinking fund; second, for payment of interest on bonded debt; third, for payment of bank discounts on temporary loans.

Public works.

III. Public works, to wit: first, for the permanent improvement of the public buildings and grounds; second, for the erection and repair of bridges or culverts; third, for the improvement and repair of public highways, where the power to expend money therefor has been vested by law in any such board.

Aggregate appropriations not to exceed a certain sum.

127. SEC. 2. That the amount so as aforesaid declared to be necessary for the several purposes specified, shall thereby become appropriated for such purposes; but the whole amount of money appropriated, contracted or expended in any one year by any board of chosen freeholders shall not exceed three-quarters of one per centum of the gross valuation of taxable property in the county, as reported by the county board of assessors of said county for the next preceding year; the appropriations made as aforesaid may be altered from time to time by the said boards, respectively, by the affirmative votes of three-fourths of all their members, but the aggregate amount appropriated and ordered to be raised in any one year shall not be exceeded except as hereinafter provided. (a)

Appropriations may be altered.

128. SEC. 3. [Amended by Sec. 131, *post.*]

129. SEC. 4. [Amended by Sec. 133, *post.*]

(a) In making an apportionment of state and county tax among the municipalities of Hudson county, the county board of commissioners of appeal have no power to consider or determine whether any part of the county tax required to be raised by order of the chosen freeholders is or is not properly included in the order. *Bayonne v. Commissioners of Appeal*, 17 Vr. 93.

Under this act the board of freeholders has no right to make an excessive appropriation for one class of expenditures in order that with the surplus it may eke out deficiencies in others. An honest estimate of the probable expenditure in each class is required by the statute. *Paterson v. Freeholders*, 27 Vr. 459.

130. SEC. 5. That it shall be lawful for any board of chosen freeholders who have already incurred obligations in excess of the ordinary appropriation by reason of the damages done to bridges by freshets, or in preserving the peace of the state to suppress riots or strikes, to borrow money to discharge such obligations.

May borrow money for certain purposes.

Supplement.

Approved January 31, 1883. P. L. 1883, p. 18.

131. SEC. 1. That section three [see Sec. 128, *ante*] of the act to which this is a supplement be and the same is hereby amended so as to read as follows :

[That in case of the sudden destruction, partial or entire, of any building or buildings of any county, or of any bridge or bridges, culvert or culverts, for the repairing or rebuilding of which any board of freeholders is wholly or jointly with another board responsible, the said board of freeholders may, by the affirmative votes of four-fifths of all its members, order and cause such building or buildings, bridge or bridges, culvert or culverts, to be repaired or rebuilt, and may borrow money for that purpose in anticipation of the next tax levy ; and in the said tax levy there shall be incorporated a special appropriation, under the head of "debt and interest, special deficiency," to pay for such temporary loan to meet such emergency ; *provided always, however*, that if the aggregate amount of money required to repair or rebuild the building or buildings, bridge or bridges, culvert or culverts suddenly destroyed in any county within any one year shall exceed the sum of twenty-five thousand dollars, the board of freeholders of such county may, by the affirmative votes of four-fifths of all its members, issue bonds to the aggregate amount required to repair or rebuild the building or buildings, bridge or bridges, culvert or culverts so suddenly destroyed, which bonds shall be made payable at such periods of time not exceeding twenty years from the date of their issue, and bear such rate of interest not exceeding six per centum per annum, and be issued in such denominations of not more than one thousand dollars each, and be either coupon or registered bonds, as the said board of chosen freeholders shall by resolution determine.]

Proceedings in case of sudden destruction of bridges, &c.

Proviso.

132. SEC. 2. That the bonds issued in pursuance of the above-granted power may be sold either at public or private sale for the best price which can be obtained for the same, but not for less than the par value thereof ; and all the real estate and property within the county shall be liable for the payment of the principal and interest that may become due upon the bonds issued by authority of this act.

Bonds to be sold at not less than par value, &c.

Supplement.

Approved March 31, 1885. P. L. 1885, p. 180.

133. SEC. 1. That the fourth section [see Sec. 129, *ante*] of an act entitled "An act in relation to county expenditures," approved April second, one thousand eight hundred and seventy-eight, be and the same is amended so as to read as follows :

[That it shall be lawful for any board of chosen freeholders to make temporary loans in anticipation of the collection of the taxes of any current fiscal year, such loans not in any case to exceed three-fourths of the amount of the appropriation for the said current fiscal year, and said loans may be made for such time as may be deemed reasonable and prudent, and the same may be renewed from time to time, until the taxes in anticipation of the collection of which such temporary loans were made are received by the county collector ; *provided*, that when any such temporary loans shall be renewed, all arrearages of taxes thereafter received by the county collector for the year, in anticipation of the taxes of which said loans shall have been made, shall be held by the county collector and by him applied to the payment of such loan or loans.]

Board of freeholders may make temporary loans in anticipation of collection of taxes.

Proviso.

Supplement.

Approved April 2, 1888.

P. L. 1888, p. 362.

Preamble.

WHEREAS, The act to which this is a supplement provides that the whole amount of money appropriated, contracted or expended in any one year by any board of chosen freeholders, shall not exceed three-quarters of one per centum of the gross valuation of taxable property in the county, as reported by the county board of assessors of said county for the next preceding year; and whereas, since the passage of said act various acts have been passed authorizing boards of chosen freeholders to incur sundry extraordinary expenditures, and to issue bonds to meet the same, and doubts have arisen as to whether such expenditures may be or can be lawfully incurred or met by any such board, if the same be in addition to the annual appropriation made previous to the incurring thereof, or in excess of the aforesaid limitation of county expenditures; and whereas, it sometimes happens that such boards are authorized and required to erect expensive bridges, the cost of which, if paid in one year, would be too burdensome to the taxpayers of the county; therefore,

Extraordinary expenditures authorized may be in excess of appropriations previously made.

134. SEC. 1. That where the boards of chosen freeholders of the several counties of this state shall be, or shall have been authorized by law to purchase sites for armories or other buildings, or to purchase toll-roads and bridges, or to erect public buildings, the extraordinary expenditures so authorized may be in addition to and in excess of the annual appropriations previously made by such board, and in excess of the annual limitation of county expenditures fixed by the act to which this is a supplement, but no such board shall, in fixing the annual tax levy in such county, exceed the said limitation of three-quarters of one per centum of the gross valuation of the county. (a)

How cost of bridge provided for.

