

incorporated town, where provision is not now made for reporting and publishing the official minutes, to have the minutes of the meetings of said common council and the other municipal boards of such incorporated town published in a daily newspaper printed and published within the limits of such town; *provided*, that the costs of such publication shall not exceed the rate of legal advertisements, as now regulated by law; *and further provided*, that the published minutes of every meeting shall contain a full copy of all ordinances presented at such meeting.

Proviso.

Proviso.

**An act to regulate the publication of financial statements in incorporated towns.**

Approved March 14, 1895.

P. L. 1895, p. 281.

**351. SEC. 1.** That where, by any existing law, the treasurer, auditor of accounts or other financial officer of any incorporated town is required to publish a monthly statement of the public finances in a newspaper circulated within said town, the said treasurer, auditor of accounts or other financial officer charged with the duty of publication shall publish all such financial statements in a daily newspaper; *provided*, there be a daily newspaper printed and published within any such incorporated town.

Statements shall be published in a daily newspaper.

Proviso.

**352. SEC. 2.** That the monthly financial statements required to be published as aforesaid shall be inserted in such daily newspaper within fifteen days after the end of the month covered by the same, and that this act shall take effect immediately.

Time for publication limited.

**An act to enable certain municipal corporations of this state to fix the compensation of their recorder.**

Approved March 20, 1895.

P. L. 1895, p. 367.

**353. SEC. 1.** That it shall and may be lawful for the common council, board of council, or other municipal governing bodies of any incorporated town, having a population according to the last census of not less than ten thousand, in counties of the first class of this state, incorporated or existing under and by virtue of any special act of incorporation and supplements thereto, to fix the salary of its recorder; *provided*, that the sum so fixed shall not exceed eight hundred dollars.

Governing body may fix recorder's salary.

Proviso.

**354. SEC. 2.** That all acts and parts of acts, whether general, special or local, inconsistent herewith, are hereby repealed.

Repealer.

## Townships.

### I. TOWNSHIP ACT OF 1846, WITH SUPPLEMENTS.

1. Townships incorporated.
2. Boundaries.
3. Process, how served.
4. Town meetings, when held.
5. Who entitled to vote.
6. Presiding officer chosen.
7. Preservation of order.
8. By-laws made.
9. To be recorded.
10. To provide for destroying noxious animals.
11. Power to raise money.
12. Election of officers.
13. Amended by section 56.
14. Repealed by section 57.
15. How notice given.
16. Clerk to keep minutes.
17. To certify appointments to county clerk.
18. How, if made by committee.
19. Oath of officers.
20. Certified and filed.
21. Refusal to serve.
22. Forfeited for refusal to serve.
23. Clerk's papers delivered to successor.
24. Certain sections to be read at town meeting.
25. Amended by sections 61 and 62.
26. One year's service to exempt.
27. Hour of meeting may be changed.
28. Surveyors in Cape May.
29. Money for education.
30. Abstract of ratables.
31. Repealed by section 38.
32. Who entitled to vote at town meetings.
33. Part of section 5 repealed.
34. Clerk may administer official oaths.
35. Oath of clerk.
36. Clerk to make out account of yearly expenses, &c.
37. Penalty for failure of clerk to make out account.
38. Compensation of township committee and clerk.
39. Overseers of poor to give bond.
40. Chosen freeholders to file accounts of expenses.
41. Duty of township committee.
42. Number of chosen freeholders in municipalities of certain counties.
43. Election, powers and duties.
44. Repealer.
45. Election of one overseer of the poor only.
46. Repealer.
47. Number of chosen freeholders in municipalities of certain other counties.
48. Election, powers and duties.
49. Repealer.

