

under the authority of the United States, as well as the census of the state taken by and under the authority of the state, when the same is taken; the names of the president and officers of the United States government, and the names and post-office addresses of the United States judges and other officers of the United States courts, &c., in this state; the election returns of the general election next preceding the meeting of the legislature for which such volume is published; a careful synopsis of all the annual reports of the state departments and institutions required by law to be submitted to the governor or legislature, as well as such other matter as the governor or legislature may from time to time direct to be published in said volume, or which the said compilers may see fit to publish, pertaining to the affairs of the state; *provided*, that no volume of said manual of the legislature of New Jersey shall contain less than two hundred pages, which shall be printed on good paper and bound in a substantial manner in cloth, and shall not exceed in price one dollar per copy.

Proviso.

In case of change made in rules of legislature during session, compilers to furnish copies free of cost.

Repealer.

2. [Amended by Sec. 5, *post.*]

3. That in the event of any change in, or amendment being made to the rules of either branch of the legislature, or of the joint rules and orders of the senate and general assembly, or any of them during the session, it shall be the duty of the compilers and publishers of the said manual to print such change or amendment upon slips, or in pamphlet form, as the case may require, and furnish one thousand copies of the same, in the proportion named in the second section of this act, to the legislature free of cost.

4. That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall be a public act and go into effect immediately.

Amendatory act.

Approved February 18, 1891.

P. L. 1891, p. 29.

5. SEC. 1. That section two of said act be amended so that the same shall read as follows:

Copies of manual to be furnished to legislature.

How paid for.

[That two thousand copies of the "manual of the legislature of New Jersey" shall be furnished for the use of the legislature from year to year at each session thereof; eight hundred copies to be for the senate and twelve hundred copies for the house of assembly; and upon the delivery of the said number of copies of the said legislative manual, upon presentation of a receipt therefor from the sergeant-at-arms of the senate and house of assembly (which receipt, upon the delivery of the said copies, the said sergeants-at-arms are required to give) to the comptroller of the treasury, the said comptroller shall draw his warrant in favor of the compilers and publishers of the said legislative manual for the price thereof, and the state treasurer shall therefor pay the same.]

Libraries, Lyceums, &c.

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2. Certificate of incorporation required.
3. Incorporation effected on recording certificate.
4. Corporation may hold, purchase, &c., real estate.
5. Powers of corporation.
6. Election and powers of trustees.
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9. May accept real and personal property.
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11. Mayor, &c., may be *ex-officio* trustees.
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15. Increase of trustees or directors authorized.
16. Amended by section 28.
17. Appointment of directors of public libraries in cities.
18. Term of directors.
19. Vacancies, how filled.
20. Organization and powers of directors.
21. Library and reading-room to be free.
22. Directors to make annual report to common council.
23. Common council may pass ordinances imposing penalties, &c.
24. Amended by section 27.
25. Copy of laws, &c., to be furnished by the state.
26. Common council may establish a public library and reading-room and maintain the same by tax.
27. Donations of money or property to be vested in board of directors.
28. Amended by section 30.
29. Powers of trustees appointed by deed of donors.
30. Trustees appointed by deed of donors may become incorporated.
31. Free library heretofore established may be transferred to public library in certain cities.
32. Any city may establish a free public library.
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 35. Board of trustees to be formed. Their term of office.
 36. Trustees to be a body corporate. Their powers and duties.
 37. Trustees to receive no compensation.
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 40. Vacancy in office of trustee, how filled.
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 42. When adoption of act may be submitted to voters.
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 45. What may be placed on tickets at elections.
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 50. Disposition of surplus moneys in hands of trustees.
 51. Repealer.
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 53. What certificate shall set forth. How executed and recorded.
 54. Certified copy evidence.
 55. Incorporation effected when.
 56. Powers of corporation.
 57. Library to be free.
 58. Legislature may dissolve corporation, &c.
 59. Three or more persons may incorporate as library association.
60. Contents and record of certificate of incorporation.
 61. Incorporation effected on filing certificate.
 62. Powers of corporation.
 63. Vacancy in board of directors or officers, how filled.
 64. Appropriation for public libraries authorized in cities.
 65. Establishment of free libraries in towns, townships, &c.
 66. Act inoperative until assented to by legal voters. Manner of conducting election.
 67. If act adopted, library to be maintained by tax.
 68. Board of trustees, how constituted.
 69. Trustees to be a body corporate. Their duties and powers.
 70. Trustees not to receive compensation, &c.
 71. Must make annual report.
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 73. Act not to apply to cities.
 74. Incorporated library associations may alter and improve buildings.
 75. Repealer.
 76. Corporate existence of literary and other societies, how extended.
 77. Townships, villages and boroughs may appropriate \$300 annually to aid public libraries.
 78. Trustees of libraries in second-class cities may purchase land, erect buildings, &c.
 79. Bonds may be issued therefor. Principal and interest, how paid.
 80. Condemnation of lands for library, how made.
 81. Repealer.
 82. When townships, villages and boroughs may appropriate \$1,000 to library.

An act to incorporate associations for the establishment of lyceums, libraries and literary and scientific societies.

Revision—Approved April 9, 1875.

P. L. 1854, p. 448.
 " 1856, p. 47.
 " 1857, p. 409.
 " 1860, p. 96.
 " 1867, p. 272.

1. That it shall be lawful for any number of persons exceeding four to associate together for the establishment of lyceums, public libraries, whether of general literature or of books of theology, medicine, law, science or art, or for the establishment of museums, or for the promotion of scientific or educational purposes, or of improvement in debate or general literature; and for better forwarding any of such purposes, to purchase, hire or erect any building or buildings in this state for the use of such association.

Associations to establish lyceums, libraries, &c., authorized.

2. That such persons so associated shall make, sign and acknowledge a certificate setting forth the corporate name by them chosen, the place where and the purpose for which such association is formed and intended, the capital stock and the shares into which it is divided, and the name, residence and number of shares of each stockholder, and file the same in the office of the clerk of the county where such association is to be established and carried on, who shall thereupon record it in a book to be provided for that purpose.

Certificate of incorporation required.

3. That upon making and recording such certificate, the said persons, their successors and assigns, shall become and be a body politic and corporate, and possessed of all the powers mentioned and set forth in the first section of the act concerning corporations.

Incorporation effected on recording certificate.

4. That it shall be lawful for every such corporation to hold, purchase, convey, lease or hire, any real estate necessary for the purposes thereof, to erect any building thereon, and the same with its appurtenances to build, use, enjoy and mortgage, for the use of such association.

Corporation may hold, purchase, &c., real estate.

5. That it shall be further lawful for every such corporation to let and rent for any lawful purpose, any part or parts of such building and premises not needed for the purposes of such association, and to apply the rents thereof to its use.

Powers of corporation.