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

An act concerning the number of chosen freeholders to be elected from the wards in those cities of this state where there shall be an exact conformity between the lines of the wards and the assembly districts exclusively within such cities, and embracing no territory outside of such cities.

P. L. 1878, p. 326.

Approved April 5, 1878.

Three chosen freeholders to be elected in wards of certain cities.

136. SEC. 1. That in every city in this state where the ward lines of such city now or hereafter shall correspond with the assembly district lines in such city, and no such assembly district in such city shall embrace any territory outside of such city, there shall be elected annually three chosen freeholders from every ward in such city. (b)

Repealer.

137. SEC. 2. That all acts and parts of acts, general, local, public or special, inconsistent with this act, be and the same are hereby repealed.

(a) Under this act it was lawful for the board of freeholders of Passaic county to purchase a site for a court-house without making a previous appropriation for that purpose. *Quackenbush v. State*, 28 Vt. 18.

(b) *Query*—Effect of decision of the supreme court in *State v. Wrightson*, 27 Vt. 126, holding the apportioning of a county into assembly districts to be unconstitutional.

An act authorizing the counties of this state to renew matured and maturing bonds.

Approved March 14, 1879. P. L. 1879, p. 186.

138. SEC. 1. [Amended by Sec. 140, *post.*]

139. SEC. 2. That the board of chosen freeholders of any such county shall have power and authority to provide by taxation for the payment of the said bonds, and the interest thereon, and shall yearly and every year until the said bonds shall be redeemed and paid off, order and cause to be assessed and collected by tax at the same time and in the same manner that other taxes in any such counties are assessed and collected, a sum of money sufficient to pay the interest on the said bonds as the same shall become due and payable, and to pay and discharge the principal at the several times it shall become due and payable.

Payment of bonds and interest thereon to be provided for by yearly tax.

Supplement.

Approved March 4, 1880. P. L. 1880, p. 118.

140. SEC. 1. That the first section of an act entitled "An act authorizing the counties of this state to renew matured and maturing bonds," approved March fourteenth, one thousand eight hundred and seventy-nine [see Sec. 138, *ante*], which now reads as follows [see P. L. 1879, p. 186], be and the same is hereby amended so as to read as follows :

Ninety per cent. of indebtedness may be renewed by issuing bonds.

[That whenever any bonds heretofore legally issued by the board of chosen freeholders of any county in this state, under the authority of law, are now due and unpaid, or shall hereafter become due, the board of chosen freeholders of any such county may renew ninety per centum of said indebtedness, or any less part thereof, by the issuing of bonds for that purpose in the corporate name and under the corporate seal of any such county, signed by the director and attested by the clerk of the board of chosen freeholders of any such county ; which bonds shall be made payable at periods of time not exceeding twenty years from the date of issuing the same, and shall draw such rate of interest not exceeding six per centum per annum, and be issued in such sums, not less than one hundred dollars nor more than one thousand dollars, as the said board of chosen freeholders shall by resolution determine, and which bonds shall, except as hereinafter provided, have coupons attached for every year's interest until due, and which coupons shall be signed by the collector of said county, and numbered to correspond with the bond to which they shall be respectively attached ; and when the said board judge best, said bonds, or any of them, may be registered and made payable to the order of the purchaser, and shall thus be registered as provided by said board, and issued without coupons, and be transferable only in person, or by power of attorney, on the books to be provided by said board for that purpose, and all bonds issued under this act shall be numbered, and a register of the number, denomination, date of issuing, and name of person to whom issued, if registered, and time of payment, shall be made by the collector, in a book to be provided by said board for that purpose ; which bonds may be sold at public or private sale for the best price which can be obtained for the same, but shall not be for less than the par value ; and all the real estate and property within the county shall be liable for the payment of the principal and interest that may become due on the bonds to be issued by virtue of this act, but nothing in this act contained shall be held to permit any board to issue bonds the legality of which is now questioned or contested in any court of this state or of the United States, nor to renew or re-issue bonds held by any such court not to have been legally issued.]

Rate of interest.

Not to be sold at less than par value.

May not issue bonds in certain cases.

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An act to limit and restrict expenditures by boards of chosen freeholders in this state, and to determine the compensation of such freeholders.

P. L. 1879, p. 199.

Approved March 14, 1879.

Annual salary to be in lieu of all other fees or compensation.

141. SEC. 1. That in all counties of this state where there is now by law an annual salary paid to members of said boards of chosen freeholders, it shall not be lawful for any member of any of said boards to receive any other or further sum than the annual salary aforesaid, by virtue of his office or position as chairman of any regular committee or committees of said board, but the said annual salary shall be in lieu of all other fees, compensation or emoluments whatever. [See Sec. 152, *post.*]

Penalty for demanding or receiving other compensation than salary.

142. SEC. 2. That any member of any said board of freeholders who shall take, demand or receive any compensation other than such annual salary as aforesaid, he shall be deemed guilty of a misdemeanor, and, on conviction thereof, he shall be punished by a fine of not more than two hundred and fifty dollars, in the discretion of the court.

Repealer.

143. SEC. 3. That all acts and parts of acts inconsistent with this act, general or special, be and they are hereby repealed.

An act to authorize the boards of chosen freeholders of the respective counties of this state to issue bonds to raise money for state or county purposes in anticipation of the arrearages of state or county taxation.

P. L. 1881, p. 182.

Approved March 18, 1881.

Bonds may be registered or coupon, and where made payable, &c.

144. SEC. 1. [Amended by Sec. 149, *post.*]

145. SEC. 2. That the bonds authorized to be issued by the first section of this act may be either coupon or registered bonds, as the board of chosen freeholders may determine; and the same shall be made payable, both principal and interest, at the office of the county collector of such county, and said bonds shall be sold by the board of chosen freeholders of such county, upon the orders and resolutions thereof, either upon bids for the same, duly advertised for, or otherwise; *provided*, the same shall in no case be sold at less than at par; the director and county collector shall sign said bonds, and the same shall be sealed with the seal of the county, and the county collector shall number and register the same, and registered bonds may be exchanged for coupon bonds, and coupon bonds exchanged for registered bonds, at the option of the holder thereof; *provided*, that the board of chosen freeholders, by resolution, shall consent to such exchange; and said bonds shall bear such interest as such board shall determine, not exceeding six per centum per annum, and said interest shall be paid semi-annually, and such bonds shall have such time to run as said board of chosen freeholders may, at the time of such issue thereof, by resolution, determine, not exceeding thirty years.

