

Fire and Police.

I. FIRE AND FIRE DEPARTMENTS.

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II. POLICE AND POLICE DEPARTMENTS.

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346. Amended by section 351.
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358. Repealer.
 359. Common council of city may purchase real estate for use of police department.
 360. Bonds may be issued to pay for the same.
 361. Construction of words "common council."
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 363. Cities may purchase lands and erect buildings thereon for use of police department.
 364. Amount to be expended limited to \$45,000.
 365. Concurrence of board of finance required.
 366. Bonds may be issued to pay for such purchase and erection.
 367. Cities may erect buildings on lands already owned.
 368. Repealer.
 369. Amount that may be expended increased to \$80,000.
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 375. Appointment and compensation of police force in towns, boroughs and townships.
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 418. Powers and privileges of police force.
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 421. Penalty for commissioners' rewards or bribes.
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- III. FIRE AND POLICE DEPARTMENTS.
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 447. Common council to provide suitable offices for boards.
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 452. Amended by section 457.
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 457. When boards to estimate expenses of departments.
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 459. Amended by section 461.
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 473. Submission of this supplement to voters.
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I. Fire and fire departments.

An act to prevent the burning of woods, marshes and meadows.

Rev. 146.

Passed November 24, 1794.

R. S. 617.

Setting fire to woods, &c., punishable.

1. That if any person shall willfully set fire to, or burn, or procure, or cause to be burnt his or her own woods, marshes, or meadows, or the woods, marshes, or meadows in his or her tenure or possession, (a) by means whereof any other person shall be damnified in his or her houses, buildings, fences, woods, or other property whatsoever, or shall willfully set fire to or burn, or procure or cause to be burnt any woods, marshes, or meadows of another, whether the same be inclosed or not, such person, so offending in any of the premises, shall be deemed to be guilty of a misdemeanor, and, on conviction, shall be punished by fine, not exceeding one hundred dollars, or imprisonment at hard labor, not exceeding twelve months, or both; and also shall yield and pay double damages to the party injured thereby, to be recovered, by action on the case, with costs of suit, in any court having cognizance thereof; *provided*, nothing in this act contained shall be construed to prohibit the owners of salt and fresh marshes and meadows, and their tenants, from burning such marshes and meadows in the usual manner, in which the same have been heretofore burnt in the several counties of this state.

Not to prohibit burning of marshes, &c., by owners.

2. [This section is superseded by Sec. 3, *post*.]

Supplement.

Approved March 3, 1875.

P. L. 1875, p. 20.

3. SEC. 1. That when the woods, marshes or meadows in any part of this state shall be on fire, the justices of the peace, the constables and the overseers of the highways, residing in the vicinity of said fire, and the owner or owners of such woods, marshes and meadows, their tenants, agents, superintendents, watchmen, and person or persons in charge of the same shall, and they are hereby severally authorized, required and empowered, forthwith, to order such and so many of the inhabitants within their respective jurisdictions, or residing in the vicinity of said fire, as they shall severally deem necessary, to repair to the place where such fire shall prevail, and there to assist in extinguishing or stopping the progress of the same; and if any person so ordered to assist in manner aforesaid, by either one of the persons above named, shall refuse or neglect to comply with such order, he shall forfeit and pay five dollars for every refusal or neglect to obey such order, to be recovered by action of debt, with costs of suit, by the owner or owners of such woods, marshes or meadows before any justice of the peace of the county where such order or notice has been given, and the oath or affirmation of the person who shall give such order or notice, shall be sufficient evidence whereon to convict such offender, and the forfeiture so recovered shall be applied as a reward to such person or persons as the officers aforesaid, or the major part of them, shall deem best entitled thereto for superior exertion at the extinguishment or in stopping the progress of such fires.

Justices of the peace, constables, overseers of highways, &c., tenants and agents may order inhabitants to assist in extinguishing or stopping progress of fires.

Penalty for refusal to obey orders.

Supplement.

Approved March 24, 1875.

P. L. 1875, p. 39.

4. SEC. 1. That if any person or persons shall burn or smoke out, or attempt to burn or smoke out any squirrel or squirrels, or any animal or species of game whatsoever, in any woods, forests, marshes or meadows, or other lands in this state, belonging to any other person or corporation, or if fire originates from any such burning or smoking as aforesaid, by any person whatsoever, by means of which any other person or corporation

Penalty for firing woods, forests, &c.

(a) A landlord is not liable if his tenant, by setting fire to his own woods, consume the woods of his neighbors. *Todd v. Collins*, 1 Hal. 127.

shall be damnified in his or her houses, buildings, fences, woods or other property whatsoever, whether the same be inclosed or not, such person or persons so offending in any of the premises aforesaid shall be deemed to be guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding one hundred dollars, or imprisonment at hard labor not exceeding twelve months, or both, at the discretion of the court having jurisdiction thereof, (one-half of said fine to be paid to the person or persons entering the complaint), and also shall yield and pay double damage to the party injured thereby, to be recovered by action on the case, with costs of suit, in any court having cognizance thereof.

Supplement.

P. L. 1888, p. 245.
Duty of township committee as to fires in woods, &c.

Approved March 23, 1888.

Proviso.

5. SEC. 1. That it shall be the duty of the township committee of the several townships of this state to appoint persons under oath, whose duty it shall be to ferret out and bring to punishment all persons who either willfully or otherwise, cause the burning of woods and marshes, and to take measures to have such fires extinguished, where it can be done, the expenses thereof to be paid out of the township treasury; *provided*, this act shall apply only to those townships whose woodland is equal to forty per centum of the total area.

P. L. 1885, p. 57.
R. S. 586.

Sale of firecrackers prohibited.

Exploding firecrackers prohibited.

Penalty for selling.

Penalty for exploding.

How penalties recovered and applied.

An act to prevent the vending, burning or exploding of firecrackers, squibs, turpentine balls or fire serpents.

Passed February 18, 1885.

6. SEC. 1. That it shall not be lawful for any person to sell, barter, or exchange, or to offer or exhibit for sale, barter or exchange, any firecracker or squib in this state.

7. SEC. 2. That it shall not be lawful for any person to burn, explode or throw any burning firecracker, squib, turpentine balls or fire serpents in this state.

8. SEC. 3. That any person offending against the provisions of the first section of this act, shall forfeit and pay for each and every offense, the sum of ten dollars.

9. SEC. 4. That any person offending against the provisions of the second section of this act, shall forfeit and pay for each and every offense, any sum not less than one or exceeding five dollars.

10. SEC. 5. That the forfeitures mentioned in this act, may be recovered in the name of any person who will sue for the same, before any justice of the peace of the county where the offense is committed, in an action of debt, with costs, one-half for the use of the prosecutor, and the residue for the use of the poor of the township where the offense is committed.

An act to provide for an investigation into the origin of fires.

P. L. 1875, p. 33.

Coroner, &c., when to investigate cause of fires in buildings.

General powers in making investigation.

Jury to be sworn and hear testimony.

Approved March 18, 1875.

11. SEC. 1. That whenever it shall be made to appear by the affidavit of a creditable witness, that there is ground to believe that any building has been maliciously set on fire or attempted to be, any coroner, sheriff or justice of the peace of the county in which such crime is supposed to have been committed, to whom such affidavit shall be delivered, and who shall be requested by the president, secretary or agent of any insurance company, to investigate the truth of such belief, shall do so forthwith.

12. SEC. 2. That for the purpose of such investigation, such officers shall possess all the powers now conferred by law upon coroners, in regard to inquests upon dead bodies.

13. SEC. 3. That the jury, after being duly sworn, shall, with the officer holding the investigation, inspect the place where the fire was, or was attempted, and shall hear the testimony, and after so doing, shall deliver to the officer holding such investigation, their inquisition in writing, signed

by them, in which they shall find and certify how and in what manner such fire happened or was attempted, and all the circumstances attending the same, and who was or were guilty thereof, either as principal or accessory, and in what manner; if the jury are unable to ascertain the origin or circumstances of such fire, they shall find and certify accordingly.

14. SEC. 4. That if the jury find that any building has been designedly set on fire, or has been attempted so to be, the officer holding such investigation shall have power to issue process for the arrest of the party charged with such offense, and commit him to await the action thereon of the next grand jury of that county; *provided*, he be not already in custody; and shall also have power, when in his judgment necessary, to bind over the witnesses to appear and testify at the next criminal court of said county.

Officer holding investigation shall have power to issue process for arrest of party charged.

15. SEC. 5. That the officer issuing such process shall have the same power to examine the party arrested as is now possessed by justices of the peace in criminal arrests, and shall proceed in like manner.

Powers of officer issuing process.

16. SEC. 6. That the testimony of all witnesses examined before the jury under this law, shall be reduced to writing, by or under the direction of the officer holding the investigation, and shall be returned by him, together with the inquisition of the jury, and all recognizances and examinations taken under his hand and seal, to the next criminal court of record to be held in said county.

Testimony shall be reduced to writing.

17. SEC. 7. That the costs and expenses of such investigation shall be ascertained and taxed in the same manner as it is now provided by law for like services by coroners when holding inquests upon dead bodies, and shall be paid by the insurance company whose president, secretary or agent has requested such investigation; and any such officer may, before he proceeds to the business of the inquiry, require of the said insurance company a bond in the sum of one hundred dollars, conditioned for the payment of said fees after the conclusion of said inquest.

Costs and expenses of investigation, how paid.

An act for the incorporation of fire companies.

Approved April 21, 1876.

P. L. 1876, p. 286.

18. SEC. 1. That it shall be lawful for any number of persons, not less than ten in number, to associate themselves together for the purpose of protecting life and property from fire, and any number of such persons, not less than ten in number, may become incorporated by such name as they shall assume and choose at a meeting to be called for that purpose, by publishing a notice to that effect once a week, for two weeks prior to the assuming and choosing of such name, in one or more newspaper or newspapers circulating in the neighborhood where such association is about to be formed, which notice shall state the object of such meeting, and request the members to be present thereat; and the name which shall at such meeting be assumed and chosen shall be the name of said association, and such persons, not less than ten in number, shall file a certificate in the county clerk's office of the county where such association exists, which certificate of incorporation shall set forth the object of said association and the period for which such association is to continue, not exceeding fifty years, and such certificate shall be executed under their hands and seals, and acknowledged before some officer authorized to take the proof and acknowledgment of deeds in the state of New Jersey, and which certificate shall be, by said clerk, recorded in his office, the same as other certificates of incorporation are, for recording which said certificate the said clerk shall be entitled to receive and collect the usual fees allowed by law; and upon the filing and recording of such certificate as aforesaid, the persons signing and acknowledging the same as aforesaid, shall become and be incorporated by the name assumed and chosen by them as aforesaid, as a body corporate and politic in law, and they and their successors, and all who shall associate themselves together with them, shall, as such corpora-

Mode of incorporating fire companies.

Certificate of incorporation to be filed with clerk of county.

tion, be entitled to all the rights, powers and privileges, benefits, advantages and immunities now conferred upon corporations under the laws of this state, as contained and set forth in the act in relation to corporations entitled _____.

Supplement.

P. L. 1877, p. 220.

Approved March 9, 1877.

19. SEC. 1. [Amended by Sec. 23, *post.*]

Supplement.

P. L. 1883, p. 58.

Approved March 2, 1883.

Powers, privileges, &c., of corporation.

20. SEC. 1. That every corporation formed under the act to which this is a supplement shall have power to hold, purchase and convey such real and personal estate as the purposes of the corporation shall require, to make and use a common seal, and be entitled to all the rights, powers and privileges, benefits, advantages and immunities now conferred upon corporations by the act entitled "An act concerning corporations" [Revision], approved April seventh, one thousand eight hundred and seventy-five.

Supplement.

P. L. 1883, p. 201.

Approved March 23, 1883.

21. SEC. 1. [Amended by Sec. 22, *post.*]

Supplement.

P. L. 1884, p. 99.

Approved March 25, 1884.

22. SEC. 1. That section one of the act entitled "A supplement to an act entitled 'An act for the incorporation of fire companies,' approved April twenty-first, one thousand eight hundred and seventy-six," approved March twenty-third, one thousand eight hundred and eighty-three, be amended to read as follows, to wit:

Volunteer fire companies may appoint members thereof to perform police duty at fires.

Powers of.

[That any of the volunteer fire companies or associations, incorporated under the act to which this is a supplement, in any of the counties in this state, may provide for the appointment of certain of their members to perform police duty at fires, which members thus appointed to do police duty shall wear a badge when on duty at any fire, stating such office; and they shall have the power and authority to keep persons who are not members of any fire or hose company or hook and ladder organization or salvage corps, or who are not the owners, agents for, or tenants of the burning building, or of any adjoining building, or the representatives of any insurance company or companies, far enough away from the place of the fire, as that such persons will not interfere with the duties of the firemen; and in case of refusal to obey their orders, or to show a good and sufficient cause therefor, such fire police may arrest the persons who disobey and keep them under arrest until the fire is extinguished; and on complaint before a justice of the peace, such offender, if found guilty, shall be sentenced to pay a fine not exceeding ten dollars and costs.]

May arrest persons who disobey orders, &c.

Amendatory act.

P. L. 1890, p. 118.

Passed March 25, 1890.

23. SEC. 1. That section one of an act entitled "A supplement to an act entitled 'An act for the incorporation of fire companies,' approved April twenty-first, one thousand eight hundred and seventy-six," which supplement was approved March ninth, one thousand eight hundred and seventy-seven, which reads as follows [see Sec. 19, *ante*], be and the same is hereby amended so as to read as follows:

Members serving seven years exempt from military and jury duty.

[That any person who heretofore has served or hereafter shall have served as a member of any fire company or companies organized under the act to which this is a supplement, for a period of seven years, or for separate periods (not concurrent), amounting in the aggregate to seven years, shall

be thereafter exempt from serving in the militia in the time of peace or as a juror, in which latter case he shall not be entitled to such exemption, unless he shall have filed in the office of the clerk of the county in which he shall reside a certificate or certificates of such service made by the presiding officer of such company or companies.]

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

Approved March 8, 1877.

P. L. 1877, p. 65.

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

Cities of not over 10,000 inhabitants may issue bonds for fire department purposes.

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

Approved March 9, 1877.

P. L. 1877, p. 222.

25. SEC. 1. That it shall be lawful for the common council of any incorporated town in this state, whose population does not exceed twenty-five hundred inhabitants, to purchase a steam fire engine and the necessary appliances to use the same, at a cost not to exceed five thousand dollars. [See Sec. 30, *post.*]

Towns of not more than 2,500 inhabitants may purchase steam fire engine, &c.

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

May issue bonds in payment when authorized by legal voters.

Proviso.

Proviso.

27. SEC. 3. That in case such vote is taken at the regular annual town meeting, the said resolution may be printed or written, or partly printed or partly written, on the ballots used at such town meeting; and in case a special town meeting is called for that purpose, the ballots to be used shall contain only the said resolution and the words thereunder as mentioned in the preceding section; and that the said common council shall give at least

Election may be held at annual or special town meeting called for the purpose.

Voting to be by ballot.

ten days' notice of such special town meeting, specifying the time and place where such town meeting shall be held and the purpose and object thereof, by notices printed or written, posted in five or more of the most public places in said town; and the result of said town meeting as to the said resolution shall in either case be certified to the said common council by the judge of election presiding at such town meeting and the town clerk, under their respective hands; and in case a majority of the legal voters as shall appear by such certificate shall have voted for such resolution, then such common council shall proceed to issue such bonds forthwith and use the same for the purpose expressed in said resolution; and such bonds shall not be sold or disposed of in any way or manner for less than their par value.

Expense of special town meeting, how paid.

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

A supplement to "An act to authorize the purchase of steam fire engines, &c., in incorporated towns, and providing means for the payment of the same," approved March ninth, one thousand eight hundred and seventy-seven.

P. L. 1879, p. 187.

Approved March 14, 1879.

Powers and duties of commissioners, &c., of towns and boroughs.

29. SEC. 1. That in incorporated towns or boroughs in which there shall be no mayor and common council, it shall be lawful for the board of commissioners or other authorities constituted for the government of said towns or boroughs to have the same powers and perform the same duties as the mayor or common council have in the act to which this act is a supplement.

A supplement to an act entitled "An act to authorize the purchase of steam fire engines in incorporated towns, boroughs and commissions, and providing means for the payment of the same," approved March ninth, eighteen hundred and seventy-seven.

P. L. 1885, p. 308.

Approved May 2, 1885.

30. SEC. 1. That section one of the act to which this is a supplement be and the same is hereby amended to read as follows:

Lawful for authorities to purchase steam fire engines, &c.

[That it shall be lawful for the common council, board of commissioners or other governing board or body of any incorporated town, borough or commission in this state to purchase one or more steam fire engines and the necessary appliances to use the same, at a cost not to exceed five thousand dollars each.]

A further supplement to an act entitled "An act to authorize the purchase of steam fire engines in incorporated towns, and providing means for the payment of the same," approved March ninth, one thousand eight hundred and seventy-seven.

P. L. 1890, p. 421.

Approved June 9, 1890.

Bonds issued for purchase of fire engines, &c., to be paid by special tax.

31. SEC. 1. That all municipalities in this state which have issued or may hereafter issue bonds for the purchase of one or more steam fire engines and the necessary appliances to use the same, under and by virtue of the provisions of the act to which this is a supplement, be and the same are hereby authorized and empowered to levy a special tax and to collect the same with the regular annual taxes collected by said municipalities, for the payment of the principal and interest of the said bonds; *provided*, that the amount so raised shall not exceed the sum of one thousand dollars in any one year.

Proviso.

An act to support fire organizations in the several townships of this state.

Approved March 29, 1878.

P. L. 1878, p. 220.

32. SEC. 1. That it shall be lawful for the several townships of this state in which are located apparatus for the protection of property from loss by fire, to appropriate at any annual meeting or at any special meeting to be called for that purpose, a sum of money not exceeding one thousand dollars in any year for and towards the support and maintenance of said apparatus and the organization using the same, and also for the rent of fire-plugs used in supplying the said apparatus with water, and which sum so appropriated shall be levied and collected in the same manner as other taxes are assessed and collected for township purposes. [See Sec. 34, *post.*]

Townships authorized to make appropriations annually for fire apparatus, &c.

33. SEC. 2. That it shall be the duty of the township committee of any township in which such fire organizations are located, to examine such apparatus as to its efficiency for service at least once in every year, and report the condition thereof to the meeting at which said appropriation is proposed to be made, in order that the inhabitants may know the actual needs of said organizations before the appropriation is made.

Township committee to examine fire apparatus.

Supplement.

Approved March 5, 1895.

P. L. 1895, p. 161.

34. SEC. 1. That it shall be lawful for the several townships of this state having a population of five thousand inhabitants or over according to the last census, in which are located apparatus for the protection of property from loss by fire, to appropriate at an annual meeting, or at any special meeting to be called for that purpose, a sum of money not exceeding fifteen hundred dollars in any year for and towards the support and maintenance of said apparatus, and the organizations using the same, and which sum so appropriated shall be levied and collected in the same manner as other taxes are assessed and collected for township purposes.

Townships may make appropriation for support of fire apparatus.

An act to provide for the organization of fire patrol or protective associations.

Approved March 4, 1879.

P. L. 1879, p. 73.

35. SEC. 1. [Amended by Sec. 43, *post.*]

36. SEC. 2. That it shall be lawful for the persons so assembled, or any number thereof, not less than three, to make and sign a certificate, which shall set forth the general purposes of the organization, the period for which the association is to continue, not to exceed fifty years, and the particular name by which said association is to be known; and such certificate shall be sealed and acknowledged by the persons signing the same, before some officer authorized to take the proof and acknowledgment of deeds in New Jersey; and shall be filed and recorded in the office of the clerk of the county wherein such city is located; whereupon the persons so signing and acknowledging shall become and be incorporated by the name so chosen as a body corporate in law; and they, and their successors, and all who shall become associated with them, shall, as such corporation, become possessed of the rights and privileges, and be liable to the duties of corporations of this state, as set forth in the general acts respecting corporations.

Certificate of organization of fire patrol or protective association to be filed and recorded.

37. SEC. 3. That the said corporation shall have power to make all needful by-laws, not contrary to the provisions of this act, or the constitution and laws of this state, or of the United States.

Such corporation may make by-laws.

38. SEC. 4. That said corporations shall have power to provide suitable rooms for the transaction of their business, and also to provide and maintain a corps of men, with proper officers, whose duty it shall be, so far as practicable, to discover and prevent fires; with suitable apparatus to save life and preserve property, at or after a fire; and the better to enable them so to act with promptness and efficiency, full power is hereby granted to such corps, and its officers, to enter any building on fire, or which in their

General powers and duties of corporation.

judgment is exposed to or in danger of taking fire from other burning buildings, to protect and save life and property therein; and to remove such property, or any part thereof, at or after a fire; nothing in this act, however, shall warrant any interference with the action of the firemen in their duties in extinguishing a fire; nor shall this act in any way be construed to justify the owners of any building or personal property in the abandonment of their property.

Annual meetings of corporation to be held.

39. SEC. 5. That in each year after the formation of such corps, an annual meeting of the corporation shall be held, on ten days' notice, in one or more papers in such city, giving date, time and place of such meeting, at which meeting each incorporated insurance company or association doing business in said city, whether its officers or its agents be members of this corporation or not, shall have the right to be represented by one of such officers or agents, and each organization represented at such meeting shall be entitled to one vote for every one thousand dollars gross premium receipts from insurance on property located in such city, for the year ending December thirty-first next preceding; a majority of the whole number of votes cast shall decide upon the question of sustaining the corps hereinafter mentioned, and of fixing the maximum amount of expenses which shall be incurred therefor during the fiscal year next to ensue; and the whole of such amount, or so much thereof as may be necessary, may be assessed upon the organizations belonging to said corporation, and upon all other organizations and agencies doing business in such city, in proportion to the several amounts of premiums returned as received by each, under oath, as hereinafter provided; and such assessment shall be collectible by said corporation in any court of law of competent jurisdiction in the state of New Jersey.

Who may vote.

Majority of votes to decide amount of expenses to be incurred, &c.

Mode of providing for the payment of persons employed.

40. SEC. 6. That to provide for the payment of persons employed, and to maintain the apparatus for saving life and property, provided in pursuance hereof, any corporation organized under this act is empowered to require a statement to be furnished, semi-annually, by all corporations, associations, underwriters, agents or persons, of the aggregate amount of premiums received for insuring property in the said cities for and during the six months next preceding the thirtieth day of June and the thirty-first day of December of each year, which statement shall be sworn to by the president or secretary of the corporation or association, or by the agent or person so acting and effecting such insurance in said cities, and shall be handed to the treasurer of said corporation within thirty days after the dates to which such returns are to be made.

Statements to be furnished by insurance companies.

Proceedings in case of failure to furnish statement.

41. SEC. 7. That it shall be lawful for the treasurer or other appointed officer of said corporation, within ten days after the first day of July and the first day of January in each year, by written or printed demand signed by him, to require from every corporation, association, underwriter, agent or person engaged in the business of fire insurance in the said cities, the statement provided for in the last preceding section of this act; and every officer of such corporation or association, and every individual, agent or underwriter who shall, for thirty days after such demand, neglect to render the account, shall forfeit fifty dollars for the use of the corporation created by this act, and shall also forfeit for their use five dollars in addition for every day he shall so neglect after the expiration of said thirty days; and such additional penalty may be computed and recovered up to the time of the trial of any suit for the recovery thereof, which penalty may be sued for and recovered, with costs of suit, in any court of competent jurisdiction within this state.

Penalty.

Associations to have right of way through streets, &c.

42. SEC. 8. That the officers and men of said fire patrol or protective association, with their teams and apparatus, shall have the right of way, while going to a fire, through any street, lane or alley in the said cities, subject to the rights of the fire departments, and any violation of the rights of the said fire patrol or protective association shall be punished in the same manner as is provided for the punishment of violations of the rights of the fire departments of said cities.

Amendatory act.

Approved March 30, 1892. P. L. 1892, p. 373.

43. SEC. 1. That section one of the act approved March fourth, eighteen hundred and seventy-nine, and of which this act is an amendment, be and the same is hereby amended so as to read as follows :

[That in any city of this state, it shall be lawful to organize a fire patrol or protective association, for the purpose of saving life and property from destruction by fire, which organization shall be effected at a meeting to be held for the purpose, and upon notice of the time and place of said meeting, which notice shall be published not less than ten days in a daily newspaper published in said city and shall be signed by not less than three persons, who shall be officers or duly-appointed managers, superintendents or agents of fire insurance companies in said city or doing business there ; at such meeting for the purpose of organization, it shall be lawful for any fire insurance company doing business therein to be represented by an officer, manager, superintendent or agent ; and such officer, manager, superintendent or agent shall have the right to participate in said meeting and to vote therein ; *provided, however,* there shall not be less than three fire insurance companies, whose officers, agents, managers or superintendents shall participate in the formation of any such fire patrol or protective association.]

Organization of fire patrol or protective association, how effected.

Proviso.

44. SEC. 2. That all acts or parts thereof so far as they conflict herewith be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

An act to provide means for protection against fires in townships.

Approved March 10, 1879. P. L. 1879, p. 109.

45. SEC. 1. [Amended by P. L. 1880, p. 116, and again amended and supplied by Sec. 53, *post.*]

46. SEC. 2. [Amended and supplied by Sec. 54, *post.*]

47. SEC. 3. [Amended and supplied by Sec. 55, *post.*]

48. SEC. 4. [Amended by P. L. 1880, p. 116, and again amended and supplied by Sec. 56, *post.*]

49. SEC. 5. That for any village or district located within a township or townships, that neglect or refuse to take action under the provisions of this bill, it shall be the duty of the township committee, on the application of at least twenty freeholders of such village or district, to lay off, by metes and bounds, such village or part of township, as may be desired, into a fire district, and such village or part of township shall have all the rights and powers hereby conferred upon the townships.

Township committees may fix bounds of fire district.

50. SEC. 6. [Amended by P. L. 1880, p. 116, and again amended and supplied by Secs. 52 and 57, *post.*]

51. SEC. 7. That the money voted at the annual district meeting shall be assessed on the value of the buildings and contents within said district, and collected as the taxes of the township are now collected, and be under the control of, and expended by the board of directors for the purposes specified in section three.

Money to be raised by district tax.

Supplement.

Approved March 27, 1884. P. L. 1884, p. 108.

52. SEC. 1. [This section, amending Sec. 50, *ante*, is again amended by Sec. 57, *post.*]

Supplement.

Approved May 9, 1884. P. L. 1884, p. 316.

53. SEC. 1. That section one of the act to which this is a supplement [see Sec. 45, *ante*] be amended to read as follows :

[That in any township in this state it shall be lawful for the legal voters, at any regular annual town meeting or election, or at any special meeting called by the township committee for that purpose, to vote for and determine an amount of money to be raised by tax for a fire appropriation.]

Townships may vote money for a fire appropriation.

54. SEC. 2. That section two of the act to which this is a supplement [see Sec. 46, *ante*] be amended to read as follows :

Limit of appropriations.

[That the amount of the first appropriation, to be voted and determined by any township which shall avail itself of this act, shall not exceed the sum of five thousand dollars ; and that the amount of any subsequent annual appropriation may amount to but shall not exceed a sum equal to one dollar for each inhabitant of such township.]

55. SEC. 3. That section three of the act to which this is a supplement [see Sec. 47, *ante*] be amended to read as follows :

Appropriation, how expended.

[That it shall be lawful for the township committee, in any township in which a fire appropriation shall be made under the provisions of this act, to expend the same in providing and maintaining means for extinguishing fires in such township ; and to this end they may construct wells, cisterns and reservoirs, purchase apparatus, lease lands or buildings, purchase real estate and erect thereon buildings for the accommodation or housing and care of the fire apparatus and may sell or exchange the same, and may contract for and pay such charges and expenses, for the proper conduct of fire matters, not exceeding the amount of such appropriation, as they may deem advisable or necessary, in the corporate name of the township.]

56. SEC. 4. That section four of the act to which this is a supplement [see Sec. 48, *ante*] be amended to read as follows :

Township committee may adopt rules respecting use, management, &c., of fire apparatus.

[That the township committee may adopt such rules and regulations, altering and amending the same from time to time, as may be deemed necessary, respecting the use, management, care and custody of the township fire apparatus ; they may designate or approve the members of any fire or other companies or organizations whatever, to whom they may entrust the use of such apparatus, and designate or approve the officers thereof, and they may provide for the election, by such members, of their associate members and officers, and the adoption by such members of their own by-laws and rules of order, which company or organization, or which companies and organizations together, as the case may be, shall constitute the township fire department, and may have the use and custody of all fire apparatus or means of extinguishing fires provided by such township except such as may be provided for the sole and separate use of any fire district within such township, or, in lieu thereof, such township committee may designate and constitute any fire association or organization whatever the authorized fire department of such township, and entrust to them, so long as they may prove worthy and efficient, all fire apparatus and means of extinguishing fires provided by such township, except such as may be provided for the sole and separate use of any fire district within such township, and the direction and control of all public fire matters therein, subject only to the inspection and supervision of such township committee ; *provided, however*, that this act, or any part thereof, shall not be construed to abolish or prevent the formation of any fire or other companies or organizations whatever, under any law of this state, but shall have the effect to prohibit the expenditure for their use or benefit, except under the provisions of this act, of any public fire appropriation ; *and provided further*, that in any township in which any private fire company or other organization may be formed, such company or organization, when on duty at any fire, shall be subject to such reasonable rules and regulations as may be adopted by the township committee for that purpose.]

Proviso.

Proviso.

Supplement.

Approved May 16, 1894.

P. L. 1894, p. 389.

57. SEC. 1. That section six of the act to which this is a supplement [see Secs. 50 and 52, *ante*] be amended to read as follows :

Voters shall determine appropriations and elect fire commissioners.

[That the legal voters of a district so organized shall meet annually on the last Saturday in May, at three o'clock in the afternoon, and determine the amount of money to be raised for the ensuing year, and elect a board of fire commissioners, to consist of five persons resident in such district, who when elected, shall possess within such district, all the rights and

powers of the township committee under this act and shall hold office for three years and until their successors are elected [see Sec. 86, &c., *post*]; *provided*, that at the first meeting of said board of fire commissioners elected after the passage of this act, the members of said board shall divide themselves by lot into three classes; the term of two members composing the first class shall be vacated at the expiration of the first year; the term of the two members composing the second class shall be vacated at the expiration of the second year, and the term of the one member composing the third class shall be vacated at the expiration of the third year, so that two members of said board of fire commissioners shall be elected annually, after the first election except every third year, when but one member shall be elected to hold office for three years, and if vacancies happen, by resignation or otherwise, the person or persons elected to supply such vacancies shall be elected for the unexpired term only.

Proviso.

An act concerning fire districts formed under the provisions of an act entitled "An act to provide means for protection against fires in townships," approved March tenth, one thousand eight hundred and seventy-nine.

Approved March 14, 1895.

P. L. 1895, p. 303.

58. SEC. 1. That whenever the territory included within the bounds of any fire district in this state formed under the provisions of an act entitled "An act to provide means for protection against fires in townships," approved March tenth, one thousand eight hundred and seventy-nine [see Sec. 45, &c., *ante*], shall have been heretofore or be hereafter divided and formed into or made parts of two or more new municipalities, and no part of such district remain in the township of which such district when originally formed was a part, such fire district shall be and is hereby abolished, and the terms of office of the commissioners thereof terminated.

When part of a township is set off into other municipalities fire districts shall be abolished.