6. That such persons so associated shall, within three months after such incorporation, and annually thereafter by a vote of the majority, elect any members of their said association not exceeding seven, to be trustees of such corporation, who shall thereupon choose from their number a president, and such other officers and assistants as may be required; and such trustees shall have power to frame, establish and ordain, from time to time,

Election and powers of trustees.

such by-laws, ordinances and regulations for the government of such corporation and the advancement of the purposes thereof, as they shall judge best; *provided*, the same be not repugnant to the constitution or laws of this state, or the United States.

Limitation of capital.

7. That the capital of any such corporation, shall not exceed the sum of fifty thousand dollars.

Supplement.

Approved April 21, 1876.

P. L. 1876, p. 262.

Lyceum may connect therewith circulating library.

8. SEC. 1. That it shall and may be lawful for any lyceum in this state to connect therewith a circulating library, under such regulations as to the said lyceum may seem proper.

May accept real and personal property.

9. SEC. 2. That for the establishment, maintenance and increase of such library, the said lyceum shall have power to accept and receive gifts, grants, bequests and devises of real and personal property by deed, will or otherwise.

Trustees of library to be elected annually.

10. SEC. 3. That at each annual election for officers of said lyceum, there shall be elected a board of trustees for said library, consisting of seven members of said lyceum, whose duties shall be such as may be assigned by the by-laws of said society; and that until the next annual election in the month of December, in the year of our Lord one thousand eight hundred and seventy-six, the president of said lyceum shall appoint said board of trustees.

Supplement.

Approved March 12, 1884.

P. L. 1884, p. 79.

Mayor and any two other officers of city may be ex-officio trustees.

11. SEC. 1. That it shall be lawful for any corporation formed under and in pursuance of the provisions of this act, to provide by its by-laws that the mayor and any two other public officers of any city in which it shall carry out the purpose for which it shall be formed, shall be ex-officio trustees of such corporation in addition to the trustees such corporation is now by law authorized to elect.

Rights and powers of ex-officio trustees

12. SEC. 2. That such ex-officio trustees shall have and exercise all the rights and powers of trustees of such corporation.

An act concerning associations or incorporations for the establishment of lyceums, libraries and literary and scientific societies.

P. L. 1876, p. 122.

Approved April 13, 1876.

Increase of capital stock of lyceums, &c., heretofore incorporated.

13. SEC. 1. That whenever the directors or trustees of any lyceum, library, literary or scientific association or incorporation, which may have been heretofore incorporated by any special act of the legislature of New Jersey, shall deem it necessary to increase the capital stock of such association or incorporation, and shall at any regular meeting of such directors or trustees, resolve that such increase is necessary and specify the amount of such increase, the said directors or trustees shall thereupon make a certificate thereof, under the hands of the president and secretary or treasurer of such association or incorporation, with the corporate seal thereof attached thereto, and file the same in the office of the secretary of state, and upon said certificate being so made and filed, the said capital stock of said corporation or association shall be increased to the amount mentioned in said certificate.

Certificate, and where filed.

14. SEC. 2. That for all capital stock which may be issued under and by virtue of such certificates, the associations or incorporations—the directors or trustees of which shall file such certificates—and the directors or trustees and stockholders thereof, shall be entitled to all the benefits and subject to all the liabilities arising from and contained in the act entitled “An act to incorporate associations for the establishment of lyceums, libraries, and literary and scientific societies,” and also shall be entitled to the same benefits and subject to the same liabilities, to which the original stockholders in such associations or incorporations are entitled or subject under and by virtue of the provisions of the special act under and by which such association or incorporation shall be incorporated.

Benefits and liabilities attaching to such increase.

15. SEC. 3. That any such association or incorporation may increase the trustees or directors thereof to any number not exceeding fifteen; *provided*, that notice for two weeks, once a week, of the intention to make such increase, shall be inserted in one or more newspapers published in the township or city where such incorporation or association may be located, or if no newspaper be published in such township or city, then in one or more newspapers published in the county where the said association or incorporation is situated; and after such notice shall have been given, the then board of trustees or directors may elect, by ballot, the trustees or directors proposed to be added; but all elections thereafter shall be had in the manner provided by law.

Increase of trustees or directors authorized.

An act to authorize cities to establish and maintain free public libraries and reading-rooms.

Approved March 14, 1879.

P. L. 1879, p. 262.

16. SEC. 1. [Amended and supplied by Sec. 26, *post.*]

17. SEC. 2. That when any such common council shall have decided to establish and maintain a public library and reading-room under this act, the mayor of such city shall, with the approval of its common council, proceed to appoint a board of nine directors for the same, chosen from the citizens at large with reference to their fitness for such office.

Appointment of board of directors of public library in cities.

18. SEC. 3. That said directors shall hold office, one-third for one year, one-third for two years, and one-third for three years, from the first day of July following their appointment, and annually thereafter the mayor of said city shall, before the first day of July of each year, appoint three directors to take the place of the retiring directors, who shall hold office for three years and until their successors are appointed; the mayor may, by and with the consent of the common council, remove any director for misconduct or neglect of duty.

Term of office of directors.

19. SEC. 4. That vacancies in the board of directors, from any cause, shall be filled by the mayor, and no director shall, as such, receive any compensation.

Vacancies, how filled.

20. SEC. 5. That said directors shall, immediately after appointment, meet and organize by the election of one of their number president, and by the election of such other officers as they may deem necessary; they shall make and adopt such by-laws, rules and regulations for their own guidance and for the government of the library and reading-room as may be expedient, not inconsistent with this act; they shall have the exclusive control of the expenditure of all moneys collected to the credit of the library fund, and of the construction of any library building, and of the supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose; *provided*, that all moneys received for such library shall be deposited in the treasury of said city to the credit of the library fund, and shall be kept separate and apart from other moneys of such city, and drawn upon by the proper officers of said city, upon the properly-authenticated vouchers of the said board of directors; said board shall have power to purchase or lease grounds, to occupy, lease or erect an appropriate building or buildings for the use of said library; shall have power to appoint a suitable librarian and necessary assistants, and fix their compensation, and shall have power to remove such appointees, and shall, in general, carry out the spirit and intent of this act in establishing and maintaining a public library and reading-room.

Organization and powers of directors.

Proviso.

21. SEC. 6. That every library and reading-room established under this act shall be forever free to the use of the inhabitants of the city where located, always subject to such reasonable rules and regulations as the library board may adopt, in order to render the use of said library and reading-room of the greatest benefit to the greatest number; and said board may exclude from the use of said library and reading-rooms any and all persons who shall willfully violate such rules; and said board may extend the privileges and use of such library and reading-room to persons residing outside of such city, in this state, upon such terms and conditions as said board may, from time to time, by its regulations prescribe.

Library and reading-room to be free to the inhabitants of city where located.

Directors to make an annual report to the common council.