Proviso.

Proviso.

Principal and interest of bonds to be raised by tax.

146. SEC. 3. That the said board of chosen freeholders shall, each year, place in the tax levy for such county, for such year, so long as such bonds shall run, a sufficient sum to pay all interest on said bonds during such year, and also a sufficient sum to pay the principal of said bonds falling due within the year; the same to be levied and raised in the same manner as other county taxes are levied and raised. (a)

147. SEC. 4. [Amended by Sec. 148, *post.*]

Supplement.

P. L. 1887, p. 117.

Approved April 1, 1887.

148. SEC. 1. That section four of an act entitled "An act to authorize the boards of chosen freeholders of the respective counties of this state to issue bonds to raise money for state and county purposes in anticipation of the arrearages of state and county taxation," approved March eighteenth,

(a) Query—Can the interest upon bonds issued for arrears of taxes due from a particular city, town or township, be raised by

a general tax upon all the inhabitants of the county? *Bayonne v. Commissioners of Appeals*, 17 Vr. 94.

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

[That whenever bonds shall be issued by any board of chosen freeholders under the provisions of this act it shall be the duty of the board of chosen freeholders to create a sinking fund into which shall be paid all sums of money received on account of said arrearages or interest on the same or moneys received as premiums upon the sale of any county bonds ; and that for the proper management of said sinking fund a sinking fund commission is hereby created, to consist of the director of said board, the county collector of the county and the chairman of the finance committee of said board, and it shall be lawful for said commissioners, under the direction of the board of chosen freeholders of such county, to take charge of said sinking fund and to securely invest said funds and the interest accruing thereon so that the funds in the sinking funds aforesaid shall be available to pay bonds of such county as they may fall due, or the said commissioners may invest the same in the purchase of any bonds of such county heretofore or hereafter legally issued.]

Board of freeholders to create a sinking fund.

Sinking fund commission created.

To invest funds, &c.

Supplement.

Approved February 28, 1893.

P. L. 1893, p. 60.

149. SEC. 1. That the first section of the act to which this is a supplement [see Sec. 144, *ante*], and which section reads as follows [see Sup. to Rev. p. 92], shall be amended so that the same shall read as follows :

[That if in any county of this state there shall now exist, or hereafter shall exist arrearages of state and county taxes, owing and unpaid to the county collector, by the different cities, towns or townships in said county, by reason of any appropriation and levy of taxes for state or county purposes, or for errors in the apportionment or assessment of state school tax, heretofore made or hereafter to be made, that it shall be lawful at any time, or from time to time, for the board of chosen freeholders of any county of this state to borrow such sum or sums of money as they may deem necessary for the payment of any floating debt of such county, or for the payment of any temporary loans based upon such arrearages, or for the payment of any state or school tax which may be due from such county to this state, and to cause, by resolution, the bonds of such county, in the name of the board of chosen freeholders of such county, to be issued for the same in such sums each as they may deem proper ; *provided*, that said board of chosen freeholders of such county shall not, in all, borrow to an amount exceeding the amount of arrearages of taxes owing to the county collector by the different cities, towns and townships in such counties ; and such loans shall be made and such bonds issued only in anticipation of the collection of such arrearages of taxation ; *provided, also*, that the first moneys realized from such bonds shall be paid into the state treasury in payment of such state taxes as may be then due.]

Boards of chosen freeholders authorized to issue bonds to raise money for arrearages of state or county taxation.

Proviso.

Proviso.

An act respecting the representation of cities in boards of chosen freeholders.

Approved March 25, 1881.

P. L. 1881, p. 252.

150. SEC. 1. That all cities of this state shall be entitled to be represented by not less than two freeholders in the boards of chosen freeholders of the counties in which they are respectively situated ; *provided*, that whenever any city shall, under the provisions of this act, be represented by two freeholders, they shall not be elected from the same ward ; *and provided further*, that any city within a township, which township, as such, is represented in the board of chosen freeholders of the county in which such city is located, shall not be represented as a city in said board of chosen freeholders ; *and provided further*, that any city which has not been divided into wards shall be deemed to constitute one ward for the purposes of this act.

All cities entitled to two freeholders.

Proviso.

Proviso.

Proviso.

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Repealer.

151. SEC. 2. That all acts or parts of acts inconsistent herewith are hereby repealed, and this shall be a public act and take effect immediately.

An act relating to the compensation of members of the board of chosen freeholders.

P. L. 1882, p. 194.

Approved March 27, 1882.

Members of board of freeholders entitled to mileage.

152. SEC. 1. That members of the board of chosen freeholders, in addition to the compensation now allowed by law, shall be entitled to receive the sum of three cents per mile for each and every mile they shall necessarily travel in going to and returning from, by the nearest route, the sessions of the board; *provided*, that this act shall not apply to counties having one hundred thousand population or over, or where they receive annual salaries.

Proviso.

An act to authorize the burial of the bodies of any honorably-discharged soldier, sailor or marine, who shall hereafter die without leaving means sufficient to defray funeral expenses.

P. L. 1884, p. 17.

Approved February 18, 1884.

Board of freeholders to designate proper authority to bury the body of deceased soldier or sailor.

153. SEC. 1. That it shall be the duty of the board of freeholders in each of the counties of this state to designate some proper authority, other than that designated by law for the care of paupers and the custody of criminals, who shall cause to be interred the body of any honorably-discharged soldier, sailor or marine, who served in the army or navy of the United States during the late rebellion, or any war in which the United States have been engaged, who shall hereafter die without leaving means sufficient to defray funeral expenses, but the expenses of such funeral shall not in any case exceed the sum of thirty-five dollars; the expenses of such interment shall be borne by the county in which such soldier, sailor or marine shall die.

Expense to be borne by county.

Interment not to be made in a pauper cemetery.

Grave to be marked by suitable headstone.