59. SEC. 2. That the governing bodies of such new municipalities and the treasurer or person having the custody of the funds and securities of such fire district shall meet at a convenient place to be designated by the clerk of either of such new municipalities upon ten days' notice mailed to or served personally upon each of the members of such governing bodies and such treasurer or custodian, and shall then and there proceed to allot and divide between or among the said municipalities all property, real and personal, money on hand, due or to become due, in proportion to the aggregate value of the buildings and contents which each shall take from the limits of such fire district at the last assessment, raising money for said fire district, the result of which allotment and division shall be reduced to writing and show the amount of the funds on hand to be paid and transferred by said treasurer or custodian or said fire district commissioner to each of said governing bodies and be signed by a majority of the members of said governing bodies present, and the inhabitants of said respective municipalities shall be liable to pay their proportion of the debts of said fire district, if any there be, and a majority of the persons comprising the said governing bodies shall constitute a quorum, and may proceed to make the said division, and their decision shall be final and conclusive; it shall be lawful to adjourn said meeting to such time or times and place or places, within either of such municipalities, as a majority of those present may deem proper; the amount to be paid or the property to be transferred to each municipality being ascertained as aforesaid, it shall be the duty of the said treasurer or custodian and said fire district commissioners to forthwith pay and transfer said funds to the treasurer or custodian of the funds of said municipalities in the manner ascertained and directed.

Governing bodies of new municipalities shall divide public property.

Shall each be liable for proportion of debts.

60. SEC. 3. That the word "municipality" as used in this act shall be construed to include township, borough, borough commission, town or city.

Word "municipality" defined.

61. SEC. 4. That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Repealer.

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

P. L. 1895, p. 451.

When there has been a failure to fix boundaries to fire district, the township committee may refund taxes paid.

Approved March 22, 1895.

62. SEC. 1. That where the legality of the organization of a fire district in a portion of a township under the provisions of the act entitled "An act to provide means for protection against fires in townships," approved March tenth, one thousand eight hundred and seventy-nine, and the supplements thereto, is questioned upon the ground that such fire district was never laid off by metes and bounds by the township committee of any such township as said act requires, and the collection of taxes for fire purposes assessed and levied in any such fire district under the provisions of said act and supplements is resisted upon the ground aforesaid by twenty or more persons upon whose real or personal estate any such taxes have been assessed and levied, and no evidence or recital of the laying off of any such fire district appears upon the records of any such township, it shall be lawful for the township committee of any such township, upon the written application for such action by said twenty or more persons, to abate and remit all such taxes not paid and to authorize in writing the township collector of any such township to refund to the several persons who have paid the same all of such taxes in his hands; and upon such written authority it shall be lawful for such township collector to refund to the several persons who have paid the same all of such taxes in his hands.

An act to establish a fire patrol in villages and townships in this state.

P. L. 1879, p. 220.

Village, town or township may organize fire patrol.

Members of patrol shall be members of the fire department.

Duties of fire patrol.

Rights and privileges of patrol.

Approved March 14, 1879.

63. SEC. 1. That wherever there now exists or may hereafter be formed a fire department in any village, town or township in this state, by virtue of any local or special law, then it shall and may be lawful for such village, town, township and fire department to organize a fire patrol.

64. SEC. 2. That the members of said fire patrol shall, in all cases, be members of the fire department of such village, town or township; that such patrol shall be, in all respects, subject to the rules and regulations that govern such fire department, and be under the control of the authority governing such fire department.

65. SEC. 3. That it shall be the duty of such fire patrol to be present at all fires within the limits of such fire department, and take charge of all goods and chattels, that may be removed from buildings in consequence of such fire, and keep the same under their care and protection until the same can be delivered to the owner or owners thereof, and that the members of such fire patrol shall, during the continuance of such fire, and until the goods so removed can be delivered to the owner or owners thereof, have the powers of constables, and may arrest, without warrant, any person or persons interfering therewith, and take such person before any justice of the peace of the county where apprehended, to be dealt with according to law.

66. SEC. 4. That the members of such patrol shall have the same privileges as the members of such fire department have, shall have the right to vote for officers of such fire department, and shall be exempt from all jury and militia duty, as such firemen are now exempt.

An act to support fire organizations in the several incorporated towns in this state.

P. L. 1879, p. 222.

Towns of more than 3,000 inhabitants may issue "fire department" bonds.

Approved March 14, 1879.

67. SEC. 1. That it shall and may be lawful for the common council, in any incorporated town in this state having a population of more than three thousand inhabitants, by the census of the year one thousand eight hundred and seventy-five, and at present having no regularly-organized depart-

ment for extinguishing of fires, and whose charter or act of incorporation authorizes the organization and maintenance of a fire department, to issue the bonds to an amount not exceeding ten thousand dollars, to be used and the proceeds thereof applied to the purposes of the organization and maintenance of a fire department and the procuring of fire extinguishing apparatus and forming fire companies, building of suitable houses and furnishing a supply of water for fire purposes as aforesaid; such bonds shall be in sums of one hundred dollars each, or the multiples thereof, and shall be denominated "fire department bonds," and shall be payable, the sum of two thousand five hundred dollars in five years, the sum of two thousand five hundred dollars in seven years, the sum of two thousand five hundred dollars in ten years, and the sum of two thousand five hundred dollars in twelve years, or within such other times, not less than the times above named, as the common council of said town shall authorize and direct; that said bonds shall bear interest not to exceed six per centum per annum, payable semi-annually; that said bonds shall be signed by the president or chairman of the common council of said town, and countersigned by the treasurer thereof, and shall not be sold or negotiated at less than par.

An act to authorize the erection of engine-houses in cities of this state.

Approved March 2, 1881.

P. L. 1881, p. 58.

68. SEC. 1. That the mayor and common council of any city in this state are hereby authorized and empowered to erect one or more buildings suitable for the use of the fire department of said city, and to purchase land whereon to erect said building or buildings; *provided*, that the aggregate cost of such land and of the erection of said building or buildings in such city shall not exceed fifteen thousand dollars.

Mayor and common council authorized to erect engine-houses, &c.

Proviso.

69. SEC. 2. That to provide moneys necessary to carry this act into effect, each mayor and common council shall have power to issue bonds of such city to an amount not exceeding fifteen thousand dollars, having not more than twenty years to run, and bearing interest at a rate not exceeding six per centum per annum, and to pledge the faith, credit and property of said city for the payment of the principal and interest thereof, and to provide for the redemption of said bonds by taxation.

Empowered to issue bonds and to provide for their redemption.

Supplement.

Approved March 22, 1882.

P. L. 1882, p. 157.

70. SEC. 1. That the buildings or building authorized to be erected by the act to which this is a supplement, may be erected on land given or dedicated for any such purpose; and the authorities of such cities are hereby authorized to accept any lands given, dedicated or sold to them for a nominal consideration under conditions, for such purpose.

Buildings may be erected on lands given or dedicated.

71. SEC. 2. That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Repealer.

An act respecting fire-escapes or means of exit in and upon buildings in cities or municipal corporations.

Approved March 25, 1881.

P. L. 1881, p. 254.

72. SEC. 1. That the common council, board of aldermen or other governing body of all cities or municipal corporations in this state are hereby authorized, empowered and required to pass, ordain and enforce ordinances and regulations and penalties respecting the building, erection, equipment, maintenance and use of proper and efficient fire-escapes or means of exit in and upon hotels, theaters, halls, school-houses and other public buildings, manufactories or other buildings where operatives are employed.

Common council, &c., may pass ordinances for erection of fire-escapes.

An act to provide for the better security of life and limb in cases of fire in hotels and other buildings.

P. L. 1882, p. 142.

Buildings to be provided with a safe external means of escape in case of fire.

73. SEC. 1. That all persons owning, leasing, or in any manner having charge or control of any hotel or boarding-house for the accommodation of the public, any public school or other public building, factory, manufactory, or workshop of any kind, in which guests, students, employes, or operatives, to the number of thirty or more are accommodated, or steadily or casually at work, or congregate, when any of such buildings are three or more stories in height, said owners, lessees, or other persons having charge or control of said buildings, shall provide all such buildings with a safe external means of escape therefrom, and so arranged that in case of fire the ground can be readily reached by the persons occupying the third and higher floors. [See Sec. 76, *post.*]

Duties and powers of fire inspector, common council, &c.

74. SEC. 2. That it shall be the duty of every fire inspector of any city in this state, or any common council, board of aldermen, or other official board of any city, town, borough, or of any township of this state, by whatever name such authorities may be known, to designate the number, kind and manner of erection of such external fire-escapes to any of said buildings, and shall give notice in writing to the owner or lessees or the person having charge or control of said building, and set forth in said notice the number, kind and manner in which said external fire-escape or escapes is or are to be erected, required by said fire inspector or ordinance of said municipal authorities, or resolution of said other official boards. [See Sec. 77, *post.*]

Penalty for violation of this act.

75. SEC. 3. That any violation of this act, or neglect to comply with said notice to put up said fire-escape or escapes within ninety days after said notice is received, shall be deemed a misdemeanor, and any person or corporation convicted thereof shall be liable to a fine not exceeding three hundred dollars, in the discretion of the court, and shall also be liable in an action for damages in case of death or personal injury sustained in consequence of fire breaking out in any such building, and of the absence of such efficient fire-escape; and such action may be maintained by any person now authorized by law to sue as in other cases of similar injuries. [See Sec. 78, *post.*]

Supplement.

Approved March 22, 1888.

P. L. 1888, p. 192.

Persons having charge or control of certain buildings required to provide suitable fire-escape.

76. SEC. 1. That all persons owning, leasing or in any manner having charge or control of any hotel or boarding-house, or any public school, or other public building, factory, manufactory or workshop of any kind, or any other building (in which guests, students, employes or operatives, or any persons whatsoever, to the number of thirty or more are accommodated, or are steadily or casually at work or do congregate), when any such buildings are three or more stories in height (or any dwelling-house three or more stories in height, occupied by, or built to be occupied by, three or more families above the first story), said owners or lessees, or other persons having charge or control of said buildings, shall provide all such buildings with a permanent and safe external means of escape therefrom, which shall be so arranged that in case of fire the ground can be readily reached by the persons occupying the third and higher floors.

Authorities to determine kind and manner of erection of fire-escapes.

77. SEC. 2. That it shall be the duty of the fire inspector or superintendent of buildings of any city, town, borough or township in this state, or of any common council, board of aldermen or other governing board of any city, town, borough or township of this state, by whatever name such authorities may be known, in case there is no fire inspector or superintendent of buildings in such city, town, borough or township, to designate the number of, and the kind and manner of the erection of such external fire escapes to or upon any of said buildings, and shall give notice in writing to the owner or lessee, or the person having charge or control of any such building, setting forth in said notice the number and kind of, and the

Notice.

manner in which said external fire-escape or escapes is or are to be erected, as required by said fire inspector or superintendent of buildings, or by ordinance of said municipal authorities, or by resolution of any of said governing boards.

78. SEC. 3. That any violation of this act, or neglect to comply with such notice to put up said fire-escape or escapes within ninety days after said notice is received, shall be deemed a misdemeanor; and any person convicted thereof shall be liable to a fine not exceeding three hundred dollars, in the discretion of the court; and any person or corporation failing to comply with the provisions of this act shall be liable in an action for damages in case of death or personal injuries sustained because of the absence or disrepair of such fire-escape, or in case of fire breaking out in any building upon which there shall be no such efficient fire-escape; and such action may be maintained by any person now authorized by law to sue, as in other cases of similar injuries.

Penalty for violation of act.

79. SEC. 4. That this act shall take effect immediately, and that all acts and parts of acts inconsistent herewith be and the same are hereby repealed.

Repealer.

An act in relation to volunteer fire departments of cities of the second class.

Approved March 23, 1883.

P. L. 1883, p. 198.

80. SEC. 1. That in any city of this state where the charter of any volunteer fire department of said city shall expire by limitation of the charters thereof, that said charters shall be and the same are hereby extended for the term of ten years from the date of this act.

Charters of volunteer fire departments expiring by limitation extended for ten years.

81. SEC. 2. That in any city of this state where the volunteer fire departments of said city shall have accumulated a fire department fund for the benefit of said department, that on the expiration of the charters of said departments, by limitation of law or otherwise, and where said fire departments shall maintain an existence as an exempt fire association, that any fund accumulated as aforesaid shall revert to and be the property of said exempt association as aforesaid.

When accumulated fund shall revert to exempt fire association.

An act in relation to volunteer fire departments of this state.

Approved March 12, 1884.

P. L. 1884, p. 74.

82. SEC. 1. That all volunteer fire companies organized under the laws of this state and doing active duty in any of the cities of this state, shall be entitled to all the privileges and immunities of any other company in the department of said city, notwithstanding any law to the contrary thereof.

Privileges of volunteer fire companies.

An act to authorize the appointment of fire wardens.

Approved April 2, 1884.

P. L. 1884, p. 126.

83. SEC. 1. That in any township in this state in which a fire department exists, and which department is under the control of such township, it shall be lawful for the township committee to appoint such number of reputable citizens as the said committee may deem necessary to be fire wardens in said township, and to make all needed rules for the organization of said wardens, and at pleasure to remove said wardens and to appoint others.

Fire wardens may be appointed in townships where fire department exists.

84. SEC. 2. That it shall be the duty of said wardens to preserve order and protect property from pillage and wanton destruction during the time of a fire, and to prevent unauthorized persons from trespassing upon burning premises and from interfering in any way with the firemen and fire service; and any such fire warden shall have power to arrest and detain in custody, during the time of a fire, any person found committing depredations or interfering, by action, with the firemen when on duty, or with the fire service or apparatus.

Duty and power of wardens.

An act to give certain active and exempt firemen the same advantages in respect to taxes and jury duty as now are or hereafter may be allowed to members of the national guard of this state.

P. L. 1884, p. 265.

Active and exempt firemen to receive same advantages as to taxes and jury duty as members of the national guard.

Approved April 25, 1884.

85. SEC. 1. That all persons enrolled as active or exempt members of any fire or hose company or hook and ladder organization under supervision or control of any common council, township committee or board of fire commissioners, or salvage corps, under supervision or control of any duly-authorized board of underwriters of this state, who do not receive more than one hundred and fifty dollars per annum for their services, shall be entitled to have and receive the same and no other advantages in respect to taxes and jury duty, as now are or hereafter may be allowed to members of the national guard of this state. (a)

An act to incorporate fire districts heretofore established or which may hereafter be established in townships under the provisions of the act entitled "An act to provide means for protection against fires in townships," approved March tenth, one thousand eight hundred and seventy-nine.

P. L. 1885, p. 42.

Incorporation of fire districts in townships.

Approved February 23, 1885.

86. SEC. 1. That every district heretofore organized, or which may hereafter be organized, under the provisions of the act entitled "An act to provide means for protection against fires in townships," approved March tenth, one thousand eight hundred and seventy-nine [see Sec. 45, &c., *ante*], shall be known by a number to be assigned to it by the township committee of the township within which said district is situate, and the directors of said district, now known and hereafter to be known as the fire commissioners thereof, and their successors shall be a body corporate, to be called and known by the name of "the commissioners of fire district number ———, in the township of ———, and county of ———," and shall have power to hold, purchase, lease and convey, in their corporate name, such real and personal estate as the purposes of the corporation shall require; to make and use a common seal, and shall be capable of suing and being sued, and shall be entitled to all the rights, powers and privileges, benefits, advantages and immunities usual or necessary for the purposes of providing, maintaining and using means for extinguishing fires in such district.

Purchases and leases validated.

87. SEC. 2. That in the event of the directors or fire commissioners of any fire district heretofore organized under the provisions of the said act, having heretofore made purchases of real or personal property, or leased lands or buildings, for the accommodation of the fire apparatus of such district, in the name of the directors or fire commissioners of such district, under misapprehension of their powers, such purchases or leases be and the same are hereby confirmed and declared valid and effectual in law, and to have the same force and effect, and to vest in said board of directors or fire commissioners the same title and estate, as if the said board of directors or fire commissioners had been duly incorporated from the time of the organization of said district.

Repealer.

88. SEC. 3. [Amended by Sec. 90, *post.*]

89. SEC. 4. 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 an imperfect and incomplete act of legislation in that the privileges intended to be conferred are not specified in the body of the act, and is in violation of paragraph 4 of sec-

tion 7 of article IV. of the constitution. *Christie v. Bayonne*, 19 Vr. 407.

Supplement.

Approved April 7, 1880. P. L. 1880, p. 189.

90. SEC. 1. That section three of the act to which this is a supplement be and the same is hereby amended so as to read as follows :

[That the said board of directors or fire commissioners shall certify the amount of money voted at the annual district meeting to the assessor of the township in which said district is situate, which said assessor shall assess said money on the inhabitants of said district and their estates and taxable property therein in the same manner as township taxes are assessed, and said money shall be assessed, levied and collected at the time and in the manner that other township taxes are assessed, levied and collected ; and it shall be the duty of the collector of the township in which said district is situate to pay over all moneys by him received which shall have been assessed by virtue of such vote to the said board of directors or fire commissioners, to be held and expended by them for the purpose of providing and maintaining means for extinguishing fires in such district ; and that the assessor and collector of the said township shall be entitled to receive the same fees for assessing, levying and collecting said money as are now allowed by law for assessing, levying and collecting district school taxes.]

Fire commissioners to certify amount raised for fire purposes to assessor, who shall assess the same.

Collector to pay over moneys collected.

Fees of assessor and collector.

An act respecting the fire departments of cities and regulating the tenure and terms of office of officers and men employed in said fire departments.

Approved March 24, 1885. P. L. 1885, p. 130.

91. SEC. 1. That in the several cities of the state the officers and men employed by municipal authority in the fire department of any city shall severally hold their respective offices and continue in their respective employment as such municipal officers and employes during good behavior, efficiency and residence in such city, except where, by statute, the term of any such officer and employe is determined and fixed, and does not depend upon the pleasure or caprice of any municipal officer, officers or board authorized to make appointment or employment in said department ; and no person shall be removed from office or employment in the fire department of any such city, or from the fire department force of any such city, for political reasons or for any other cause than incapacity, misconduct, non-residence or disobedience of just rules and regulations established or which may be established for the fire department or force of such city ; *provided*, that any member of the fire force of any such city who shall be absent from duty, without leave, for the term of five days, shall be deemed deserving of expulsion from such fire force. (a)

Tenure of office of members of fire departments in cities.

Not to be removed for political reasons, &c.

Proviso.

92. SEC. 2. That it shall be lawful, for the better government of and discipline of the fire department in the cities of the state, for the municipal authority or authorities in any city whose duty it is or may become to provide for, regulate or manage a fire department in such city, from time to time to prescribe and establish just rules and regulations respecting said department.

Authorities to prescribe rules for department.

93. SEC. 3. That no person, whether officer or employe, in the fire department of any such city, shall be removed from office or employment therein, except for just cause, as provided in the first section of this act and then only after written charge or charges of the cause or causes of complaint shall have been preferred against any such officer or employe, signed by the person or persons making such charge or charges and filed in the office of the municipal officer, officers or board having charge of the said fire department, and after the said charge or charges have been publicly examined into by the appropriate municipal board, officer or authority, upon such reasonable notice to the person charged, and in such manner of examination as the rules and regulations governing the same may pre-

Member not to be removed without cause and hearing.

(a) See note under section 328, *post*.

scribe, it being the intent of this act to give every person, against whom charges for any cause may be preferred under this act, a fair trial upon said charges and every reasonable opportunity to make his defense, if any he has, or chooses to make. (a)

Repealer.

94. SEC. 4. 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.

An act concerning firemen's relief associations.

P. L. 1885, p. 144.

Approved March 25, 1885.

Firemen's relief associations, how incorporated.

95. SEC. 1. That in the several cities, towns, boroughs, townships and fire districts in this state in which there now are or hereafter may be organized for and doing public fire duty, one or more fire engine, hook and ladder, hose or supply companies, or any fire association, or fire department or board of fire wardens, which said company or companies, association or department, or fire wardens, shall be under the supervision or control of any common council or township committee, or board of commissioners or other governing board or body whatsoever, or any salvage corps (under supervision or control of any duly-authorized board of underwriters), the members of which corps shall have been enlisted from among the active or exempt firemen, or any association of exempt firemen, it shall be lawful for the chief engineer, or, if there be no chief engineer, then the fire marshal, or, in case there be neither, then the senior foreman, and for the president, if any, of such fire association or department, and all members of any board of fire wardens, or board of trustees or engineers of such fire association or department, and also all firemen belonging to such fire engine, hook and ladder, hose, or supply company or companies, or salvage corps, and all members of any association of exempt firemen of such city, town, borough, township or fire district, to associate themselves together and become incorporated under and by the name of "the _____ fireman's relief association," or any other name which shall indicate the object of such association using the name of the city, town, borough, township or fire district in which the same may be located; and, upon the recording of a certificate, in form as hereinafter provided, in the office of the clerk of the county in which the same may be located, and the filing of such certificate in the office of the secretary of state of this state, such persons shall, from and after the date of the filing thereof, become and be incorporated under and by the name aforesaid, as a body politic and corporate in law, and by such name shall have perpetual succession and continuance, except as hereinafter provided, and be capable of suing and being sued, complaining and defending, in any court of law or equity, and may make and use a common seal, and alter the same at pleasure, and may receive, take, hold, purchase and convey, or mortgage, invest and re-invest, real, personal and mixed estate, and may enter into, execute and enforce any contracts or agreements relating to, touching or concerning the objects of such corporation, and they and their successors, and all who shall associate themselves together with them, shall, as such corporation, be entitled to all the rights, powers, privileges, benefits, advantages and immunities which now are or hereafter may be conferred upon corporations generally, under any law of this state; and the membership of such corporation shall consist, without any formal election thereto, of the officers and members of such fire engine, hook and ladder, hose and supply company or companies, fire association or fire department, or board of fire wardens, as shall be under the supervision or control of the common council or township committee, or board of commissioners or other governing board or body of the city, town, borough, township or fire district; also, such of

Membership of corporation.

(a) The transfer of an employe, in the Jersey City fire department, from his position of engineer to that of stoker, which last position is attended with different duties and decreased pay, is invalid under this act. *Michaelis v. Jersey City*, 20 Vr. 164. The clerk of the board of fire commissioners of Jersey City is an employe, and his position is protected by this act.

Van Alst v. Jersey City, 20 Vr. 156. The position of "call members" of the fire department of Newark may be vacated or abolished. *Newark v. Lyon*, 24 Vr. 632, overruling same case in 24 Vr. 92. A member of the fire department against whom charges have been made is entitled to reasonable time within which to prepare for his trial. *Duerr v. Newark*, 26 Vr. 272.

the officers and members of any salvage corps (doing duty therein, being under the supervision or control of a duly-authorized board of underwriters), as have been enlisted from among the active or exempt firemen; also of the officers and members of any association therein of exempt firemen; and the whole body of the membership of such corporation shall have the same rights therein as the charter members thereof.

96. SEC. 2. That the president and secretary of such corporation, when elected as hereinafter provided, shall forthwith sign a certificate, and cause the same to be recorded in the office of the clerk of the county in which the same may be located, which certificate, after being so recorded, shall be filed by the said president and secretary, in the office of the secretary of state; and the said certificate, or a copy thereof, duly certified by said county clerk or by the secretary of state, shall be evidence in all courts and places; and such certificate in writing shall set forth the election of the representatives authorized to organize such corporation, the election, by such representatives, of a board of officers and a board of visitors or trustees, giving their names and official designations, the corporate name assumed and chosen to designate such corporation, the location of such corporation, and a reference to this act; but, in case of a re-incorporation under this act, the said certificate shall, instead thereof, set forth the former incorporation, and the date thereof, the names and official designations of the officers of such corporation, and a reference to this act.

Contents and record of certificate of incorporation.

97. SEC. 3. That any and all associations organized for the purposes intended by this act, whether incorporated or not, shall be re-organized and incorporated or re-incorporated under the provisions of this act, except such corporations as may have been created or continued by any special act of the legislature of this state, which last-mentioned corporations may, if they see fit, be re-organized and re-incorporated under this act; and the president and secretary thereof, in case of such incorporation or re-incorporation, shall sign, record and file a certificate as above provided, and the said association or corporation shall thereupon become and be a body politic and corporate in law, under and by virtue of this act, and shall have all the powers and privileges conferred by this act upon corporations formed under it, and no other powers or privileges whatsoever; and any corporation which shall be re-organized and re-incorporated under this act shall succeed to and be seized of all the right, title and interest in any estate, real, personal or mixed, belonging to it under its former organization; and the representatives, visitors or trustees, and other officers of any association or corporation re-organized and incorporated or re-incorporated under this act, shall continue to serve as such until the election following such re-organization, and until their successors are elected respectively, and not thereafter; and the membership thereof shall be subject to the same conditions and shall have the same rights as provided in the first section of this act in relation to the membership of corporations formed under it; and, if any such association or corporation shall not be re-organized and incorporated or re-incorporated under this act, within one year after this act shall take effect, the same shall thereupon and thereafter be deemed and held to have forfeited its charter, any law to the contrary notwithstanding.

Associations to be re-organized under provisions of this act.

Effect of not re-organizing in one year.

98. SEC. 4. That there shall not hereafter be more than one firemen's relief association, or other association organized for the purposes intended by this act, in any city, town, borough, township, or fire district, except in the case of a city, town, borough or fire district being or having been set off or incorporated within the bounds of any township, in which case such an association may be organized in such city, town, borough or fire district, and one in the remaining portion of such township, or one in each of the fire districts in such township.

Not more than one association to be organized in city, &c.

99. SEC. 5. That in case two or more such associations shall exist, at the time this act shall take effect, in any city, town, borough, township, or remaining portion of any township as aforesaid, or in any fire district, the charters of each and all of such associations shall forthwith be and the same hereby are repealed, any law to the contrary notwithstanding, and

Where two or more associations exist, charters repealed.

one firemen's relief association may be organized therein under the provisions of this act.

Moneys and property transferred to new corporation.

100. SEC. 6. That in case, by virtue of any of the provisions of this act, or otherwise howsoever, any of the above-mentioned associations may forfeit its charter, or such charter may be repealed or expire by limitation, or such association be dissolved, or in case, in anywise howsoever, any person or persons, or association or corporation, shall have in possession or charge any moneys derived from any source whatever, for the relief of indigent or disabled firemen, or any balance thereof, or any property purchased therewith, or any securities in which the same may have been invested, or if any person or persons, or association or corporation, may be indebted for the loan or deposit of such moneys, other than the duly-incorporated firemen's relief associations allowed by this act, or the treasurers thereof, then and thereafter, upon the legal organization and incorporation hereunder of a firemen's relief association in such city, town, borough, township, or remaining portion of a township as aforesaid, or fire district, there shall forthwith be paid over, assigned and conveyed, to such new corporation, any money, accounts payable, property and securities remaining in possession or charge of such old association or corporation, or of any person or persons, or association or corporation whatever, for its use or otherwise, or any money, property or securities to which it may be entitled, at law or in equity, derived as aforesaid, and an account shall be given therewith of all moneys theretofore had and received by it or them from the sources aforesaid, and of the disposition thereof, and all such moneys expended by it or them, other than for the benefit of indigent or disabled firemen or their families, shall also be paid over to such new corporation on demand.

Corporations may adopt constitution and by-laws.

101. SEC. 7. That each and every corporation, incorporated or re-incorporated under this act, shall have authority, through its representatives, to make, adopt and use, and from time to time alter, amend or change, such constitution or by-laws, or both, and such rules for its government and the regulation of its affairs, and the disposition and management of its funds and property, as shall seem to said representatives to be right and proper; *provided*, that the same shall not be inconsistent with the constitution or laws of the United States or of this state, and especially with the provisions of this act.

Proviso.

Board of representatives, when chosen and how constituted.

102. SEC. 8. That on or before the second Monday in December, in every year, each fire engine, hook and ladder, hose and supply company, and the board of trustees or engineers of any fire association or department, and any board of fire wardens, which company or companies, fire association or department, or board of fire wardens, shall be under the supervision or control of any common council, or township committee, or board of commissioners, or other governing board or body whatsoever, and each salvage corps (under supervision or control of any duly-authorized board of underwriters), subject to the conditions aforesaid as to the members thereof, and which company or companies, fire association or department, board of fire wardens, or salvage corps, shall be organized for and doing public fire or salvage duty in any city, town, borough, township or fire district in this state, shall choose not more than three representatives, and the exempt firemen's associations, if any such there be, shall choose not more than three representatives, who, together with the president, if any, of such fire association or department, and the chief engineer, or, if there be no chief engineer, then the fire marshal, or, in case there be neither, then the senior foreman, shall constitute a board of representatives, and shall have and exercise all the powers and perform all the duties herein committed to them, and shall hold office for one year after the date of their election and until their successors be chosen, and until their successors shall meet for the purpose of holding the annual election of officers, as hereinafter provided.

Powers and term of office.

Officers, when and how elected.

103. SEC. 9. That the said board of representatives on or before the third Monday in December, in every year, shall elect by ballot from among their own number, or otherwise, a president, vice president, treasurer, and a secretary (who shall be the board of officers of the corporation), and not

more than five members of a board of visitors or trustees ; except that, at the first election after such incorporation or re-incorporation, there shall be elected not less than three nor more than fifteen visitors or trustees, who shall then be divided by said representatives, by lot, into three classes, of not more than five persons each, those of the first class to hold office for one year after the date of their election, those of the second class to hold office for two years after the date of their election, and those of the third class to hold office for three years after the date of their election ; so that one class shall go out of office each year, and that in each year after such first election not more than five visitors or trustees shall be elected at the annual election, who shall hold office for three years after the date of their election ; or said visitors or trustees may be elected in the same manner and from the same source as said representatives are chosen, and, in such case, shall be divided by said representatives, by lot, into three classes for the terms aforesaid ; and when the term of any visitor or trustee so elected shall expire, his successor shall be selected from the same source as that from which he was chosen, and shall hold office for three years after the date of his election as aforesaid ; all of said visitors or trustees shall hold office, however, until their successors are elected respectively.

Term of office, &c.

104. SEC. 10. That if, at any time hereafter, any of the aforesaid elections shall not be held at the time or times hereinbefore provided, the same shall be held thereafter as soon as conveniently may be ; such failure, however, shall not work any forfeiture or dissolution of the corporation, nor shall such election be of none effect by reason of any delay in holding the same ; but it shall be the duty of the president and secretary of such corporation, in case of failure to hold any election at the time above provided, forthwith to give reasonable notice of a time and place for the holding of such election, and in case they fail to give such notice, or on failure to comply therewith, any vacancy caused thereby shall be filled as hereinafter provided, and any dereliction on the part of any representative or officer, in the performance of any known duty in connection with the holding of or failure to hold any election, shall be deemed a malfeasance in office, and shall be punished accordingly ; and if any person shall be elected to any office at any other than the usual time for such election, such person shall hold office only until the time for the next regular election and until his successor shall be elected.

Failure to hold election at time specified not to dissolve corporation, &c.

105. SEC. 11. That a majority of said board of representatives, or of said board of visitors or trustees, as the case may be, shall constitute a quorum at the meetings of said boards respectively.

Majority to constitute quorum.

106. SEC. 12. That no person shall at any one time serve on both of said boards of representatives and of visitors or trustees, but if elected to both shall resign one or the other, as he may see fit ; except that each board may delegate one of its number to sit with the members of the other board.

No person to serve on two boards.

107. SEC. 13. That said board of visitors or trustees shall once in each year, immediately after the election of the new members thereof, elect, by ballot, a chairman and secretary ; and their chairman shall convene them when he may think proper, at least twice in each year, and also whenever so requested by any of said visitors or trustees.

Chairman and secretary of board of visitors elected annually.

108. SEC. 14. That said board of representatives shall be convened by their president when he may think proper, at least twice in each year, and also whenever he may be requested so to do by a majority of said representatives ; and said representatives may provide, in their by-laws, for regular stated meetings of said representatives and of said visitors or trustees.

When board of representatives may be convened.

109. SEC. 15. That in case a vacancy shall occur in the office of representative, such vacancy shall forthwith be filled by the company, association, board or corps by which he was elected, for the remainder of the term for which he was elected, by a special election to be held for that purpose.

Vacancy in office of representative, how filled.

110. SEC. 16. That in case of a vacancy in the office of president, vice president, treasurer, or secretary, or in the office of visitor or trustee, such vacancy shall forthwith be filled by the representatives, or by the company, association, board or corps by which he was elected, for the remainder of

Vacancy in office of president, &c., how filled.

the term for which he was elected, by a special election to be held for that purpose.

Secretary and treasurer to make report.