50. Townships may vote money for lock-ups.
51. Townships may vote money for public buildings.
52. Number of chosen freeholders in certain municipalities.
53. Repealer.
54. Inhabitants of township may authorize sale of certain real estate.
55. Place of holding annual town meeting, how determined.
56. When township committee may declare office vacant and fill the same.
57. Special repealer.
58. General repealer.
59. Number of chosen freeholders in certain municipalities.
60. Repealer.
61. Amended by section 62.
62. Collector to enter into bond with sureties.
63. Township committee to take oath.
64. Voters may raise money for assessor's map.
65. Action to be taken at annual meeting unless notice has been given, &c.
66. How money is collected.
67. Authorized to enter into contracts.
68. May borrow money on note, &c.
69. Township committee to sell abandoned real estate.
70. Term of office of township officers shall not extend beyond the term for which they were or may be hereafter elected.
71. Term of assessors and collectors.
72. Repealer.
73. Term of office of overseer of poor, &c.
74. Repealer.
75. Governing body may contract for lighting streets.
76. Repealer.
77. When boroughs are created, how township committee shall be constituted.
78. Same provisions applied to election of road overseers.
79. Repealer.

#### II. TOWNSHIP ACT OF 1876, WITH SUPPLEMENTS.

80. Time of holding annual election of township officers.
81. Amended by sections 97 and 122.
82. Appointment of chairman and treasurer.
83. What moneys raised by tax to be paid treasurer.
84. Amended by section 101.
85. Mode of submitting resolution.
86. Special town meeting, how conducted.
87. When township divided, township election to be held in each district.
88. Mode of canvassing votes.
89. Supply of water, how contracted for.
90. Assessment for cost of water-supply.
91. Proceedings for assessment.
92. Township committee may contract for water-supply.
93. Assessment to be a lien on lands.
94. Certificate of assessment to be delivered to collector.
95. Duty of collector.
96. Unpaid assessments, how collected.
97. Amended by section 122.
98. Township clerk to publish financial account.
99. Penalty for neglect.
100. Repealer.
101. Township bonds, how issued.
102. Salary of officers to be fixed by ordinance.
103. Salary not to be changed.
104. Restriction of act.
105. Assessments not to exceed benefits.
106. Township committee to subscribe oath before making assessment.
107. Report of assessments to be made in writing.
108. Repealer.
109. Salary of treasurer to be fixed by ordinance.
110. Amended by section 134.
111. Time of township elections, how changed.
112. Officers to hold until others are legally qualified.
113. Repealer.
114. Term of office of township committees consisting of three persons.
115. Vacancies, how filled.
116. Collector to file account of receipts, unpaid taxes, &c. Penalty.
117. Owners of lands may file remonstrance against opening or laying new roads or streets.
118. Repealer.
119. Term of office of members of certain township committees.
120. When resolution passed, terms to be determined by lot.
121. Repealer.
122. Election, organization and duties of township committees.
123. Amended by section 126.
124. Members to hold to end of term.
125. Repealer.
126. Number and election of township committee in certain townships.
127. Certain elections legalized.
128. Shall hold office until end of terms.
129. Number of township committeemen.
130. Repealer.
131. Township committees in certain counties to be elected for terms of three years.
132. Classification of terms of office.
133. Repealer.
134. Unexpended balances and appropriations of money, how appropriated.
135. Township committee in certain counties, how composed.
136. Succession to be determined by lot.
137. Repealer.
138. Former election ratified and confirmed.
139. Township committee shall hold office until end of term.
140. Number to be elected.
141. Repealer.