Cost and design of headstone.

Expense of burial and headstone, by whom and how paid.

154. SEC. 2. That any interment provided for by the provisions of this act shall not be made in a cemetery, or in any cemetery or plot, used exclusively for the burial of the pauper dead; the grave of any such deceased soldier, sailor or marine shall be marked by a headstone containing the name of the deceased, and, if possible, the organization to which he belonged or in which he served; such headstone shall cost not more than fifteen dollars, and shall be of such design and material as shall be approved by the governor, adjutant-general and quartermaster-general of the state, and the expense of such burial and headstone as above provided for shall be charged upon and shall be paid by the county in which the said soldier, sailor or marine shall have died; and the board of freeholders of such county is hereby authorized and directed to audit the account and to pay the expense of such burial in the same manner in which the accounts of such officer as shall be charged with the performance of such duty as above provided shall be audited and paid.

An act to establish the powers and duties of the boards of chosen freeholders in the respective counties of this state and to define the powers of the presiding officers of said board.

P. L. 1885, p. 135.

Approved March 25, 1885.

Board of freeholders empowered to designate their committees, &c.

155. SEC. 1. That the boards of chosen freeholders in the respective counties of this state shall have the power, by resolution, to designate any and all committees of their respective boards, and to define their duties, and determine the number of members of which any committee shall be composed, and they shall have power at any time to discharge any committee created by them as aforesaid.

Powers of presiding officers of boards.

156. SEC. 2. That the officer who may be lawfully entitled to preside over the meetings of the board of chosen freeholders of any county in this state, whether such right to preside may result from an election by the members of said board, or from any election by the electors of the county at large to any office which entitles the holder thereof to preside over the

meetings of the board of chosen freeholders of any county of this state, shall have the right to name the members of any committee authorized as aforesaid by such board, and shall have the power by and with the consent of a majority of the members of such board, but not otherwise, to discharge any member or members of such committees from further service thereon; and no such presiding officer, as aforesaid, whether he shall be officially known by the title of director, or director-at-large, or by any other official title, shall have the power to determine what committees shall be appointed, or the number of members that shall constitute any committee; and no such presiding officer as aforesaid shall have any further or other power than any single member of such board in regard to the appointment of any person to any office or employment under such board; and no presiding officer of any board of chosen freeholders shall have any other or additional powers respecting appointments to or removals from office by such board than those now possessed by every other member of such board.

157. SEC. 3. That no officer having authority by law to preside over the meetings of the board of chosen freeholders of any county in this state, shall have the right or power to approve or veto any appointment or employment of any officer, agent or employe of such board.

Presiding officer not to approve or veto certain appointments.

158. SEC. 4. [Amended by Sec. 164, *post.*]

159. SEC. 5. That the board of chosen freeholders of any county in this state shall have the power, by a majority vote of all the members of such board, to remove from office any person who holds office, in subordination to or by appointment from such board, in all cases where the term of such office is not fixed by any statute of this state.

Boards empowered to make removals.

160. SEC. 6. That the board of chosen freeholders of any county in this state shall have the power, by a majority vote of all the members of such board, to abolish any office heretofore created by such board, provided such office is not a statutory office.

May abolish office.

161. SEC. 7. That whenever the board of chosen freeholders of any county in this state shall remove any officer or employe of such board, or shall abolish any office as provided in the two preceding sections of this act, the action of such board shall be final, and the director or other presiding officer of such board shall have no power, authority or right to approve or disapprove of the action of the board in such matters, but the action of the board shall be valid and of full force and effect without being approved by the director or acting director of said board.

Action of board final.

162. SEC. 8. That this act shall not empower any board of chosen freeholders to change the term of service or compensation of any officer of any county whose term of service and compensation are regulated by any existing statute of this state.

Not empowered to change term of service or compensation of certain officers.

163. SEC. 9. That all acts and parts of acts, general, public, special and local, inconsistent herewith, be and the same are hereby repealed.

Repealer.

Supplement.

Approved April 27, 1886.

P. L. 1886, p. 301.

164. SEC. 1. That section four of an act entitled "An act to establish the powers and duties of the boards of chosen freeholders in the respective counties of this state and to define the powers of the presiding officers of said board," passed March twenty-fifth, one thousand eight hundred and eighty-five [see Sec. 158, *ante*], be amended to read as follows:

[That each and every board of chosen freeholders of the respective counties in this state shall have power to appoint such officers, agents and employes as may be required to do the business of such county, and fix their compensation and term of service, but no person shall be appointed by such board to any office or position in any county unless he shall have been a citizen of the state of New Jersey for at least one year prior to such appointment, nor unless by the affirmative vote of at least a majority of all the members of said board, at a regular stated meeting of the board; and any appointment made as aforesaid, unless otherwise ordered by resolution of the board, shall be of full force and effect, and the term thereof

Board of freeholders empowered to designate and appoint their officers and fix compensation, &c.

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shall commence immediately upon such vote being taken, without any approval or other action by the director, acting director or other presiding officer of such board; *provided*, that if sufficient competent medical attendants and nurses with the above qualifications cannot be obtained, then the said board may appoint whatever person may be necessary without such qualifications as medical attendants or nurses in any county asylum for the insane.]

Proviso.

An act concerning the constitution of the boards of chosen freeholders of this state and to make uniform the selection and duties of directors of such boards.

P. L. 1885, p. 137.

Boards of chosen freeholders, how constituted.

Approved March 25, 1885.

165. SEC. 1. That hereafter only those persons elected by the various townships, or other political divisions from which chosen freeholders are authorized to be elected by the laws of this state, shall constitute the boards of chosen freeholders in the respective counties of this state; and no member or director of any board of chosen freeholders shall be elected by the vote of the electors of a county at large, any law to the contrary hereof notwithstanding. (a)

Election of director.

166. SEC. 2. That the boards of chosen freeholders in the several counties of this state shall elect their own director from among their own number, in accordance with the provisions of the act entitled "An act to incorporate the chosen freeholders in the respective counties of the state," approved March sixteenth, eighteen hundred and forty-six; and such director shall have the powers and perform the duties prescribed by said act and no other powers or duties.

Office of director abolished in certain cases.