Secretary to take oath.

Treasurer to give bond.

Application for assistance, and disposal of relief fund.

Management of corporation.

Board of representatives may control application of funds, &c.

Vacancy may be declared if officer be guilty of misconduct, &c.

Funds not to be used for banking purposes.

Object of corporation.

May elect delegates to organize state association.

Proviso.

111. SEC. 17. That the said secretary and treasurer shall report to the board of representatives at their annual meeting, and shall further report to the board of representatives, or to the board of visitors or trustees, whenever requested by either of them; that the secretary shall, upon his election, take an oath of office for the faithful performance of his duties, which oath shall be administered by the president; and that the treasurer shall give a bond to the corporation in such sum and with such sureties as the representatives may from time to time require.

112. SEC. 18. That to such visitors or trustees shall be referred for their inspection and approval all applications for assistance, and they shall dispose of the relief fund of such corporation, within such limit and according to such rules and regulations as may from time to time be made and established by the board of representatives; and no bill therefor shall be contracted or paid, or assistance given, without the approval of at least two of the visitors or trustees, which two visitors or trustees shall issue a warrant to the treasurer for the amount they deem necessary therefor, which warrant shall, before payment, be countersigned by the president; and no person or persons shall be given assistance, if the cause of the indigence, or the reason for the disability, or the nature or cause of the injury or sickness, shall not, in the opinion of a majority of such visitors or trustees, be such as to entitle him, her or them to such assistance, nor in case, in the opinion of a majority of said visitors or trustees, the person or persons applying therefor may be deemed unworthy of assistance; and such visitors or trustees may refuse assistance if, upon inquiry, they deem the person or persons applying therefor not to be in any real need thereof.

113. SEC. 19. That the management of the business and affairs, and the custody of the property and the disposal of the funds and property of such corporations, except as above provided, shall be entrusted to the board of representatives thereof.

114. SEC. 20. That at any meeting of the board of representatives they shall have the right to inquire into and control the application of the funds and property of such corporation, and to suspend any of the visitors or trustees, or officers, if judged by them to be guilty of misconduct or malfeasance in office, until a trial thereof can be had.

115. SEC. 21. That if any of the said representatives, visitors or trustees, or officers, shall be charged with misconduct or malfeasance in office, such charge shall forthwith be investigated by the company, association, board or corps by which he was elected; and in case, on a trial thereof, at which he may be heard in his own behalf or by counsel, he shall be found guilty, such company, association, board or corps shall declare his office vacant, and shall fill such vacancy as above provided.

116. SEC. 22. That no part of the funds of such corporations shall be used for banking purposes or in any manner except as provided for in this act, and except for necessary expenses in carrying out the interests and objects of such corporations.

117. SEC. 23. That the object of corporations under this act shall be to establish, provide for and maintain a fund for the relief, support or burial of indigent exempt firemen and of their families, and of such persons and of the families of such persons as may be injured or killed while doing public fire duty, or may become indigent or be disabled, or may die as the result of their doing such duty, or may be prevented by such injury or by sickness arising from their doing such duty, from attending to their usual occupation or calling.

118. SEC. 24. That it shall be lawful for the several duly-incorporated firemen's relief associations in this state to take part, by delegates elected as hereinafter provided, in the organization and conduct of a state firemen's relief association; *provided*, that there shall not be more than one such state association, the incorporation of which is hereby authorized, the same to be known as the "New Jersey state firemen's association;" and such state association shall have the same rights, powers and privileges as

the local firemen's relief associations, except that of sharing in the distribution of any fund for the relief of indigent or disabled firemen, other than that the expense of maintaining such state association shall be borne equally by all of the local firemen's relief associations in this state.

119. SEC. 25. That on or before the second Wednesday in September in every year, the board of representatives of each duly-incorporated local firemen's relief association in this state may and shall choose, out of the whole body of the membership thereof, three delegates, who, together with the chief engineer, or, if there be no chief engineer, then the fire marshal, or, in case there be neither, then the senior foreman shall represent said corporation at the meetings of the said "New Jersey state firemen's association."

When delegates to state association to be chosen.

120. SEC. 26. That at each annual meeting or convention of the said "New Jersey state firemen's association" there shall be chosen, by ballot, a president and secretary and such other officers as the constitution and by-laws adopted by said state association may require, which president, secretary and other officers shall constitute the executive committee of said state association; and the said president and secretary, after each such election, shall file in the office of the secretary of state a sworn statement of the fact of such election and of the names of the president and secretary and other officers so chosen; and the first certificate so filed after this act shall take effect shall be deemed and taken to be the certificate of the incorporation of such state association, and shall contain a reference to this act and state the intention to incorporate thereunder, and shall have thereon an impression of the common seal of such state association.

Officers of state association annually chosen.

List of officers to be filed with secretary of state.

121. SEC. 27. That each local firemen's relief association, except such as have been incorporated by any special act of the legislature of this state, shall file a copy of its constitution and by-laws, and of its certificate of incorporation, with the secretary of the said "New Jersey state firemen's association," who shall forthwith submit the same to the executive committee thereof, for their inspection and approval, in order to determine which of said local firemen's relief associations have complied with the requirements of this act in relation thereto.

Local association to file copy of constitution, &c., with secretary of state association.

122. SEC. 28. That on or before the first day of April in every year after the year in which this act shall take effect, each local firemen's relief association, whether incorporated under this act or otherwise howsoever, shall cause to be filed with the secretary of state a sworn statement, showing the names of its representatives, visitors or trustees and other officers, with the amount of their respective fees or salaries, if any; also the names of its beneficiaries during or within the year next preceding such statement, the amount of money paid to each of such beneficiaries; also the receipts and expenses during such year, such expenses to be stated in detail, and the amount of money and other property in its possession at the date of making such statement, and how said money is invested or secured, or where it is deposited, a duplicate of which statement, also sworn to, shall, at the same time, be filed with the secretary of the said "New Jersey state firemen's association," an examination of which statements shall forthwith be made by the executive committee of the said state association, to determine which of said local firemen's relief associations have complied with the requirements of this act in relation thereto.

Local association to file annual statement with secretary of state.

Duplicate filed.

123. SEC. 29. That the secretary of said state association, on or before the first day of June, in every year after the year in which this act shall take effect, shall file in the office of the secretary of state a sworn certificate, countersigned by the president of said state association, setting forth the name and address of the treasurer of each of such local firemen's relief associations as have complied with the several requirements of this act; and no firemen's relief association, incorporated by any special act of the legislature of this state, nor any of the officers thereof, shall share in the distribution of nor be entitled to have or receive any part of any fund for the relief of indigent or disabled firemen, unless it and they shall have complied with the requirements of this act in regard to the annual statements aforesaid, and shall be so certified to the secretary of state; and no other

Secretary of state association to file annual certificate with secretary of state.

firemen's relief association, nor any of its officers, shall share in such distribution nor be entitled to have or receive any part of any such fund, unless it and they shall have complied with the several requirements of this act, and shall be so certified as aforesaid to the secretary of state.

How local association may be dissolved.

Proviso.

124. SEC. 30. That any local firemen's relief association, incorporated or re-incorporated under this act, may be dissolved at any meeting thereof by a vote, by written or printed ballot, of two-thirds of the members present and voting in favor thereof; *provided*, that notice of such meeting, and of the purpose thereof, signed by at least ten of the members, shall have been mailed to each person entitled to vote thereat at least twenty days previous thereto, and shall have been published for three weeks successively, once in each week, in a newspaper circulating in the neighborhood where the said association may be located, notice of which dissolution shall forthwith be filed with the secretary of state and with the secretary of said state association.

Legislature may alter or repeal act or charter of any association.

125. SEC. 31. That the legislature may, at any time, alter, modify or repeal this act, and may also alter, suspend or repeal the charter of any firemen's relief association incorporated or re-incorporated under and by virtue of the provisions of this act.

Act not to affect certain corporations.

126. SEC. 32. That nothing in this act contained shall be deemed or held to repeal the charter of any incorporated association, or to dissolve any voluntary association, heretofore organized by the exempt firemen of any city in this state, or by the volunteer firemen therein, previous to or at or about the time of the organization therein of a paid fire department, or to prevent the incorporation of any such associations, nor shall this act apply to or in any manner affect any funds which may have been or may hereafter be accumulated by any such associations.

Repealer.

127. SEC. 33. That all acts and parts of acts inconsistent with the provisions of this act (excepting such special charters as have been granted by the legislature of this state), and especially the act entitled "An act to incorporate fire departments," approved March eighth, one thousand eight hundred and seventy-seven [see P. L. 1877, p. 78], be and the same are hereby repealed, and this act shall take effect immediately.

Supplement.

P. L. 1886, p. 116.

Approved March 22, 1886.

What certificate of incorporation on re-organization of any relief association shall set forth.

128. SEC. 1. That in case of the re-organization and incorporation (under the provisions of the act to which this is a supplement) of any existing firemen's relief association not heretofore incorporated, the certificate of incorporation shall set forth the original organization of such association, and the date thereof, and the fact that said association has never been incorporated; also the names and official designations of the officers of such association, and a reference to the act to which this is a supplement, which certificate shall be signed by the president and secretary of such association, and shall be recorded and filed in the manner provided in the act to which this is a supplement for the recording and filing of certificates of incorporation; and any such certificate heretofore made, recorded and filed in manner and form as above provided, shall have the same validity, force and effect as if the foregoing provisions had been embodied in the act to which this is a supplement, and as if such certificate had been made, recorded and filed in compliance therewith.

Corrected certificate may be recorded and filed.

129. SEC. 2. That in case any error may have been or may hereafter be made in the certificate of incorporation or re-incorporation of any firemen's relief association, the president and secretary of such association may sign, record and file a corrected certificate; and upon the recording and filing of such corrected certificate in the manner provided in the act to which this is a supplement for the recording and filing of certificates of incorporation, such association shall be deemed and taken to be and to have been duly incorporated or re-incorporated, as the case may be, from the time of the filing in the office of the secretary of state of the original defective certificate; and any such corrected certificate heretofore made,

recorded and filed in manner and form as above provided, shall have the same validity, force and effect as if the foregoing provisions had been embodied in the act to which this is a supplement, and as if such corrected certificate had been made, recorded and filed in compliance therewith.

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

Repealer.

Supplement.

Approved March 25, 1889.

P. L. 1889, p. 91.

131. SEC. 1. That if the by-laws of any firemen's relief association shall provide for the election, by each of the several companies, associations, boards or corps of which such relief association is comprised, of more than one member of the board of representatives thereof, such firemen's relief association may provide for a rotation in the terms of office of such members of the board of representatives, and at any annual election hereafter, there may be elected one representative for one year, and one for two years, and, if deemed desirable, one for three years; and thereafter at each election, one representative shall be elected for the longest term provided for, not exceeding three years, from each company, association, board or corps comprising such firemen's relief association.

Election and term of board of representatives.

132. SEC. 2. That all acts and parts of acts inconsistent herewith (excepting such special charters as have been granted by the legislature of this state), be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

Supplement.

Approved March 12, 1890.

P. L. 1890, p. 75.

133. SEC. 1. That whenever any volunteer organization shall have or shall hereafter become re-organized and re-incorporated under the provisions of the act to which this is a supplement, in any city or other municipality wherein the authorities have or may hereafter establish fire limits and enact ordinances for the violations of the building laws therein, that in all such cases the fines and penalties imposed by such ordinances shall be sued for and recovered by, and in the name of, the firemen's relief association of such city or other municipality, before any court having competent jurisdiction, and when recovered said penalties shall be paid to the treasurer of the firemen's relief association of such city or municipality for the use and benefit of said relief association.

Fines and penalties to be sued for and recovered in name of firemen's relief association.

134. SEC. 2. 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.

Supplement.

Approved March 26, 1892.

P. L. 1892, p. 279.

135. SEC. 1. That it shall not be lawful from and after the passage of this act for any of the firemen's relief associations, whether chartered or incorporated under a general or special act of the legislature of this state, any provision contained in the charter, amendments or supplements thereto of such firemen's relief association to the contrary notwithstanding, to invest the moneys of said association in any manner, except as follows, to wit:

Investments of funds of firemen's relief associations, how made.

I. In the stocks or bonds or interest-bearing notes or obligations of the United States, or those for which the faith of the United States is distinctly pledged, to provide for the payment of the principal and interest thereof;

United States bonds.

II. In the interest-bearing bonds of this state;

New Jersey bonds.

III. In the bonds of any state of the United States of America, that has not, within ten years previous to making such investment by any such relief association, defaulted in the payment of any part of either principal or interest of any debt authorized by any legislature of such state to be contracted;

Bonds of other states.

City and town
bonds.

IV. In the stocks or bonds of any city, town, township, county, borough or village of this state, or of any other state of the United States of America, which have been or may be issued pursuant to the authority of any law of such state, and in any interest-bearing obligations issued by the city, town, township, borough, county or village in which such relief association shall be situated; *provided*, that any such city, town, township, borough, county or village of any such state aforesaid, has not, within ten years previous to making such investment by any such relief association, defaulted in the payment of any part of either principal or interest of any debt authorized by the law of any such state to be by it contracted; *and provided further*, that the total indebtedness of any such city, town, township, borough, county or village is limited by law to ten per centum of its assessed valuation;

Proviso.

Proviso.

First bonds and
mortgages.

V. In bonds secured by mortgages, which shall be a first lien on real estate situate in this state, and worth at least double the amount loaned thereon; but not to exceed eighty per centum of the whole moneys of said association shall be so loaned or invested, and in case the loan is on unimproved or unproductive real estate, the amount loaned thereon shall not be more than thirty per centum of its actual value; and no investment in any bond and mortgage shall be made by any firemen's relief association, except upon a favorable report of a committee of at least three of the members of the board of representatives of such firemen's relief association, a majority of which committee shall certify to the value of the premises mortgaged or to be mortgaged, according to their best judgment; such report shall be filed and preserved among the records of the association;

Real estate.

VI. In such real estate only as has been or may be hereafter purchased by such association at sales upon the foreclosure of mortgages owned by such association, or upon judgments or decrees obtained or rendered for debts due to it, or in settlements effected to secure such debts; and all such real estate shall be sold by such corporation within five years after the passage of this act, where it is now held, and within the same period after such real estate shall be hereafter so purchased, unless upon application to the executive committee of the New Jersey state firemen's association further time shall be given by said committee in which to sell said lands or any of them.

Unlawful to con-
tinue investments
on personal notes.

136. SEC. 2. That where any of the funds of any such relief association, are now loaned upon personal notes or securities other than those specified in the first section of this act, it shall be unlawful to continue the same invested therein, except until the maturity of the obligation now so held by the association.

Penalty for viola-
tion of act.

137. SEC. 3. That a violation of any of the provisions of this act, by any or either of the members of the boards of officers or representatives, or other officers of any such firemen's relief association, shall be a misdemeanor, and upon conviction thereof, any person or persons so offending shall each be punished by a fine of not less than two hundred and fifty dollars, nor more than one thousand dollars, or imprisonment for a term not exceeding two years, at the discretion of the court.

Repealer.

138. SEC. 4. That all acts and parts of acts inconsistent herewith be and they are hereby repealed, and that this act shall be a public act and shall take effect immediately.

Supplement.

Approved May 16, 1894.

P. L. 1894, p. 383.

Relief association
organized under
volunteer depart-
ment may transfer
property to ex-
empt association
organized under
paid department.

139. SEC. 1. That wherever, heretofore, or hereafter, a volunteer, or part volunteer and part paid, fire department has been or is now in existence, which department had or has a relief association formed under the act to which this is a supplement or under any special or other act a fund for the relief of its members, and a paid fire department is organized under the municipal authority to take the place of the old organization, and such paid fire department has organized or may organize a relief association under the provisions of the act to which this is a supplement it shall and

may be lawful for the members of the old relief association, by a two-thirds affirmative vote of its members at a special meeting to be called for that purpose, of the time and place of holding which meeting each member of the association shall have personal notice at least ten days, or in lieu thereof such notice shall be posted in a conspicuous place at each house or place of meeting of each company or organization, choosing representatives or trustees to such relief association, or fund, at least thirty days, and be published for four weeks successively immediately preceding said meeting in one or more newspapers published in the city or other municipality where such organization has its existence, to instruct its board of representatives, or other body having control and disposition of said fund, to convey, assign, transfer and set over all the funds and other property of said association, or fund, to an exempt firemen's association existing in said municipality, of which three-fourths of the members of said association or fund are members, or entitled to become such by reason of fire service for a sufficient time; and thereupon the said board of representatives or other body having control and disposition of said fund may and shall, at a meeting to be held by it, of which meeting each representative or other member of said board, or body, shall have ten days' personal notice, by an affirmative vote of two-thirds of the members of said board, or body, convey, assign and transfer said funds and other property of such relief association, or fund, to said exempt firemen's association and instruct the proper officers to make all conveyances, assignments and transfers necessary to effect the said object so soon as the said exempt firemen's association shall at any regular meeting by a two-thirds vote of its members present request the said conveyance, assignment and transfer of the same to be made to it.

140. SEC. 2. That said fund when so transferred shall be kept and used for the use and benefit of the members of said exempt association and former beneficiaries under the fund in like manner and under like restrictions as the same were theretofore used, but under such officers as said exempt firemen's association by its by-laws provide.

Funds shall be kept and used for benefit of exempt association.

141. SEC. 3. That when the transfer of such funds and property shall be made to and received by such exempt firemen's association such exempt association shall become entitled to send three delegates to the New Jersey state firemen's association to take part in its proceedings in like manner as delegates from local relief associations now or hereafter shall take part therein, and shall make an annual report of its funds and other property and its receipts and disbursements of moneys in like manner and at a like time as such local relief associations, and shall be under like supervision and control as such local relief associations now are or hereafter may be of said state association, but such exempt firemen's association shall not take part or share in the distribution of the moneys made by the commissioner of banking and insurance, nor be entitled to receive, demand or take any of the moneys arising from the tax of two per centum upon the premiums obtained for insurance by foreign insurance companies on property in this state which now is or hereafter may be due and payable to local relief associations in this state.

Exempt association may be represented in state association.

Shall make annual report to and be subject to supervision and control of local relief association.

Shall not share in certain fund.

142. SEC. 4. That any and all acts or parts of acts, general or special, inconsistent herewith be and the same are hereby repealed, and that this act shall be a public act and take effect immediately.

Repealer.

An act to authorize associations of exempt firemen in cities of this state to fix the time for holding their annual meetings for the election of officers.

Approved April 17, 1885. P. L. 1885, p. 248.

143. SEC. 1. That hereafter every association of exempt firemen in any city of this state, in addition to the powers now vested in them, shall have power to pass by-laws fixing the time for holding the annual meeting for the election of officers of said association.

Annual meeting of exempt firemen.

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

Repealer.

An act to authorize cities of this state to compel owners of tenement-houses to construct fire-escapes thereon.

P. L. 1886, p. 53.

Cities may compel owners of houses to construct fire-escapes.

Approved March 1, 1886.

145. SEC. 1. That it shall and may be lawful for any city of this state, by general ordinance of the common council, board of aldermen, or other governing body, to provide for the construction of fire-escapes on all houses in said city, which, in their judgment, shall require the same, and to provide rules and regulations for the construction and regulation of said fire-escapes, and to provide penalties to be imposed on any owner who may refuse or neglect to comply with the provisions of said ordinance, which penalties may be recovered before any police justice or recorder of cities in which said offices exist, or before any justice of the peace in any other city.

Repealer.

146. SEC. 2. That all acts and parts of acts and charter provisions inconsistent herewith be and they are repealed.

An act to enable cities and municipalities of this state to create and maintain a paid fire department.

P. L. 1886, p. 54.

Municipalities may create and maintain paid fire departments, &c.

Approved March 1, 1886.

147. SEC. 1. That it shall and may be lawful for the common council, board of aldermen or other governing body of any city or municipality of this state, at present without a paid fire department, to provide by general ordinance for the creation and maintenance of a paid fire department for such city or municipality, and also for the appointment by the mayor of such city or municipality, by and with the consent of the common council, board of aldermen or other governing body therein, of four citizens of such city or municipality, who shall hold office for the period of three years from the date of their appointment, and who shall serve without salary or compensation, who, with the said mayor, shall constitute a board of fire commissioners of said city or municipality, the powers and duties of which board shall be prescribed and regulated by the said ordinance.

Such provisions to take effect when assented to by legal voters.

148. SEC. 2. That this act shall take effect immediately; *provided*, that its provisions shall remain inoperative in any city or municipality until assented to by a majority of the legal voters thereof at any regular charter election to be held in such city or municipality; and the city clerk of such city or municipality shall, on the resolution of the common council, board of aldermen or other governing body of such city or municipality, provide for each elector voting at such election, ballots, to be printed or written, or partly printed or partly written, on which shall be either the words "for a paid fire department" or "against a paid fire department."

Bonds may be issued for creating and maintaining fire departments, and for the purchase of engines, &c.

149. SEC. 3. That for the purpose of creating and maintaining said fire department, and for purchasing the necessary engines, utensils and apparatus necessary for the purpose, the said common council, board of aldermen or other governing body of said city or municipality shall have power to issue bonds to an amount not exceeding one thousand dollars to each one thousand inhabitants of such city or municipality, which bonds shall have not more than twenty nor less than ten years to run, and shall bear interest at a rate not to exceed five per centum per annum, and shall pledge the faith, credit and property of said city for the payment of the principal and interest thereon, and shall provide for the redemption of the same by taxation.

Repealer.

150. SEC. 4. That all acts and parts of acts and charter provisions inconsistent herewith be and they are hereby repealed.

Supplement.

P. L. 1891, p. 180.

Preamble.

Approved March 18, 1891.

WHEREAS, Certain cities of this state have adopted, or may hereafter adopt, according to the terms thereof and by a majority of the popular vote, the provisions of an act entitled "An act to remove the fire and police

departments in the cities of this state from political control," approved March second, one thousand eight hundred and eighty-five, and in accordance with the provisions thereof, have created, or may hereafter create, a board of fire commissioners, to which has been, or may hereafter be, committed the control and management of the fire department of such cities; *and whereas*, in such cities and in other cities that may hereafter adopt the said act, it is or may be desired to create a paid fire department which shall be under the control of the boards of fire commissioners; therefore,

151. SEC. 1. That the act to which this is a supplement be so amended that in all cities which have established or which may hereafter establish a board of fire commissioners created under and by virtue of the act approved May second, one thousand eight hundred and eighty-five, entitled "An act to remove the fire and police departments from political control," the creation and establishment of a paid fire department shall be had and made by resolution of said board of fire commissioners, adopted by a three-fourths vote of said commission, instead of by general ordinance of the common council, board of aldermen or other governing body of said city, as is provided by the act to which this is a supplement. (a)

Fire commissioners may create and establish paid fire department by resolution.

152. SEC. 2. That the said resolution shall be and remain inoperative until assented to and approved by a majority of the legal voters voting on the subject at the regular charter election to which such resolution shall be referred for adoption by the said board of fire commissioners; *provided*, that public notice shall be given in at least two public newspapers of the said city for at least two weeks before said election of the purpose of said commissioners to submit said question to the people for adoption or rejection, and that assent or dissent shall be expressed upon the regular ballots by the words written or printed, or partly written or partly printed, thereon, "for a paid fire department," or "against a paid fire department."

Resolution inoperative until approved by voters of city. Proviso.

153. SEC. 3. That upon the ratification and adoption of said resolution by the popular vote, it shall be the duty of said boards of fire commissioners to present to the common council, board of aldermen, or other governing body of such city, a detailed statement of the amount of money needed for the purchase of the engines, utensils and apparatus necessary for the effective establishment of the said fire department, and it shall be the duty of the said common council, board of aldermen, or other governing body, and it is hereby required to raise such money by the issue and sale of bonds in the manner provided by the act to which this is a supplement, and to appropriate said money to said boards of fire commissioners for their use and disposition in the purchase of said engines, utensils and apparatus in the method by which the said boards of fire commissioners now make purchases under the act to which this is a supplement.

On such approval, commissioners to present to governing body a statement of money needed.

Money, how raised.

154. SEC. 4. That for the maintenance and support of the said fire department, the said board of fire commissioners shall have authority, and are required to make to the common council board of aldermen or other governing body, the same detailed estimate of expenses that they now have authority and are required to make for the maintenance of the departments now under their control, under and by virtue of the act entitled "An act to remove the fire and police departments in the cities of this state from political control," approved May second, one thousand eight hundred and eighty-five [see Sec. 428, &c., *post*], and the several supplements thereto; *provided*, that in making such estimates the said boards of fire commissioners shall be limited to the maximum per capita tax, as is provided in the said act.

Commissioners to make annual estimate of expenses.

Proviso.

155. SEC. 5. That all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

Repealer.

(a) This supplement has been held to be unconstitutional by the Supreme Court because it contravenes the provision that "no law shall be * * * amended by reference to its title

only, but * * * the section or sections amended shall be inserted at length." *Board of Fire Commissioners v. Trenton*, 24 Pr. 566.

An act for the relief of incorporated fire departments in this state.

P. L. 1886, p. 182.

Approved April 5, 1886.

Amount limited to be raised for fire department purposes may be increased.

156. SEC. 1. That whenever any incorporated fire department of this state is limited to raising in any one year for the purposes of the department any definite sum, such sum may be increased by the governing body of such department, whenever in their judgment the public necessities shall require such increase, to a sum not exceeding the rate of twenty-five (25) cents of each and every one hundred dollars of the value of the real and personal property in the place where such department shall exercise its power, such valuation to be determined as the same appears on the assessor's books of such place for the last preceding year, and such increased sum shall be assessed and collected in the same manner as the original and limited amount.

Repealer.

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

An act regulating the pay of officers and men of paid fire departments in cities of this state.

P. L. 1887, p. 100.

Approved April 1, 1887.

Salaries of officers and men in paid fire departments specified.

158. SEC. 1. That in all cities of this state having a paid fire department the pay or salaries per annum of the following-named officers and employes shall be as hereinafter specified, namely: to the chief engineer the sum of not less than two thousand dollars, to the assistant engineer the sum of not less than one thousand four hundred dollars, to the clerk of the board the sum of not less than one thousand four hundred dollars, to the superintendent of telegraph the sum of not less than one thousand three hundred and fifty dollars, to the inspector of horses the sum of not less than seven hundred and fifty dollars, to engineers of steamers the sum of not less than one thousand dollars, to stokers of steamers the sum of not less than eight hundred and fifty dollars, to drivers of steamers, tenders or trucks the sum of not less than eight hundred and fifty dollars, to tillermen of trucks the sum of not less than nine hundred dollars, to the telegraph linemen the sum of not less than eight hundred and fifty dollars, to permanent hosemen and permanent truckmen the sum of not less than eight hundred dollars, to foremen of companies the sum of not less than two hundred and fifty dollars, to hosemen at call and truckmen at call the sum of not less than seventy-five dollars, in lieu of all other compensation whatever.

Provisions of act inoperative until assented to by the legal voters.

159. SEC. 2. That the provisions of this act shall remain inoperative in any city or municipality until the same shall by a resolution therefor of the common council or board having control of the fire department of said city be submitted to a vote of the legal voters of said city and be assented to by a majority of all the legal votes cast at any regular charter or general election to be hereafter held in such city or municipality next after the passage of such resolution; such submission shall not be made until said resolution as aforesaid shall have been adopted by such board and notice of the same published every day for five days next preceding such election in the official daily newspapers in said city by the city clerk, and the city clerk of such city or municipality shall, on the resolution of the common council, board of aldermen, board of fire commissioners, or other governing body of such city or municipality, provide for each elector voting at such election ballots to be printed or written, or partly printed or written, on which shall be either the words "for increase of pay of fire department" or "against increase of pay of fire department," and if a majority of those voting shall be in favor of an increase of the pay of the fire department, then this act shall go into effect immediately, and the pay or salaries of the officers or men of such department shall be as hereinbefore stated; persons voting at any charter or general election shall express their assent to or rejection of this act by depositing their ballots in the box provided for depositing ballots at such election, in the election precincts, districts or wards of any such city,

and those who are in favor of the acceptance of this act shall each deposit a ballot containing the words "for increase of pay of fire department," written or printed thereon, and those who are opposed shall each deposit a ballot with the words "against increase of pay of fire department," written or printed thereon, and this acceptance or rejection may be expressed upon the ballot on which are the names of the ward, city, county or state officers, and shall be counted in determining such result; there shall be a canvass on the return of the votes upon the question of such acceptance or rejection made by the election officers in the same way and manner as for officers voted for at such election.

Form of ballot.

160. SEC. 3. That the increase of pay or salaries provided by this act shall go into effect on the first day of the next calendar month thereafter, notwithstanding that there may not be any existing appropriation or fund sufficient to meet such increase, and the board of authority having control of the finances of such city or municipality shall borrow a sufficient sum to cover such increase for the remainder of the current fiscal year of such city or municipality, or may permit the same to be paid out of any money of said city or municipality, and shall put such sum in the next tax levy raised in said city or municipality.

When increase of pay to go into effect.

An act to authorize cities in this state to erect buildings to be used for fire department purposes and to provide for the payment and cost of erection.

Approved April 5, 1887.

P. L. 1887, p. 186.

161. SEC. 1. [Amended by Sec. 164, *post.*]

162. SEC. 2. [Amended by Sec. 165, *post.*]

163. SEC. 3. [Amended by Sec. 166, *post.*]

Supplement.

Approved February 28, 1888.

P. L. 1888, p. 105.

164. SEC. 1. That section one of the act to which this is a supplement be amended so as to read as follows :

[That where any building used for fire department purposes in cities of this state has or shall hereafter become unsafe, and has been or shall hereafter be declared to be such by the proper authority or authorities of any such city, it shall be lawful for the proper authorities to build and erect in said city proper and suitable buildings, to be used for fire department purposes in the place and stead of the buildings so declared to be unsafe, at a cost not to exceed the sum of six thousand dollars for any one building.]

When buildings used for fire department purposes become unsafe, others may be erected.

Cost.

165. SEC. 2. That section two of the act to which this is a supplement be amended so as to read as follows :

[That all work and labor done and materials furnished for the erection of said buildings shall be done and furnished by contract, awarded upon at least two weeks' advertisement in the two official newspapers having the largest circulation, to the lowest responsible bidder or bidders for the same.]

Work to be done and materials furnished by contract.

166. SEC. 3. That section three of the act to which this is a supplement be amended so as to read as follows :

[That the municipal board of any such city having the management and control of the finances of such city, are hereby authorized and empowered to issue bonds, either registered or coupon, in an amount not exceeding six thousand dollars for any one building, to raise money to pay for the erection and construction of said buildings; that said bonds shall be payable in six years from the date thereof, and shall bear interest not exceeding five per centum per annum, to be sold at not less than par, and that there shall be a sufficient sum appropriated and put in the tax levy of such city each year to pay the interest on such bonds, and also there shall, in each year, be appropriated and put in the tax levy of such city, the further sum of one thousand dollars for each building, towards the payment of said bonds, to be properly invested and deposited in the sinking fund of such city, to meet the payment of said bonds when they shall become due and payable.]

Bonds may be issued to pay for the erection of such buildings.

When and how bonds payable.

An act authorizing cities to purchase land and to erect buildings thereon for fire department purposes, within the limits of townships heretofore annexed to cities, and to provide for the payment thereof.

P. L. 1888, p. 28.

Cities authorized to purchase land and erect building for use of fire department.

Cost.

Building to be erected by contract.

Bonds may be issued to pay for purchase and erection.

Approved February 13, 1888.

167. SEC. 1. That where any township has been annexed to an adjoining city, and in said township there were no houses used for fire department purposes, and the city to which such township was annexed has made no provision for the location of fire department apparatus, then the proper authority or authorities in such city are hereby authorized to purchase a plot of ground within the limits of the township so annexed, and cause to be erected thereon a suitable building for the use of the fire department of such city, at a cost not to exceed seven thousand dollars.

168. SEC. 2. That all work and labor done and materials furnished for the erection of said building shall be done and finished by contract, awarded upon at least two weeks' advertisement in the two official newspapers having the largest circulation, to the lowest responsible bidder or bidders for the same.