22. SEC. 7. That the said board of directors shall make, on or before the second Monday in June, an annual report to the common council of said city, stating the condition of their trust on the first day of June of that year, the various sums of money received from the library fund and from other sources, and how such moneys have been expended and for what purpose, the number of books and periodicals on hand, the number added by purchase, gift or otherwise during the year, the number lost or missing, the number of visitors attending, the number of books loaned out and the general character and kind of such books, with such other statistics, information and suggestions as they may deem of general interest; all such portions of said report as relate to the receipt and expenditure of money shall be verified by affidavit.

Report to be verified.

Common council may pass ordinances imposing penalties, &c.

23. SEC. 8. That the common council of said city shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury upon such library or the grounds or property thereof, and for injury to or failure to return any book belonging to such library, and said penalty may be enforced by rules adopted by the board of directors for that purpose, and in any manner provided in the charter of said city for the enforcement of other penalties for violation of ordinances.

Copy of the laws, &c., to be furnished by the state.

24. SEC. 9. [Amended and supplied by Sec. 27, *post.*]
25. SEC. 10. That every public library established under the provisions of this act shall be entitled to receive, for the use of such library, a copy of the laws, journals, reports and other works published by the authority of this state.

Amendatory act.

Approved March 6, 1886.

P. L. 1886, p. 62.

26. SEC. 1. That section one of the act entitled "An act to authorize cities to establish and maintain free public libraries and reading-rooms," approved March fourteenth, one thousand eight hundred and seventy-nine, be and the same is hereby amended so as to read as follows :

Common council empowered to establish a public library and reading-room, and maintain the same by tax.

[That the common council of each incorporated city of this state shall have power to establish and maintain a public library and reading-room for the use and benefit of the inhabitants of such cities, and for such purpose may levy a tax of not more than one-fifth of one mill on the dollar annually on all the taxable property in the city, such tax to be levied and collected in like manner with other general taxes of said city, and to be known as the "library fund;" and whenever in any such city a public library and reading-room shall have been established, under and pursuant to the provisions of this act, and shall have existed for three years or more, and the title to property of the value of at least thirty thousand dollars shall have become vested in the board of directors of such library and reading-room, the board of directors of such library and reading-room shall, in or before April of each year, determine the amount, not exceeding one-half of one mill on the dollar on all the taxable property in the city, which will be required in such year for the maintenance of such library and reading-room, and, by its president, certify such amount to the common council of such city, and such common council shall thereupon order and cause to be assessed and raised by tax in such year for such purpose, the amount so certified, such tax to be levied and collected in like manner with other general taxes of said city, and to be known as the "library fund."]

27. SEC. 2. That section nine of the act hereby amended be and the same hereby is amended so as to read as follows :

Donations of money or property to be vested in board of directors.

[That any person desiring to make donations of money, personal property or real estate for the benefit of such library, or for the establishment or maintenance of an art gallery and museum in connection therewith, may do so, and is empowered to vest the title to the money, personal property or real estate donated in the board of directors created under this act for the time being, to be held and controlled by such board and its successors, when accepted, according to the terms of the deed, gift, devise or bequest of such property; and any building or real estate so donated may be accepted by such board upon and subject to a trust that the same, or such

part thereof as the donor or donors shall designate and appoint for such purpose, shall be set apart and appropriated and forever maintained as and for an art gallery and museum for the encouragement of art and scientific study among the inhabitants of the city where located, subject to such reasonable rules and regulations concerning admission to and the use of the same, not inconsistent with the terms of the deed, gift, devise or bequest of such property, as such board or its successors shall from time to time establish; and any money or personal property so donated may be accepted by such board upon and subject to a trust that the same shall be applied to or towards the maintenance or enlargement of any such art gallery and museum; and all moneys received for admissions to or the use of such art gallery and museum shall be applied to the maintenance or enlargement of such art gallery and museum, or to the general purposes of such library and reading-room, as the board of directors shall from time to time determine; and as to all property so donated the said board shall be held and considered to be special trustees.]

An act to encourage the establishment of public libraries in any town or municipality in this state, and to provide for taking care of and perpetuating the same.

Approved May 1, 1882. P. L. 1882, p. 34.

28. SEC. 1. [Amended by Sec. 30, *post.*]

29. SEC. 2. That such corporation shall have the right of succession, to sue and be sued, with power to hold such real estate as may be necessary to carry out the purposes of a library for the benefit of the inhabitants of any such town or municipality; and such trustees may from time to time adopt all needful rules and regulations regarding their organization, the tenure of their own offices, the filling of all vacancies in their own number, the election of their own successors and the use and management of any such library.

Powers of trustees appointed by deed of donors.

Amendatory act.

Approved February 21, 1888. P. L. 1888, p. 82.

30. SEC. 1. That section one of the act entitled "An act to encourage the establishment of public libraries in any town or municipality in this state, and to provide for taking care of and perpetuating the same," approved March first, one thousand eight hundred and eighty-two, be and the same is hereby amended so that the same shall read as follows:

[That when any person or number of persons shall have heretofore or shall hereafter subscribe any amount of money, not less than one thousand dollars, for the purposes of a public library in any town or municipality in this state, and shall, by deed acknowledged in due form of law, appoint certain persons as trustees, not less than ten in number, to use and administer said trust or gift for the benefit of a public library, and shall, by said deed, provide that the said trustees may, for the proper management of any such library and taking care of and perpetuating the same, fill any vacancies in their own number; such trustees shall, upon the recording of any such deed in the office of the clerk of any county where the said library is located, and in the office of the secretary of state, be and become a body politic and corporate in law, without capital stock, with such corporate name as may be provided for in any such deed of trust appointing said trustees.]

Trustees appointed by deed of donors may become incorporated.

An act for the encouragement of free libraries in cities.

Passed March 18, 1884. P. L. 1884, p. 81.

31. SEC. 1. That in all cities in which a public library, lyceum and reading-room association now exists, incorporated under and in pursuance of an act entitled "An act to incorporate associations for the establishment of lyceums, libraries and literary and scientific societies" [Revision], approved April ninth, one thousand eight hundred and seventy-five, and the supplements thereto, the common council, board of aldermen, board of education

Free library heretofore established may be transferred to public library in certain cities.

or other municipal body having control of a free library established and maintained from public moneys, shall have, and such board or municipal body is hereby given power to lend and transfer, without receiving compensation therefor, such free library to such public library, lyceum and reading-room association, for such time and upon such provisions for its safety as may be agreed upon between such board or municipal body and such public library, lyceum and reading-room association, and during the said time said board or municipal body shall pay to such public library, lyceum and reading-room association, any sum or sums of money that such board or municipal body may be empowered to appropriate and expend for the establishment and maintenance of a free library, provided the powers hereby given shall not be exercised unless the by-laws of such public library, lyceum and reading-room association shall, during said last-mentioned time, make the mayor of such city and the presiding officer of such board or municipal body and the superintendent of the public schools of said city ex-officio trustees of such library, lyceum and reading-room association, and also make provision for keeping open such free library and the library and reading-room of such association in some convenient place for the free use of the teachers and pupils of the public schools and citizens of such city, subject to such rules and restrictions as the trustees, ex-officio and otherwise, of such association may, from time to time, deem necessary or advisable.