167. SEC. 3. That any office of director of a board of chosen freeholders created by any law of this state other than said act shall be and the same hereby is abolished, and in any county where there has hitherto been such an office the board of chosen freeholders shall immediately elect a director from their own number.

Repealer.

168. SEC. 4. That all acts and parts of acts, general or special, public or private, inconsistent with the provisions of this act, be and the same hereby are repealed.

An act entitled "An act to authorize the issuing of bonds for the purpose of building court-houses, clerks' offices, surrogates' offices and registers of deeds' offices in counties of this state."

P. L. 1886, p. 59.

Approved March 1, 1886.

169. SEC. 1. [Amended by Sec. 172, *post.*]

Amount required to pay principal and interest of bonds to be assessed and collected.

170. SEC. 2. That the board of chosen freeholders of any such county shall have power and authority to provide by taxation for the payment of the said bonds and the interest thereon, and shall, yearly and every year until the said bonds shall be redeemed and paid off, order and cause to be assessed and collected by tax, at the same time and in the same manner that other taxes in any such county are assessed and collected, a sum sufficient to pay the principal and interest on the said bonds as the same shall become due and payable.

Repealer.

171. SEC. 3. That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

(a) This act is not unconstitutional either because it is special or local and attempts to regulate the internal affairs of counties, or because no public notice was given of the intention to apply to the legislature therefor, or because its title does not express its object. The fact that before the passage of the act the legal conditions were such that no board or officer, outside of the county of Hudson would be affected by it, does not render the

act special or local within the constitutional prohibition. *Bumstead v. Govern*, 18 Vt. 368; affirmed, 19 Vt. 612. The aim of this act was to abolish the peculiarities touching the selection and duties of director, which existed in Hudson county alone, and to subject the selection and duties of the director in that county to the general law governing the rest of the state. *Id.*

Supplement.

Passed March 30, 1886. P. L. 1886, p. 163.

172. SEC. 1. That section one of "An act to authorize the issuing of bonds for the purpose of building court-houses, clerks' offices, surrogates' offices and registers of deeds' offices in counties of this state," approved March first, one thousand eight hundred and eighty-six [see Sec. 169, *ante*], shall be and the same is hereby amended to read as follows:

[That it shall be lawful for the board of chosen freeholders of any county in this state, by resolution approved by not less than three-fourths of all the members of such board, for the purpose of building court-houses, clerks' offices, surrogates' offices and registers of deeds' offices in any such county, to issue bonds in the corporate name and under the corporate seal of the county, signed by the director and clerk of the board of chosen freeholders, and countersigned by the county collector of any such county, to an amount not to exceed one-half of one per centum of the assessed value of the taxable property of any such county, exclusive of the surplus revenue indebtedness of such county; *provided*, that nothing in this act shall authorize any county whose indebtedness, exclusive of the surplus revenue indebtedness of such county, exceeds, or would with such issue of bonds exceed, one-half of one per centum of the assessed value of its taxable property, to issue bonds or incur indebtedness for any of the purposes of this act; such bonds may be registered or coupon bonds, and shall bear a rate of interest not exceeding five per centum per annum, payable half-yearly, and shall be redeemable at any time not exceeding twenty years from their date, in the discretion of the board of chosen freeholders of any such county, which bonds may be sold, either at public or private sale, for the best price that can be obtained for the same, but shall not be sold for less than their par value; and all real estate and personal property within any such county shall be liable for the payment of the principal and interest that may become due on the bonds to be issued by virtue of this act.]

Freeholders authorized to issue bonds to build court-house, &c.

Proviso.

An act relative to the publication of the financial statements of counties.

Approved April 12, 1886. P. L. 1886, p. 216.

173. SEC. 1. That in the several counties of this state where the financial statement of the county collector is published in the newspapers, the board of chosen freeholders shall have power to designate such number of legal newspapers, not less than two, as in their judgment may seem proper; *provided*, they designate at least one newspaper of each political party. [See Sec. 54, *ante*, and Sec. 187, *post*.]

In what newspapers financial statement may be published.

Proviso.

An act to enable counties which have no county hospital to assist in maintaining hospitals located in such counties.

Approved April 26, 1886. P. L. 1886, p. 279.

174. SEC. 1. [This section amended by Secs. 176 and 177, *post*.]

175. SEC. 2. That all acts and parts of acts inconsistent herewith be and they are hereby repealed.

Repealer.

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Supplement.

Passed February 16, 1891. P. L. 1891, p. 25.

176. SEC. 1. [This section, amending Sec. 174, *ante*, is amended by Sec. 177, *post*.]

Supplement.

Approved February 28, 1893. P. L. 1893, p. 62.

177. SEC. 1. That section one of the act to which this is a supplement [see Secs. 174 and 176, *ante*] be amended so as to read as follows:

439-177
S98-353
S02-681

Freeholders authorized to make annual appropriations for maintenance of patients in hospitals.

[That it shall and may be lawful for the board of chosen freeholders of any county of this state which has no hospital located therein maintained by such county, other than the hospital or sick ward of the county poor-house, to make an appropriation of a sum of money not exceeding five thousand dollars each year in the same manner that appropriations for other county purposes are made, which sum so appropriated shall be included in the annual tax levy of such county, and collected in the same manner and at the same time as other county taxes, and shall be applied to the purpose of supporting and maintaining such patients as may be sent to any hospital or hospitals supported by private charity and located in such county; *provided*, the sum so appropriated be used and applied for the benefit, comfort and maintenance of such patients, inmates of such hospital, as are residents of said county at the time of being sent to said hospital; *provided*, that the provisions of this act shall not apply to counties of the first class.]

Proviso.

An act to authorize the enlarging of and the building of extensions to the county court-house or like public buildings in any of the several counties of this state in certain cases.

P. L. 1888, p. 438.

Approved April 17, 1888.

When lawful for board of freeholders to provide for enlargement and extension of public buildings.