169. SEC. 3. That the municipal board of any such city having the management and control of the finances of such city are hereby authorized and empowered to issue bonds, either registered or coupon, to an amount not exceeding seven thousand dollars, to raise money to pay for the purchase of such plot and the erection and construction of said building; that said bonds shall be payable in seven years from the date thereof, and shall bear interest not exceeding five per centum per annum, to be sold at not less than par, and that there shall be a sufficient sum appropriated and put in the tax levy of such city each year to pay the interest on such bonds, and also there shall in each year be appropriated and put in the tax levy of such city the further sum of one thousand dollars towards the payment of said bonds, to be properly invested and deposited in the sinking fund of such city to meet the payment of said bonds, when they shall become due and payable.

An act concerning cities, towns and boroughs.

P. L. 1888, p. 213.

Municipal authorities may provide by taxation for maintenance of fire department in certain cities, &c.

Approved March 23, 1888.

170. SEC. 1. That it shall and may be lawful for the common council, board of aldermen or other governing body of any city, town or borough in which there is now no fire department under the control of such city, town or borough, to order assessed and raised by taxation annually, in the same manner that other taxes in such city, town or borough are required to be assessed and raised, any sum not exceeding one-fifth of one per centum on the total assessed valuation of the taxable property in such city, town or borough, for the maintenance of a fire department, to be under the control and government of such city, town or borough, and no limitation of the amount that may be raised by taxation in any such city, town or borough imposed by any prior law, general or special, by way of percentage or otherwise, shall in anywise be applicable to the taxes hereby authorized, nor shall this act be construed to limit or curtail any power to raise a larger sum than may now be authorized by any existing law.

171. SEC. 2. That to provide for the purchase of suitable lands, houses, apparatus and other property to be used in any such city, town or borough for fire purposes, it shall be lawful for the common council, board of aldermen or other governing body of such city, town or borough to issue bonds to an amount not exceeding the rate of one thousand dollars for each one thousand inhabitants of such city, town or borough, said bonds to be issued in sums of five hundred dollars or multiples thereof, to be denominated fire department bonds, to be payable not later than ten years from date of issue, to bear interest at not exceeding six per centum per annum, to be signed by the mayor, or, in his absence or inability, by the presiding officer of such city, town or borough, impressed with the seal of such

Bonds may be issued for purchase of lands and apparatus.

city, town or borough and attested by the clerk thereof, and not be sold for less than par; *provided*, that the amount of any and all unpaid bonds of any such city, town or borough heretofore issued under the authority of the same for fire department purposes shall be deducted from the amount hereby authorized, and in such case this act shall be construed to authorize any such city, town or borough to issue further bonds for the excess only after such reduction. Proviso.

An act concerning the fire departments of this state and to provide for the retirement of firemen and employes therein.

Approved March 23, 1888. P. L. 1888, p. 238.

172. SEC. 1. [Amended by Secs. 176 and 177, *post*.]

173. SEC. 2. That the cities of this state on which a limitation on fire department appropriation exists, shall not be precluded from adding to and including in the aggregate amount of such appropriations, in excess of such limit, the amount allowed as aforesaid for pensions. Amount allowed for pensions may be included in fire department appropriation.

174. SEC. 3. That the cities of this state in which a limitation on taxation exists, shall not be precluded from adding to and including in the aggregate amount to be raised by taxation therein, in excess of such limit, the amount allowed as aforesaid for pensions. Amount of pensions allowed may be added to sums raised by taxation.

175. SEC. 4. That this act shall take effect immediately, and that all acts and parts of acts inconsistent herewith be and the same are hereby repealed. Repealer.

Amendatory act.

Approved May 9, 1888. P. L. 1888, p. 397.

176. SEC. 1. [This section, amending Sec. 175, *ante*, is amended by Sec. 177, *post*.]

Amendatory act.

Approved March 27, 1893. P. L. 1893, p. 469.

177. SEC. 1. That section one of an act entitled "An act to amend an act entitled 'An act concerning the fire department of this state, and to provide for the retirement of firemen and employes therein,' approved March twenty-third, one thousand eight hundred and eighty-eight," which said amended act was approved May ninth, one thousand eight hundred and eighty-nine, be and the same is hereby amended to read as follows:

[That the board of fire commissioners or other municipal authority having charge and control of any fire department in the state, shall have the power by resolution or ordinance, adopted by a two-third vote subject in cities where the fire department is not under the control of fire commissioners to the approval of the mayor of said city, in cities where the mayor has the veto power, to retire from all service in the said fire department any officer or man doing fire service or employed in such fire department who shall become unable, by reason of injury sustained or sickness caused in the discharge of his duties in said department, to perform the duties assigned to him, or who shall be found to be disqualified, physically or mentally, for the performance of his duties in such department, when such disqualification has been induced and caused through the discharge of or attempt to discharge said duties, or who, by reason of advanced age is found unfit for service in said department; *provided*, he shall have served therein at least twenty years, whether continuously or otherwise; and the said officer or man so retired from service may, from year to year, be allowed by said board of fire commissioners or other municipal authority having charge or control of such fire department, during such inability, disqualification or unfitness for service in said department, an annual allowance as pension, not to exceed one-half the yearly salary last received by such person so retired; unless said one-half is less than three hundred dollars, and in the case of volunteer firemen not to exceed one hundred dollars, and in the event that the salary or yearly allowance of such officer or man shall have been less Board of fire commissioners empowered to retire officers or men from service for certain disqualifications.

Proviso.

Annual pension.

Pension to widow
and children.

Proviso.

than three hundred dollars, then to pay to such officer or man a yearly pension not less than one hundred and fifty dollars; and if any chief engineer, or other chief or any officer or man doing fire service, or employed in such fire department, shall be killed while doing such duty, or shall die as the result of his doing such duty, an annual allowance as pension or pensions may be made in every such case not exceeding one-third of the yearly salary or compensation last received by any such person for service in such department prior to death as aforesaid; and such allowance may be made and allowed by such board of fire commissioners or other municipal authority having charge or control of such fire department, and paid to the widow of such officer or man during her lifetime or widowhood; or, if he shall leave no widow, or in the event of her death or remarriage, such allowance or pension may be paid to or for the support of the child or children of said deceased officer or man during their minority, in such manner as said board shall direct; *and provided*, that the same shall be paid in installments each year out of the appropriations of such fire department at the same time and in the same manner as the wages and salary of firemen in active service are paid, or in case of volunteer firemen, to be paid quarterly; and the appropriation each year to said fire department shall be made with a reasonable allowance for pensions as aforesaid, to be paid out of the same as occasion may require; and the provisions of this section relative to pensions to be paid after death may be applied to and is intended hereby to cover and include the case of any chief hereinbefore named, and also any member or employe of any such fire department who shall have been killed in the discharge of duty at any time within three years prior to the time this act shall take effect.]

An act to authorize incorporated townships in this state to establish and maintain fire departments, for protection of life and property against fire.

P.L. 1888, p. 293.

Approved March 28, 1888.

Bonds may be
issued by town-
ships for fire
department
purposes.

178. SEC. 1. [Amended by Sec. 182, *post.*]

179. SEC. 2. That to raise the funds required for this purpose, the said board of township committee or other governing or legislative body of any incorporated township in this state are hereby authorized to issue, in the corporate name of such township, either coupon or registered bonds, bearing interest not exceeding the rate of six per centum per annum, payable semi-annually; the principal of the whole number of bonds issued for any of the purposes aforesaid shall be payable in ten annual payments from the date of the issue thereof; said bonds shall be signed by the president or chairman of said committee or other legislative or governing body of said township, and countersigned and registered, where registered bonds are issued, by the township clerk, and sold at public or private sale at not less than the par or face value thereof.

Payment of bonds
to be provided for
by taxation.

180. SEC. 3. That it shall be the duty of the said board of township committee or other legislative or governing body of said incorporated township, to place in the annual tax levy of each year a sum sufficient to pay the interest and extinguish the principal of said bonds as the same shall become due and payable, and apply the same to no other purpose whatever; and in order to maintain and support said fire department in the future, it shall be and it is hereby made the duty of the said committee or other legislative or governing body as aforesaid to place in the annual tax levy of each year a sufficient sum for that purpose, and to apply the same for that purpose.

Repealer.

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

Supplement.

Approved March 22, 1895.

P. L. 1895, p. 489.

182. SEC. 1. That section one of the act to which this act is a supplement be amended so as to read as follows :

[That the board of township committee or other legislative or governing body of any incorporated township in this state having an assessed valuation of not less than four million of dollars shall have power to establish a fire department and to maintain and support the same, and purchase grounds and erect suitable buildings thereon for that purpose, and to purchase fire engines for the proper equipment of the said fire department with the necessary apparatus for the protection of life and property against fire, but the amount to be expended therefor shall not exceed the sum of twenty thousand dollars ; *provided*, that this act shall only apply to townships in this state having a supply of water for the extinguishment of fires, and that no board of township committee or other legislative or governing body of any incorporated township in this state shall expend any money for the purpose incorporated in this act without the consent of a majority of the legal voters of said township as expressed at the regular annual spring election in said township.]

Governing body of certain townships may establish and maintain a fire department.

Cost limited. Proviso.

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

Repealer.

An act authorizing and providing for the incorporation of associations of exempt firemen, and the formation of a state association of exempt firemen.

Approved February 25, 1889.

P. L. 1889, p. 19.

184. SEC. 1. That it shall and may be lawful for any number of firemen, not less than ten, in any of the cities, towns, boroughs, townships, or fire districts, of this state, who may be exempt firemen pursuant to any general or special law of this state, or any charter or act of incorporation or supplement thereto, of any municipality of this state, to associate themselves together and become and be incorporated, in the manner hereinafter provided, under and by the name of the association of exempt firemen of the city, town, borough, township, or fire district of ——— ; using the name of the city, town, borough, township, or fire district, as the case may be, in which said association may be located.

Exempt firemen may become incorporated.

Name.

185. SEC. 2. That for the purpose of becoming incorporated under this act, said exempt firemen are hereby authorized to assemble together, at a time and place agreed upon, and when so assembled, by a majority of the votes of those present, to elect, by ballot or otherwise, as those assembled may determine, a president and secretary, and such other officers of and for such association to be incorporated as may be deemed necessary ; which said association of exempt firemen, and such others as may become associated with them, shall, upon the filing of the certificate hereinafter required, be a body corporate in law, by such name as they shall, conformably to the first section hereof, assume, and by such name shall have perpetual succession, and be capable of suing and being sued in all courts and places whatsoever ; and may have and use a common seal, and alter and renew the same at pleasure ; and by their corporate name and under their corporate seal may make and enter into, execute and enforce contracts or agreements, not inconsistent with the objects and purposes of their incorporation.

Proceedings for such incorporation.

Powers of association.

186. SEC. 3. That the president and secretary of every such association formed as aforesaid, shall forthwith thereafter prepare, under their hands, a certificate, setting forth the corporate name adopted, the names and official designations of all officers chosen, the location of such corporation, and a reference to this act ; which said certificate shall be filed and recorded in the office of the clerk of the county in which such association may be located ; and said certificate, or a duly-certified copy thereof, shall be

Contents and record of certificate of organization.

evidence in all courts of this state ; for filing and recording such certificate such county clerk shall be authorized to charge and receive the sum of fifty cents.

May adopt constitution and by-laws.

Proviso.

May purchase, &c., real or personal property.

Object of associations.

Existing associations may be re-organized or re-incorporated under this act.

When more than one association may be organized in any city, &c.

Associations may participate in the organization of a state association.
Proviso.

Name of state association.

Election of delegates to state association.

State association, how incorporated.

Certificate to be filed.

187. SEC. 4. That all associations incorporated under this act shall be authorized to make and adopt a constitution and by-laws for their government, and the same may alter, change, amend or renew at pleasure ; *provided*, such constitution and by-laws be not repugnant to the constitution or laws of the United States or of this state.

188. SEC. 5. That every corporation formed hereunder may, in its corporate name, purchase, receive, take, hold, mortgage and convey any real or personal property for the use, benefit and objects of such corporation.

189. SEC. 6. That the object of corporations formed under this act shall be to establish, provide for and maintain a fund for the relief, support or burial of the members thereof, and of their widows and orphan children, under such rules and regulations as each corporation may respectively provide and adopt.

190. SEC. 7. That any and all existing associations organized for the purposes contemplated by this act, whether incorporated or not, may be re-organized and incorporated or re-incorporated hereunder, except such corporations as may have been created or continued by any special legislative act, which last-mentioned corporations may, at their pleasure, be re-organized and re-incorporated under this act ; and the president and secretary thereof, in case of such incorporation or re-incorporation, shall make and cause to be filed and recorded a certificate as above provided ; and said association or corporation shall thereupon become and be a body corporate under and by virtue of this act, and possessed of all the powers and privileges of corporations formed under this act ; and any corporation which shall be re-organized and re-incorporated under this act shall succeed to and be seized of all the right, title and interest in any estate, real or personal, belonging to it under its former organization.

191. SEC. 8. That there shall not be more than one association organized or incorporated under this act in any city, town, borough, township or fire district, except in the case of a city, town, borough or fire district being or having been set off from or incorporated within the bounds of any township, in which case an association hereunder may be organized in such city, town, borough or fire district, and one in the remaining portion thereof.

192. SEC. 9. That it shall be lawful for the associations of exempt firemen incorporated under this act, or by any special legislative act, to participate, by delegates elected as hereinafter provided, in the organization and conduct of a state exempt firemen's association ; *provided*, that there shall not be more than one such state organization, the incorporation of which is hereby authorized, the same to be known as the "New Jersey state exempt firemen's association ;" and such state organization shall have the same rights, powers and privileges as the local exempt firemen's associations.

193. SEC. 10. That on or before the second Wednesday in May, in every year, each association of exempt firemen incorporated hereunder, or under any special legislative act, shall and may choose out of the whole body of the membership thereof, five delegates to represent said corporation at the meeting of the "New Jersey state exempt firemen's association."

194. SEC. 11. That at the first meeting of said "New Jersey state exempt firemen's association," a president and secretary thereof shall be elected to serve for the ensuing year, together with such other officers, to serve for the same period as the constitution and by-laws adopted by such state association shall require ; and the president and secretary so chosen at said first meeting of said state association, shall within thirty days thereafter file in the office of the secretary of state of this state, a sworn statement of the fact of such election and of the names of the officers so chosen, and said certificate so filed shall be deemed and taken to be the certificate of the incorporation of the "New Jersey state exempt firemen's association," and said certificate shall contain a reference to this act and state the intention to incorporate such state association thereunder, and shall

have thereon an impression of the common seal of such state association, and from the date of the filing of such certificate such "New Jersey state exempt firemen's association" shall be incorporated in fact and in law.

195. SEC. 12. That any local exempt firemen's association, incorporated or re-incorporated under this act, may be dissolved at any meeting thereof, by a vote, by written or printed ballot, of two-thirds of the members present and voting in favor thereof; *provided*, that notice of such meeting and of the purpose thereof signed by at least ten of the members, shall have been mailed to each person entitled to vote thereat, at least twenty days previous thereto, and shall have been published for three weeks successively, once in each week, in a newspaper circulating in the neighborhood where the said association may be located, notice of which dissolution shall forthwith be filed with the clerk of the county in which said association may be located, and a note of the filing thereof shall be made by said clerk on the margin of the record of the recorded act of incorporation of such dissolved association.

Dissolution of local associations, how effected.

Proviso.

196. SEC. 13. That any exempt fireman of this state, upon production of a certificate under the hand and seal of the clerk of any county in this state, setting forth that the exemption certificate of such exempt fireman is duly filed in the office of such clerk, shall be entitled in any and all the counties, cities, towns, boroughs, townships and fire districts of the state, to demand, have and receive all the rights, privileges, benefits and exemptions of whatsoever kind provided for exempt firemen by any law of this state now or hereafter existing.

Rights and privileges of exempt firemen.

197. SEC. 14. [Amended by Sec. 198, *post*.]

Amendatory act.

Passed March 5, 1890.

P. L. 1890, p. 44.

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

[That for the purpose of this act where there is no local law or ordinance fixing the time that it shall be necessary for active firemen to serve to be entitled to become exempt firemen, and receive their certificates thereof, a service of seven years as an active fireman in any fire engine, hook and ladder, hose or supply company or salvage corps, the members of which corps shall have been enlisted from among the active firemen, or in any other association or fire department, or board of fire wardens, or as chief of any fire department, heretofore or hereafter rendered in any of the several cities, towns, boroughs, townships and fire districts in this state, such companies being under the supervision or control of the common council, township committee, board of fire commissioners or other governing board or body whatsoever, shall be taken to constitute said fireman an exempt fireman, and to entitle him to all the rights, benefits and privileges whatsoever to which any exempt firemen now or hereafter may become entitled.]

Active firemen serving seven years entitled to become exempt firemen.

199. SEC. 2. That all acts and parts of acts repugnant to or inconsistent herewith be and the same are hereby repealed, and that this act shall be a public act and take effect immediately.

Repealer

Supplement.

Approved March 31, 1890.

P. L. 1890, p. 154.

200. SEC. 1. That for the better enabling the several associations incorporated under the act to which this is a supplement, to carry out the objects of such incorporation, it shall be lawful for any such association, by the votes of a majority of all its members present at any regular meeting, to authorize the issue of stock to an amount not exceeding fifty thousand dollars, divided into shares of the par value of five dollars each.

Exempt firemen's associations may issue stock.

Amount.

201. SEC. 2. That when any such association shall vote to issue capital stock, it shall decide the amount to be issued, and at the same time shall fix a time, not less than ten days thereafter, when and the place where

Appointment of commissioners to receive subscriptions.

subscriptions to such capital stock shall be received, and shall appoint, by vote, three commissioners to receive such subscriptions; in case more than the amount of stock authorized shall be subscribed, such commissioners shall allot to each subscriber an amount of stock proportionate to his total subscription.

Meeting of association and election of directors.

202. SEC. 3. That when the capital stock shall have been subscribed, said commissioners shall call a meeting of the association, giving at least five days' notice of the time and place of such meeting, at which time and place or at such other time and place to which the members present may adjourn, the association shall elect such number of directors, not less than five nor more than twelve, as they shall then and there determine; the association may decide that said directors shall so classify themselves that some of them may hold office for one, two and three years; thereafter the association shall annually elect directors to fill the places of those whose terms are about to expire.

Directors to be classified.

Directors to have full control and charge of property.

203. SEC. 4. That the board of directors so elected shall have full charge and control over all the property, real and personal, purchased with the proceeds of the stock issued, and may provide for and enforce the payment for any stock subscribed in such manner as is provided by "An act concerning corporations" [Revision], approved April seventh, one thousand eight hundred and seventy-five; the board of directors shall report annually to the association the condition of said property, and all receipts from or expenditures connected with the same or relating thereto; said directors may be required by the association to give bonds for the faithful performance of their duties, in such amount as said association shall determine.

Directors to report annually and give bonds.

An act authorizing cities to purchase land and to erect buildings thereon for fire department purposes, and to provide for the payment thereof.

P. L. 1889, p. 26.

Approved February 25, 1889.

Cities authorized to purchase land and erect building for fire department uses.

204. SEC. 1. That it shall be lawful for the proper authority or authorities in cities of this state to purchase a plot of ground and cause to be erected thereon a suitable building for the use of the fire department of such cities, at a cost not to exceed seven thousand dollars.

Work, &c., to be done by contract.

205. SEC. 2. That all work and labor done and materials furnished for the erection of said building shall be done and finished by contract, awarded upon at least two weeks' advertisement in the two official newspapers having the largest circulation, to the lowest responsible bidder or bidders for the same.

Bonds may be issued to pay for same.

206. SEC. 3. That the municipal board of any such city having the management and control of the finances of such city are hereby authorized and empowered to issue bonds, either registered or coupon, to an amount not exceeding seven thousand dollars, to raise money to pay for the purchase of such plot and the erection and construction of said building; that said bonds shall be payable in seven years from the date thereof, and shall bear interest not exceeding five per centum per annum, to be sold at not less than par, and that there shall be a sufficient sum appropriated and put in the tax levy of such city each year to pay the interest on such bonds, and also there shall in each year be appropriated and put in the tax levy of such city, the further sum of one thousand dollars towards the payment of said bonds, to be properly invested and deposited in the sinking fund of such city, to meet the payment of said bonds when they shall become due and payable.

An act concerning corporations having charge of funds for the benefit of indigent and infirm firemen of any city, and also their widows and orphans.

P. L. 1889, p. 134.

Approved April 1, 1889.

Treasurer of corporation having charge of funds for indigent and infirm firemen, &c., to give bonds.

207. SEC. 1. That it shall be lawful for the board of trustees of any corporation of this state, incorporated under a special act, and having charge of a fund for the benefit of indigent and infirm firemen of any city in this state, and also their widows and orphans, to fix the amount of the treasurer's

bond at their annual meeting in each year, whereupon said treasurer shall enter into bond to said association in the amount so fixed, with two sufficient sureties, to be approved by such board, and who shall each justify before a master in chancery in the penal sum of said bond.

208. SEC. 2. 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 authorize cities to sell fire engine-houses and lands and to purchase other lands for fire-house purposes.

Approved May 7, 1889.

P. L. 1889, p. 372.

209. SEC. 1. That it shall be lawful for any city in this state in which two fire engine-houses are located together, or next to each other, to sell the land and buildings, and with the proceeds of such sale purchase other lands in such city and build fire-houses thereon; *provided*, that the fire-houses so erected and the lands purchased for fire purposes shall not be contiguous to each other.

Cities may in certain cases sell lands used by fire department, and purchase other lands, &c.

210. SEC. 2. That for the purpose of paying the total cost of the erection of such fire-houses the common council, board of aldermen, or other governing body of such city, are hereby empowered to borrow a sum of money not to exceed fifteen thousand dollars, and to issue registered bonds for the same, under the seal of such city, bearing interest at a rate not to exceed four per cent. per annum, having not longer than fifteen years to run, and pledging the faith, credit and property of such city for the payment of the same, and to provide for the payment thereof by taxation.

City may borrow additional money to pay for same.

An act to authorize cities of this state to establish and maintain a fire limit therein, and to provide for the proper enforcement thereof.

Approved May 7, 1889.

P. L. 1889, p. 372.

211. SEC. 1. That in all cities of this state, the common council or other legislative body thereof may fix and determine, by ordinance, a fire limit, and that within the limits so fixed and determined, no frame building or wooden building, in whole or in part, shall be built or erected; and that they may also, in like manner, determine the thickness of partition and outside walls of all buildings erected within the said limits after they are so determined; *provided*, that said common council or other body may, by resolution passed by a three-fourths vote of all the members thereof, permit frame or wooden, or partly frame or wooden, buildings to be erected within said limits, when the circumstances of the particular case or cases in their judgment require such exception.

Municipal authorities may establish fire limits.

Determine thickness of walls.

Proviso.

212. SEC. 2. That such common council or other legislative body of any city wherein a fire limit is established under this act, may pass an ordinance or ordinances to prohibit the erection of any such building in such fire limit, and may therein provide for and enforce such prohibition by imposing a fine of not more than ten dollars for each and every day that any such prohibited building, whether complete or not, stands or remains within said prescribed limits, and may pass like ordinances and impose a like fine for any building built within such limits contrary to an ordinance relating to the thickness of the partition and outside walls of buildings erected within such limits; such fines and penalties to be enforced by an action or actions to be brought in the corporate name of the city and in any court of record, against the owner or owners of such building, and that upon judgments obtained in any such suit the body of the defendant may be taken upon execution, as in an action of tort.

May prohibit the erection of certain buildings within such limit, &c.

213. SEC. 3. That all acts or parts of acts inconsistent with this act are hereby repealed, and that this act shall take effect immediately.

Repealer.

An act relative to fire-escapes.

Approved March 24, 1890.

P. L. 1890, p. 101.

Fire-escapes to be erected on certain buildings.

How such provision shall be enforced in municipalities.

Who to enforce the same in townships.

214. SEC. 1. That all buildings now or hereafter erected in which twenty or more persons live or congregate or are employed, temporarily or otherwise, above the first or ground floor thereof, shall have one or more, as the proper authority shall direct, external wrought-iron fire-escapes, of such dimensions and character and subject to such regulation and construction as the said proper authority shall designate.

215. SEC. 2. That in all incorporated municipalities the board of aldermen, city council or borough commissioners shall provide for the enforcement of the provisions of this act by ordinance.

216. SEC. 3. That in all sections outside of incorporated municipalities township committees shall have power to enforce the provisions of this act.

An act concerning the members of disbanded fire, hose, truck or hook and ladder companies.

Passed March 25, 1890.

P. L. 1890, p. 117.

When members of fire company on serving three or more years shall be entitled to "exempt certificates."

Proviso.

217. SEC. 1. That whenever any board of aldermen or other governing body of any municipal body in this state shall disband any fire, hose, truck or hook and ladder company by reason of establishing a paid fire department, the members of any such company having served faithfully for three or more years at the time of such disbandment, and being in good standing on the rolls of said company, shall be entitled to "exempt certificates" issued in the same manner as exempt certificates are now issued, and that all such members holding such certificates shall be entitled to all the rights, privileges and exemptions from duties of exempt firemen; *provided, however,* that this act shall not apply to the members of companies disbanded for insubordination or failure to faithfully perform fire duty.

An act concerning volunteer fire companies whose charters are limited.

Approved March 9, 1891.

P. L. 1891, p. 86.

Charter of volunteer fire company, how extended.

Effect of filing certificate for such extension.

Not to continue any irrevocable contract with the state.

Volunteer fire company may dispose of all its real and personal property after city has established a paid department.

218. SEC. 1. That any volunteer fire company that has failed during the period of its continuance named in its charter or certificate of incorporation, to file with the secretary of state a certificate extending its corporate existence, as permitted by statute, but has continued and still continues its organization, and the transaction of business, may still file such certificate at any time within the period of thirty days from the passage of this act, naming therein a period not exceeding fifty years.

219. SEC. 2. That upon filing such certificate, the period of existence of such corporation shall be revived and extended as declared in such certificate, as fully as if said period had been named in the original charter or certificate of such organization of such corporation, but nothing herein contained shall be construed to interfere with the right of the state of New Jersey, reserved by any law now or hereafter existing, to acquire the property and franchises of any such corporation, or at any time to abolish or repeal, alter or amend the charter of the same; nor shall this act be construed to continue any irrevocable or other contract with the state, contained in any charter, nor shall this act apply to any corporation against which quo warranto or other proceedings for dissolution are pending.

220. SEC. 3. That in any city in this state where the said volunteering fire company is under the control of any municipal or other authorities, and the said municipal or other authorities desire to change the volunteer system to a paid department, the said volunteer fire company may have power to sell, dispose, or convey any real or personal estate to said city or municipal authorities, persons or other corporations, as the company may deem best, but no sale shall become valid unless by two-thirds of the votes of the members present, and no vote shall be taken except at a regular stated meeting of the company.

An act to enable cities of the second class of this state to disband volunteer fire organizations and to substitute therefor a paid department.

Approved April 2, 1891.

P. L. 1891, p. 298.

221. SEC. 1. That it shall and may be lawful for the common council or other governing body of any city of the second class of this state, by resolution, by and with the approval of the mayor, to disband any volunteer fire department or organization in such city, and to provide, by ordinance, to sell and dispose of all fire apparatus belonging to said city and provide for the creation, control and regulation of a paid fire department therein.

Volunteer companies in second-class cities, how disbanded, and paid department, how established.

222. SEC. 2. That should any common council or other governing body of any city of this state of the second class adopt a paid fire department therein as provided by the first section of this act, the powers and duties connected with and incident to a paid fire department shall be vested in a board of commissioners; the said board of commissioners shall consist of five persons, whom it shall be lawful for the mayor of such city to appoint; the said board of commissioners to be known and distinguished as the "board of fire commissioners" of such city; the members of said board of fire commissioners or other than the mayor, shall hold office for the term of one, two, three and four and five years, respectively, from the date of their appointment; the term of each member of said board to be designated by the mayor in his said appointment, and the mayor of such city shall thereafter fill all vacancies for any unexpired term and appoint a member for a full term of four years within one month of the expiration of any member's term of office, and at the expiration of each term the full term succeeding shall be for five years, and the said commissioners shall receive no pay or compensation for their services; the said board of fire commissioners when appointed as aforesaid shall, within one month after date of said appointment, take an oath, to be administered by the city clerk of any such city, to faithfully and impartially discharge and perform all the duties incumbent on members of such board, and the said board shall enter upon and discharge the duties of said board as vested by this act within one month of date of said appointment and shall proceed to select one of their number to be president of said board, who shall be chosen by a majority thereof, which said board of fire commissioners when appointed as aforesaid, shall have the control and management of the said fire department, under and by virtue of the aforesaid resolution as provided for in section one of said act.

Paid department to be under control of board of commissioners.

Appointment, term and duties of commissioners.

223. SEC. 3. That said board of fire commissioners shall have power to elect by majority vote of said board all members and officers of said fire department, and to determine and fix the compensation to be paid to each.

Commissioners to elect officers of department, &c.

224. SEC. 4. That the members of any such fire department, organized under and by virtue of this act shall severally hold their respective offices and continue in their respective employments as such officers and employes during good behavior, efficiency and residence in such city, except such fire commissioners who shall hold office as provided in the second section of this act; and the term of any such officer or employe shall not be determined or depend upon the pleasure or caprice of any municipal officer, officers or board authorized to make employment or appointment in said fire department; and no person shall be removed from office or employment in such fire department of any such city for political reasons or for any other cause than incapacity, misconduct, non-residence or disobedience of just rules and regulations established or which may be established for the fire department or force of such city.

Members to be employed during good behavior.

Term not to depend upon pleasure or caprice of officers or board.

Not to be removed for political reasons.

225. SEC. 5. That any person who shall have served two years as a member of any fire company disbanded by virtue of section one of this act shall be entitled to all the exemptions and benefits conferred by the laws of this state upon exempt firemen.

Members of disbanded fire companies for two years entitled to benefits of exempt firemen.

226. SEC. 6. That when the provisions of this act are accepted by the common council or other governing body of any city of the second class in this state, as provided for in section one of this act, it shall be lawful and it shall be the duty of the board of finance, tax commissioners or other

Municipal authorities to provide funds for department.

body in such city that has control of the finances or that has the power to regulate, adjust or apportion the annual budget, expenditure or appropriation necessary to conduct the affairs of such city, to forthwith consider and apportion the amount of money or funds necessary to operate a paid fire department, as provided for in this act; *provided, however*, that the said board of finance, tax commissioners or other body in such city as aforesaid, shall be the sole judges as to the amount of money or funds necessary to operate the said paid fire department; and should the said board of fire commissioners or any member thereof vote to exceed the amount of money or funds apportioned by said board of finance, tax commissioners or other body as herein provided, they shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment at hard labor not exceeding three years or a fine not exceeding two thousand dollars, or both.

227. SEC. 7. That the provisions of this act shall not take effect until May fifth, one thousand eight hundred and ninety-one, and that all acts or parts of acts and charter provisions inconsistent herewith be and they are hereby repealed.

Proviso.

Repealer.

An act to authorize cities of the second class having a paid fire department to appoint chief and assistant engineers of such department to hold office during good behavior.

P. L. 1891, p. 474.

Approved April 16, 1891.

Board of aldermen or common council in cities of the second class having a paid fire department may appoint a chief and assistant engineers and fix their salaries.

228. SEC. 1. That all cities of the second class in this state having a paid fire department, the board of aldermen or the common council of any such city may appoint such chief or one or more assistant engineers, or either of them, to serve during good behavior; and that at the time of such appointment the said board of aldermen or common council may by resolution fix and determine the annual salary of each such appointee and such board or council shall adopt such rules and regulations relative to the duties, conduct and department of such appointees as may be necessary.

Chief and assistants to hold office until the expiration of their terms.

229. SEC. 2. That no chief or assistant engineer of any fire department in any such city now in office shall be removed by an appointee under this act, but shall continue until the expiration of their respective terms of office unless the same become sooner vacant by resignation, death or removal for cause.