Appropriation for free library to be paid to public library.

Powers not to be exercised unless by-laws of public library shall make certain provisions.

An act to authorize the establishment of free public libraries in the cities of this state.

P. L. 1884, p. 110.

Passed April 1, 1884.

Any city may establish a free public library.

32. SEC. 1. That any city within this state be and it is hereby authorized, in the manner hereinafter provided, to establish a free public library within its corporate limits.

Provisions of act inoperative until assented to by a majority of the legal electors thereof.

33. SEC. 2. That the provisions of this act shall remain inoperative in any city in this state until assented to by a majority of the legal electors thereof, voting at an election at the time fixed by law for the election of municipal officers therein to be held in said city next after this act shall take effect, of which election the city clerk of said city shall cause public notice of the time and place of holding the same to be given by advertisements signed by himself and set up in at least five public places in said city for at least ten days previous to the day of such election, and published in one or more newspapers printed therein for at least ten days previous to the day of such election; the ballots used at such election shall be printed or written, or partly printed and written, and the same may be printed or written on the general ballots used at such election, on which may be either the words "for the adoption for this city of the provisions of an act entitled 'An act to authorize the establishment of free public libraries in the cities of this state,'" or "against the adoption for this city of the provisions of an act entitled 'An act to authorize the establishment of free public libraries in the cities of this state;'" the election officers of said city shall return to the canvassing board of the same a true and correct statement in writing, under their hands, of the result of said election, the same to be entered at large upon the minutes of said body. [Sec. 40, *post*, purports to amend this section, but it is really amended by Sec. 41, *post*.]

If act is adopted, library to be maintained by tax.

34. SEC. 3. That if a majority of all the ballots cast at such election in any city shall be "for the adoption for this city of the provisions of an act entitled 'An act to authorize the establishment of free public libraries in the cities of this state,'" it shall become the duty of the appropriate board of said city annually thereafter to appropriate and raise by tax, in the same manner as other city taxes are assessed, levied and collected in said city, a sum equal to one-third of a mill on every dollar of assessable property returned by the assessors of said city for the purposes of taxation in such city, which sum, when so appropriated, shall be used for no other purpose than that of a free public library, and shall be paid by the disbursing officer

of such city to the treasurer of the board of trustees of the free public library as hereinafter provided. (a)

- 35. SEC. 4.** That a board of trustees of the free public library shall be immediately formed in any city when a majority of the votes cast shall be "for the adoption for this city of the provisions of an act entitled 'An act to authorize the establishment of free public libraries in the cities of this state,'" consisting of seven members, one of whom shall be the mayor of such city, ex-officio, and one the superintendent of public instruction therein, ex-officio, or president of the board of education, in case no office of superintendent exists, and five to be appointed by the mayor of the city from among the citizens of the same city, to serve for the terms of one, two, three, four and five years respectively; and upon the expiration of the term of office of any trustee, the mayor of the said city shall appoint to the vacancy for a term of five years.
- 36. SEC. 5.** That the board of trustees shall be a body corporate under the name of the trustees of the free public library of the city of _____, naming the city wherein said library shall be established, with corporate powers of succession, to sue and be sued and to adopt a corporate seal; such board shall meet at some convenient time and place in such city within ten days from the time of their appointment; they shall immediately proceed to organize by the election of one of their members to be the president, and one to be the treasurer of the board; they shall also make and execute, under their hands and seals, a certificate setting forth their appointment, their organization, and the names of the officers-elect and appointed, which certificate shall be acknowledged in the same manner that conveyances of real estate are required to be acknowledged, and recorded in the clerk's office of the county in which such city is located; they shall also cause a certified copy of such certificate to be filed in the office of the secretary of state, but shall not be required to pay any fee for such recording and filing; the said certificate or a copy thereof, duly certified by said clerk or secretary, shall be evidence in all courts and places of the incorporation of said board; the treasurer shall give bonds in an amount to be fixed by the board of aldermen of said city, payable to said city by its corporate name, conditioned for the faithful performance and discharge of his duties; the said board shall, by its treasurer, upon its warrant, signed by its president, receive of the disbursing officer of such city the money raised by taxation for library purposes as is provided in section three of this act; it shall hold in trust and manage all the property of said library; it shall have power to rent rooms, or, when proper, to construct buildings for the use of said library; to purchase books, pamphlets, documents, papers and other reading matter; to hire librarians and other necessary servants and to fix their salaries; to make proper rules and regulations for the government of said library, and generally to do all things necessary and proper for the establishment and maintenance of the free public library in such city.
- 37. SEC. 6.** That the said board of trustees shall receive no compensation for their services and shall never incur any expense or enter into any obligations in excess of the annual appropriation for library purposes and of its funds on hand.
- 38. SEC. 7.** That the said board of trustees shall annually make a report of their transactions, accounts and the state and condition of said library to the board of aldermen or common council of said city.
- 39. SEC. 8.** That the said board of trustees may have and receive, hold and manage any devise, bequest or donation heretofore made or hereafter to be made and given for the establishment, increase or maintenance of a free public library within their city.

Board of trustees to be formed.

Term of office.

Trustees shall be a body corporate.

Shall execute a certificate.

When recorded.

Copy to be filed in office of secretary of state.

Treasurer to give bonds.

Powers and duties of board.

Trustees to receive no compensation.

Annual report to be made.

May receive donation, &c., for use of library.

(a) The provisions of this section, to appropriate and raise moneys by tax, may be enforced by *mandamus*. *Trustees, &c., v. Jersey City*, 24 Vr. 62.

Amendatory act.

Approved April 8, 1887.

P. L. 1887, p. 148.

40. SEC. 1. That section two of the act to which this is an amendment be amended to read as follows :

Vacancy in office of trustee, how filled.

[That vacancies happening in the office of trustee of any public library established under the aforesaid act from any cause except expiration of the term of office, shall be filled in the manner provided in said act for the original appointment of trustees, but for the unexpired term only.]

Provisions of act inoperative until assented to by legal voters.

41. SEC. 2. That the provisions of this act shall remain inoperative in any city in this state until assented to by a majority of the legal voters thereof voting on this act at an election, at which the question of its adoption shall be submitted to vote by direction of the legislative body of such city, either at the time fixed by law for the election of municipal officers or at a special election to be held for that purpose, of the time and place of holding which election the city clerk of said city shall cause public notice to be given by advertisements signed by himself and set up in at least five public places in said city for at least ten days previous to the day of such election and published for the same period in two newspapers of such city ; the ballots used at such election shall be printed or written or partly printed or written, and the same may be printed or written on the general ballots used at such election, on which may be either the words "for the adoption for this city of the provisions of an act entitled 'An act to authorize the establishment of free public libraries in the cities of this state,'" or "against the adoption for this city of the provisions of an act entitled 'An act to authorize the establishment of free public libraries in the cities of this state ;'" the election officers of said city shall return to the canvassing board of the same a true and correct statement in writing under their hands [of] the result of said election, the same to be entered at large upon the minutes of said body. [See Sec. 45, *post.*]

Notice of election to be given.