178. SEC. 1. That in any county of this state, whenever imperative necessity exists for the enlargement of or the building of an extension or extensions to the county court-house or like county public building, in order to provide sufficient accommodation and room for the courts and court business, and to afford proper and necessary accommodation for the public officers and offices thereof, as well as for the keeping and preservation of the public records and papers, required by law to be kept and preserved in such county, and through or by reason of inadvertence or neglect, or other cause or reason whatever, moneys are not appropriated and set apart to provide and make the enlargement and build the extension or extensions aforesaid; and the board of chosen freeholders of such county shall at any regular or stated meeting thereof, by resolution, passed by an affirmative vote, concurred in by not less than two-thirds of all the members of such board, declare that such necessity as aforesaid exists, it shall be lawful for such board of chosen freeholders to proceed to provide for and to make and build the enlargement and extension or extensions above mentioned and specified; *provided*, that the work to be done and the materials therefor required to be furnished under this act shall be done and furnished upon contract, in writing, upon bids heretofore or hereafter advertised for according to law; *and provided further*, that the whole cost and expense to be incurred for the purposes aforesaid under this act shall not exceed the sum of fifty thousand dollars.

Proviso.

Proviso.

When payments due, certificates of indebtedness may be issued therefor.

179. SEC. 2. That as payment or payments may become or shall fall due, under any contract awarded under this act, certificate or certificates of indebtedness may be issued therefor by such board of chosen freeholders, and the same may be made payable at such time or times as said board may order, not exceeding one year from the date of issue; and such certificates may be made to bear interest at not more than four per centum per annum.

Costs and expenses incurred to be provided for by taxation.

180. SEC. 3. That the sum and sums of money, and the cost and expense which may be incurred under this act, which shall not exceed the said sum of fifty thousand dollars, shall be provided for and levied and raised in the same manner as other county taxes of such county are levied, or to be levied, and raised in and by virtue of the tax levy for county taxes and county purposes, to be made and levied next after the expense or obligations above provided for shall have been incurred, and the same shall be paid within the next fiscal year thereafter out of the moneys to be raised as aforesaid.

Repealer.

181. SEC. 4. That all acts and parts of acts, in so far as the same are inconsistent with this act, be and are hereby repealed, and this act shall take effect immediately.

An act to specifically provide for the appointment for a definite term of a county superintendent of public works by the board of chosen freeholders of any county of this state in certain cases.

Approved April 1, 1889. P. L. 1889, p. 138.

182. SEC. 1. That whenever any board of chosen freeholders of any county in this state may, by resolution adopted by an affirmative vote of not less than a majority of all the members of such board, declare it to be for the best interest of the county that a county superintendent of public works shall be appointed for a fixed and definite term, it shall be lawful for such board to appoint some competent person to fill such place, who shall hold the same for the term of three years from the date of the appointment, and until his successor shall be duly chosen and qualified to act; *provided, however,* that it shall be requisite that the person appointed to said office or place shall receive at least a majority of the votes of all the members of such board.

Boards authorized to appoint superintendent of public works.

Term of.

Proviso.

183. SEC. 2. That the person so appointed as aforesaid shall receive such annual salary or compensation for his services during his term of service as shall be fixed at the time of the appointment, and he shall, under the direction of such board, have under his supervision all public works and such buildings erected or to be erected, and such lands and grounds under the jurisdiction and control of such board, as the said board shall designate; and his duties in relation thereto shall be defined by the board aforesaid, by resolution, at the time of his appointment, and these and such other duties as such board, from time to time, may impose on him he shall perform; and for the faithful performance of the same he shall, before he enters on the duties of his appointment, be required to give bond to the said board in a sum not less than twenty-five thousand dollars, with at least two sureties, who shall be freeholders in the county, which bond must be submitted to such board for the approval thereof, and the same must be renewed annually; any person now holding an office or place known as county superintendent, or other like county officer or official, by virtue of appointment by any board of chosen freeholders, shall be eligible to and hereby is made eligible to appointment under this act.

Annual salary to be fixed and duties.

To give bond.

An act respecting the pay or compensation of officers and employes appointed by the board of chosen freeholders of any county of this state, in certain cases.

Approved April 18, 1889. P. L. 1889, p. 304.

184. SEC. 1. That the officers and employes appointed by the board of chosen freeholders of any county of this state, who, during the last preceding fiscal year, have served and fully performed the duties and work of their respective places, but by reason of exhaustion of the appropriation of moneys intended to meet and pay for the same in full, or for other reason whatever, have, for and during a portion of such fiscal year, been paid for their said duties and work at the rate of only fifty per centum, or one-half of the full regular pay and compensation previously fixed therefor, shall be entitled to and are hereby made entitled to be paid and to receive respectively such additional sum of money, without interest, as, with that already paid, shall constitute and make up a sum equal to the full pay or compensation fixed as aforesaid; and this last-mentioned sum of money, such board of chosen freeholders are hereby authorized to pay to each of such officers and employes.

Freeholders authorized to pay officers and employes when appropriation for such payment is exhausted.

185. SEC. 2. That in order to carry out the provisions of this act, such board are hereby authorized to borrow, by means of temporary loan, in anticipation of county taxes next thereafter to be levied in such county, sufficient money to make the payments, and to pay to such officers and employes the several sums above directed to be paid; *provided, however,* that the whole sum of money so to be raised under this act in such county shall not exceed eight thousand five hundred dollars; and the amount

May borrow money in anticipation of county tax for such purpose.

Proviso.

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thus raised shall be provided for and put in the next tax levy made thereafter.

Repealer.

186. SEC. 3. That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall be deemed a public act and shall take effect immediately.

An act relative to the publication of the financial statements of counties.

P. L. 1889, p. 325.

County collector to publish a financial statement in certain newspapers.

Approved April 25, 1889.

187. SEC. 1. That in the several counties of this state, where the financial statement of the county collector is published in the newspapers, the county collector shall cause such financial statement to be published in all the newspapers in his county that are designated by the governor and comptroller to publish the laws, together with such other newspapers of the county as are designated by the board of chosen freeholders within thirty days after the annual meeting of the board, reference being made, as nearly as possible, to an equal division of the papers representing the two political parties; in counties where the financial statements of the county collector are now published by law in pamphlet form by a majority vote of the board of freeholders of said counties, may direct that said publication be hereafter published in the newspapers as is by this law indicated; *provided*, that the county collector shall cause such financial statement to be published in at least one newspaper in each legislative district in the county, if a newspaper shall be printed and published therein; and for every neglect so to do such county collector shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine not exceeding fifty dollars. (a) [See Secs. 54 and 173, *ante*.]