Repealer.

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

An act to enable cities of this state to create and maintain a paid fire department.

P. L. 1892, p. 32.

Approved February 24, 1892.

Paid fire department may be established by resolution of board of fire commissioners.

231. SEC. 1. That in all cities of this state which have established or which may hereafter establish a board of fire commissioners, created under and by virtue of the act approved May second, one thousand eight hundred and eighty-five, entitled "An act to remove the fire and police departments from political control" [see Sec. 428, &c., *post*], the creation and establishment of a paid fire department shall be had and made by resolution of said board of fire commissioners as adopted by a three-fourths vote of said commission.

Necessary funds therefor, how raised.

232. SEC. 2. That upon the adoption of such resolution, establishing a paid fire department, it shall be the duty of said board of fire commissioners to present to the common council, board of aldermen, or other governing body of said city, a detailed statement of the amount of money needed for the purchase of the engines, utensils and apparatus necessary for the effective establishment of the said fire department, and it shall be the duty of the said common council, board of aldermen, or other governing body, and it is hereby required to raise such money by the issue and sale of bonds to an amount not exceeding one thousand dollars to each one

thousand inhabitants of such city, which bonds shall have not more than twenty nor less than ten years to run, and shall bear interest at a rate not to exceed five per centum per annum, and shall pledge the faith, credit and property of said city for the payment of the principal and interest thereon, and shall provide for the redemption of the same by taxation.

233. SEC. 3. That for the maintenance and support of the said fire department, the said board of fire commissioners shall have authority, and are required, to make to the common council, board of aldermen, or other governing body the same detailed estimate of expenses that they now have authority and are required to make for the maintenance of the departments now under their control, under and by virtue of the act entitled "An act to remove the fire and police departments in the cities of this state from political control," approved May second, one thousand eight hundred and eighty-five, and the several supplements thereto; *provided*, that in making such estimates, the said boards of fire commissioners shall be limited to the maximum per capita tax, as is provided in the said act.

Boards of fire commissioners to make annual estimates of expenses.

Proviso.

234. SEC. 4. That all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

Repealer.

An act to require and provide for a sinking fund for the payment of bonds issued by any city to enable it to purchase engines, utensils and apparatus necessary for the effective establishment of a paid fire department therein.

Approved February 24, 1892.

P. L. 1892, p. 34.

235. SEC. 1. That whenever under authority of law the common council, board of aldermen or other governing body of any city shall issue bonds of such city to raise money for the purchase of engines, utensils and apparatus necessary for the effective establishment of a paid fire department under authority of law then existing that the proper authorities of such city shall provide for a sinking fund for the payment of said bonds, and where sinking fund commissioners do not already exist in such city, they shall create a board of sinking fund commissioners; that the said city shall raise annually by taxation such sums of money as will be sufficient to pay said bonds as they fall due, and the money thus raised by taxation shall be invested by the sinking fund commissioners then existing or to be created by the governing body of said city, in such securities as the trustees for the support of public schools are now authorized to make investments, and invest and re-invest the same; the said money shall be used exclusively for the payment of the bonds as they fall due.

Cities to create a sinking fund for the purpose of paying off bonds issued for fire purposes.

Money to pay bonds to be raised by taxation.

An act to regulate the pay of officers and employes of paid fire departments in cities of the first class in this state.

Approved March 22, 1892.

P. L. 1892, p. 154.

236. SEC. 1. That in any city of the first class in this state having a paid fire department, the pay or salaries per annum of the following-named officers and employes shall be as hereinafter specified, namely: to the chief engineer, the sum of two thousand five hundred dollars; to the assistant engineer, the sum of one thousand six hundred dollars; to the battalion chiefs or district engineers, the sum of fifteen hundred dollars each; to the clerk of the board of fire commissioners, the sum of two thousand dollars; to the superintendent of telegraph, the sum of one thousand five hundred dollars; to engineers of steamers, the sum of eleven hundred dollars each; to stokers of steamers, drivers of steamers, drivers of tenders, drivers of trucks and tillermen of trucks, the sum of one thousand dollars each; to permanent hosemen and permanent truckmen, the sum of nine hundred and fifty dollars each; to telegraph line-men, the sum of one thousand dollars each; to inspectors of horses, the sum of eight hundred dollars each; to foremen of companies, the sum of three hundred dollars each; to hosemen at call, and truckmen at call, the sum of one hundred dollars each, in lieu of all other compensation whatsoever.

Salaries of officers and members of fire department in first-class cities.

Act to be submitted to a vote of legal voters of the city.

Publication of adoption of resolution submitting to an election.

Persons voting to express their assent or rejection.

Form of ballot.

Separate ballot to be used.

Acceptance of act.

When increase to take effect.

237. SEC. 2. That the provisions of this act shall remain inoperative in any such city until the same shall, by a resolution therefor of the board having control of the fire department of such city, be submitted to a vote of the legal voters of such city, and be assented to by a majority of all the legal votes cast for or against the acceptance or rejection of this act at any regular charter or general election to be hereafter held in such city or municipality next after the passage of such resolution; such submission shall not be made until notice of the adoption of said resolution by said board shall have been published every day for at least ten days next preceding the time when the official ballots must be ready for distribution for such election in such city, in the official daily newspaper in such city, by the clerk of such city; persons voting at any election at which this act shall be submitted as aforesaid, shall express their assent to or rejection of this act by depositing their ballots in the box provided for depositing ballots at such election in the election precincts, districts or wards of any such city; and those who are in favor of the acceptance of this act shall each deposit a ballot containing the words "for increase of pay of fire department," written or printed thereon, and those who are opposed thereto shall each deposit a ballot with the words "against increase of pay of fire department," written or printed thereon; but this acceptance or rejection may not be expressed upon the ballot on which are the names of the candidates for ward, city, county, or state officers, but must be expressed upon a separate ballot, and the election officers in the several precincts, wards and districts of such city, and the board of canvassers of such city shall, in the canvassing, determining and returning the votes cast at such election, canvass, determine and return the votes and the result of the votes at such election, upon the question of the acceptance or rejection of this act, in the same manner as for officers voted for at such election; and if a majority of the ballots on which there shall be the words "for increase of pay of fire department," or the words "against increase of pay of fire department," are in favor of the acceptance of this act, then this act shall take effect immediately.

238. SEC. 3. That the increase of pay of officers, provided for by this act, shall go into effect on the first day of the next calendar month after this act shall take effect as aforesaid, notwithstanding that there may not be any existing appropriation or fund sufficient to meet such increase, and if there be not such appropriation or fund, the board or authority having control of the finances of such city shall borrow, by issuing bonds if necessary, a sufficient sum to meet such increase for the remainder of the current fiscal year of such city, or may permit the same to be paid out of any money of said city, not otherwise appropriated, and shall put such sum in the next tax levy in said city.

An act to enable cities of the second class in this state to sell fire engine houses and lands, and to purchase other lands for fire-houses to be erected thereon.

P. L. 1892, p. 189.

Approved March 28, 1892.

Cities of the second class may sell fire-houses and lands and purchase other lands for fire-houses to be erected thereon.

239. SEC. 1. That it shall be lawful for the common council, board of aldermen or other governing body of any city of the second class in this state maintaining a paid fire department, and in which city there are fire-houses constructed for the purpose of a volunteer fire system, and which houses, in the opinion of the common council, board of aldermen or other governing body, are not adapted to the purposes of a paid fire department, to sell such fire-houses, and the land whereon the same are erected, at public auction to the highest bidder, and with the proceeds of such sales purchase, acquire or use other lands in such city and build fire-houses thereon adapted to a paid fire department.

Cost thereof may be paid for by issuing bonds.

240. SEC. 2. That for the purpose of paying the total cost of acquiring such land and erecting such fire-houses the common council, board of aldermen or other governing body of such city, is hereby authorized and empowered to borrow a sum of money not exceeding thirty thousand

dollars, and to issue registered bonds for the same under the seal of such city, bearing interest at a rate not to exceed five per centum per annum, having not longer than fifteen years to run, and pledging the faith, credit and property of such city for the payment of the same, and to provide for the payment thereof by taxation, and for the annually-accruing interest by the same method; the proper authority shall also create a sinking fund for the payment of such bonds at maturity; *provided*, such bonds shall not be sold at less than par.

And create a sinking fund.

241. SEC. 3. That all parts of all acts, special and general, and all charter provisions inconsistent herewith, be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

An act relative to the extension of fire-houses to the building line of cities of the second class in this state maintaining a paid fire department.

Approved March 23, 1892.

P. L. 1892, p. 199.

242. SEC. 1. That where any fire-house stands or is erected back from the building line of the street in any city of the second class in this state maintaining a paid fire department, and, in the opinion of the board of aldermen, common council, board of fire commissioners or other authority having charge and control of the fire department in said city, such fire house is detrimental and dangerous to the public using such street, it shall be lawful for the said board of aldermen, common council, board of fire commissioners or other authority as aforesaid to carry forward the said fire-house or extend the same to the building line of such street, any provision in any contract to the contrary notwithstanding.

Fire-houses standing back from street may be extended to street line.

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

Repealer.

An act to provide for the extinguishment of forest fires in the third and fourth-class counties of this state, and to provide for the payment of the expense thereof.

Approved March 23, 1892.

P. L. 1892, p. 205.

244. SEC. 1. That it shall and may be lawful for the township committee of any township in counties of the third and fourth class in this state, to employ any person or persons, as may be necessary, to fight and extinguish forest fires, and to fix and pay to such person a just and reasonable compensation for such services, to be paid out of the funds of such township not otherwise appropriated.

When township committee may employ persons to fight and extinguish forest fires.

245. SEC. 2. That it shall and may be lawful for any such township at the annual town meeting to designate and vote for a certain sum to be raised for the purpose aforesaid, which shall be included in the tax rate and raised as other moneys for township purposes are now raised.

Necessary money therefor, how raised.

Supplement.

Approved May 14, 1894.

P. L. 1894, p. 298.

WHEREAS, Forest fires, very destructive in their effects, are of frequent occurrence in the timbered portion of this state; *and, whereas*, owing in a great measure to a lack of legal authority in the premises, no intelligently-organized system of fighting and extinguishing such fires prevails; in remedy whereof,

Preamble.

246. SEC. 1. That in any township, in counties of the third and fourth class in this state, where any sum of money shall be raised under the act to which this is a supplement, to defray the expenses of fighting and extinguishing forest fires, it shall be the duty of the township committee of such township, at its next meeting after such sum shall have been ordered raised, to appoint a suitable person, being a resident of said township, to act as fire marshal thereof, and at the same time to determine the

Township committee shall appoint fire marshal.

amount of compensation per diem to be paid such fire marshal when in the active performance of his duties; upon notice from the person so appointed of the acceptance of the said office the said township committee shall immediately issue to him a certificate of his appointment, under their hands and the seal of the township.

Marshal may
appoint deputy.

247. SEC. 2. That after receiving his certificate of appointment as aforesaid, [he] shall have the power to designate and empower a proper person to act as his deputy in case of his absence or disability from any legitimate cause, and the said deputy shall, while engaged in the active duties of the said office, receive the same compensation per diem as his chief.

Duties of marshal.

248. SEC. 3. That it shall be the duty of said marshal, on being apprised of the existence of any forest fire, either in his own township or any adjoining township, by which the safety of any property in his own township may be imperiled, to proceed forthwith to the location of such fire, and assume absolute direction and control of all operations to be undertaken for the extinguishing thereof within the bounds of his own township; he shall have the power during the continuance of such fire to appoint as many persons to act as aids in carrying out his instructions as he may deem necessary, and all persons employed by the township committee, and all other persons present who may be actively engaged in subduing such fire, shall act in the premises solely according to his orders and those of his authorized aids; he shall keep as nearly as possible a correct account of the names of all persons actively engaged in fighting such fires, together with the time in which they are so employed, and in a reasonable time after such fire shall have been effectually extinguished he shall report a statement of said account to the township committee of his township.

Township com-
mittee shall cause
map of forest
lands subject to
fire to be made
and filed.

249. SEC. 4. That the township committee of such townships shall cause to be made an accurate map or maps of such portions of the forest lands of their township as are in their opinion ordinarily subject to damage by fires, with all public highways, railroads and such private and by-roads running through the same as are deemed necessary accurately delineated thereon, together with such distances between any given points on said roads or their intersections with other roads as may seem advisable, and shall cause to be made whatever surveys and measurements are necessary for the proper completion of said maps; one copy thereof, when completed, shall be filed with the township records, and such copies of the same furnished to the fire marshal as the said committee shall deem advisable.

Township com-
mittee shall audit
accounts of fire
marshal.

250. SEC. 5. That the township committee of such township shall audit the accounts rendered them by the fire marshal, and pay out of any funds of said township on hand and not otherwise appropriated all just and reasonable bills presented for the work and expense of fighting and extinguishing such fires, together with all expenses incurred in making and procuring the aforesaid maps and surveys.

Marshal may be
removed for
cause.

251. SEC. 6. That the township committee shall at any time have the power of removal of said fire marshal for incompetence or neglect of duty and the appointment another person in his stead.

An act relative to fire-escapes in cities.

P. L. 1892, p. 296.

Approved March 28, 1892.

Manner of con-
structing fire
escapes in cities,
how regulated.

252. SEC. 1. That in all incorporated cities of this state the board of aldermen or common council of every such city shall have authority by ordinance to provide in what manner and of what material, size and height and under whose supervision fire-escapes shall be erected upon buildings within the corporate limits of such city.

Such regulations,
how enforced.

253. SEC. 2. That it shall be the duty of the board of aldermen or common council as aforesaid to provide for the enforcement of the provisions of any ordinance passed as aforesaid and to prescribe penalties of not exceeding fifty dollars for each offense, and a further penalty of not exceeding twenty dollars for each day the provisions of such an ordinance are not complied with.

254. SEC. 3. That before any penalty is forfeited or enforced the board of aldermen or common council as aforesaid shall cause a notice to be published in the official newspaper or newspapers of such city calling attention to the provisions of said ordinance and penalties thereunder, and such notice to be valid shall be published at least ten days in a daily newspaper or two weeks in a weekly newspaper, and shall allow not exceeding sixty days for a compliance with the provisions of the ordinance.

Notice of regulations and penalties to be published.

255. SEC. 4. That the ordinance aforesaid shall not in any manner apply to churches, or buildings not exceeding one story in height, nor to dwellings occupied by not more than one family, nor to bank buildings.

Provisions not to apply to churches, &c.

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

Repealer.

An act concerning the fire department of cities of the first class in this state, and the powers and duties of the board or body having the control and management thereof.

Approved April 8, 1892.

P. L. 1892, p. 438.

257. SEC. 1. That the board of fire commissioners or other body having the control and management of the fire department in cities of the first class in this state, shall, in addition to the powers now conferred upon and authorized to be exercised by such board or body, have the power to appoint, and the authority therefor is hereby granted, of not more than two officers for such fire department, who shall be known as battalion chiefs thereof, and who shall perform such service and duties as may be assigned to them and each of them by such body; to make any such appointment it shall be requisite to obtain an affirmative vote of not less than two-thirds of all the members of such board or body; the compensation of such battalion chiefs shall be fourteen hundred dollars per annum, to be paid as other salaries and compensation of the subordinate officers and men of said fire department are paid; they shall hold their office or employment during good behavior and shall be removable only for cause after a hearing or opportunity therefor is afforded.

Fire commissioners in first-class cities may appoint two battalion chiefs.

Two-thirds vote necessary to appoint.

Compensation \$1,400 per annum.

An act to provide an efficient fire alarm in cities of the first class.

Approved March 1, 1893.

P. L. 1893, p. 89.

258. SEC. 1. That in cities of the first class in this state the board of fire commissioners or board having charge of the department or branch of the city government to whose custody is committed all apparatus for the extinguishment of fires shall have power and it is hereby made its duty to provide and maintain a perfect system of alarm in case of fire.

Perfect system of fire alarm to be provided in first-class cities.

259. SEC. 2. That in all cities wherein the present fire alarm system is uncertain or inadequate and the ordinary appropriation for this purpose is insufficient to meet any extraordinary expenditure in changing the present system or substituting the latest-improved system the said board having charge as aforesaid may, with the concurrence of the board of finance or board having charge of the finances of any such city, expend for the purposes of this act such sum not exceeding twenty-five thousand dollars as said board may determine.

Power to expend money for providing such system.

260. SEC. 3. That for the purposes of this act the said board of finance or board having charge and control of finances as aforesaid shall be authorized to borrow the amount necessary for the purpose aforesaid and to issue bonds of the city therefor.

Bonds may be issued to raise money therefor.

261. SEC. 4. That the bonds to be issued under the provisions of this act shall be made payable in not exceeding thirty years from the date of issuing the same, and shall draw such rate of interest not exceeding five per centum per annum, and be in such sums as the board having charge and control of the finances of said city shall determine, which bonds shall be executed under the corporate seal of said city and the signature of the mayor, comptroller or other proper financial officer thereof, and may be

Provisions concerning such bonds.

- Proviso.** either registered or coupon bonds, as said board may direct; *provided*, that said board may dispose of the bonds hereby authorized at public sale for the best price that can be obtained for the same but not less than par; *and provided further*, that in order to redeem the bonds issued under the provisions of this act at maturity it shall be the duty of the board having charge of the finances as aforesaid to establish a sinking fund, which shall be created by a special tax of not less than three per centum on the issue herein provided for to be raised in each annual tax levy.
- Proviso.**
- Interest on bonds shall be levied and collected annually.** **262. SEC. 5.** That the interest on the bonds hereby authorized to be issued shall be raised and paid by a special appropriation to be annually levied and collected as other taxes in such city are now or may hereafter be levied and collected, and the whole of each year's interest shall be so raised, levied, collected and paid within each year.
- Repealer.** **263. SEC. 6.** 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.

An act authorizing cities of the first class to purchase land and erect buildings thereon for fire department purposes.

P. L. 1893, p. 165.

Approved March 9, 1893.

Cities of first class may purchase lands and erect fire buildings thereon, and raise necessary money therefor on bonds.

264. SEC. 1. That in cities of the first class in this state, when the municipal board or authority having the control of the erection of buildings for fire department purposes shall certify to the municipal board of such city having the management and control of the finances of such city that the necessity exists for the purchase of ground and the erection thereon of a new building or buildings for fire department purposes, that it shall be lawful for such municipal financial board or authority in such city and they are hereby authorized and empowered to issue bonds, either registered or coupon, to an amount not exceeding eight thousand dollars, to raise money to pay for the purchase of such plot and the erection and construction of said building or buildings; that said bonds shall be payable in eight years from the date thereof, and shall bear interest not exceeding four and one-half per centum per annum, to be sold not less than par, and that there shall be a sufficient sum appropriated and put in the tax levy of such city each year to pay the interest on such bonds, and also there shall in each year be appropriated and put in the tax levy of such city, the further sum of one thousand dollars towards the payment of said bonds, to be properly invested and deposited in the sinking fund of such city, to meet the payment of said bonds when they shall become due and payable.

Work done by contract.

265. SEC. 2. That all work and labor done and materials furnished for the erection of said building or buildings shall be done and finished by contract, awarded upon at least one week's advertisement in the official newspapers, to the lowest responsible bidder or bidders for the same.

Repealer.

266. SEC. 3. That all acts or parts of acts inconsistent herewith be and the same are hereby repealed, and this act shall take effect immediately.

An act to regulate the pay of officers and employes of paid fire departments in cities of the second class in this state.

P. L. 1893, p. 178.

Approved March 10, 1893.

Salaries of officers of fire department in second-class cities.

267. SEC. 1. That in any city of the second class in this state having a paid fire department, the pay or salaries per annum of the following-named officers and employes shall be as hereinafter specified, namely: to the chief engineer, the sum of two thousand dollars; to captain of companies, the sum of one thousand two hundred dollars each; to engineers of steamers, one thousand one hundred dollars each; to the privates, the sum of one thousand dollars each; to the superintendent of electric fire alarm, one thousand dollars; to the veterinary surgeon, the sum of seven hundred and fifty dollars; in lieu of all other compensation whatsoever.

268. SEC. 2. That the provisions of this act shall remain inoperative in any such city until the same shall, by a resolution therefor of the board having control of the fire department of such city, be submitted to a vote of the legal voters of such city and be assented to by a majority of the legal votes cast for or against the acceptance or rejection of this act at any regular charter or general election to be hereafter held in such city or municipality next after the passage of such resolution; such submission shall not be made until notice of the adoption of said resolution by said board shall have been published every day for at least ten days next preceding the time when the official ballots must be ready for distribution for such election in such city, in the official daily newspaper in such city, by the clerk of such city; persons voting at any election at which this act shall be submitted as aforesaid, shall express their assent to or rejection of this act by depositing their ballots in the box provided for depositing ballots at such election in the election precincts, districts or wards of any such city; and those who are in favor of the acceptance of this act shall each deposit a ballot containing the words "for increase of pay of fire department," written or printed thereon, and those who are opposed thereto shall each deposit a ballot with the words "against increase of pay of fire department," written or printed thereon; but this acceptance or rejection may not be expressed upon the ballot on which are the names of the candidates for ward, city, county or state officers, but must be expressed upon a separate ballot, and the election officers in the several precincts, wards and districts of such city, and the board of canvassers of such city shall, in the canvassing, determining and returning the votes cast at such election, canvass, determine and return the votes, and the result of the votes at such election, upon the question of the acceptance or rejection of this act, in the same manner as for officers voted for at such election; and if a majority of the ballots on which there shall be the words "for increase of pay of fire department," or the words "against increase of pay of fire department," are in favor of the acceptance of this act, then this act shall take effect immediately.

Acceptance or rejection of this act to be submitted by resolution to a vote of legal voters.

Notice to be given by said board.

Form of ballots.

Separate ballot.

Election officers to count and canvass.

Majority to decide.

269. SEC. 3. That the increase of pay of officers provided by this act shall go into effect on the first day of the next calendar month after this act shall take effect as aforesaid, and the board or authority having control of the finances of such city shall make due provision for the payment of such additional expense and shall put such additional sum in the next and annual tax levy of such city thereafter as may be necessary for that purpose.

When pay of officers goes into effect, and how provided for.

An act providing for the pensioning of firemen in certain cities of this state.

Approved March 17, 1893.

P. L. 1893, p. 430.

270. SEC. 1. That in all cities of this state having a paid fire department any fireman having received permanent disability by reason of accident incurred at any time in the service shall be retired upon half pay.

Fireman permanently disabled in service to be retired on half pay.

271. SEC. 2. That in any city or municipality of this state in which this act shall become operative the board or authority having control of the finances of such city or municipality shall borrow a sum sufficient to cover such pensions required during the remainder of the current fiscal year of such city or municipality, or may permit the same to be paid out of any money of said city or municipality not otherwise appropriated, and shall thereafter annually put in the annual tax levy raised in said city or municipality a sum sufficient to cover such pensions.

Necessary moneys for payment of such pensions, how raised.

272. SEC. 3. That the board of fire commissioners or other body having the control of the fire department in any such city or municipality of this state shall and are hereby empowered to regulate the pensions under this act and make all requisite rules and regulations necessary therefor not inconsistent with this act.

Such pensions to be regulated by fire commissioners.

273. SEC. 4. That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Repealer.

An act relative to the fire department of cities of the first class in this state.

P. L. 1893, p. 487.

Approved March 27, 1893.

Members of fire companies in first-class cities may be increased to eight men.

274. SEC. 1. That it shall be lawful for the board of fire commissioners or board having charge and control of the fire department of any city of the first class in this state for the better efficiency of the fire department to increase the number of men attached to each company, so that the total number of men allotted to each company shall not exceed eight, one of whom shall be designated as captain and who shall receive a salary not exceeding twelve hundred dollars per annum.

Salary of captain.

On such increase certain positions shall be discontinued.

275. SEC. 2. That when the increase herein provided for shall be made the position or appointment of all men attached to said department and known and designated as foreman, hosemen at call and truckmen at call shall immediately cease and determine.

Provisions for raising additional moneys necessary after such increase.

276. SEC. 3. That in order to take advantage of the provisions of this act and put the same in operation in any such city, such board of fire commissioners or other like board shall pass a resolution declaring an intention to take advantage of and put the same in operation in any such city, a copy of which resolution duly certified under the hand of the clerk of such board, together with an itemized statement of the sums or amount of money necessary to enable such board to carry into effect the provisions of this act shall forthwith be forwarded to the finance board, or other body in such city having the control of the finances and the control or making of appropriations of money to meet the needs of the several departments of any such city, to the end that such last-named body shall have reasonable notice to provide the necessary moneys needed for the purposes aforesaid; and such last-named body are hereby authorized and required to borrow such sum of money so certified as aforesaid in anticipation of taxes to be thereafter levied, and to issue evidence of indebtedness of such city therefor under the hand of the mayor and the corporate seal of such city at such rate of interest not exceeding five per centum per annum as said board may find necessary; *provided*, that any money borrowed as aforesaid shall be met and paid by an appropriation in the tax levy next thereafter to be levied in any such city; *and provided further*, that said board of finance or board having charge and control of the finances of any such city may in their discretion divide said sum so needed as aforesaid so that one-half thereof may be placed in the tax levy next thereafter to be levied and the remainder in the tax levy of the ensuing year.

Proviso.

Proviso.

Board of fire commissioners to prescribe new and additional rules for fire department.

277. SEC. 4. That it shall be the duty of said board of fire commissioners, or like board, as aforesaid, to prescribe new and additional rules and regulations to any existing or authorized, for or relating to the fire department of any such city, or the government and control thereof, with all the officers and members thereof under their jurisdiction; and in doing so, penalties or fines shall be prescribed for violation, inattention to or neglect of any duty or rule, and the fine may be in any sum not exceeding two months' pay or compensation of the offending party; for absence from duty without leave, a penalty or fine shall be invariably imposed; no person shall be appointed to any place in any such fire department who shall be physically incapable of performing the duty of the place to which he shall be appointed or elected; no person shall take or have charge of any steam engine or apparatus, as engineer or the like, in such department, unless he shall pass an examination before some competent board or authority, to be prescribed or designated by such board of fire commissioners, or like board, which shall demonstrate his fitness for the place sought, to be attested in a written certificate from such examining board or authority; such board of fire commissioners, or like board, are hereby clothed with power to require, by reasonable and proper regulations, as aforesaid, the said officers and men of their department to report as to the erection, location, placing or removal of any frame or other like dangerous building or structure likely to produce, invite, spread, or contribute to the making

Appointments of men in department.

Reports as to buildings may be required.

or spreading of conflagration or fire within the city limits, and said force may also be required to look after and report the condition of fire and water hydrants, pipes, conduits, and other material and things used or controlled, either wholly or partially, by any such fire department.

278. SEC. 5. That all acts and parts of acts inconsistent or conflicting with the provisions of this act, are hereby repealed, and this act shall take effect immediately. Repealer.

An act concerning the fire departments of cities of the first class in the state of New Jersey.

Approved May 9, 1894. P. L. 1894, p. 273.

279. SEC. 1. That the board of fire commissioners, or board having charge of the department for the extinguishment of fires in any city of the first class in this state, shall have the entire control and management of all the fire engine houses and fire bell or fire alarm towers or structures in any such city, and of all engines, hose wagons, trucks, fire alarm telegraph, fire bells and other apparatus of every description connected with or appertaining to the fire department of any such city. Board in charge of department in first-class cities shall have entire control thereof.

280. SEC. 2. That it shall be the duty of said board to keep and maintain in good order and repair all the houses and apparatus of said fire department, and to make such alterations and additions thereto as may be necessary for the better efficiency of the department; *provided*, that the expenditures by said board for any purpose shall comply with the provisions of law now or hereafter in force fixing and limiting appropriations and their disposition. Duties of board.

281. SEC. 3. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and this act shall take effect immediately. Repealer.

An act to promote the efficiency of fire departments in cities of the first class.

Approved May 17, 1894. P. L. 1894, p. 422.

282. SEC. 1. That appointments by the commissioners having control of the fire department in cities of the first class shall be to no higher grade than that of hoseman or a grade equivalent thereto in point of compensation. [See Sec. 291, *post*.] Grade of appointments by fire commissioners limited.

283. SEC. 2. That promotions in said department shall be made from among the members of the fire department having the best record for intelligence, efficiency, sobriety and bravery; but where the record is practically the same between two or more members, preference must be given to that member among said number who shall have served the longest time in service in the said department; *provided, however*, that nothing contained in the foregoing two sections shall forbid or prevent appointments or promotions to the position of chief or battalion chief in said department when made upon a unanimous vote of all of said commissioners. Promotions in department shall be made from best record.

Proviso.

An act concerning fire departments in cities of the first class.

Approved February 27, 1895. P. L. 1895, p. 143.

284. SEC. 1. That it shall be lawful for the municipal board having charge of the fire department in any city of the first class to fix the annual salary of the assistant engineer of the fire department of such city at an amount not exceeding two thousand dollars, which salary, when fixed under the provisions of this act, by resolution adopted by such board, shall not be increased or diminished during the term of the officer whose salary shall be so fixed. Salary of assistant engineer in first-class cities, how fixed.

285. SEC. 2. That all inconsistent acts are hereby repealed, and that this act shall take effect immediately. Repealer.

An act to authorize the governing bodies of incorporated towns, boroughs, commissions or towns corporate in this state to purchase steam fire engines or other appliances or apparatus for the extinguishment of fires and erect houses for the housing of the same, and to provide means for the payment thereof.

P. L. 1895, p. 447.

Towns, boroughs, &c., may purchase fire apparatus.

Approved March 22, 1895.

286. SEC. 1. That it shall be lawful for the common council, board of commissioners or other governing board or body of any incorporated town, borough, town corporate or commission in this state having an assessed valuation of nine hundred thousand dollars to purchase one or more steam fire engines or other appliance or apparatus for the extinguishment of fires and erect buildings for the housing of the same, at a cost not exceeding ten thousand dollars.

Bonds may be issued in payment therefor.

287. SEC. 2. That in case any common council or other governing body of any incorporated town, borough, town corporate or commission, who shall desire to avail themselves of the benefits of the first section of this act, may issue town bonds; said bonds shall be issued for no other purpose than for the uses set forth in this act; the said bonds shall be signed by the mayor or presiding officer by whatever name designated and the clerk of any such governing body; *provided, however,* that before any such bonds shall be made or issued the following shall be complied with and observed; the said common council or other governing body shall cause a resolution to issue such bonds to be submitted to the legal voters of such incorporated town, borough, town corporate or commission, by causing such resolution to be written or printed on ballots, underneath which shall be written or printed the words "for the above resolution," or "against the above resolution," which votes may be taken either at the annual town meeting or at a special town meeting to be called by the said governing body for that purpose; *provided, further,* the bonds hereby authorized shall bear interest at a rate not exceeding five per centum, and shall not be disposed of or sold for less than their par value.

Proviso.

Issue of bonds shall be submitted to an election.

Proviso.

How the ballots shall be prepared.

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

Time and place shall be advertised.

Result shall be certified to governing body.

Bonds shall not be sold for less than par.

How the election shall be conducted.

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

Repealer.

290. SEC. 5. That all acts or parts of acts inconsistent with the provisions of this act shall be and the same are hereby repealed.

An act to promote the efficiency of fire departments in cities of the first class.

Approved March 22, 1895. P. L. 1895, p. 570.

291. SEC. 1. That no appointment to the fire department of any city of the first class of this state, of any person not already employed in said department, shall be made to any position therein of a higher grade than that of hoseman or a grade equivalent thereto in point of compensation.

New appointments in first-class cities limited to a certain grade.

292. SEC. 2. That appointments to any position or positions of a higher grade than hoseman or its equivalent as aforesaid in any such department shall not be made, except by promotion from among the men already employed in such department either permanently or as men-at-call.

Higher-grade appointments shall be by promotion.

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

Repealer.

An act to authorize the purchase of land and the erection of fire engine houses thereon in cities of the second class in this state.

Approved March 22, 1895. P. L. 1895, p. 580.