#### III. SIDEWALKS.

142. Construction of sidewalks by township committee in villages.
143. Advertisement for proposals.
144. Assessment upon owners of lands.
145. Basis of assessments.
146. Collection of assessments.
147. Borrowing money in anticipation of assessments.
148. Sidewalks constructed by public road boards.
149. Sidewalks, how kept in repair.
150. Amended by section 151.
151. Repealer.
152. Division of township into sidewalk districts.
153. Meetings of voters of districts, how called.
154. Who to preside at meetings. Proceedings at.
155. Township committee to decide what sidewalks shall be constructed or repaired.
156. Assessment of costs.
157. Basis of assessments. Lien.
158. Collection of assessments.
159. Borrowing money in anticipation of assessments.
160. Act, how construed.
161. Restriction of act.
162. Amended by section 195.
163. Amended by sections 194 and 196.
164. How constructed when owners neglect to construct.
165. When committee shall advertise for proposals.
166. When owner not entitled to reduction of assessment.
167. Requisites of advertisements for proposals.
168. What expenses to be added to contract price.
169. Basis of assessments, how made.
170. Amended by section 205.
171. Assessments to be a lien on lands.
172. Interest on unpaid assessments.
173. Return of collector to be made to township committee.
174. Warrant to be issued for collection of delinquent assessments.
175. To be recorded by township clerk.
176. Collector to advertise notice of sale.
177. Sale of lands by collector.
178. Return of warrant and proceedings.
179. Return to be recorded.
180. Certificate of sale to be recorded.
181. Redemption of lands.
182. Delivery of deed by township committee.
183. Record of proceedings to be evidence.
184. Purchaser to give notice to mortgagee.
185. Fees of collector under warrant.
186. Fees of township committee.
187. Fees of township clerk.
188. Purchaser to pay fees.
189. Collector to continue proceedings after his term of office expires.
190. When costs to be paid by township shall be assessed.