Proviso.

Repealer.

188. SEC. 2. That all acts or parts of [acts] inconsistent herewith are hereby repealed, and that this act shall take effect immediately.

An act to abolish the office of chosen freeholder in certain towns, boroughs and incorporated villages of this state.

P. L. 1891, p. 121.

Towns, boroughs and incorporated villages not entitled to a freeholder, when situate in a township electing a freeholder.

Approved March 9, 1891.

189. SEC. 1. That the legal voters of any town, borough or incorporated village, which is situate in a township wherein the legal voters thereof elect a chosen freeholder for such township, shall not be entitled to vote for and elect a freeholder, commonly called a chosen freeholder, for such town, borough, or incorporated village; but the legal voters of any such town, borough or incorporated village, shall be entitled to vote for the chosen freeholder to be elected for the township wherein any such town, borough or incorporated village is situate in the same manner and at the same time as the legal voters of such township shall vote for such chosen freeholder; and the chosen freeholder so elected shall be the chosen freeholder for the whole of said township, including the town, borough or incorporated village situate therein; *provided, however*, that nothing herein contained shall prevent the legal voters of any town, borough or incorporated village which includes within its boundaries a whole township and within which the legal voters of said township in which it is situate do not elect a chosen freeholder for such township, from voting for and electing a chosen freeholder for said town, borough and incorporated village; which chosen freeholder, when so elected by said town, borough or incorporated village, shall be and become a member of the board of chosen freeholders of the county in which said town, borough or incorporated village is situate, in the same manner in all respects as though he had been elected by the voters of any township.

(a) It is the duty of the county collector of Monmouth county under the act of 1889 (P. L. 1889, p. 325) to publish his financial statements of county affairs in all the newspapers of the county designated by the governor and comptroller to publish the laws. *Armstrong v. Haight*, 24 Vt. 333. The board of freeholders may cause the publication to be made in papers other than those

designated to publish the laws, but the collector must publish in the papers so designated. *Id.* The limitation of thirty days in this act refers to the time within which the board of freeholders may designate additional papers, and not to the time within which the collector shall publish in the papers designated to publish the laws. *Id.*

190. SEC. 2. That the office of chosen freeholder be and the same is hereby abolished in any town, borough or incorporated village of this state wherein the legal voters of such township vote for and elect a chosen freeholder for such township. Office abolished in such towns, boroughs and incorporated villages.

191. SEC. 3. That the provisions of this act shall not apply to or affect counties of the fourth class in this state. Not to affect counties of the fourth class.

192. SEC. 4. That all acts and parts of acts, local, special or public, inconsistent herewith be and the same are hereby repealed, and that this act take effect immediately. Repealer.

An act providing for the appointment of county collectors in the several counties of this state.

Approved February 21, 1893. P. L. 1893, p. 27.

193. SEC. 1. [Amended by Sec. 196, *post.*]

194. SEC. 2. That in case any vacancy shall occur in the office of county collector, by death, removal, resignation, failure to give satisfactory bond or otherwise, the said board of chosen freeholders shall appoint a fit person as aforesaid to be such county collector, who shall hold said office until the next annual meeting of said board, and the appointment and giving bond by his successor. Vacancy, how filled.

195. SEC. 3. That all acts and parts of acts, general, special or local, inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall be deemed a public act and shall take effect immediately. Repealer.

Amendatory act.

Approved May 15, 1894. P. L. 1894, p. 341.

196. SEC. 1. That section one of the above-entitled act be and the same is hereby amended so as to read as follows :

[That at the annual stated meetings of the board of chosen freeholders of the several counties of this state, the said board shall appoint some fit person, being a freeholder and resident in such county, and not a member of such board, and not an ex-member of such board, who shall have resigned his office within three months next preceding the time of making of such appointment, to the office of county collector, who shall hold his office for a term of three years and until his successor shall be appointed and shall have given bond as required by law ; *provided*, that the term of office of any person now holding the office of county collector of such county shall continue until the expiration of the time for which such person was elected or appointed and no longer.] [See Sec. 19, *ante.*] County collector, when appointed.

Term.
Proviso.

An act relating to county officers and employes appointed or to be appointed or elected by boards of chosen freeholders in the counties of this state.

Approved March 17, 1893. P. L. 1893, p. 417.

197. SEC. 1. That all the hereinafter-mentioned county officers and employes, appointed or to be appointed or elected by any board of chosen freeholders, in any county of this state, namely, the county collector or county treasurer, the auditor or like officer, the clerk of the board, the counsel or legal adviser of the board, who shall have charge of suits and all legal business thereof, the county superintendent of buildings and works, and the like, the county engineer, or other like officer, the wardens, chief keepers and head officers in charge of any of the county institutions or buildings, and all other heads of departments and county officers or employes whatever, who may be authorized to take, have, receive and hold county moneys or property, and who are not already required by law to give bond or security to the county to secure the moneys and property aforesaid, shall be required by such board, who are hereby authorized to exact the same, such bond which shall be in such sum as shall be reasonable with good and sufficient surety or sureties, as may be directed by such board ;

Certain county officers and employes required to give bond.

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Proviso.

provided, however, that such bond may not be required from any of the county officers or persons before mentioned, who shall not have, receive or hold county moneys, or property as aforesaid; and all such moneys and property shall be duly turned over and accounted for to the county, and to the proper officers, officials or persons authorized by law to take or receive the same, and this shall be done in all cases as speedily as may be practicable to do so; in cases where such bond or like security has been or may be given, and the same is now required to be given by any existing law, this act shall not be taken or construed as applying to or affecting the same.

An act to authorize the boards of chosen freeholders of the respective counties of this state to make appropriations for the payment of rent of armories and drill-rooms.

P. L. 1894, p. 284.

Approved May 14, 1894.

Appropriation authorized for payment of rent of armories and drill-rooms.

198. SEC. 1. That the boards of chosen freeholders of the respective counties of this state, and in which counties there are or hereafter may be any regularly-organized and enrolled regiment or company comprising a part of the militia or national guard of this state, under the control of and subject to the orders of the proper military authorities of the state, are hereby authorized to include in their respective annual appropriations for county purposes a sum not less than two hundred and not to exceed five hundred dollars for each such company, designating the amount appropriated to each company separately, for the purpose of paying the rent of such armory or drill-room, or to be applied to the payment in part of the rent of such armory or drill-room as may be from time to time actually occupied, used by and in the possession of such company for the purposes of such armory or drill-room.