Form of ballot.

Supplement.

Approved April 2, 1888.

P. L. 1888, p. 378.

When adoption of act may be submitted to voters.

42. SEC. 1. That it shall and may be lawful for the legislative body of any city of this state to submit the question of the adoption of the provisions of the act to which this is a supplement, to a vote of the people of such city, either at the time fixed by law for the election of municipal officers, or at a special election, to be held for that purpose, in the same manner provided for in the act to which this is a supplement, and to provide for the holding of such an election, and canvass the returns thereof, in the manner directed by said act, notwithstanding the fact that such city may, at an election heretofore held, have voted against the adoption, for said city, of the provisions of the said original act ; and in case of the adoption of the provisions of said act a library shall be established in such city, in the same manner that it would have been established had the said act been adopted at a former election.

Supplement.

Approved March 19, 1889.

P. L. 1889, p. 65.

Public boards in cities may transfer control of free public libraries to trustees.

43. SEC. 1. That any public board in any city wherein there is a free public library, or any department of the government of said city having under its control a library or collection of books useful for such public library, may transfer the control or property of said books to the trustees of a free public library, established under the act to which this is a supplement, for use therein ; and any such board or department so transferring its books or library shall be relieved from further responsibility for the care or custody of or property in said books or library ; and said trustees of said free public library shall hold and keep said books or library as if originally purchased by them.

Repealer.

44. SEC. 2. That all acts and parts of acts inconsistent herewith be and the same are hereby repealed.

Supplement.

Approved March 19, 1859. P. L. 1859, p. 75.

45. SEC. 1. That at any election for municipal officers in any city of this state or at any special election, the voters may place on their ticket, in addition to the officers to be elected thereat, the words "for a public library" or "against a public library," and if there should be at such election more votes cast "for a public library" than "against a public library," then in such city there shall be thereafter established a free public library under the provisions of the act to which this is a supplement, and all the provisions of said act and supplements, except as herein altered, shall apply to said city and the public library so established therein by this act and the acts to which this is a supplement.

46. SEC. 2. That all acts and parts of acts inconsistent herewith be and the same are hereby repealed.

What may be placed on tickets at elections.

Repealer.

Supplement.

Approved March 21, 1895. P. L. 1895, p. 383.

47. SEC. 1. That when, in the judgment of the board of trustees of the free public library in any city in this state, which city has accepted the provisions of the act to which this is a supplement, it is advisable to purchase lands, improved or unimproved, or to erect buildings thereon, or both, for the purposes of a free public library, or for the improvement and enlargement of such library, and where the estimated cost thereof shall exceed the amount of the annual appropriation for library purpose in such city and the funds of such board of trustees then on hand, said board of trustees of such public library may certify to the common council or other board having charge and control of the finances of the city in which such free public library is situated, the amount of money necessary for the purpose of making such purchase of land or improvement thereof, and thereupon the common council or other board having charge and control of the finances of such city may by resolution, at its discretion, with the consent of the mayor of such city, authorize and empower the board of trustees of said free public library to expend such moneys as to the said common council or other board having charge and control of the finances may seem proper for such purposes, not to exceed, however, the amount certified as aforesaid by said board of trustees of the free public library, and upon the passage of such resolution the board of trustees of said public library shall be empowered and authorized by and with the consent of the mayor of any such city to purchase real estate and to erect buildings and make improvements thereto and to expend moneys therefor to the amount of such appropriation; *provided, however,* that no lands shall be purchased for the purpose of erecting thereon a free public library, except with the concurrence of the common council or other board having charge and control of the finances of such city, which concurrence shall be expressed by resolution of the said common council or other board having charge and control of the finances of such city, by and with the approval of the mayor thereof; the title of real estate so purchased shall be taken in the name of such city, and shall be exempt from taxation, but the use and control of the same shall be in such board of trustees of the free public library so long as it shall be used for free public library purposes.

Common council, &c., may empower trustees to purchase lands, &c.

Proviso.

48. SEC. 2. That to defray the expense of such purchase and construction, or either, the said common council or other board having charge and control of the finances of such city is hereby authorized and directed to issue the bonds of such city not to exceed in the aggregate the sum of one hundred and seventy-five thousand dollars, which bonds shall be of such denominations as the said common council or other board having charge and control of the finances shall direct; they shall be made payable within not more than thirty years nor less than ten years from the date of their issue; they shall bear such rate of interest not exceeding four per centum per annum, and be made payable as the said common council or other board having charge and control of the finances of any such city may

Council may issue bonds.

Character and denomination of bonds.

Bonds shall not be sold for less than par.

Proviso.

Principal and interest of bonds, how paid.

Disposition of surplus moneys in hands of trustees.

Repealer.

P. L. 1884, p. 139.

Organization of free public library corporations.

What certificate shall set forth.

How executed and recorded.

Certified copy evidence.

determine; said bonds shall be negotiated and sold at not less than their par value; they shall be denominated "free public library bonds," and shall be signed as other municipal bonds of such cities are signed; *provided, however*, that no such bonds shall be issued until after the proposition to issue the same shall have been submitted by the said common council or other governing body of such city to a vote of the electors of such city at a general city election, and that by resolution such common council or other governing body shall prescribe the form of words to be written or printed on the ballots for and against the same.

49. SEC. 3. That for the redemption of the bonds issued pursuant to the provisions of this act, and to provide for the payment of the interest on said bonds, it shall be the duty of the board of trustees of such free public library, from the annual appropriation for the support of free public libraries therein (which appropriation is fixed by the act to which this is a supplement), to pay to the commissioners of the sinking fund, or other proper officer or officers having charge of the sinking fund of such city, the amount of interest on said bonds, together with three per centum for the purpose of a sinking fund, and the said sums so annually received for interest and sinking fund by the said commissioners of the sinking fund, or other officers, shall be applied by them to the payment of such interest and to the creation of a sinking fund to meet the said bonds when they shall fall due.

50. SEC. 4. That when in any city the board of trustees of the free public library in any city in this state, which city has accepted the provisions of the act to which this is a supplement, shall have on hand upon the passage of this act any moneys over and in excess of the sum annually appropriated to them in such city, and shall attempt to avail themselves of the privileges of this act, said board shall set aside such moneys to the fund established by this act; or the common council or other board having charge and control of the finances in any such city shall have the power, at their discretion, by and with the consent of the mayor of such city, to direct said board of trustees of the free public library in any such city to transfer to the commissioners of the sinking fund of any such city said moneys for the purpose of establishing a sinking fund as provided in section three of this act, in case the said board of trustees of the free public library in any such city avail themselves of the provisions of this act.