- 191. Work not exceeding \$200 in cost, how done.
- 192. Amended by section 208.
- 193. Construction of act.
- 194. Amended by section 196.
- 195. Construction, curbing and paving of sidewalks and crosswalks.
- 196. Proceedings to require owners of lots to construct sidewalks, &c.
- 197. Lawful for township committee to order that assessments for flagging or curbing may be paid in yearly installments.
- 198. If installment not paid for thirty days after it has become due the whole assessment to draw interest.
- 199. Assessments to be a paramount lien.
- 200. Application of collections of assessments.
- 201. Costs in certain towns and townships for improving sidewalks to be a lien.
- 202. Repealer.
- 203. Township committee may issue notes or bonds for certain purposes.
- 204. May fund debt for sidewalks, &c.
- 205. Assessments shall be certified to collector. Proceedings to collect.
- 206. Repealer.
- 207. Application of act and supplements defined.
- 208. Proceedings to provide for relaying and repairing of sidewalks.
- 209. Proceedings when owners default.
- 210. Lands so improved shall be assessed for costs and expenses thereof.
- 211. Clerk shall file assessment and certify same to collector, &c.
- 212. Collector of taxes shall collect assessments.
- 213. When townships authorized to hold election by ballot.
- 214. Officers of election.
- 215. Judge of election.
- 216. Election, when opened and closed.
- 217. Plurality of votes to elect. Vacancies.
- 218. Clerk to notify persons elected to fill vacancies.
- 219. Reports of township officers.
- 220. Repealed.
- 221. Judges and clerk of election not eligible to certain offices.
- 222. Terms of commissioners of appeal.
- 223. Interest on bonds to be raised by tax.
- 224. Suits for moneys paid on assessments which have been set aside, stayed.
- 225. Proceedings for re-assessment.
- 226. Amended by section 230.
- 227. Compensation to judge.
- 228. Court to make rules of practice, &c.
- 229. Circuit court to determine compensation to commissioners of assessments.
- 230. When commissioners appointed, shall make report of proceedings.
- 231. Contract of township committee, &c., authorized with city authorities for supply of water.
- 232. May acquire and construct necessary works.
- 233. May issue bonds.
- 234. May make contracts for construction of works, &c.
- 235. Two or more towns or townships may unite in contracts.
- 236. Repealer.
- 237. Township committee may change time of holding township elections.
- 238. Where township and city boundaries are the same, township is abolished.
- 239. Rate of taxation in certain townships increased.
- 240. Township committee in certain cases to assess benefits for street improvements.
- 241. To take and subscribe oath.
- 242. Report of assessments to be in writing.
- 243. Assessments to be a lien on lands.
- 244. Collection of assessments.
- 245. Proceedings in case of non-payment of assessments.
- 246. Judgments against municipal corporation, how satisfied.
- 247. Amended by sections 251, 253 and 254.
- 248. Penalties may be prescribed.
- 249. Repealed by section 252.
- 250. Restriction of act.
- 251. Amended by sections 253 and 254.
- 252. Section repealed.
- 253. Amended by section 254.
- 254. Township committee to have power to license vehicles, &c.
- 255. Township committee, on petition of property-owners of unhealthful district, may employ engineers to make plans, &c.
- 256. Petition if unhealthful district is located in more than one township.
- 257. Decision of committee to be conclusive.
- 258. Report of engineer to be presented. Plans, &c.
- 259. Election for adoption of plans, &c.
- 260. Committee to proceed if plans are adopted.
- 261. Issue of certificates of indebtedness or improvement certificates.
- 262. Construction of sewers through streets and private lands. Compensation to owners.
- 263. Compensation to owners of lands in an adjoining township.
- 264. Assessment of benefits. Proceedings.
- 265. Assessments to be a lien on lands. How payable.
- 266. Cost of construction in excess of benefits. How raised.
- 267. Appointment and compensation of engineers, &c.
- 268. Compensation of commissioners and collector.
- 269. Appeal from award or assessment.
- 270. Sewers, how kept in repair.
- 271. Time limited by act may be extended.
- 272. Restriction of act.
- 273. Municipal governing body may construct sewers to tide water, &c.
- 274. Outlets and laterals to be regarded as parts of main sewer.
- 275. Governing body may issue bonds in lieu of former issue and for further expenses.
- 276. Powers of township committees.
- 277. May pass ordinances and prosecute offenders.
- 278. Penalty for violation of act or ordinances.
- 279. Additional powers of township committees. Roads.
- 280. Power to define lines of public highways.
- 281. Repealer.
- 282. Additional powers given to township committees. (I. amended by section 290.)
- 283. Town committees may pass ordinances, prescribe penalties, prosecute offenders, &c.
- 284. Notice to be served upon owners of lots before ordinance shall be passed.
- 285. Ordinances shall be recorded by township clerk in book, &c.
- 286. Ordinances to be published in newspaper, &c.
- 287. Book of records to be received in all courts as evidence, &c.
- 288. Authorized to prohibit coasting.
- 289. Penalty for violation of act.
- 290. May construct sewers, &c.
- 291. What ordinances may be passed by certain township committees.
- 292. Manner of passing ordinances.
- 293. Repealer.
- 294. Amended by section 296.
- 295. Amended by section 297.
- 296. Township committee may change title from township to town.
- 297. Charter of township to apply to town.
- 298. Town vested with rights and subject to liabilities of township.
- 299. Ordinances, &c., of township to continue in force in town.
- 300. General acts applicable to such town.
- 301. Amended by section 330.
- 302. May cause surveys, plans, &c., to be made.
- 303. May cause sewers to be constructed.
- 304. May construct sewer to tide water.
- 305. May contract for connection with adjacent city sewers.
- 306. May collect and utilize or dispose of sewage, &c.
- 307. After ordinance is passed, further proceedings to be by resolution.
- 308. May treat with owners for necessary lands.
- 309. Proceedings when committee and owners cannot agree.
- 310. Township committee may keep sewers in repair.
- 311. May borrow money and issue bonds.
- 312. Legal voters may raise money for sewers.
- 313. Bonds to be paid by taxation.
- 314. Repealer.
- 315. Township committee may provide by ordinance for construction of sewers.
- 316. Proceedings to assess benefits.
- 317. Assessments to be a lien on lands.
- 318. Copy of report of commissioners to be delivered to collector. Collection of assessments.