294. SEC. 1. That the mayor and common council, or other governing body of any city of the second class in this state, are hereby authorized and empowered to purchase the necessary land for the erection of a fire engine house, and to erect thereon a suitable fire engine house for use in said city; *provided*, the aggregate cost of such land and engine-house shall not exceed the sum of twenty-five thousand dollars.

Second-class cities may purchase land and erect fire-house thereon.

Proviso.

295. SEC. 2. That to provide money necessary to carry this act into effect the mayor and common council, or other governing body of such city, shall have power to issue bonds of such city to an amount not exceeding twenty-five thousand dollars, having not more than twenty years to run, and bearing interest at a rate not to exceed five per centum per annum, pledging the faith, credit and property of said city for the payment of the same, which bonds, after proper advertisement for the sale of the same, shall be sold to the highest bidder.

Bonds may be issued in payment therefor.

296. SEC. 3. That for the purpose of redeeming said bonds and meeting the interest thereon the said city shall provide a sinking fund, and shall annually include in the tax levy or appropriations of such city a sufficient proportion of said bond issue to meet the principal sum of said bonds at maturity and retire the same from the proceeds of said sinking fund.

Sinking fund to be established, &c.

An act authorizing cities of the first class to purchase land and erect buildings thereon for fire department purposes.

Approved March 23, 1895. P. L. 1895, p. 735.

297. SEC. 1. That in cities of the first class in this state, when the municipal board or other authority having the control of the erection of buildings for fire department purposes, shall certify to the municipal board of such city, having the management and control of the finances of such city, that the necessity exists for the purchase of ground and the erection thereon of a new building or buildings for fire department purposes, that it shall be lawful for such municipal financial board or authority in such city, and they are hereby authorized and empowered to issue bonds, either registered or coupon, to an amount not exceeding twelve thousand dollars, to raise money to pay for the purchase of such plot and the erection and construction of said building or buildings; that said bonds shall be payable in twelve years from the date thereof, and shall bear interest not exceeding four and one-half per centum per annum, to be sold not less than par, and that there shall be a sufficient sum appropriated and put in the tax levy of such city each year to pay the interest on such bonds, and also there shall in each year be appropriated and put in the tax levy of such city the further sum of one thousand dollars towards the payment of

First-class cities may purchase lands and erect thereon fire department buildings, and issue bonds therefor.

Amount and conditions of bonds.

Principal and interest shall be raised by taxation.

said bonds, to be properly invested and deposited in the sinking fund of such city to meet the payment of said bonds when they shall become due and payable.

Increase of fire appropriation authorized.

298. SEC. 2. That whenever in any city of the first class in this state the board having charge and control of the finances of any such city has heretofore set aside or appropriated to the board having charge of the erection of buildings for fire department purpose an amount not in excess of the sum of twelve thousand dollars for the erection of an engine or truck-house, or engine or truck-houses, and said amount so appropriated has not been expended nor any part thereof by said board at the time of the passage of this act, said board having charge and control of the finances of any such city shall have the power and authority to increase said amount so heretofore appropriated to an amount not exceeding twelve thousand dollars, as provided in this act.

Repealer.

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

An act concerning fire departments in cities of the first class.

Approved March 23, 1895.

P. L. 1895, p. 742.

Certain incapacitated firemen in first-class cities may be retired on half pay or pension.

300. SEC. 1. That it shall be lawful for the municipal board having charge of the fire department in any city of the first class to retire from service any employe of such department whose duty requires active service in the extinguishment of fires, and who shall have become or shall hereafter become incapacitated for the performance of such duty whenever such incapacity is or shall be the result of injury received or sickness contracted in the discharge of such duty; the person retired shall, during the continuance of such incapacity, receive an annual pension of an amount equal to one-half of the salary received by him at the time of such retirement (except in the cases of volunteer firemen, whose annual pension shall not exceed one hundred dollars).

Exception.

When widow or children shall be allowed pension.

301. SEC. 2. That if any employe of any fire department in any such city shall be fatally injured while in the performance of his duty to extinguish fires, such municipal board shall allow to the widow of such employe an annual pension equal to one-half of the salary received by such employe at the time of his death, to be paid to her during her life if she shall so long remain a widow; if such employe shall not leave a widow but shall leave a child or children, such pension shall be applied, under the direction of the mayor of such city, to the support of such child or children until they shall have attained the age of sixteen years.

When employe, after twenty years' service, may be retired on pension.

302. SEC. 3. That if any employe of any such fire department who shall have served in such department not less than twenty years shall become incapacitated while in the active discharge of his duties, he shall be retired by such board and shall thereafter receive, annually, such pension as he would have been entitled to if retired because of the incapacity mentioned in the first section of this act.

II. Police and police departments.

An act concerning cities.

Approved March 8, 1877.

P. L. 1877, p. 88.

Appointment of city marshal in cities of less than 10,000 inhabitants.

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

An act affecting the government of cities in this state as to certain of their internal affairs.

Approved April 5, 1878. P. L. 1878, p. 315.

304. SEC. 1. That the municipal board in any city to whom is committed the management of police matters, shall have power, whenever the public interest require it to be done, to lease station-houses in said city for a period not exceeding five years; *provided*, the mayor of said city and the board having control of the finances of such city shall approve of the terms of such lease.

Cities may lease station-houses.

Proviso.

An act to authorize cities of the second class to make additional appropriations for police purposes.

Approved January 30, 1883. P. L. 1883, p. 16.

305. SEC. 1. That whenever, in any city of the second class, the annual appropriation for the police department for the current year shall have been or may be exhausted, it shall be lawful for the board of aldermen or common council of such city, by resolution, to authorize the appropriation and expenditure of such additional sum as shall be necessary to defray the ordinary expenses of the police department for the remainder of said current year; and in case there shall not be sufficient surplus money in the city treasury, not otherwise appropriated, to answer such additional expenditure, it shall be lawful for the authorities of the city to provide therefor by a temporary loan or loans, and the amount of such loan or loans shall be incorporated in the next annual tax levy.

Cities of second class may borrow money for police department, when appropriation is exhausted.

An act to authorize townships to employ police.

Approved February 20, 1883. P. L. 1883, p. 39

306. SEC. 1. [Amended and supplied by Sec. 308, *post*.]

307. SEC. 2. That such police officer or officers shall be appointed and discharged or dismissed at such times by and hold their positions for such times and periods only as the township committee, thus authorized by the inhabitants of the township, shall from time to time and in each case see fit and determine, and shall receive such pay and compensation for their services, respectively, as shall be fixed and agreed upon by the said township committee; *provided*, that the compensation to be made to all such officers so to be appointed and employed, shall not in the aggregate exceed the amount fixed and determined by the inhabitants of the township, at the annual meeting, to be expended for the services of its police officer or officers, which amount so to be paid to said officers shall be assessed and raised by taxation, in the same manner as other taxes are assessed and raised for township purposes.

Term of office and compensation of township police to be fixed by township committee.

Proviso.

Supplement.

Approved April 14, 1884. P. L. 1884, p. 168.

308. SEC. 1. That the first section of the said act shall be and the same is hereby amended so as to read as follows:

[That it shall be lawful for the inhabitants of any township in this state, at their annual meeting, or at any other meeting or meetings to be duly called and held for the purpose, to vote by ballot to authorize the employment, by the township committee, of one or more police officers for said township, and to fix and determine the amount to be expended for the services of such police officer or officers, who shall possess and have all the powers of constables, within the limits of the township, for the purpose of preserving the peace and enforcing the ordinances of the township, and who shall be and are authorized and empowered, upon view and without warrant, to apprehend and arrest any and all person or persons committing any breach or breaches of the peace within said limits, and any and all disorderly person or persons, and to bring said person or persons before any justice of the peace in said township, to be dealt with according to law.]

Inhabitants of township may vote to authorize the employment of police officers.

Compensation and powers.

Supplement.

Passed February 23, 1886.

P. L. 1886, p. 46.

Township committee authorized to designate a justice of the peace to hear and dispose of complaints, &c.

Compensation.

309. SEC. 1. That in townships of this state where there is an organized police force, duly appointed under the provisions of the act to which this is a supplement, and the supplements thereto, it shall be lawful for the township committee to designate and appoint one of the justices of the peace of said township, whose duty it shall be to attend at the lock-up or police court of said township, and to hear and dispose of complaints against persons under arrest or detained in said lock-up, and to try actions brought to recover a penalty under any ordinance of the said township, and that the township committee may pay said justice such compensation, in addition to the fees allowed by law, as they shall deem proper.

An act to better regulate and control a day and night police force in certain townships of this state.

Approved March 23, 1883.

P. L. 1883, p. 159.

Certain township committees may transfer authority concerning police to commissioners of police.

Commissioners must be citizens of township.

Commissioners shall meet for organization.

Management of police vested in board of commissioners.

Proviso.

310. SEC. 1. That in townships of this state where the township committee has been authorized by law to provide by ordinance for the establishment, regulation and control of a day and night police or police force, the said township committee are hereby authorized and empowered, at any regular meeting thereof or at any special meeting called for the purpose, and held either in the month of March or in the month of April next after the passage of this act, to commit and transfer their said authority and power in relation to said police, by resolution by them, or majority of them, adopted, to three commissioners of police, to be by said township committee appointed at a meeting held as aforesaid.

311. SEC. 2. That the said commissioners and their successors must be citizens of the township in which they may be appointed, and must have been resident therein for at least one year prior to their appointment; and before entering upon their duties they shall make oath or affirmation before the township clerk that they will well and faithfully perform all the duties devolving upon them as such commissioners.

312. SEC. 3. That said commissioners shall, on the first Tuesday in May next after their appointment, between the hours of seven and eight o'clock in the evening, meet at the place of meeting of said township committee, or at such other place as the committee may designate, and organize by election of one of their members as president, to serve for one year, and annually thereafter they shall elect a president, which president shall preside over their meetings and perform such other duties as may be assigned to him; and the clerk of the township, who is hereby appointed the clerk of said board of commissioners, shall attend at such meeting and perform the duties of clerk, and thereafter he shall continue to be the clerk of said board of commissioners; in case of his absence at any meeting, the commissioners may appoint one of their number to serve as clerk in his stead.

313. SEC. 4. That from and after the organization of said board of commissioners, the regulation, control, appointment and management of the police of the township shall devolve upon and be vested in them and their successors in office, who are hereby empowered to adopt such by-laws, rules and regulations for their own government, and the government of the officers and persons under their charge and control, as will secure an efficient administration of the affairs of the department; *provided, however,* that neither this section nor anything hereinbefore contained shall be construed as empowering them to raise money for their purposes—the right to do so is hereby declared to be and is to remain with the township and its committee and officers as heretofore, subject only to such changes as this act may render necessary.

314. SEC. 5. That said commissioners shall hold office as follows, viz.: one for three years, one for two years and one for one year, which is to be determined by lot at the first meeting held by them under this act, immediately after assembling, in the presence of the clerk and before the election of president; and the said clerk is directed to make a minute of the same as part of the proceedings of the meeting; and thereafter each year the township committee, at their meeting in the month of March or April, shall elect a commissioner, whose term shall be three years, to commence from the first Tuesday in May next ensuing; but each of the commissioners, under this act, shall continue to exercise his duties until his successor is duly chosen and qualified; said commissioners shall be entitled to receive no compensation, except such as the township committee may allow them; vacancies arising by resignation or otherwise may be filled by the township committee, but the person appointed to fill the vacancy of any of said commissioners shall hold office for the unexpired term only.

Term of office and election of commissioners.

Vacancies, how filled.

315. SEC. 6. That the police officers and men appointed, and to be appointed, by the commissioners under this act, shall hold office during good behavior.

Term of office of police.

316. SEC. 7. That all acts or parts of acts, general or special, inconsistent with this act, be and are hereby repealed, and this act shall take effect immediately.

Repealer.

An act to authorize police service in townships.

Approved April 4, 1884.

P. L. 1884, p. 130.

317. SEC. 1. That it shall be lawful for the persons qualified to vote at town meetings in any township in this state, to vote, grant and raise by taxation such sum or sums of money for police service in such township as a majority of the legal voters at any annual meeting may determine. (a)

Township may vote money for police service.

318. SEC. 2. That whenever in any such township the legal voters shall have made an appropriation of money for police service in manner aforesaid, it shall be lawful for the township committee to employ any constable or constables of such township for police service and duty, and by ordinance to provide for, organize and regulate such police service, including rate of compensation and term of employment.

Employment of constables for police service, &c.

319. SEC. 3. [Amended and supplied by Sec. 320, *post.*]

Amendatory act.

Approved April 28, 1886.

P. L. 1886, p. 325.

320. SEC. 1. That section three of chapter ninety-two of the general public laws of one thousand eight hundred and eighty-four, be amended so that the same shall read as follows:

[That it shall be lawful in any such township for the township committee to appoint a sufficient number of suitable and competent persons to be members of the police force of said township; *provided, however,* that no person other than a duly-elected constable of such township shall be appointed to membership in the township police force without the affirmative vote of two-thirds of all the members of the township committee.]

Township committee may appoint members of police force.

Proviso.

An act concerning cities in this state and regulating the manner of the appointment and removal of certain officers therein.

Passed March 15, 1885.

P. L. 1885, p. 102.

321. SEC. 1. That in the cities of this state where the control and regulation of the police force is in the common council, or mayor and common council, or other governing body, the appointment and dismissal of the members of the police force therein shall be made by motion and not by ordinance or resolution; *provided,* that this act shall not apply to cities wherein the police force is under the control of a board of commissioners until such board or commission shall be therein abolished.

In cities, members of police force appointed and dismissed on motion.

Proviso.

(a) See *Allen v. Township of Bernards*, 28 Vr. 305.

An act respecting police departments of cities and regulating the tenure and terms of office of officers and men employed in said departments.

P. L. 1885, p. 163.

Approved March 25, 1885.

Municipal authorities in cities to prescribe rules for police departments.

322. SEC. 1. [Amended and supplied by Sec. 328, *post.*]

323. SEC. 2. That it shall be lawful, for the better government and discipline of the police departments in the cities of the state, for the municipal authority or authorities in any city, whose duty it is or may become to provide for, regulate or manage a police department in such city, from time to time to prescribe and establish just rules and regulations respecting such department.

Qualifications of officers and members of police force.

324. SEC. 3. That each member and officer of the police force shall be a citizen of the United States and a resident citizen for two years of the city in which he is appointed, able to read and write the English language understandingly, he must be of good moral character, of good health and sound body.

325. [Sec. 4 amended and supplied by Sec. 329, *post.*]

Proceedings for removing police officer.

326. SEC. 5. That no person, whether officer or employe, in the police department of any city, shall be removed from office or employment therein except for just cause, as provided in the first section of this act, then only after written charge or charges of the cause or causes of complaint shall have been preferred against any such officer or employe, signed by the person or persons making such charge or charges and filed in the office of the municipal officer, officers or board having charge of the department in which the complaint arises, and after the said charge or charges have been publicly examined into by the appropriate municipal board, officer or authority, (a) upon such reasonable notice to the person charged, and in such manner of examination as the rules and regulations governing the same may prescribe, it being the intent of this act to give every person against whom charges for any cause may be preferred under this act a fair trial upon said charges, and every reasonable opportunity to make his defense, if any he has or chooses to make, and the officer, board or body having power to try such charges shall have power to issue writs of subpoena to compel the attendance of witnesses, which writs shall be served in the same manner as subpoenas issued out of the court for the trial of small causes, and every person who neglects or refuses to obey the command of such writ shall be liable to a penalty of twenty-five dollars, to be sued for in the corporate name of the city in any court of competent jurisdiction, and the penalty when collected shall be paid into the poor fund of such city. (b)

Repealer.

327. SEC. 6. 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.

Supplement.

P. L. 1886, p. 48.

Passed February 23, 1886.

328. SEC. 1. That section one of the act to which this is a supplement shall hereafter read as follows :

Term of office of officers and members of police department in cities.

[That in the several cities of the state, whether the police departments are under the control of commissioners or otherwise, the officers and men employed by municipal authority in the police department of any city shall severally hold their respective offices and continue in their respective em-

(a) "The appropriate municipal board, officer or authority" by which charges are to be tried is that department of the municipal government in which, by the charter or general laws, the power to remove is lodged. Suspension for a specified time without pay is a removal from office *pro tanto* within the spirit and meaning of the act. *Carey v. Plainfield*, 24 *Vr.* 311.

(b) In proceedings for the removal of officers and employes in police departments of cities, under this act, the same formalities are not requisite as have been prescribed for inferior criminal prosecutions. It is sufficient if the directions of the statute are substantially observed. *Devault v. Mayor of Camden*, 19 *Vr.* 433. The change of members of the police force from detectives to patrolmen is not within the terms of the act restraining the right of removal from office or employment in the police department. *McManus v. Newark*, 20 *Vr.*

175. A charge against a policeman for incapacity, based on the report of the examining physician, and made by the direction of the commissioners, is for good cause and in proper form. *Ayers v. Newark*, 20 *Vr.* 170. A reasonable notice and a fair hearing and investigation, without formality in the procedure, are all that is required. *Ib.* See, also, *Lyons v. Gloucester City*, 20 *Vr.* 177. Under the charter of Millville, constables who form part of the police force are under the protection of this act. *Loper v. Millville*, 24 *Vr.* 362. As to when *certiorari* or *quo warranto* is the proper proceeding to review action removing an officer, see *Loper v. Millville*, *supra*. A detective officer in the police department of a city cannot be reduced to a roundsman, with decreased pay, without notice and a hearing. *Douglass v. Jersey City*, 24 *Vr.* 118.

ployment as such municipal officers and employes during good behavior, efficiency and residence in such city, except where by statute the term of office of any such officer and employe is determined and fixed, and does not depend upon the pleasure of any municipal officer, officers or board authorized to make appointment or employment in said departments ; and no person shall be removed from office or employment in the police department of any city, or from the police force of any city for political reasons or for any other cause than incapacity, misconduct, non-residence or disobedience of just rules and regulations established or which may be established for the police force or police department of such city ; *provided*, that any member of the police force of any city who shall be absent from duty, without just cause, for the term of five days, shall, at the expiration of said five days, cease to be a member of such police force ; *and provided further*, that this act shall not apply in or to cities commonly known as seaside and summer resorts.](a)

Causes for removal.

Proviso.

Proviso.

Supplement.

Passed April 6, 1886. P. L. 1886, p. 211.

329. SEC. 1. That section four of the act to which this is amendatory be amended so as to read as follows :

[That no person shall be appointed an officer or member of the police force in any city who has ever been convicted of a crime, who is less than twenty-one years or over fifty-five years of age at the time of his appointment.]

Who shall not be appointed on police force.

Supplement.

Passed March 4, 1890. P. L. 1890, p. 32.

330. SEC. 1. That the lamp inspectors or other person having charge or supervision of the lighting of the public lamps in any city under appointment of the police department thereof, shall not be removed from office or employment therein except for just cause, and then only in the manner prescribed in the act to which this is a supplement, for the removal of other officers in such department.

Lamp inspectors not to be removed except for cause.

331. SEC. 2. 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.

Supplement.

Approved April 7, 1892. P. L. 1892, p. 397.

332. SEC. 1. That the provisions of an act entitled "An act respecting police departments of cities, and terms of office of officers and men employed in said departments," approved March twenty-fifth, eighteen hundred and eighty-five, be and the same are hereby extended and made applicable to all townships of this state having a population of four thousand inhabitants or over, and to all incorporated villages wherein there now is or hereafter may be established a police department.

Provisions of act extended to townships of 4,000 inhabitants or over.

Supplement.

Approved February 26, 1895. P. L. 1895, p. 121.

333. SEC. 1. That in all incorporated towns of over ten thousand inhabitants in counties of the first class of this state authorized by law to establish and maintain a regular day and night uniform police, no person shall be removed from office or employment in the police department of

Policemen shall not be removed except for cause in certain towns of over 10,000 inhabitants.

(a) By the first clause of this section variant terms of office are established in the different cities. In some, where the tenure of office has been created for a fixed period by a city ordinance, the tenure is converted into an indefinite holding, that is, during the good behavior of the incumbent ; and in others, where the same fixed term of office exists under similar conditions by force of a statute, such officeholders are not affected by this legislative regulation, but retain their offices only for the period limited at their appointment. This clause, establishing such variant terms, is unconstitutional for the reason that such legislation is special. But the provisions of the act relating to the removal of officers, though they affect cities only, are constitutional. *New Brunswick v. Fitzgerald*, 19

Vr. 457, affirming 18 *Vr.* 479. A resolution of common council to remove a member of the police force of a city, without cause or for any other cause than those prescribed in the above section, is illegal and void. The second proviso in the section that the act "shall not apply in or to cities commonly known as seaside and summer resorts," is within the constitutional prohibition against local and special laws regulating the internal affairs of towns and counties. *Clark v. Cape May*, 21 *Vr.* 553. The common council of Trenton, in the exercise of its charter power, having provided that policemen shall hold their offices during good behavior, they cannot be removed for any causes other than those specified in the above act. *Clardy v. Trenton*, 21 *Vr.* 331.

said towns, except for just cause, and then only in manner prescribed in section five in the act to which this is a supplement, for the removal of officers in such departments.

Repealer.

334. SEC. 2. 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.

An act to authorize cities to provide for the pensioning of members of the police force.

P. L. 1885, p. 183.

Passed March 31, 1885.

Retired policemen in cities, having served 20 years, may be pensioned. Proviso.

335. SEC. 1. That it shall be lawful for any city of this state, by general ordinance, to provide for the payment, by such city, of an annual or monthly pension to such retired members of the police force of the city as shall have honorably served upon such force for twenty years; *provided*, that no member of the police force of any city shall be retired on a pension under the provisions of this act who has not attained the age of sixty years, unless he be permanently disabled by injury received or by disease contracted during the time of his active service on the police force.

An act regulating the pay of officers and policemen in certain cities of this state.

P. L. 1886, p. 136.

Approved March 26, 1886.

Salaries of police officers in cities.

336. SEC. 1. That in all cities of this state other than towns, cities or boroughs which are known as seaside resorts, the pay or salaries of the following-named officers shall be as hereinafter specified, viz.: to sergeants, detectives or lieutenants the sum of not less than ten hundred dollars per annum; to round-sergeants or roundsmen the sum of not less than nine hundred and fifty dollars per annum, and to patrolmen the sum of not less than nine hundred dollars per annum, in lieu of all other compensation whatever.

Act to be submitted to voters.

337. SEC. 2. That this act shall take effect immediately; *provided*, that its provisions shall remain inoperative in any city or municipality until assented to by a majority of the legal votes cast for or against an increase of pay at any regular charter or general election to be hereafter held in such city or municipality; and the city clerk of such city or municipality shall, on the resolution of the common council, board of aldermen, board of police commissioners or other governing body of such city or municipality, provide for each elector voting at such election ballots to be printed or written, or partly printed or partly written, on which shall be either the words "for increase of pay of police department," or "against increase of pay of police department," and if a majority of those voting shall be in favor of an increase of the pay of the police, then this act shall go into effect immediately, and the pay or salaries of the officers or men of such department shall be as hereinbefore stated; persons entitled to vote at any charter or general election shall express their assent to or rejection of this act by depositing their ballots in the box provided for depositing ballots at such election, in the election precincts, districts or wards of any such city, and those who are in favor of the acceptance of this act shall each deposit a ballot containing the words "for increase of pay of police department," written or printed thereon; and those who are opposed shall each deposit a ballot with the words "against increase of pay of police department," written or printed thereon; and this acceptance or rejection may be expressed upon the ballot on which are the names of the ward, city, county, or state officers, and shall be counted in determining such result; there shall be a canvass on the return of the votes upon the question of such acceptance or rejection, made by the election officers in the same way and manner as for officers voted for at such election.

Supplement.

Passed April 15, 1886. P. L. 1886, p. 227.

338. SEC. 1. That in any city or municipality in which the act to which this act is a supplement shall become operative, in the manner therein provided, the increase of pay or salaries therein made shall go into effect on the first day of the next calendar month thereafter, notwithstanding that there may not be any existing appropriation or fund sufficient to permit such increase, and the board or authority having control of the finances of such city or municipality shall borrow a sufficient sum to cover such increase for the remainder of the current fiscal year of such city or municipality, or may permit the same to be paid out of any money of said city or municipality, and shall put such sum in the next tax levy raised in said city or municipality.

When increase of salaries to take effect.

Board authorized to borrow money, &c.

An act to enable cities of this state to increase the police force in said cities.

Passed April 6, 1886. P. L. 1886, p. 211.

339. SEC. 1. That it shall be lawful for any city of this state having a police force under its jurisdiction to increase said force by adding thereto fifteen additional men, whenever in the judgment of the proper authorities having the appointment of said policemen it shall be necessary so to do.

Cities may increase police force.

340. SEC. 2. That all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

Repealer.

An act respecting the appointment of state detectives and state policemen.

Approved March 24, 1887. P. L. 1887, p. 52.

341. SEC. 1. That no person who has been convicted of and served a term of imprisonment for having committed the crime of forgery, perjury, burglary, arson, highway robbery, or counterfeiting money, or any of said crimes, shall hereafter be commissioned by the governor of this state to act as a state detective or state policeman within this state.

Person convicted of crime not to be commissioned by governor as state detective or state policeman.

342. SEC. 2. That no person or persons now holding a commission from any governor of this state as state detective or state policeman, who have been convicted of and served a term of imprisonment for having committed any of the said crimes of forgery, perjury, burglary, arson, highway robbery, or counterfeiting money, shall hereafter act as such state detective or policeman within this state, and all persons offending against the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one hundred dollars or imprisonment for one year, or both, at the discretion of the court before which the conviction shall be had.

Persons now holding commissions who have been convicted, not to act.

Penalty for offending against provisions of act.

An act providing for the pensioning of police officers and policemen in certain cities of this state, and regulating the method by which the same may be accepted and become operative in said cities.

Approved March 31, 1887. P. L. 1887, p. 97.

343. SEC. 1. That in all cities of this state all members of the police force of such city as shall have honorably served upon such force for twenty years, and may have attained the age of sixty years, may be retired upon one-half pay.

Members of police force in cities who may be retired upon half pay.

344. SEC. 2. That any member having attained the age of fifty years, who shall have honorably served upon such force for twenty years, shall, upon application to the board having charge of the police department of such city, be voluntarily retired upon half pay.

Further description of members who may be so retired.

345. SEC. 3. [Amended by Sec. 352, *post.*]

346. SEC. 4. [Amended by Sec. 351, *post.*]

Municipalities may borrow money to cover pensions, &c.

347. SEC. 5. That in any city or municipality in which this act shall become operative in the manner herein provided, the board or authority having control of the finances of such city or municipality shall borrow a sum sufficient to cover all pensions and matters above stated, required during the remainder of the current fiscal year of such city or municipality, or may permit the same to be paid out of any money of said city or municipality not otherwise appropriated, and shall thereafter annually put in the annual tax levy raised in said city or municipality a sum equal to at least four per centum of the salaries in the aggregate paid to the police force of such city, to be used and kept exclusively as a fund out of which payment of the pensions and matters herein stated shall be made as provided for in this act.

Board to regulate pensions and make rules and regulations.

348. SEC. 6. That in any city or municipality in which this act shall become operative, the board or committee having charge or control of the police force or department in such city or municipality shall and are hereby empowered to regulate the pensions and matters above stated, and make all requisite rules and regulations necessary therefor not inconsistent with this act.

Board to invest certain moneys.

349. SEC. 7. That the board or committee having charge or control of the police force or department in any such city or municipality wherein this act shall become operative, as herein provided, immediately upon receiving or being paid any of the moneys raised for or constituting the fund provided for in section five of this act, shall thereupon proceed to securely invest any and all of such moneys not then required for or appropriated to the immediate payment of any of the pensions and matters above stated in interest-bearing bonds of such city or municipality, which said bonds shall be held, kept and maintained exclusively for the benefit, use, purposes and credit of such fund.

Act to be submitted to legal voters.

350. SEC. 8. That the board of aldermen or common council of any city may, by resolution, at any time submit the question of the acceptance or rejection of this act to the voters at any charter or general election, and if a majority of those who shall vote for the acceptance or rejection shall be in favor of the acceptance of the act, then this act shall go into effect immediately, and the grant of powers herein made to any such city shall be deemed to be accepted by such city, and such city shall be bound by the terms of this act; persons entitled to vote at any charter or municipal election where this question is submitted to them, shall express their assent or rejection of this act by depositing their ballots in the box provided for depositing ballots at such election in the election precincts or wards of any such city, and those who are in favor of the acceptance of this act and the grants and powers therein contained, shall each deposit a ballot containing the words "police pension accepted," written or printed, or partly written and partly printed thereon; and those who are opposed shall each deposit a ballot with the words "police pension rejected," written or printed, or partly written and partly printed thereon; and this acceptance or rejection may be expressed upon the ballot on which are the names of the state, city or ward officers, and no separate ballot shall be required for the purpose of this vote; there shall be a canvass, on the return of the votes, upon this question of such acceptance or rejection, made by the election officers in the same way and manner as for officers voted for at such election, and if a majority of the ballots on which there shall be either the words "police pension accepted," or "police pension rejected," shall be found to be for the acceptance of this act, it shall then, but not otherwise, go into effect and be binding upon such city wherein such vote shall have been taken.

Form of ballot.

Supplement.

Approved February 22, 1888.

F. L. 1888, p. 96.

351. SEC. 1. That section four of the act to which this is a supplement be and the same is hereby amended so as to read as follows, to wit:

[That every member of such force shall be paid one-half compensation or salary only during temporary disability occasioned while in the performance of his or their duty ; *provided, however*, that it shall be lawful for the board or body having control of the police force in any city where the act to which this is a supplement is in operation, by resolution, to give such members of the force as may be or become disabled full compensation, if, after examination, the circumstances and character of such disability, in the judgment of said board, shall justify such full compensation, and not otherwise.]

Member of force in cities to be paid half compensation during temporary disability.
Proviso.

Amendatory act.

Approved April 10, 1889. P. L. 1889, p. 245.

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

[That any member of such force having received permanent disability by reason of accident incurred at any time in the service, or, after nine years in the service, by reason of disease contracted during such service, shall be retired upon half pay.]

Member permanently disabled after nine years' service to be retired on half pay.

An act to authorize police service in townships.

Approved April 9, 1887. P. L. 1887, p. 153.

WHEREAS, Trespasses, malicious mischief and like offenses are frequently committed in and upon cemeteries, orchards, farms, gardens and like places in this state, and especially in and upon such places in rural localities adjacent to cities, towns and villages in this state ; therefore, for the more effectual suppression of said offenses, and for the more certain and speedy apprehension of such offenders,

353. SEC. 1. That it shall be lawful for the township committee of any township or townships in this state to appoint one or more suitable and proper persons, residents of such township or townships, to be police officers of such township or townships ; *provided, however*, such suitable and proper persons will accept such office and perform the duties thereof free of any fee, compensation or reward.

Preamble.

Township committee authorized to appoint police officers.
Proviso.

An act to enable boards of commissioners and improvement commissions in towns and villages, or within townships in this state, to employ police and to fix the compensation of the same.

Approved March 6, 1888. P. L. 1888, p. 133.

354. SEC. 1. [Amended by Sec. 357, *post.*]

355. SEC. 2. That such police officer or officers shall be appointed and discharged or dismissed at such times as such board of commissioners or improvement commission shall, from time to time and in each case see fit and determine, and shall receive such pay and compensation for their services respectively as shall be fixed and agreed upon by such board of commissioners or improvement commission.

356. SEC. 3. That all acts or parts of acts inconsistent herewith be and are hereby repealed, and that this act shall take effect immediately.

Appointment, discharge and compensation of police in certain towns, villages and townships.

Repealer.

Supplement.

Approved February 18, 1891. P. L. 1891, p. 28.

357. SEC. 1. That section one of said act be amended to read as follows :

[That it shall be lawful for any such board of commissioners or improvement commissions to employ one or more police officers for the township within the limits of the jurisdiction of the said commission, and to fix and determine the amount to be expended for the services of said police officer or officers, whose duty it shall be, upon view and without warrant, to apprehend and arrest all persons committing breaches of the peace in said township within the limits of the jurisdiction of said commission, or violating any ordinance of such boards of commissioners, and in like

Board of commissioners or improvement commission may employ police.