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

An act to incorporate and establish free public libraries in this state.

Passed April 8, 1884.

52. SEC. 1. That it shall be lawful for three or more persons to organize a corporation for the purpose of establishing a free public library by making and filing a certificate in writing of their organization in the manner hereinafter mentioned.

53. SEC. 2. That such certificate in writing shall set forth:

- I. A name to designate such corporation and a statement of its object;
- II. The place in this state where such library shall be located;
- III. The time when such library shall be opened to the public, if not already open;

Said certificate shall be signed by the persons intending to form such corporation; shall be proved or acknowledged as required in the case of deeds of real estate, and shall be recorded in the book kept for the purpose of recording certificates of incorporation in the office of the clerk of the county where such library shall be located, and after being recorded shall be filed in the office of the secretary of state.

54. SEC. 3. That the said certificate, or a copy thereof, duly certified by said clerk or secretary, shall be evidence of its contents in all courts and places.

55. SEC. 4. That upon making said certificate and causing the same to be recorded and filed as aforesaid, the persons who signed the same, their successors and assigns, shall constitute a corporation by the name mentioned in the said certificate.

When certificate recorded and filed, corporation constituted.

56. SEC. 5. That every corporation formed under this act shall have power :

Powers of corporation.

I. To buy, hold, lease, accept by gift, devise or otherwise, and sell real and personal property suitable for the purposes of such corporation and for its use ;

II. To sue and be sued, complain and defend in any court of law or equity ;

III. To make and use a common seal and alter the same at pleasure ;

IV. To limit the duration of the membership of the original incorporators and provide a method of filling vacancies in such membership caused by death, resignation or expiration of terms of office ;

V. To elect officers and appoint agents such as the business of the corporation shall require ;

VI. To make, adopt, alter and amend a constitution and by-laws to carry out the purpose of the corporation ; *provided*, that nothing in said constitution and by-laws be repugnant to the constitution or laws of the United States or of this state.

57. SEC. 6. That every library established under this act shall be forever free to the use of the inhabitants of the city or other municipality where the same shall be located, subject only to such reasonable rules and regulations as may be adopted concerning the same, and all property, real and personal, while owned by and actually used in the legitimate operations of such corporations, shall not be taxed.

Library to be free.

58. SEC. 7. That the legislature may at any time alter, modify or repeal this act, and dissolve any corporation organized under the provisions of this act.

Legislature may dissolve corporation, &c.

An act to provide for the incorporation of library associations.

Approved April 23, 1888.

P. L. 1888, p. 454.

59. SEC. 1. That any three or more persons of full age, who shall desire to associate themselves together for the purpose of establishing, owning and managing public libraries, may make, record and file a certificate in writing in manner hereinafter mentioned.

Three or more persons may incorporate as library association

60. SEC. 2. That such certificate shall be made and signed by the persons forming such association, and shall set forth :

Contents and record of certificate of incorporation.

I. The name or title assumed to designate such corporation, and to be used in its business and dealings ;

II. The place or places in this state where the said library or libraries are to be located ;

III. The names and residences of the persons signing such certificate ; which certificate shall be acknowledged or proved as conveyances of land are required to be acknowledged or proved, and after being recorded in the office of the clerk of the county in which said library or libraries are to be located, shall be filed in the office of the secretary of state, and a copy thereof duly certified by the said secretary shall be evidence in all courts and places.

61. SEC. 3. That upon making such certificate and causing the same to be filed as aforesaid, the said persons so associating, their successors and assigns, shall be, from the time of the filing of such certificate, incorporated into an association by the name mentioned in such certificate, and be governed by the provisions of this act.

Incorporation effected on filing certificate.

62. SEC. 4. That such associations shall have power :

Powers of corporation.

I. To acquire, by lease or purchase, suitable buildings, libraries and furniture for the uses of such associations ; to acquire and take by purchase, gift, devise, bequest or otherwise, and to hold, transfer and convey all or any such real or personal property as may be necessary or desirable for attaining the objects and carrying into effect the purposes of such association ;

- II. To have perpetual succession by their corporate names ;
 III. To sue and be sued, in any court of law or equity ;
 IV. To make and use a common seal, and alter the same at pleasure ;
 V. To appoint such officers or agents as the purposes of such association shall require, and to allow them a reasonable compensation ;
 VI. To make and adopt constitutions, by-laws, rules and regulations not inconsistent with the constitution and laws of the United States or this state.

Vacancy in board of directors or officers, how filled.

63. SEC. 5. That any vacancy in the board of directors or among the officers of any such association, shall be filled in such manner as the by-laws shall direct.

An act to authorize common councils of cities to appropriate moneys to establish or aid public libraries and free reading-rooms.

P. L. 1890, p. 173.

Approved April 2, 1890.

Appropriation for public libraries authorized in cities.

64. SEC. 1. That it shall be lawful for the common council of any city of this state to appropriate, from any moneys not otherwise appropriated, such sum of money, not exceeding one thousand dollars, as may in their judgment be deemed necessary to establish or aid public libraries and free reading-rooms.

An act to authorize the establishment of free public libraries in the towns, townships or any other municipality of this state.

P. L. 1890, p. 176.

Approved April 2, 1890.

Establishment of free libraries in towns, townships, &c.

65. SEC. 1. That any town, township or other municipality in this state be and it is hereby authorized in the manner hereinafter provided, to establish a free public library within its corporate limits.

Act inoperative until assented to by legal voters.

66. SEC. 2. That the provisions of this act shall remain inoperative in any town, township or other municipality in this state until assented to by a majority of the legal voters thereof voting on this act, at any election at which the question of its adoption shall be submitted to vote by direction of the legislative body of such town, township or other municipality, either at the time fixed by law for the election of the municipal officers or at a special election to be held for that purpose, of the time and place of holding which election the clerk of the said town, township or other municipality shall cause public notice to be given by advertisement, signed by himself, and set up in at least five public places in said town, township or other municipality for at least five days previous to the day of such election, and published for the same period in two newspapers circulating in said town, township or other municipality ; the ballots used at such election shall be printed or written, or partly printed or written, and the same may be printed or written on the general ballots used at such election, on which may be either the words "for a free public library" or "against a free public library," and the election officers of the said town, township or other municipality shall return to the clerk of the town, township or other municipality a true and correct statement, in writing, under their hands, [of the] result of the said election.

Notice of election to be given.

Form of ballot.

If act adopted, library to be maintained by tax.