## IV. MISCELLANEOUS TOWNSHIP ACTS.

319. Collector to advertise notice and sell lands.  
 320. Lands, how sold.  
 321. Certificate of sale to be delivered. Requisites of. Record.  
 322. Record to be kept of all proceedings.  
 323. Certificates assignable if township is purchaser.  
 324. Notice to be given mortgagee.  
 325. Redemption of lands.  
 326. On failure to redeem, declaration of sale to be delivered.  
 327. Certificates of search to be given by clerk, &c.  
 328. Compensation of collector or receiver of taxes. Of clerk.  
 329. Township committees authorized to borrow money and issue bonds.  
 330. Township committees of certain townships may provide system of sewerage or drainage.  
 331. Lands unassessed not to use sewers unless consent of township committee be given.  
 332. Ordinances not to be introduced and finally passed at same meeting.  
 333. To be engrossed by clerk.  
 334. Certificate to be entered by clerk.  
 335. To be signed by chairman and clerk.  
 336. To be published in newspaper.  
 337. Record and certified copies to be evidence.  
 338. Moneys may be voted for lighting streets.  
 339. Township committee may appropriate certain moneys for sinking fund.  
 340. Amended by section 346.  
 341. Amount assessed for payment on bonded debt to be kept separate from other items and accounts.  
 342. Commissioners to have control of bonded debt of township.  
 343. When commissioners have in hand sufficient money to pay bonded debt, report to be made, &c.  
 344. Compensation of commissioners. Official bond.  
 345. Repealer.  
 346. How commissioners shall be appointed.  
 347. Township committee may buy lot and erect public building.  
 348. Cost, how paid. May execute mortgage.  
 349. For what purposes building to be used.  
 350. Governing body authorized to purchase lot and erect building for township purposes.  
 351. Powers herein conferred extended to township committees who have heretofore or may hereafter enter into contracts.  
 352. Repealer.  
 353. Township committee to order money raised by taxation to pay promissory notes.  
 354. Township committee may grant consent to lay sewer pipes in streets, &c.  
 355. Township committee may borrow money in anticipation of taxes.  
 356. Township committee may divide township into street lamp districts.  
 357. Proceedings to determine amount to be expended for street lamps.  
 358. When lawful for township committee to borrow money to defray expense of opening and clearing out roads, &c.  
 359. Money borrowed collected by taxation.  
 360. When voters of township may determine amount to be raised for fire department and other purposes.  
 361. How cost divided.  
 362. May borrow money to pay for lot and building.  
 363. System of sewerage or drainage may be constructed.  
 364. Plans and estimates may be made.  
 365. Township committee may, by ordinance, cause sewers and drains to be constructed, &c.  
 366. Sewers may be constructed to tide-water.  
 367. May contract and agree with other municipalities to connect sewers and drains.  
 368. Lands and buildings may be purchased and erected to deodorize, &c., the sewage matter.  
 369. Further acts may be by resolution.  
 370. Township committee authorized to take and treat with owners of lands.  
 371. Proceedings in case committee and owners cannot agree, &c.  
 372. Committee to keep sewers, works and drains in repair, &c.  
 373. Commissioners, how appointed, &c.  
 374. Committee may borrow money and issue bonds.  
 375. Voters at annual meeting may vote to raise money, &c.  
 376. Interest and principal of bonds, how paid.  
 377. Assessments, how paid.  
 378. Acceptance or rejection of act may be submitted to voters.  
 379. Repealer.  
 380. Authorized to issue bonds to fund obligations for improvements.  
 381. Bonds to be sold at face value, and proceeds, how applied.  
 382. Moneys collected on account of assessments, how appropriated.  
 383. Township committee to fix and determine annually amount of money necessary to be raised.  
 384. Repealer.  
 385. Amended by section 402.  
 386. Amended by section 403.  
 387. Amended by section 404.  
 388. Authorized to take and appropriate lands, &c.  
 389. Authorized to deodorize and dispose of sewage and purchase lands, erect buildings, &c.  
 390. May treat with owners and purchase lands, &c.  
 391. Proceedings in case no agreement can be made with owners, &c.  
 392. Costs, damages, &c., to be assessed upon lands benefited. Proceedings.  
 393. Amended by section 405.  
 394. Township committee may borrow money and issue notes, &c.  
 395. Incorporated townships may issue bonds, &c.  
 396. Amended by section 406.  
 397. Repealer.  
 398. Payment for improvement certificates may be provided for by issuing improvement bonds, &c.  
 399. Amended by section 412.  
 400. Repealer.  
 401. Title amended.  
 402. Authorized to construct a system of sewerage and drainage.  
 403. Surveys, plans and estimates to be made.  
 404. May cause sewers and drains to be constructed.  
 405. Assessments for benefits to be a lien upon lands, &c.  
 406. To establish regulations, &c., for use of sewers and drains.  
 407. Repealer.  
 408. Commissioners of assessment shall assess both for direct and prospective benefits all lands benefited or to be benefited.  
 409. Proceedings upon the confirmation of the assessment.  
 410. Moneys collected on account of aforesaid assessment kept in a separate fund, &c.  
 411. Repealer.  
 412. Township committee may provide for payment of assessments by installments.  
 413. Unlawful to make arrangements for certain purposes for a period beyond term of office.  
 414. Townships authorized to raise money by vote for purchasing land and maintaining public parks.  
 415. Commissioners of public roads authorized to make assessments for costs, damages and expenses for road improvements in townships.  
 416. Period for *certiorari*.  
 417. Repealer.  
 418. Authorizes township committees to arrange terms for payment of assessments for improvements.  
 419. Whole assessment to become due if one installment is unpaid.  
 420. Assessment to be a first lien.  
 421. Collections to be applied in payment of cost of improvements.  
 422. Township committees to raise money to pay promissory notes.  
 423. Authorized to pass ordinance allowing rebate.  
 424. Proceedings to have ordinances published, &c.  
 425. Duties of auditor, &c.  
 426. Certain townships may establish sinking fund, &c.  
 427. Appointment of commissioners to manage same, &c.  
 428. Centennial celebration of towns, &c.  
 429. May assess the same in next tax levy.  
 430. Appropriation shall be paid to town treasurer.  
 431. Proceedings to construct sewers.  
 432. Committee may cause surveys, plans, &c., to be made.  
 433. May cause system to be constructed.  
 434. May purchase necessary real estate. Proceedings in case owner and committee cannot agree.  
 435. May issue notes, &c., to pay for land.  
 436. Proceeding for appointment of commissioners, &c.  
 437. Further proceedings of commissioners, &c.  
 438. Assessments to be collected by tax collector.  
 439. Proceedings under this act.  
 440. Two or more townships may unite for plans, &c.