Fees of justices
of the peace.

manner to apprehend and arrest all disorderly persons in said township within the limits of the jurisdiction of the said commission, and bring them before a justice of the peace in said township within the limits aforesaid, to be dealt with according to law; that the justice before whom any such disorderly person or persons shall be tried shall receive the same fees and costs allowed by law for trial of actions of tort before justices of the peace, and that any person or persons so arrested, tried and convicted, upon the evidence of one or more credible witnesses, shall pay all the costs of such arrest, trial and conviction, together with the fine or penalty for the offense of which he shall stand convicted, which fine or penalty shall be paid to the treasurer of said commission for the use of said commission.]

Repealer.

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

An act to authorize the acquisition of real estate for the use of police departments in the cities of this state.

P. L. 1888, p. 458.

Common council
of city may purchase real estate
for use of police
department.

Approved April 23, 1888.

359. SEC. 1. That whenever in the opinion of the common council of any city of this state, or other board having charge of the erection of public buildings in said city, it shall be necessary to acquire additional real estate for the use of the police department of such city, it shall be lawful for said common council or other board to purchase in the corporate name of the city such real estate at such price or prices as shall be authorized by a vote of two-thirds of all the members of said common council or other board, by and with the concurrence of the board having charge of the finances of such city; *provided*, that the sum expended therefor shall not exceed twenty thousand dollars.

Proviso.

Bonds may be
issued to pay for
the same.

360. SEC. 2. That to provide moneys necessary to pay for said real estate, it shall be lawful for the common council, by and with the consent of the board having charge and control of the finances of such city, to issue bonds in the corporate name of the city, not exceeding the amount required to be paid for said real estate, pledging for the redemption thereof the faith of said city, under the seal of the city, and attested by the city clerk, of such denominations as said common council shall deem fit, bearing interest at a rate not exceeding five per centum per annum, and redeemable in not more than twenty years from the date of issue, and to dispose of the same for the best price that can be obtained, but at not less than par value, and to provide for the redemption thereof and the payment of the interest thereon by taxation.

Construction of
words "common
council."

Repealer.

361. SEC. 3. That the words "common council," whenever used in this act, shall be held to include the board of aldermen and other governing body, by whatever name known, of any city of this state.

362. SEC. 4. That all acts and parts of acts, general, special and local, inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

An act to authorize the acquisition of real estate, and the erection of buildings thereon, for the use of police departments in the cities of this state.

P. L. 1889, p. 215.

Cities may purchase lands and
erect buildings
thereon for use of
police department.

Approved April 8, 1889.

363. SEC. 1. That whenever, in the opinion of the board or authorities having the control of the police department in any city of this state, it shall be deemed necessary to acquire additional accommodations for precinct station-houses, or police station-houses, for the use of the police department of any such city, it shall be lawful for the authorities or other board having charge of the erection of public buildings in said city, to purchase, in the corporate name of the city, such real estate, in such parts or localities of said city as may be required, and indicated by the board or

authorities having control of such police department, and to have erected upon each of said sites or parcels of land so purchased, such precinct station-houses, or police station-houses, as said police authorities may deem necessary as aforesaid; *provided, however*, that the purchase of such real estate shall be only at such price or prices as shall be authorized by a vote of two-thirds of all the members of the board having charge of the erection of public buildings in said city as aforesaid, and that such buildings shall be built only upon contract, and after due advertising for proposals for such work shall be made in the manner and way now provided for in any public, special or local law applicable to such city, and relating to contracts for work or material to be purchased by or furnished to such city, and that such contract shall be awarded to that responsible bidder who offers the terms most advantageous to the city.

Proviso.

364. SEC. 2. That the sum expended for the purposes aforesaid shall, in no case, exceed the sum of forty-five thousand dollars. [See Secs. 369, 371 and 372, *post.*]

Amount to be expended limited to \$45,000.

365. SEC. 3. That such purchase of real estate and the erection of such buildings as hereinbefore provided for, shall be had and done only by and with the concurrence of the board having the charge and control of the finances of such city.

Concurrence of board of finance required.

366. SEC. 4. That to provide moneys necessary to pay for said real estate, and the erection of said buildings, it shall be lawful for the board having the charge and control of the finances of said city to issue bonds in the corporate name of the city, not exceeding the amount required to be paid for said real estate, and the erection of said buildings, pledging for the redemption thereof, the faith of said city, under the seal of the city, signed by the mayor of said city and attested by its clerk, of such denominations as said board having the charge and control of the finances of said city shall deem fit, bearing interest at a rate not exceeding five per centum per annum, and redeemable in not more than twenty years from the date of issue thereof, and to dispose of the same at the best price that can be obtained, but at not less than par value, and to provide for the redemption thereof and the payment of the interest thereon by taxation.

Bonds may be issued to pay for such purchase and erection.

Rate of interest.

367. SEC. 5. That any such city, having or owning real estate available for the erection thereon of any such precinct station-houses, or police station-houses, as herein provided for, that then and in such case such city may, if it deem it advisable, instead of purchasing real estate, as herein provided for, erect upon any such real estate had or owned by such city, said buildings, or any of them.

Cities may erect buildings on lands already owned.

368. SEC. 6. That all acts or parts of acts, general, special or local, inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

Supplement.

Passed May 23, 1890.

P. L. 1890, p. 343.

369. SEC. 1. That should the amount of forty-five thousand dollars, provided for in the act to which this is a supplement, as the limit of expenditure for the purpose of carrying out the provisions of said act, be insufficient to acquire the additional accommodation for precinct station-houses or police station-houses, for the use of the police department of any such city, as contemplated by said act, that then and in such case it shall be lawful for the board having charge and control of the finances in any such city, to increase such appropriation from time to time, upon the request of the board having control of the police department in any such city, to an amount not exceeding in the aggregate the sum of eighty thousand dollars, including the said sum of forty-five thousand dollars mentioned as the limit of expenditure provided for in said act.

Amount that may be expended increased to \$80,000.

370. SEC. 2. That so much of the act to which this is a supplement as conflicts or is inconsistent with this act be and the same is hereby repealed.

Repealer.

Supplement.

Approved March 9, 1891.

P. L. 1891, p. 101.

Amount that may be expended further increased to \$100,000.

371. SEC. 1. That should the amount of eighty thousand dollars, provided for in the supplement passed May twenty-third, one thousand eight hundred and ninety, to the act to which this is a further supplement, as the limit of expenditure for the purpose of carrying out the provisions of said acts, be insufficient to acquire the additional accommodations for the precinct station-houses, or police station-houses, for the use of the police department of any such city, as contemplated by said acts, that then and in such case it shall be lawful for the board having charge and control of the finances in any such city to increase such appropriation from time to time, upon the request of the board having control of the police department in any such city, to an amount not exceeding in the aggregate the sum of one hundred thousand dollars, which sum shall be the limit of expenditure under said act.

Supplement.

Approved March 9, 1892.

P. L. 1892, p. 75.

Amount that may be expended still further increased to \$120,000.

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

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

Amount to be raised by tax annually for payment of bonds.

Repealer.

374. 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 to be a public act and shall take effect immediately.

An act concerning police in towns, boroughs and townships.

Approved April 11, 1889.

P. L. 1889, p. 262.

Appointment and compensation of police force in towns, boroughs and townships.

375. SEC. 1. That the council or township committee of any town, borough or township in this state, authorized by law to establish and maintain day and night police, are hereby authorized to appoint such number of patrolmen as in their judgment the public good shall require, and may also appoint a superintendent or captain and a sergeant of police; *provided, however,* that at no time shall the number of patrolmen appointed be more than one for every eight hundred inhabitants of such town, borough or township; *and provided, further,* that the compensation to be paid to the superintendent or captain and to the sergeant shall be the same as the compensation provided for each patrolman, except that there may be paid to the superintendent or captain, in addition thereto, not exceeding twenty-five per cent. of such amount, and to the sergeant, in addition thereto, not exceeding fifteen per cent. thereof.

Proviso.

Proviso.

Repealer.

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

An act in relation to the pay of certain officers of the police force in certain cities in this state.

Approved May 7, 1889.

P. L. 1889, p. 371.

377. SEC. 1. That in all cities of this state having a population of upwards of one hundred thousand inhabitants, the annual salary to be paid to the chief of police shall not be less than two thousand five hundred dollars, and the annual salary of the captains of police not less than two thousand dollars; *provided, however*, that the salaries fixed by the terms of this act shall not commence or become operative until the beginning of the fiscal year in any city subject to the provisions of this act next ensuing the passage of this act; *and provided, further*, that this act shall not apply to any city in this state which may have accepted the provisions of the act entitled "An act to remove the fire and police departments in the cities of this state from political control," approved May fifth, one thousand eight hundred and eighty-five, (a) and any of the supplements thereto.

Annual salary of chief and captains of police in cities of over 100,000 inhabitants.

Proviso.

Proviso.

378. SEC. 2. That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Repealer.

An act regulating the pay of officers and policemen in certain cities of this state.

Approved May 9, 1889.

P. L. 1889, p. 402.

379. SEC. 1. That in all cities of this state other than towns, cities or boroughs which are known as seaside resorts, the pay or salaries of the following-named officers shall be as hereinafter specified, viz.: to aids, sergeants, detectives or lieutenants, the sum of twelve hundred dollars per annum; to round-sergeants or roundsmen, the sum of not less than ten hundred and fifty dollars per annum, and to patrolmen the sum of ten hundred dollars per annum, in lieu of all other compensation whatever.

Salaries of officers and policemen in cities.

380. SEC. 2. That this act shall take effect immediately; *provided*, that its provisions shall remain inoperative in any city or municipality until assented to by a majority of the legal votes cast for or against an increase of pay at any regular charter or general election to be hereafter held in such city or municipality, when submitted to said voters by the concurrence of the boards hereinafter designated; and the city clerk of such city or municipality shall, on the resolution of the common council, board of aldermen, board of police commissioners, or other governing body of such city or municipality, when concurred in by the board having charge and control of the finances in such city, provide for each elector voting at such election, ballots, to be printed or written, or partly printed or partly written, on which shall be either the words, "for increase of pay of police department," or "against increase of pay of police department;" and if a majority of those voting shall be in favor of an increase of the pay of the police, then this act shall go into effect immediately, and the pay or salaries of the officers or men of such department shall be as hereinbefore stated; persons entitled to vote at any charter or general election shall express their assent to or rejection of this act by depositing their ballots in the box provided for depositing ballots at such election in the election precincts, districts or wards of any such city, and those who are in favor of the acceptance of this act shall each deposit a ballot containing the words "for increase of pay of police department" written or printed thereon, and those who are opposed shall each deposit a ballot with the words "against increase of pay of police department" written or printed thereon, and this acceptance or rejection may be expressed upon the ballot on which are the names of the ward, city, county or state officers, and shall be counted in determining such result, and there shall be a canvass on the return of the votes upon the question of such acceptance or rejection made by the election officers in the same way and manner as for officers voted for at such election.

Act inoperative until assented to by majority of voters.

How election conducted.

(a) The reference was probably intended to be the act approved May 2d, 1885. See Sec. 428, &c., post.

When increase
of salary to go
into effect.

How paid.

381. SEC. 3. That in any city or municipality in which this act shall become operative in the manner therein provided, the increase of pay or salaries therein made shall go into effect on the first day of the next calendar month thereafter, notwithstanding that there may not be any existing appropriation or fund sufficient to permit such increase, and the board or authority having control of the finances of such city or municipality shall borrow a sufficient sum to cover such increase for the remainder of the current fiscal year of such city or municipality, or may permit the same to be paid out of any money of said city or municipality, and shall put such sum in the next tax levy raised in said city or municipality.

An act regulating the pay of officers and policemen in cities of the second class of this state.

P. L. 1890, p. 127.

Salaries of officers
and policemen in
second-class cities.

Approved March 26, 1890.

382. SEC. 1. That in all cities of the second class the pay or salaries, payable monthly, of the following-named officers and members of the police department shall be as hereinafter specified, viz.: to captains, the sum of not less than eleven hundred dollars per annum; sergeants, detectives and lieutenants, the sum of not less than ten hundred dollars per annum, and to patrolmen, the sum of nine hundred dollars per annum, in lieu of all other compensation whatever; *provided, however,* that the provisions of this act shall be inoperative in any such city unless the provisions of the same shall have been adopted by the majority of the legal votes cast at any municipal election held in said city, pursuant to the resolution of the city council or other governing board, adopted by a majority vote thereof.

Proviso.

Repealer.

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

An act to authorize police service in townships.

P. L. 1890, p. 141.

Township committee to appoint
police officers for
township.

Approved March 31, 1890.

384. SEC. 1. That it shall be lawful for the township committee of any township in this state to appoint one or more suitable persons resident therein to be police officers of such township, and to fix and determine the amount to be expended for such police officer or officers, whose duty it shall be upon view to apprehend and arrest all persons committing breaches of the peace in said township or violating any ordinance of such township, and any and all disorderly persons, and to bring said persons before any justice of the peace in said township, according to law.

Appointment, discharge and compensation made and fixed by township committee.

385. SEC. 2. That such police officer or officers shall be appointed and discharged or dismissed as such township committee shall, from time to time, and in each case determine, and shall receive such pay and compensation for their services respectively as shall be fixed and agreed upon by said township committee.

Supplement.

P. L. 1892, p. 297.

Township committee may appoint police officers on petition of legal voters.

Approved March 28, 1892.

386. SEC. 1. That it shall be the duty of the township committee of any township in this state to appoint one or more suitable persons resident therein to be a police officer or police officers in pursuance of the act to which this is a supplement, upon receiving a petition requesting such appointment or appointments to be made, signed by a majority of the persons who voted at the general or township election held therein next previous to the signing of such petition.

An act to enable cities in this state to increase the number of the police force.

Passed February 16, 1891. P. L. 1891, p. 22.

387. SEC. 1. That it shall and may be lawful for any city in this state in which the police force is controlled by the mayor and a board of police commissioners appointed by him, to increase the said police force to the number of seventy men exclusive of superior officers.

Certain cities may increase police force.

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

Repealer.

An act to regulate the pay of officers and policemen in cities of the second class of this state.

Approved March 27, 1891. P. L. 1891, p. 247.

389. SEC. 1. That in all cities of the second class where the police department now are or hereafter may be governed by a board of police commissioners the pay or salaries, payable monthly, of the following-named officers and members of the police department shall be as hereinafter specified, viz.: to the chief, the sum of not less than fifteen hundred dollars per annum; to captains or lieutenants, the sum of not less than twelve hundred dollars per annum; to sergeants, the sum of not less than ten hundred and fifty dollars per annum; to roundsmen, not less than nine hundred and sixty dollars per annum; and to patrolmen, not less than nine hundred dollars per annum; in lieu of all other compensation whatsoever.

Salaries of officers and members in certain cities of second class.

390. SEC. 2. That this act shall take effect immediately, provided that its provisions shall remain inoperative in any city or municipality until assented to by a majority of the legal votes cast for or against an increase of pay at any regular charter or general election to be hereafter held in such city or municipality, when submitted to said voters by the concurrence of the boards hereinafter designated; and the city clerk of such city or municipality shall, on the resolution of the common council, board of aldermen, board of police commissioners or other governing body of such city or municipality, when concurred in by the board having charge of the finances in such city or municipality, provide for each elector voting at such election, ballots to be printed or written, or partly printed or partly written, on which shall be either the words "for increase of pay of police department," or "against increase of pay of police department," and if a majority of those voting shall be in favor of an increase of the pay of the police, then this act shall go into effect immediately, and the pay or salaries of the officers or men of such department shall be as hereinbefore stated; persons entitled to vote at any charter or general election shall express their assent to or rejection of this act by depositing their ballots in the box provided for depositing ballots at such election precincts, districts or wards of any such city, and those who are in favor of the acceptance of this act shall each deposit a ballot, containing the words "for increase of pay of police department," written or printed thereon; and those who are opposed shall each deposit a ballot with the words, "against increase of pay of police department," written or printed thereon; and this acceptance or rejection may be expressed upon the ballot on which are the names of the ward, city, county or state officers and shall be counted in determining such result; and there shall be a canvass on the return of the votes upon the question of such acceptance or rejection, made by the election officers in the same way and manner as for officers voted for and at such election.

Such increase of salaries to be submitted to voters.

Form of ballot expressing assent.

391. SEC. 3. That in any city in which this act shall become operative in the manner therein provided, the increase of pay or salaries therein made shall go into effect on the first day of the next calendar month thereafter, notwithstanding that there may not be any existing appropriation or fund sufficient to permit such increase, and the board or authority having control of the finances of such city shall borrow a sufficient sum to cover

When increase of salaries to take effect.

such increase for the remainder of the current fiscal year of such city, or may permit the same to be paid out of any money of said city, and shall put such sum in the next tax levy raised in said city.

An act to authorize the appointment of special policemen for state institutions.

P. L. 1891, p. 315.

Approved April 3, 1891.

Governor may appoint policemen for state institutions.

392. SEC. 1. That the governor of this state is hereby authorized to appoint and commission under his hand so many special policemen as he may think necessary for any of the state institutions, whose powers shall be for the time limited within the territory prescribed, the same as the constables of the county or the police of the cities in criminal cases; such appointments to be made upon the written application of the president of the board of trustees or managers of the said institutions; the special duties of said special policemen shall be to preserve order in and about such institutions, with power to arrest and hold any offender against the public peace within the limits of their commissions; *provided*, that such special policemen shall entail no expense for their services upon the state.

Proviso.

An act relative to the retirement of chiefs of the police force in cities of this state upon pension.

P. L. 1891, p. 468.

Approved April 16, 1891.

Chiefs of police in cities may be retired by police boards, upon half pay, after twenty years' service.

393. SEC. 1. That whenever the chief of police of any city shall have served at least twenty years continually as chief and shall be dismissed or retired by the board having the power of appointment of chief of police, he shall be retired on a pension, not to exceed one-half of the compensation of the chief; *provided*, that he shall, until he reaches the age of sixty years, perform such special services (if any) as the said board may direct; provision for the payment of such salary or compensation shall be made in the annual tax levy of the city in which an officer shall be retired as aforesaid.

Proviso.

Provision for payment shall be made in annual tax levy.

Repealer.

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

An act respecting police departments in cities of the second class, and regulating the tenure and terms of office of certain officers employed in said departments.

P. L. 1892, p. 14.

Approved January 26, 1892.

Chiefs and captains of police in cities of the second class to hold office during good behavior.

395. SEC. 1. That in all cities of the second class in this state, whether the police departments therein are under the control of the city council, board of aldermen, police commissioners or otherwise, the chief and captain of police employed or appointed by municipal authority in such cities shall severally hold their respective offices and continue in their respective employment as such municipal officers and employes during good behavior, efficiency and residence in such city; and no such chief or captain shall be removed from office or employment in the police department of any such city for political reasons or for any other cause than incapacity, misconduct, non-residence or disobedience of just rules and regulations established, or which may be established by the proper municipal authority.

Causes for removal.

396. SEC. 2. That no chief or captain of police in any such city shall be removed from office except for just cause as provided in the first section of this act, and then only after written charge or charges of the cause or causes of complaint shall have been preferred against any such officer, signed by the person or persons making such charge or charges and filed with the municipal officer, officers or board having charge of the department of police, and after the said charge or charges have been publicly examined into by the appropriate municipal board, or the police committee thereof, if the same be duly referred to said committee, upon such reasonable notice to the person charged, and in such manner of

Proceedings for their removal on charges preferred.

examination as the rules and regulations governing the same may prescribe, it being the intent of this act to give every person against whom charges for any cause may be preferred under this act a fair trial upon said charges, and every reasonable opportunity to make his defense, if any he has or chooses to make, and the municipal board or committee having power to try such charges shall have power to issue writs of subpoena to compel the attendance of witnesses and production of books and papers, which writs shall be served in the same manner as subpoenas issued out of the court for the trial of small causes, and every person who neglects or refuses to obey the command of any such writ shall be liable to a penalty of twenty-five dollars, to be sued for in the corporate name of the city in any court of competent jurisdiction, and the penalty when collected shall be paid into the poor fund of such city.

397. SEC. 3. That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed. Repealer.

An act relative to the construction, repair and management of buildings used in connection with the police department in cities of the first class.

Approved May 22, 1894.

P. L. 1894, p. 479.

398. SEC. 1. That the board of police commissioners or other board having charge of the police department in cities of the first class in this state, shall have the entire control and management of all the buildings owned or leased by such city and used in connection with the police department thereof; that said board shall keep and maintain all the buildings of said department in good order and repair, and make such alterations and additions thereto as may be necessary from time to time.

Control and management of police department buildings in cities of first class.

399. SEC. 2. That all unexpended appropriations heretofore made to any other board or department in said city for the repair of such police buildings shall forthwith be transferred upon the books of the city to the credit of said police board.

Disposition of unexpended balances for repair of police buildings.

400. SEC. 3. That nothing in this act contained shall affect existing contracts made by such city for the repair of buildings for police purposes, and that the expenditures by said police board for any purpose herein authorized shall comply with the provisions of law now or hereafter in force fixing and limiting appropriations and their disposition.

Existing contracts shall not be affected by foregoing provisions.

401. SEC. 4. That all acts and parts of acts, general or special, inconsistent with the provisions of this act, are hereby repealed, and this act shall take effect immediately.

Repealer.

An act to authorize policemen to serve writs and other process in certain cases.

Approved March 11, 1895.

P. L. 1895, p. 258.

402. SEC. 1. That in any of the cities of this state having but one constable elected according to law, the policemen appointed by the common council of said cities shall have all the powers of constables for the purpose of serving any summons, warrant, venire or other process issued by any justice of the peace or police justice in said city, except in the court for the trial of small causes, and a return by such officer signed as policeman shall be as good and sufficient in law as though signed by any constable.

Policemen in certain cities may serve process as constables may do.

403. SEC. 2. That all acts and parts of acts inconsistent with this act are hereby repealed, and that this act shall take effect immediately.

Repealer.

An act to create, establish and regulate a police department in the cities of the second class in this state having a population, by the last census, not exceeding thirty-five thousand, and to remove the same from political control.

P. L. 1895, p. 369.

Approved March 20, 1895.

Police department in certain second-class cities to be controlled by board of police commissioners.

404. SEC. 1. That there shall be and is hereby created and established in each of the cities of the second class in this state whose population, by the United States or state census last taken, does not exceed thirty-five thousand, which shall accept the provisions of this act as hereinafter provided, a board of police commissioners, to whom shall be exclusively entrusted the government, control and management of the police department therein and the transaction and control of all public police matters and business.

Appointment, political character and term of police commissioners.

405. SEC. 2. That such board of police commissioners shall consist of four persons, resident in such city, and each of whom shall be appointed and commissioned by the mayor of such city; two of the persons so appointed shall be selected from the dominant political party, and two from the party which at the last preceding municipal election cast the next highest number of votes in such city; that is to say, two of the members of the said board shall be selected and appointed from each of the two political parties casting the largest number of votes at the last preceding municipal election in such city; two of the said commissioners, one from each of the said political parties, shall be appointed for the term of two years, and two of the said commissioners, likewise one from each of the said political parties, shall be appointed for the term of three years; and thereafter, upon the expiration of the term of each of the members of said board of police commissioners, as hereinbefore provided, the mayor of such city shall appoint his successor, who shall be selected from the same political party as his predecessor, to serve for the term of three years as a member of said board of police commissioners; but in no case and at no time shall more than two of said commissioners composing said board belong to the same political party as aforesaid.

Board shall appoint a clerk and fix his salary.

406. SEC. 3. That such board of police commissioners shall be entitled to have and appoint a clerk, who shall receive a salary to be fixed by the said board, and who shall keep a record of all their proceedings and proper accounts of all money received and expended by said board, and do all other acts directed by said board, and the said board of police commissioners shall make and render detailed reports monthly to the mayor of such city.

And shall report monthly.

Commissioners and clerk, how to qualify for office.

407. SEC. 4. That before entering upon the duties of such office each of said commissioners, and the clerk of the said board, shall take and subscribe an oath or affirmation before the clerk of such city, faithfully and impartially to perform the duties of such office, and each of the said commissioners shall enter into a bond to the corporation of such city, in such sum not exceeding five thousand dollars, and with such sureties as may be designated or approved by the mayor of such city, conditioned for the faithful performance of his duties as such commissioner.

When and how a commissioner may be expelled from office.

408. SEC. 5. That the mayor of such city shall have the right to expel from office any of the said commissioners therein on good cause shown, and after a trial of such commissioner before such mayor, and for such purpose such mayor shall be and he is hereby fully authorized and empowered to summon, swear or affirm and examine witnesses, hear counsel, and try and determine the charges against such commissioner, as to the said mayor shall seem just and proper, and his determination shall in all cases be final and conclusive.

Vacancies shall be filled for unexpired term.

409. SEC. 6. That in case a vacancy shall occur in the said office of police commissioner, such vacancy shall forthwith be filled for the remainder of the unexpired term, in the same manner as the original appointment was made, and such commissioner shall be selected and appointed from the same political party as his predecessor.

410. SEC. 7. That the commissioners composing such board of police commissioners be and they are hereby fully authorized and empowered to employ such person as may be deemed necessary by said board, from time to time, in their respective departments; and the said board is hereby fully authorized and empowered to declare vacant any or all of the offices or positions therein or thereunder as to such board may appear best for the public interests in such department, including the chief of police of such department or person holding the equivalent or similar position however called or designated; and the said board shall have power to make or alter, from time to time, such by-laws, rules and regulations for the government of such board and for the conduct and management of the affairs of such board and the department under its control and government as to the members of such board shall seem proper, provided such by-laws, rules and regulations are not contrary to the constitution and laws of this state or the provisions of this act.

Board may employ necessary persons.

And may vacate any or all positions in their department.

Make by-laws, &c.

411. SEC. 8. That such board of police commissioners shall be and it is hereby fully empowered and authorized to designate, appoint or approve all the policemen or other persons employed in the police department of such city; and the said board of police commissioners is also hereby fully empowered and authorized, and it is hereby invested with the full right and power to suspend, remove, expel and discharge any and all persons employed or appointed in or under the department under the government and control of the said board, provided good cause shall be shown for such suspension, expulsion or discharge after an investigation by the said board.

May appoint and approve policemen and other employes.

And suspend, remove, expel and discharge the same for cause.

412. SEC. 9. That each of such commissioners shall devote such time and attention to the duties of his office as the welfare of the department under his control and the public interests therein may require; and each of such commissioners shall receive an annual salary of two hundred and fifty dollars, to be paid quarterly to such commissioners by such city.

Salary of commissioners.

413. SEC. 10. That said board of police commissioners shall annually, or whenever a vacancy occurs, select one of their number to act as president, who shall preside at their respective meetings, and in case of a vacancy in the office of chief of police by removal, disability or otherwise, the president of the said board shall perform all the duties and possess all the powers of said position during the continuance of such vacancy.

Board shall elect a president.

When office of chief is vacant, president shall act.

414. SEC. 11. That the said board of police commissioners shall have power to fix and regulate the compensation of all officers, servants and employes of their respective departments, and said board shall have power to appoint a surgeon from among the regularly-graduated and licensed physicians of such city, who shall be under the control of the said board and subject to its rules and regulations.

Board shall fix compensation of employes.

May appoint a surgeon.

415. SEC. 12. That the said board of police commissioners shall have power to issue subpoenas in the name of the president of such board and compel the attendance of witnesses upon any proceedings by virtue of its rules and regulations, and each member of said board is hereby authorized to administer oaths or affirmations in any matter or proceeding as aforesaid, and any willful or corrupt swearing by any person before said board shall be deemed perjury and punishable in the same manner as is now prescribed by the statutes of this state in cases of perjury.

May issue subpoenas, administer oaths, &c.

416. SEC. 13. That annually, before making up the tax levy or tax budget in any such city, the said board shall estimate in detail the expenses of the police department therein for the ensuing year, and transmit the same to the common council of such city, which body shall make provision for the assessment of the same in the tax ordinance of such year; *provided*, the sum required shall in no case exceed by more than ten per centum the amount expended for the police department in such city for the previous fiscal year; *provided further*, that it shall be lawful for the common council or other governing body to make additional appropriation to the use of the said department whenever the public interests may require it.

Expenses of police department shall be provided for, in annual assessment.

Proviso.

Proviso.

Regulations for paying salaries of officers and employes of department.

417. SEC. 14. That in paying salaries of said police department a pay-roll of such department shall be made out by the said commissioners thereof, and submitted to the mayor of such city, and such mayor shall order warrants drawn on the city treasurer of such city for the amount thereof to the order of the president of such board of police commissioners, and it shall be the duty of said president of such board to pay the officers and employes of said board according to the pay-roll so made out and submitted to such mayor.

Powers and privileges of police force.

418. SEC. 15. That the members of the police force employed by the board of police commissioners are hereby invested with all the powers applicable to sheriffs and constables of this state, except to serve civil process; they shall also be exempt from duty as jurymen and from military service during the time they shall remain members of such police force.

Commissioners may make arrests without warrant.

419. SEC. 16. That each of such police commissioners shall have full power to arrest, without warrant, for breaches of the peace committed in their presence; and in every such case of arrest the person so arrested shall be forthwith taken before a proper judicial officer to be dealt with according to law.

Commissioner shall hold no other office.

420. SEC. 17. That no police commissioner shall accept or hold any other place of public trust or emolument within the elective franchise or accept any nomination therefor unless he shall first resign his office of commissioner, and upon his acceptance of any such place or nomination his position as a member of such board shall become vacant.

Penalty for commissioner's receiving rewards or bribes.

421. SEC. 18. That in case any police commissioner appointed under this act shall take or receive any other reward, compensation or emolument for or in respect of any service under this act, or for or in respect to any appointment to be made or voted on, or for or in respect of any vote to be given by him as such commissioner, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding two thousand dollars, or imprisonment at hard labor for a term not to exceed two years, or both, at the discretion of the court before which such conviction is had.

Council shall provide suitable offices for board.

422. SEC. 19. That it shall be the duty of the common council of any city in this state wherein is established a board of police commissioners, under the provisions of this act, to provide such board with suitable and proper offices, quarters and accommodations, and to make such changes and alterations therein, and to increase and enlarge the same whenever such board shall so request such common council.

Act shall not be operative until accepted and approved by council and mayor.

423. SEC. 20. That this act shall not apply to nor be operative in any city until its provisions shall have been accepted by an ordinance duly passed for that purpose by the common council or other governing body of such city exercising legislative power therein by a majority vote of all its members and such ordinance shall have been approved by the mayor of such city, and it shall be the duty of the mayor upon the approval of such ordinance forthwith to cause proclamation to be made of the passage of such ordinance and its approval, stating therein that this act has become operative in such city, and he shall cause the said proclamation to be published for four weeks successively, once each week, in the newspapers published and circulating in the said city in which the ordinances of the said city are required by law to be published, and from and after the approval of the said ordinance the said act shall take effect in and be operative in such city.

Repealer.

424. SEC. 21. That all acts and parts of acts, general, special, local or private, inconsistent herewith, be and the same are hereby repealed, and that this act shall take effect immediately.

An act concerning the tenure of office of city marshal in cities of the third class.

Approved March 22, 1895.

P. L. 1895, p. 611.

425. SEC. 1. That the term of office of the city marshal hereafter elected in any city of the third class shall be three years.

Term of office of city marshal.

426. SEC. 2. That all acts or parts of acts, either general or special, inconsistent with the provisions of this act be and the same are hereby repealed.

Repealer.

III Fire and police departments.

An act authorizing the incorporated cities and towns of the state to pay their firemen and policemen, disabled while in the discharge of their public duties, a reasonable compensation during the time they are so disabled.

Approved March 4, 1880.

P. L. 1880, p. 112.

427. SEC. 1. That in all cases where any fireman or policeman of any incorporated city or town of this state is disabled while in the discharge of his public duties, it shall be lawful for the common council, board of aldermen, finance committee, or other governing body of such city or town, to pay such person so disabled as aforesaid, during the time he is so disabled, such compensation, including medical attendance, as said common council, board of aldermen, finance committee, or other governing body of such city or town, shall deem reasonable and proper, on the certificate of a physician describing disabilities.