67. SEC. 3. That if at such election aforesaid a majority of all the ballots cast shall be "for a free public library," it shall become the duty of the legislative body of said town, township or other municipality annually thereafter to appropriate and raise by tax in the same manner as other taxes are assessed, levied and collected in said town, township or other municipality, a sum equal to one-third of a mill on every dollar of assessable property returned by the assessor of said town, township or other municipality for the purposes of taxation therein, which sum, when so appropriated, shall be used for no other purpose than that of a free public library, and the treasurer or other disbursing officer of such town, township or other municipality shall upon a warrant signed by the president and clerk of the board of trustees as hereinafter provided for, pay all bills ordered by them to be paid.

68. SEC. 4. That a board of trustees of the free public library shall be immediately formed in any town, township or other municipality, when a majority of the votes cast shall be "for a free public library," consisting of five members, one of whom shall be the chairman of the legislative body of such town, township or other municipality, ex-officio, and one the president of the board of education, and three to be appointed by the chairman of the town, township or other municipality from among the citizens of the said town, township or other municipality, by and with the consent of the legislative body thereof, to serve for the terms of one, two and three years respectively; and upon the expiration of the term of office of any trustee, the chairman of the town, township or other municipality, by and with the consent of the legislative body, shall appoint to the vacancy for a term of five years, and if any vacancies occur they shall be filled as aforesaid, but for the unexpired term only.

Board of trustees,
how constituted.

Vacancies, how
filled.

69. SEC. 5. That the board of trustees shall be a body corporate under the name of the trustees of the free public library of the town, township or other municipality, naming the town, township or other municipality wherein said library shall be established, with corporate powers of succession, to sue and be sued and to adopt a corporate seal; such board shall meet at some convenient time and place in such town, township or other municipality within ten days from the time of their appointment; they shall immediately proceed to organize by the election of one of their members to be the president, and one to be the clerk of the board; they shall also make and execute under their hands and seals a certificate setting forth their appointment, their organization and the names of the officers-elect and appointed, which certificate shall be acknowledged in the same manner that conveyances of real estate are required to be acknowledged and recorded in the clerk's office of the county in which such city is located; they shall also cause a certified copy of such certificate to be filed in the office of the secretary of state, but shall not be required to pay any fee for such recording and filing; the said certificate or copy thereof, duly certified by said clerk or secretary, shall be evidence in all courts and places of the incorporation of said board; it shall hold in trust and manage all the property of said library, it shall have power to rent rooms, or when proper to construct buildings for the use of said library, to purchase books, pamphlets, documents, papers and other reading matter, to hire librarians and other necessary servants and to fix their salaries, to make proper rules and regulations for the government of said library, and generally to do all things necessary and proper for the establishment and maintenance of the free public library in such town, township or other municipality.

Trustees to be a
body corporate.

Organization of
trustees.

Certificate to be
filed and recorded.

Powers of
trustees.

70. SEC. 6. That the said board of trustees shall receive no compensation for their services, and shall never incur any expense or enter into any obligations in excess of the annual appropriation for library purposes and of its funds on hand.

Trustees not to
receive compensa-
tion, &c.

71. SEC. 7. That the said board of trustees shall annually make a report of their transactions, accounts and the state and condition of said library to the legislative body of such town, township or other municipality.

Trustees to make
annual report.

72. SEC. 8. That the said board of trustees may have and receive, hold and manage any devise, bequest or donation heretofore made or hereafter to be made and given for the establishment, increase or maintenance of a free public library within such town, township or other municipality.

Trustees author-
ized to receive,
hold and manage
devises, bequests,
&c.

73. SEC. 9. That this act shall not affect any of the cities in this state.

Act not to apply
to cities.

An act to enable library associations to improve their real estate.

Approved March 9, 1891.

P. L. 1891, p. 113.

74. SEC. 1. That it shall and may be lawful for any library association duly incorporated under the laws of this state to erect a building or buildings, or add to, alter and improve the building already erected on its real estate for the purposes of a library; *provided*, that the said real estate and such building or buildings when completed shall not exceed in value the sum of twenty thousand dollars.

Incorporated
library associa-
tions may alter
and improve
buildings.

Repealer.

75. 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 authorizing the extension of the charters of literary, historical, genealogical, library and scientific societies, incorporated by or under any law of this state.

P. L. 1893, p. 195.

Corporate existence of literary and other societies, how extended.

Approved March 10, 1893.

76. SEC. 1. That it shall be lawful for any literary, historical, genealogical, library or scientific society heretofore or hereafter created under or by virtue of any law of this state, to adopt a resolution at the regular annual meeting of such society, declaring that it is the desire and purpose of such society to extend its charter beyond the time limited in the act or certificate of incorporation of such society, which resolution shall also specify the term for which such society desires and proposes that its charter shall be extended, not exceeding fifty years from and beyond the time limited as aforesaid; and whenever a copy of such resolution, certified under the hand of its president, and under its common seal, attested by its recording secretary, shall be filed in the office of the secretary of state of this state, the charter of such society shall thereupon and thereby be extended for and during the term specified in such resolution.

An act to authorize township committees or other governing bodies of townships, villages or boroughs to appropriate moneys to establish or aid public libraries and free reading-rooms.

P. L. 1893, p. 410.

Townships, villages and boroughs may appropriate \$300 annually to aid public libraries.

Approved March 17, 1893.

77. SEC. 1. That it shall be lawful for the township committee or the board of trustees or other governing body of any township, or village, or borough in this state, to appropriate from any moneys not otherwise appropriated such sum of money, not exceeding three hundred dollars annually, as may in their judgment be deemed necessary to establish or aid public libraries and free reading-rooms in such township, or village, or borough in this state.

An act in relation to free public libraries in cities of the second class in this state.

P. L. 1893, p. 435.

Trustees of libraries in second class cities may purchase land, erect buildings, &c.

Approved March 17, 1893.

78. SEC. 1. That it shall and may be lawful for the board of trustees of the free public library in any city of the second class of this state to build upon land already owned by it, or to purchase land and build thereon a building or buildings, structure or structures, for the uses and purposes of a free public library within its corporate limits; *provided*, that the cost and expense of the land purchased, and the building or buildings, structure or structures to be erected shall not in the aggregate exceed the sum of fifty thousand dollars.

Bonds may be issued therefor.

79. SEC. 2. That to defray the cost and expense of such land and building or buildings, structure or structures to be erected under and in pursuance of the first section of this act, it shall be the duty of the common council or other governing body of any city of the second class in this state, at the request of the said board of trustees of the free public library within said city, to issue bonds in the corporate name of said city for the aggregate amount required by said board of free library trustees in sums of not more than one thousand dollars and not less than one hundred dollars, each to be signed by the mayor and countersigned by the clerk and sealed with the corporate seal of said city and to have written or printed thereon the words "free library construction bonds," said bonds to be disposed of at not less than their par value and shall be payable at the expiration of not more than twenty years after their date of issue, and to draw interest at a rate not exceeding five per centum per annum, payable semi-annually; and the common council or other governing body of such municipal corporation shall have the power to raise the money to pay

Bonds designated "free library construction bonds," disposition of same.