Amount shall be included in annual tax levy.

199. SEC. 2. That the amount so appropriated shall be included in the annual tax levy and shall be assessed and collected in the same manner and subject to the same provisions as other taxes ordered to be assessed by such board of chosen freeholders for county purposes.

County collector shall pay amount collected to commandant of company.

200. SEC. 3. That the amount so as aforesaid appropriated, assessed and collected shall be paid by the several collectors of taxes in the municipalities of the county in which such appropriation shall have been made to the county collector or treasurer, who shall upon receipt of the same pay such sum as may have been appropriated to each of the respective companies for the purpose provided by this act to the commandant of such company, whose receipt for the same shall be a sufficient voucher for such payment.

Act shall not affect cities.

201. SEC. 4. That this act shall not affect any of the cities of this state.

An act to authorize the counties of this state to renew matured and maturing bonds.

P. L. 1895, p. 67.

Approved February 12, 1895.

Board of chosen freeholders may renew maturing bonds.

202. SEC. 1. That whenever any bonds heretofore legally issued by the board of chosen freeholders of any county in this state, under the authority of law, are now due and unpaid, or shall hereafter become due, the board of chosen freeholders of any such county may renew ninety per centum of said indebtedness, or any less part thereof, by the issuing of bonds for that purpose in the corporate name and under the corporate seal of such county, signed by the director and attested by the clerk of the board of chosen freeholders of any such county; which bonds shall be made payable at periods of time not exceeding twenty years from the date of issuing the same, and shall draw such rate of interest not exceeding five per centum per annum, and be issued in such sums, not less than one hundred dollars nor more than one thousand dollars, as the said board of chosen freeholders shall by resolution determine, and which bonds shall, except as hereinafter provided, have coupons attached for every year's interest until due, and which coupons shall be signed by the collector of said county, and numbered to correspond with the bond to which they shall be respectively attached; and when the said board judge best said bonds, or any of them,

And regulate issue of new bonds.

may be registered and made payable to the order of the purchaser, and shall thus be registered as provided by said board, and issued without coupons, and be transferable only in person, or by power of attorney, on the books to be provided by said board for that purpose; and all bonds issued under this act shall be numbered, and a register of the number, denomination, date of issuing and name of person to whom issued, if registered, and time of payment shall be made by the collector in a book to be provided by said board for that purpose; which bonds may be sold at public or private sale for the best price which can be obtained for the same, but shall not be for less than the par value, and all the real estate and property within the county shall be liable for the payment of the principal and interest that may become due on the bonds to be issued by virtue of this act, but nothing in this act contained shall be held to permit any board to issue bonds the legality of which is now questioned or contested in any court of this state or of the United States, nor to renew or re-issue bonds held by any such court not to have been legally issued.

203. SEC. 2. That the board of chosen freeholders of any such county shall have power and authority to provide by taxation for the payment of said bonds and the interest thereon, and shall yearly, and every year until the said bonds shall be redeemed and paid off, order and cause to be assessed and collected by tax, at the same time and in the same manner that other taxes in any such county are assessed and collected, a sum of money sufficient to pay the interest on the said bonds as the same shall become due and payable, and to pay and discharge the principal at the several times it shall become due and payable.

Payment to be provided by taxation.

Cities.

I. CLASSIFICATION OF CITIES.

1. Classification of cities for purposes of municipal legislation.
2. Classes, how distinguished.
3. Subsequent laws may refer to such classes.
4. When new census shall affect cities as to classification.
5. Amended by section 6.
6. Application of laws as cities pass from one class to another.

II. CITIES OF THE FIRST CLASS.

1. OFFICERS, THEIR APPOINTMENT, TERMS, SALARIES, ETC.

7. Mode of paying salaries or wages of officers or employees.
8. Repealer.
9. Governing body may fix salary of mayor.
10. Appointment of mayors' clerks authorized.
11. Repealer.
12. Additional salary allowed to city comptroller.
13. Such additional salary to be fixed by common council.
14. City comptroller may appoint and remove his clerks.
15. Repealer.
16. Sinking fund commissioners, appointment and term of.
17. Repealer.
18. Mayor may fill vacancy in office of alderman.
19. Repealer.
20. Alderman required to serve without compensation.
21. Repealer.
- 21a. Commissioners to be appointed to assess damages and benefits for local improvements.
- 21b. Manner of appointment, term and salary of commissioners.
- 21c. Duty of commissioners.
- 21d. Repealer.
22. Compensation of city collector.
23. Board of finance may borrow money to pay such compensation.
24. Repealer.
25. Mayor's term of office.
26. Repealer.

27. Law department, how composed.
28. Duties of law officers prescribed.
29. Further duties of law officers.
30. Present law offices vacated.
31. Vacancies to be filled for unexpired term.
32. Salaries of law officers
33. Repealer.
34. City clerk may designate clerk to serve as acting clerk during his absence or disability.
35. Acting clerk to perform all duties of clerk.
36. Mayor may fill vacancies in office for unexpired term in certain cases.
37. Mayor may fill vacancy in board of aldermen or common council until next election.
38. Repealer.

2. BOARD OF STREET AND WATER COMMISSIONERS.

39. Mayor to appoint board of street and water commissioners. Term of office. Vacancy, how filled. How qualified. Salary, powers, meetings, &c.
40. Such board substituted for and to have authority of prior officers respecting streets, sewers, drains, water-supply, &c.
41. Amended by sections 72 and 95.
42. Grade of streets, &c., may be made, altered, &c., by board. Cost, how paid. Assessments for benefits.
43. Repairs to streets may be paid for out of license moneys.
44. Amended by section 76.
45. In making contracts the contractor shall give bond.
46. Board to certify to proper authority the cost of any public improvement.
47. Board to carry out contracts heretofore made.
48. Board to have exclusive authority over streets, &c.
49. Board to have entire control of public lighting of streets, &c.
50. Board may pass ordinances on certain subjects.
51. What powers transferred to such board.
52. What laws shall apply to such board.
53. Mayor may remove from office member of such board for cause.