Compensation to disabled fireman or policeman in cities and towns.

An act to remove the fire and police departments in the cities of this state from political control.

Approved May 2, 1885.

P. L. 1885, p. 826.

428. SEC. 1. That there is hereby created and established in each of the cities of this state which shall accept the provisions of this act, a board of fire commissioners and a board of police commissioners, to whom respectively shall be entrusted the government, control and management of the fire and police departments therein, and the direction and control of all public fire and police matters respectively, subject to the inspection and supervision of the common council of such city as hereinafter provided.

Boards of fire and police commissioners created in cities accepting act.

429. SEC. 2. That such respective boards of fire and police commissioners shall [each] consist of four persons resident in such city, each of whom shall be nominated by the mayor of such city and appointed by him with the advice and consent of the common council thereof, as follows : at the first annual organization of the common council in each city of this state, after this act shall have been accepted by any city, the mayor thereof shall nominate for commissioners to compose each of said boards, two of whom in each of said boards shall be selected from each of the two political parties, which shall have cast or polled the greatest number of votes at the last preceding municipal election, and such mayor shall present the names of such nominees to the common council of such city for confirmation, and in case of rejection of any or all of such nominees by such common council, the said mayor shall continue to present the name or names of duly-qualified persons for confirmation as aforesaid, until all the members of such respective boards are duly appointed and confirmed as aforesaid ; and said commissioners composing each of said boards, and immediately after their said confirmation, shall, by lot, determine which of the said commissioners composing said respective boards shall serve for one year, which for two years, which for three years and which for four years, and until their respective successors shall be severally appointed and confirmed, and thereupon a commission shall be issued to each of said commissioners by the mayor of such city in accordance with the result of said determination aforesaid, and at each annual organization of such common council thereafter, the mayor of such city shall nominate one commissioner for each of said boards, who shall be selected from the same political party as his

How constituted and appointed.

Commissioners to draw lots for terms of office.

Mayor to issue commissions.

- respective predecessor, to serve for four years and until his or their respective successors shall be appointed and confirmed, and the said mayor shall present the name of such respective nominees to the common council of such city for confirmation, and in case of the rejection thereof by such common council, the said mayor shall continue to nominate for such office some duly-qualified person until the said office of commissioner is duly filled, whereupon the incumbent thereof shall be duly commissioned by such mayor as aforesaid; *provided*, that at no time shall more than two commissioners, composing either of said boards, belong to the same political party as aforesaid.
- Proviso.**
- Boards may appoint clerks.**
- 430. SEC. 3.** That such boards of commissioners, respectively, shall be entitled to have and appoint a clerk who shall keep a record of all their proceedings, and an account of all money received and expended, and said boards of commissioners, respectively, shall make detailed reports monthly to such common council.
- Commissioners and clerks to take oath and give bond.**
- 431. SEC. 4.** That before entering upon the duties of such office, each of said commissioners and the clerk of said board shall take or subscribe an oath or affirmation, before the clerk of such city, faithfully and impartially to perform the duties of such office, and each of said commissioners shall enter into a bond to the corporation of such city, in such sum not exceeding ten thousand dollars, with such sureties as may be designated or approved by the common council of such city, conditioned for the faithful performance of his duties as such commissioner.
- Common council may expel commissioners for cause.**
- 432. SEC. 5.** That the common council of each city shall have the right to expel from office any of said commissioners therein on good cause shown, and after a trial of such commissioner before such common council, and for such purpose such common council shall be fully authorized to summon, swear or affirm, and examine witnesses, hear counsel and try and determine the charges against such commissioner as to said common council shall seem just.
- Vacancies, how filled.**
- 433. SEC. 6.** That in case a vacancy occur in the said office of fire commissioner or police commissioner, such vacancy shall forthwith be filled for the remainder of such unexpired term, in the same manner as the original appointment was made and confirmed, such commissioner to be selected from the same political party as his predecessor.
- Boards authorized to employ necessary persons.**
- 434. SEC. 7.** That the commissioners composing such board of fire commissioners and board of police commissioners be and the said respective boards of fire and police commissioners are hereby fully authorized and empowered to employ such persons as may be deemed necessary by said boards, from time to time, in their respective departments, and said boards are respectively authorized and empowered to declare vacant any or all of the offices or positions therein or thereunder, as to such board may appear best for the public interest in such department, including the chief officers of such department; *provided*, the appointment of chief engineer of such fire department and the chief of police of such police department shall be approved by the common council of any such city; and said respective boards shall have power to make, from time to time, such by-laws, rules and regulations for the government of such board, and for the conduct and management of the affairs of such board and the department under its control, as to the members of such board shall seem proper; *provided*, such by-laws, rules and regulations are not contrary to the constitution and laws of this state or the provisions of this act.
- Proviso.**
- Proviso.**
- Boards may appoint or discharge all firemen, policemen, &c., employed in departments.**
- 435. SEC. 8.** That such board of fire commissioners shall be and is hereby fully empowered to designate, appoint or approve all the firemen or other persons employed in the fire department of such city; and the said board of police commissioners shall be fully authorized and empowered to designate, appoint or approve all the policemen or other persons employed in the police department of such city; and said respective boards shall have full power and right to suspend and to expel or discharge any person employed or appointed in or under the department under the control of

such board, provided good cause shall be shown for such suspension, expulsion or discharge after an investigation by such board. (a)

436. SEC. 9. [Amended by Sec. 462, *post.*]

437. SEC. 10. That said boards of fire and police commissioners shall annually, or whenever a vacancy occurs, select one of their number to act as president, who shall preside at their respective meetings ; and in case of a vacancy in the offices of chief engineer or chief of police, by removal, disability or otherwise, the president of the said boards respectively shall perform all the duties and possess all the powers of said respective positions during the continuance of such vacancy.

Election and powers of presidents of boards.

438. SEC. 11. That the said respective boards of fire and police commissioners shall have power to fix and regulate the compensation of all officers, servants and employes of their respective departments, and each of said boards shall have power to appoint a surgeon from among the regularly-graduated and licensed physicians of such city, who shall be under the control of his respective board and subject to its rules and regulations.

Boards may regulate compensation of employes and appoint surgeons.

439. SEC. 12. That the said boards of fire and police commissioners respectively shall have power to issue subpoenas in the name of the president of such respective board, and compel the attendance of witnesses upon any proceedings by virtue of its rules and regulations, and each member of said board is hereby authorized to administer oaths or affirmations in any matter or proceeding as aforesaid, and any willful or corrupt swearing by any person before said respective boards shall be deemed perjury, and punishable in the same manner as is now prescribed by the statutes of this state in cases of perjury.

May issue subpoenas, &c.

440. SEC. 13. [Supplied by Sec. 457, *post.*]

441. SEC. 14. That in paying salaries of said respective fire and police departments a pay-roll of each department shall be made out by the said commissioners thereof and submitted to the common council of such city, and such common council shall order warrants drawn on the city treasurer of such city for the amount thereof to the order of the president of such board of fire commissioners or police commissioners, as the case may be, and it shall be the duty of the said president of such boards respectively to pay the officers and employes of his board according to the pay [pay-roll] so made out and submitted to such common council.

Salaries of departments, how paid.

442. SEC. 15. That no money shall be drawn from the treasury of any such city for the boards of fire or police commissioners aforesaid, except by warrant ordered by the common council, in pursuance of a requisition by such respective boards of commissioners.

How money for boards drawn from treasury.

443. SEC. 16. That the members of the police force employed by the board of police commissioners are hereby invested with all the powers applicable to sheriffs and constables of this state, except to serve civil process ; they shall also be exempt from duty as jurymen and from military service during the time they shall remain members of such police force.

Powers of members of police force.

444. SEC. 17. That each of such police commissioners shall have full power to arrest, without warrant, for breaches of the peace committed in their presence ; and in every such case of arrest the person so arrested shall be forthwith taken before a proper judicial officer to be dealt with according to law.

Police commissioner may make arrests.

445. SEC. 18. That no fire or police commissioner shall accept or hold any other place of public trust or emolument within the elective franchise, unless he shall first resign his office of commissioner, and upon his acceptance of any such place his position as a member of such board shall become vacant.

Fire or police commissioner not to hold any elective office.

446. SEC. 19. That in case any fire or police commissioner appointed under this act shall take or receive any other reward, compensation or emolument for or in respect of any service under this act, or for or in respect to any appointment to be made or voted on, or for or in respect of any vote to be given by him as such commissioner, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a

Fire or police commissioner accepting reward, &c., guilty of a misdemeanor.

Penalty.

(a) *Ayers v. Newark*, 20 Vr. 170. *McManus v. Newark*, 20 Vr. 175. *Lyon v. Newark*, 24 Vr. 92, 932. *Board of Fire Commissioners v. Trenton*, 24 Vr. 566. *Ackerly v. Jersey City*, 25 Vr. 310, and notes under sections 326 and 328, *ante*.

fine not to exceed two thousand dollars, or imprisonment at hard labor for a term not to exceed two years, or both, at the discretion of the court before which such conviction is had.

Common council to provide suitable offices for boards.

447. SEC. 20. That it shall be the duty of the common council of any city in this state wherein are established boards of fire and police commissioners to provide such boards respectively with suitable and proper offices, quarters and accommodations, and to make such changes and alterations therein and to increase and enlarge the same whenever such respective boards shall so request such common council.

Act not to apply until accepted by voters.

448. SEC. 21. That this act shall not apply to any city until its provisions shall be accepted by the voters of such city by a majority of the votes cast for or against said act at any charter or general election hereafter to be held in said city.

If act accepted, to take effect immediately.

449. SEC. 22. That if a majority of those voting for the acceptance or rejection of this act shall be in favor of its acceptance, then this act shall go into effect immediately, and the provisions thereof shall be deemed to be accepted by such city, and such city shall be bound by the terms of this act; persons entitled to vote at any charter or municipal election shall express their assent to or rejection of this act by depositing their ballots in the box provided for depositing ballots at such election in the election precincts or districts or wards of any such city, and those who are in favor of the acceptance of this act shall each deposit a ballot containing the words "fire and police commission act accepted," written or printed thereon, and those who are opposed shall each deposit a ballot with the words "fire and police commission act rejected," written or printed thereon; and this acceptance or rejection may be expressed upon the ballot on which are the names of the ward, city, county or state officers, and no separate ballot shall be required for the purposes of this vote; there shall be a canvass on the return of the votes upon the question of such acceptance or rejection, made by the election officers in the same way and manner as for officers voted for at such election; and if a majority of the votes cast for or against this act shall be found to be in favor of its acceptance, it shall then, but not otherwise, go into effect, and be binding upon such city wherein such vote shall have been taken.

How election conducted.

Repealer.

450. SEC. 23. That all acts and parts of acts, general, special, local or private, inconsistent herewith, be and the same are hereby repealed, and this act shall take effect immediately.

P. L. 1886, p. 11.

Supplement.

Approved January 27, 1886.

451. [This act amended and supplied by Secs. 452 to 457, *post.*]

P. L. 1886, p. 65.

Supplement.

Approved March 6, 1886.

That the supplement to the act entitled "An act to remove the fire and police departments in cities of this state from political control," approved on the twenty-seventh day of January, one thousand eight hundred and eighty-six, be and the same hereby is amended to read as follows:

452. SEC. 1. [Amended by Sec. 457, *post.*]

Fines, penalties and receipts, how appropriated and used.

453. SEC. 2. That all fines, penalties and other receipts from police courts, where such courts are or may be established in such cities, shall be paid into the treasury of such city, to be appropriated and used as the common council may direct, and that all receipts from the sale of material or from other sources, which may be received by the fire department in any such city, shall be used by the said board for the support of such department in addition to the appropriation made therefor by the common council, as herein provided.

Duties of city treasurer.

454. SEC. 3. That whenever and as often as the common council of any such city shall, by resolution, direct the treasurer of such city to credit the said boards with a sum or sums of money for the support of their respective departments, on account of the appropriations so to be made as afore-

said, it shall be the duty of such treasurer, immediately upon receipt of a certified copy of such resolution, to enter on his books the sum or sums of money therein mentioned to the credit of the respective boards, and to pay on presentation all drafts drawn upon him, properly signed, countersigned and attested as herein provided, to an amount not exceeding the balance remaining on his books to the credit of the said boards respectively, and to preserve such drafts to be exhibited in the settlement of his accounts as treasurer of such city, and that hereafter all drafts or warrants for the payment of bills and claims for police and fire purposes, which have been approved and ordered paid by the police or fire commissioners, shall be issued by the said boards, and, signed by the president and secretary thereof, shall be delivered to the city auditor accompanied by the vouchers therefor; and the said auditor shall countersign said warrants and deliver them to the person or persons to whom the same may be made payable, and keep a record thereof as required for other accounts of the city, and no such draft or warrant shall be paid by the city treasurer unless so countersigned; and it shall be the duty of the secretary of the said boards of police and fire commissioners, at the end of each month, to deposit in the office of the said auditor a report of the amounts due to the several members of the police and fire departments for salaries for the current month for which warrants are so issued, and the said auditor shall take a proper receipt from all persons receiving warrants on account of the police and fire departments in a book kept for such purposes.

Duties of city auditor.

Duties of secretaries of police and fire commissioners.

455. SEC. 4. That each of such commissioners shall receive an annual salary not exceeding one thousand dollars, to be paid as specified in the act to which this is a supplement, and that the duties of clerk and secretary of said boards respectively, where distinct offices by these names are created, may be performed by the same person in all cases where the said boards shall so order and direct. [See Sec. 462, *post.*]

Salary of commissioners.

456. SEC. 5. 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.

Repealer.

An act to amend an act entitled "An act to amend an act entitled 'A supplement to an act entitled "An act to remove the fire and police departments in cities of this state from political control," approved May second, one thousand eight hundred and eighty-five,' which supplement was approved January twenty-seventh, one thousand eight hundred and eighty-six," and which amendatory act was approved March sixth, one thousand eight hundred and eighty-six.

Approved April 27, 1889.

P. L. 1889, p. 326.

457. SEC. 1. That section one of an act entitled "An act to amend an act entitled 'A supplement to an act entitled "An act to remove the fire and police departments in cities of this state from political control," approved May second, one thousand eight hundred and eighty-five,' which supplement was approved January twenty-seventh, one thousand eight hundred and eighty-six," and which amendatory act was approved March sixth, one thousand eight hundred and eighty-six, be and the said section hereby is amended to read as follows:

[That the supplement to the act entitled "An act to remove the fire and police departments in cities of this state from political control," approved on the twenty-seventh day of January, one thousand eight hundred and eighty-six, be and the same hereby is amended to read as follows:

That on or before the first day of May, in each year, the said boards of fire and police commissioners, respectively, shall estimate in detail the expenses of the fire and police departments for the ensuing year, and shall transmit such estimate to the common council of such city, which sums, so estimated, the said body shall cause to be assessed and raised by making provision therefor in the tax ordinance of each year; *provided, however,* that if such estimate for the fire department shall, in any year, exceed an amount equal to one mill and five-tenths of a mill on one dollar of the total

When boards to estimate expenses of departments.

Proviso.

valuation of the assessed property in such city, as ascertained by the assessors' returns of the previous year, and if such estimate for the expenses of the police department shall, in any year, exceed an amount equal to two mills and five-tenths of a mill on every one dollar upon such valuation, that it shall be optional with such common council whether the excess or any part thereof be raised by taxation in such city or not; *provided further*, that the said boards shall not make any expenditure or incur any indebtedness exceeding the amount so appropriated and raised; *provided, however*, that where in any city the amount now authorized to be raised for current general expense is fixed and limited, that so much of the sum required by this act to be raised therein as exceeds the amount now by law required to be raised by taxation therein for the purposes aforesaid, shall not be included in such limitation, but shall be raised in addition thereto.]

Proviso.

Proviso.

Repealer. **458.** SEC. 2. That all acts and parts of acts, general, special, local or private, inconsistent with the provisions of this act, be and the same are hereby repealed, and this act shall take effect immediately.

Supplement.

P. L. 1890, p. 144.

Passed March 31, 1890.

Repealer.

459. SEC. 1. [Amended by Sec. 461, *post.*]**460.** SEC. 2. That all acts or parts of acts inconsistent with the provisions of this act, be and the same hereby are repealed, and this act shall take effect immediately.

An act to amend an act entitled "A further supplement to an act entitled 'An act to remove the fire and police departments in the cities of this state from political control,' approved May second, one thousand eight hundred and eighty-five," which further supplement was approved March thirty-first, one thousand eight hundred and ninety.

P. L. 1890, p. 508.

Approved June 20, 1890.

Police commissioners to fix compensation of patrolmen.

Proviso.

461. SEC. 1. That section one of the said further supplement be and the same is hereby amended to read as follows :

[That in all cities in this state that have adopted the provisions of the act to which this act is a further supplement, the police commissioners shall fix the compensation of the patrolmen at the rate of two dollars and seventy-five cents per day, the said compensation to begin on the first day of the next calendar month after this act shall go into effect; *provided, however*, that nothing in this act contained shall apply to the police commissioners of any of the cities of this state other than the cities of the first class.]

Supplement.

P. L. 1891, p. 271.

Approved March 30, 1891.

Commissioners to devote sufficient time to duties.

Compensation of commissioners.

Act to apply to departments of all cities which have heretofore accepted former law.

462. SEC. 1. That section nine of the act to which this act is a further supplement, which section reads as follows [see Sec. 436, *ante*], be and the said section hereby is amended to read as follows :

[That each of such commissioners of such fire and police boards shall devote such time and attention to the duties of his office as the welfare of the department under his control and the public interest therein may require, and their compensation shall be as follows : in cities of the first class each of such commissioners shall receive an annual salary of one thousand dollars ; and in all other cities each of such commissioners shall receive an annual salary not exceeding one thousand dollars, to be fixed and determined by the common council of such city, and such salaries shall be paid monthly to such commissioners by such city.]

463. SEC. 2. That the provisions of this supplement shall apply to the fire and police departments of all cities which at the time of the passage of this act may have heretofore adopted or accepted the provisions of the act to which this act is a further supplement.

464. SEC. 3. That all acts or parts of acts, general, special, local or private, inconsistent herewith, be and the same are hereby repealed, and this act shall take effect immediately.

Repealer.

Supplement.

Approved March 7, 1895.

P. L. 1895, p. 200.

465. SEC. 1. That the board of police commissioners in the cities of the first class, created by the act to which this act is a further supplement, shall fix the compensation of the patrolmen at the rate of three dollars per day, the said compensation to begin on the first day of the next calendar month after this act shall go into effect.

Patrolmen shall receive \$3 a day in cities of first class.

466. SEC. 2. That on or before the first day of May in each year the board of police commissioners created as aforesaid shall estimate in detail the expenses of the police department for the ensuing year and shall transmit such estimate to the common council of such city or other body having charge of the finances thereof, which sum so estimated the said body shall cause to be assessed and raised by making provisions therefor in the tax ordinance of each year; *provided, however,* that if said estimate for the expenses of the police department shall in any year exceed an amount equal to two mills and seven-tenths of a mill on every one dollar upon such valuation that it shall be optional with such common council whether the excess or any part thereof be raised by taxation in said city or not; *provided, further,* that the said board shall not make any expenditures or incur any indebtedness exceeding the amount so appropriated and raised; *provided, however,* that where in any city the amount now authorized to be raised for current general expense is fixed and limited that so much of the sum required by this act to be raised therein as exceeds the amount now by law required to be raised by taxation therein for the purpose aforesaid shall not be included in such limitation but shall be raised in addition thereto.

When police board shall estimate expenses of department.

Proviso.

Proviso.

Proviso.

467. SEC. 3. That this act shall take effect immediately, but its provisions shall remain inoperative in any city in this state until the same shall be accepted by the voters of such city by a majority of the votes cast for or against such act at any charter or general election hereafter to be held in such city; if a majority of those voting for the acceptance or rejection of this act shall be in favor of its acceptance then this act shall go into effect immediately and the provisions thereof shall be deemed to be accepted by such city, and such city shall be bound by the terms of this act; persons entitled to vote at any charter or municipal election shall express their assent to or rejection of this act by depositing their ballots in the box provided for depositing ballots at such election in the election precincts or districts or wards of any such city; the words "for act to increase compensation of patrolmen" shall be printed on each ballot beneath the list of candidates thereon; if said words or proposition be marked off or defaced upon the ballot it shall be counted as a vote against the same; if not marked off or defaced it shall be counted as a vote in favor thereof; there shall be a canvass of the return of the votes upon the question of such acceptance or rejection made by the election officers in the same way and manner as for officers voted for at such election and if the majority of the votes cast for or against this act shall be found to be in favor of its acceptance it shall then but not otherwise go into effect and be binding upon such city wherein such vote shall have been taken.

This act to remain inoperative until accepted at an election.

How the election shall be conducted and determined.

468. SEC. 4. That in all cities which have heretofore accepted the provisions of the act to which this act is a further supplement the question of the acceptance of this act shall be submitted at the charter election to be held in such city first after the passage of this act, and thereafter the question of the acceptance or rejection of this act may be submitted at any election upon the order of the common council or other governing bodies of such city, expressed by resolution and voted for by a majority of all the members of said body.

Submission of this supplement to voters.

469. SEC. 5. That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Repealer.

Supplement.

Approved March 7, 1895.

P. L. 1895, p. 202.

Compensation of permanent members of fire department, how fixed in cities of first class.

Payments shall be made monthly.

When board shall furnish estimate of expenses of department.

Board of finance shall provide for same.

Proviso.

Proviso.

Act to remain inoperative until accepted at an election.

How the election shall be conducted and determined.

Submission of this supplement to voters.

470. SEC. 1. That the board of fire commissioners in the cities of the first class, created by the act to which this act is a further supplement, shall fix the compensation of the permanent members of the fire department as follows: to the captain or foreman of each respective company, the sum of twelve hundred dollars per annum; to each permanent member who has served three years and over, the sum of eleven hundred dollars per annum; to the other permanent members of said fire department as follows: for their first year of service, the sum of seven hundred and fifty dollars per annum; for their second year of service, the sum of nine hundred dollars per annum, and for their third year of service, nine hundred and fifty dollars per annum; the above sums to be paid in monthly payments to the above captains, foremen and permanent members; the said compensation to begin on the first day of the next calendar month after this act shall go into effect.

471. SEC. 2. That on or before the first day of May in each year the board of fire commissioners created as aforesaid shall estimate in detail the expenses of the fire department for the ensuing year, and shall transmit such estimate to the common council of such city or other body having charge of the finances thereof, which sum so estimated the said body shall cause to be assessed and raised by making provision therefor in the tax ordinance of each year; *provided, however,* that if said estimate for the expenses of the fire department shall in any year exceed an amount equal to one mill and seventy-five one-hundredths of a mill on every one dollar upon such valuation that it shall be optional with such common council whether the excess or any part thereof be raised by taxation in said city or not; *provided, further,* that the said board shall not make any expenditure or incur any indebtedness exceeding the amount so appropriated and raised; *provided, however,* that where in any city the amount now authorized to be raised for current general expense is fixed and limited, that so much of the sum required by this act to be raised therein as exceeds the amount now by law required to be raised by taxation therein for the purpose aforesaid, shall not be included in such limitation but shall be raised in addition thereto.

472. SEC. 3. That this act shall take effect immediately, but its provisions shall remain inoperative in any city in this state until the same shall be accepted by the voters of such city by a majority of the votes cast for or against such act at any charter or general election hereafter to be held in such city; if a majority of those voting for the acceptance or rejection of this act shall be in favor of its acceptance then this act shall go into effect immediately and the provisions thereof shall be deemed to be accepted by such city and such city shall be bound by the terms of this act; persons entitled to vote at any charter or municipal election shall express their assent to or rejection of this act by depositing their ballots in the box provided for depositing ballots at such election in the election precincts or districts or wards of any such city; the words "for act to increase compensation of firemen" shall be printed on each ballot beneath the list of candidates thereon; if said words or proposition be marked off or defaced upon the ballot it shall be counted as a vote against the same; if not marked off or defaced it shall be counted as a vote in favor thereof; there shall be a canvass on the returns of the votes upon the question of such acceptance or rejection made by the election officers in the same way and manner as for officers voted for at such election, and if the majority of the votes cast for or against this act shall be found to be in favor of its acceptance it shall then but not otherwise go into effect and be binding upon such city wherein such vote shall have been taken.

473. SEC. 4. That in all cities which have heretofore accepted the provisions of the act to which this act is a further supplement, the question of the acceptance of this act shall be submitted at the charter election to

be held in such city first after the passage of this act and thereafter the question of the acceptance or rejection of this act may be submitted at any election upon the order of the common council or other governing body of such city expressed by resolution and voted for by a majority of all the members of said body.

474. SEC. 5. That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed. Repealer.

An act concerning police and fire commissioners in cities of this state.

Approved March 10, 1893.

P. L. 1893, p. 192.

475. SEC. 1. That no member of any board having charge and control of the police or fire department in any city shall be eligible for election as a member of the board of aldermen, board of councilmen or other governing board in such city, but such police or fire commissioner may accept or hold any other place of public trust or emolument, appointive or elective, under state, county or municipal authority in this state.

For what offices members of fire and police boards shall not be eligible.

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

An act to authorize the acquisition of real estate, and the erection of buildings thereon for the use of police and fire departments in cities of this state.

Approved March 17, 1893.

P. L. 1893, p. 423.

477. SEC. 1. That whenever in the opinion of the boards or authorities having the control of the police and fire departments in any city of this state, it shall be deemed desirable to dispose of any tract of land in such city whereon there are erected police station and fire station-houses it shall be lawful for the authorities or other board having charge of the erection of public buildings in said city to purchase in the corporate name of the city two plots of land in such part of said city as may be required and indicated by such police and fire boards respectively, and to have erected upon one of said plots or parcels of land so purchased a proper precinct station-house and upon the other of said plots a proper fire station-house, as said boards respectively may deem necessary; *provided, however,* that the purchase of such real estate shall be only at such price or prices as shall be authorized by a concurrent vote of the board having charge and control of the finances of said city, and that such building shall be built only upon contract and after due advertising for proposals for such work shall be made in the manner and way now provided for by law in such city, and that such contract shall be awarded to those responsible bidders who offer the terms most advantageous to the city.

When fire and police-houses may be sold and other lands purchased and buildings erected.

478. SEC. 2. That the sum to be expended for each of said plots and buildings shall in no case exceed the sum of twenty thousand dollars; and that the plans therefor shall be subject to approval of said police and fire boards respectively.

Proviso.

Limit of expenditure for such purposes.

479. SEC. 3. That in order to provide moneys necessary to pay for said real estate and the erection of the said buildings it shall be lawful for the board having charge and control of the finances of such city to sell said present police and station-houses at public auction to the highest bidder after due advertisement according to the laws governing such cities, and also to issue bonds in the corporate name of the city not exceeding the amount required to be paid for said real estate and the erection of said buildings less the amount estimated by said board as likely to be realized from the sale of said present buildings, which bonds shall be issued under the seal of the city, signed by the mayor of said city and tested by the its clerk of such denominations as said board having charge and control of the finances of such city shall deem fit, bearing interest at the rate not exceeding five per centum and not redeemable in not more than twenty years from the date of the issue thereof, and to dispose of the same at the best

Bonds may be issued to pay for the same.

Rate of interest, &c.

price that can be obtained for the same, but at not less than par and accrued interest, and to provide for the redemption thereof and the payment of the interest thereon by taxation.

Abandoned buildings and lands to be sold.

480. SEC. 4. That upon the completion of said two buildings it shall be the duty of said board having charge and control of the finances of the city to sell in the manner aforesaid the said abandoned buildings and lands.

Repealer.

481. SEC. 5. 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.

Fish and Game.

I. FISHERIES.

1. COMMISSIONERS OF FISHERIES.

1. Superseded by section 3.
2. Superseded by section 3.
3. Amendatory act.
4. Title of the commissioners of fisheries.
5. Powers and duties of "the board of fish and game commissioners."
6. Board to appoint wardens.
7. Powers and duties of wardens.
8. Constables and sheriffs to assist when required.
9. Repealer.
10. Erection, &c., of fishways in Raritan river.
11. Notice to parties to construct or rebuild fishways.
12. Within what time parties to construct or repair.
13. Expense of constructing, &c., fishways in Raritan river to be paid in the first instance by the state treasurer.
14. Expense, when collected by commissioners, to be paid into the state treasury.

2. RESPECTING NON-RESIDENTS.

15. None but citizens of New Jersey may fish in its waters. Penalty.
16. Penalty, how recovered.

3. DELAWARE RIVER.

17. Pool or fishing-places.
18. Weirs, racks, &c., unlawful.
19. Wing dams unlawful.
20. Collector's duty.
21. Right of appeal.
22. Sweep of the seines.
23. No vessels or rafts to anchor on fishing-grounds.
24. Act not in force till ratified by Pennsylvania.
25. Time for fishing prescribed.
26. Possessor of fishery to give description to county clerk and bond.
27. Penalty for violation of preceding section.
28. Who may use a gilling seine.
29. Gilling seines, when and what kind may be used.
30. Duty of constables.
31. Penalty for neglect of duty.
32. Offenders, how punished.
33. Duty of collectors.
34. How suit may be brought.
35. Additional penalties.
36. Penalty for resisting.
37. Penalties, how recovered and disposed of.
38. Proviso.
39. Penalty for fishing on Sunday.
40. Supplied by section 51.
41. Penalty for unlawful fishing with drift nets.
42. Penalty for fishing with drift nets in certain times.
43. Repealer. Provisos.
44. Act to be sent to governor of Pennsylvania.
45. Number of nets to be used within certain limits.
46. Repealer.
47. Supplement of 1845, when to take effect.
48. Fishing with gilling seines or drift nets.
49. Part of former act repealed.

50. Supplement of 1852 not valid until concurred in by Pennsylvania.

51. Amended by section 67.
52. Drift nets or gilling seines not to be used.
53. Supplement of 1858, when to take effect.
54. Amended by section 63.
55. Penalty for fishing with nets at certain seasons.
56. Fish wardens to be appointed by governor. Duties, powers, term of office.
57. To remove dams, weirs, rocks, &c.
58. Fines, how applied.
59. Repealed by section 61.
60. Copy of act to be sent to governor of Pennsylvania.
61. Repealer of section 8 of supplement of 1871.
62. When supplement of 1871 to go into effect. Proviso.
63. Act of 1808 and supplements extended to Delaware river and bay.
64. To what ten days' notice required by act of 1872 not to apply.
65. Amendment of section 1 of supplement of 1858.
66. When the ten days' notice of supplement of 1872 not to be given.
67. Penalty for catching with net during certain periods.
68. Penalty for selling shad caught during certain periods.
69. Penalty for destroying or damaging shad nets.
70. Bounds of fisheries on islands and bars.

4. HUDSON RIVER.

71. Fishing, &c., regulated.
72. Penalty for violating act.
73. Pilot commissioners to make rules relative to fisheries.
74. To confer with like board of New York.
75. Impediment to navigation, how determined.
76. Expenses, how paid.

5. BARNEGAT BAY.

77. Description of seines not to be used.
78. Penalty for refusing to have seines measured.
79. Proceedings in case of seizure of boats, seines, &c.
80. Penalty in case of resistance of officers.
81. Amended by section 87.
82. Use of gill nets, when prohibited.
83. Hauling seines, when prohibited.
84. Penalty.
85. Additional penalty.
86. Repealer.
87. Closed season for fishing with nets, fykes, &c.
88. Closed season for fishing with seines. Size of meshes, &c.
89. Repealer.

6. MISCELLANEOUS.

90. Certain fishery charters extended for twenty years.
91. Fishing with steam vessels on the coast prohibited.
92. Vessels not to carry purse or shirred nets.
93. Action may be commenced by warrant.
94. Vessel to be seized and sold.
95. Penalty for resisting officers.
96. How sale conducted.
97. Proceedings to retain possession of vessel and property.
98. Fees and costs to be charged.