Principal and interest to be raised by taxation.

the principal and interest of said construction bonds as the same mature, in addition to the tax they are now authorized by law to raise for the purposes of a free public library, and in the same manner as other taxes are assessed and raised by such municipal corporation; and the money so raised by the issuing of said bonds shall be paid to the said board of free library trustees, to be used by them for the purchase of any land and the erection of any building or buildings, structure or structures for the use of a free public library within the corporate limits of said city of the second class.

80. SEC. 3. That in case said board of trustees of the free public library of any city of the second class cannot agree with the owner or owners, or other persons interested in any lands which said trustees may desire to take, use and occupy, or from which they may desire to take or divert, either in whole or in part, for the purposes of their building, or cannot agree with the owner or owners for the whole or any part of any lands as to the amount of compensation to be paid for such taking, use, diversion or occupation or interest, it shall be lawful for any justice of the supreme court of this state, upon application by said trustees, and upon two weeks' previous notice served in person or by leaving at the dwelling-house or usual place of abode of such owner or owners, or, in case of absence from the state or legal disability, published in a newspaper published nearest to the lands in question, to appoint three disinterested commissioners, residents of the county in which said lands are situated, to assess and ascertain the value of the lands so proposed to be taken, used and occupied, which commissioners shall appoint a time and place at which they shall meet to execute the duties of their appointment, and shall cause two weeks' notice thereof to be given to the parties interested therein, either by personal service or by publication in a newspaper published in the county where such lands may be, at which time and place the said commissioners shall meet and view the premises, and hear the parties interested and take evidence, if any be offered, and for that purpose shall have power to administer oaths or affirmations, and to adjourn from day to day; and in case of the refusal or failure of either or any of said commissioners to attend and perform their said duties, the said judge shall have power to appoint another or other disinterested person or persons as commissioners to act in the place of such absent commissioner or commissioners; and the said trustees shall make and exhibit to the said commissioners at their meeting aforesaid, for the use of the parties interested, a statement and description in writing or by drawings or maps, or both, of the lands by them sought to be taken or diverted as aforesaid, and of the use, occupation of and excavations upon any lands by them sought to be made; and the said commissioners shall thereupon ascertain and assess the value and damages aforesaid, and shall execute under their hands and seals, or the hands and seals of a majority of them, and award to said trustees of the lands by them sought in the statements and description aforesaid, stating therein the amount of damages and compensation therefor by them assessed in favor of such owner or owners, which award shall be by them acknowledged and filed in the county clerk's office, and by him recorded; *provided, always,* that if any real estate, the owner or owners of which shall not have given his, her or their consent in writing to the diversion or to the taking of said land, shall not have been ascertained and paid pursuant to the direction of this act, shall be injured or damaged by the diversion or diminution of any said land, that the owner or owners thereof may have and maintain his, her or their action to recover damages for such injury which he, she or they may sustain by reason of anything done under this act, as if this act had not been passed; before taking possession of any such lands, or entering thereon for the purpose of making any excavation or occupation thereof, or taking any interest in land as aforesaid, the said trustees shall pay or tender to such owner or owners, or, in case of absence from the state or legal disability, shall deposit with the clerk of the circuit court of said county the value and damages so awarded; and the award of said commissioners and the payment or tender

Condemnation of lands for library, how made.

Commissioners shall appoint time and place of meeting and give notice thereof.

Upon refusal or failure to perform, judge may appoint another commissioner.

Statement and description to be made.

Proviso.

When deposit made with clerk of circuit court.

or deposit as aforesaid of the same, shall vest in said corporation the lands by them sought, described and set forth in said statement and description, in all respects the same as if the same had been conveyed to said trustees by said owner or owners under their hands and seals; if either party feel aggrieved by said assessment and award, such party may appeal to the next or second term of the circuit court of said county, by petition and notice thereof served upon the opposite party two weeks prior to such term, or published a like space in a newspaper published nearest the lands in question, which petition and notice so served or published shall vest in said courts full power to hear and determine said appeal, and, if required, they shall award a venire for a jury to come before them, who shall hear and finally determine the issue under the direction of the court, as in other trials by jury; and it shall be the duty of the said jury to assess the damages to the said lands as above mentioned, and the value of such lands as shall be absolutely taken; and said court shall have power to order a struck jury, or a jury of view, or both, to try any such appeal, and also to order any jury which may be impaneled and sworn to try any such appeal, to view the premises in question during said trial; and the right of said trustees to appeal from and dispute the correctness of any award shall not be waived or taken away by the paying or tendering the amount of the award and taking possession of the land, or exercising the rights covered by such award; and the right of any owner of any such lands or rights in like manner to appeal, shall not be waived or lost by the acceptance of the amount so awarded, when tendered; and upon the final determination of any such appeal, the said court shall render such judgment in favor of the one party and against the other as the right and justice of the case shall require, and shall award to the party substantially succeeding and prevailing in said appeal, his, her or their costs of said appeal against the opposite party, and shall have power to enforce the judgment so rendered by execution, as other judgments are enforced, and also by summary proceedings and attachments for non-payment thereof.

81. SEC. 4. That this act is a public act and 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.

When appeal may be made.

Trial by jury.

Court may order a struck jury or a jury of view.

By whom costs of appeal paid.

Repealer.

An act to authorize township committees or other governing bodies of townships, villages or boroughs to raise, by taxation, moneys to establish or aid public libraries and free reading-rooms.

P. L. 1895, p. 380.

Approved March 20, 1895.

When townships, villages and boroughs may appropriate \$1,000 to library.

82. SEC. 1. That it shall be lawful for the township committee or the boards of trustees or other governing body of any township or village or borough in this state, to raise by taxation any sum not exceeding one thousand dollars annually, to aid public libraries and free reading-rooms in any such municipality in this state, provided the same be first assented to by a majority vote of the legal voters of any such municipality, at their annual election.

Liens.

I. AGAINST SHIPS, STEAMBOATS, &c.

1. Amended by section 46.
2. Amended by section 44.
3. Application for, what to specify.
4. To whom warrant to be issued and what to command.
5. How warrant executed and returned.
6. No other warrant to issue till first superseded.
7. Notice of issuing of warrant to be published.
8. What notice to contain.
9. Any creditor may deliver to officer an account of his demand.
10. Liens to cease unless delivered in time limited.
11. Owner, consignee, &c., may apply for order to discharge warrant.
12. Person applying for order to give bond.
13. Warrant discharged on delivery of bond.
14. Bond for common benefit of attaching creditors.
15. Declaration in suit upon bond. What to be stated and averred.
16. Defendant's plea.
17. When verdict or judgment is for \$20 or upwards, plaintiff to have execution, &c.
18. If for less than \$20, judgment entered against plaintiff. Costs.