441. When tax arrearage bonds shall be issued, &c.  
 442. Principal and interest on account of arrearages appropriated to sinking fund.  
 443. Separate account of receipts of arrearages shall be kept.  
 444. Bonds, how payable, &c.  
 445. Committee may provide ordinance for certain purpose, &c.  
 446. Proceedings for arrest, &c.  
 447. Committee of certain townships may appoint building inspector, &c.  
 448. Penalty for violation of ordinances.  
 449. Committee in certain counties may designate districts, &c.  
 450. Proceedings for election of commissioners, &c.  
 451. Result shall be certified to commissioners, and commissioners shall notify assessor, &c.  
 452. Commissioners empowered to expend moneys for certain purposes.  
 453. Repealer.  
 454. Committee may purchase water works, &c.  
 455. Election shall be first held, &c.  
 456. Notice of election to be posted and published.  
 457. How election shall be conducted.  
 458. Clerk shall provide polling places, &c.  
 459. Official ballot not required.  
 460. Election board shall fill vacancies on same.  
 461. Committee may issue bonds to pay for water works, &c.  
 462. Committee may regulate management of water works, &c.  
 463. Repealer.  
 464. Except in certain cases, township officers shall hold till terms expire.  
 465. Township assessor and collector, if residents, shall be officers of town or city set off.  
 466. Chosen freeholders shall hold office for ward in which he resides.  
 467. Repealer.  
 468. When term of township and village officers shall begin.  
 469. Repealer.  
 470. Certain townships to elect president, term, &c.  
 471. Duties, power, &c., of president.  
 472. Duties in reference to ordinances, &c.  
 473. Contracts must be awarded to the lowest bidder after due advertisement.  
 474. Appointment of a street and sewer commissioner, &c.  
 475. Board of excise shall have power to grant licenses, &c.  
 476. Ordinances and special acts heretofore enacted shall apply.  
 477. Committee may provide for enforcement of ordinances.  
 478. Act to remain inoperative until election had, &c. Proceedings for, &c.  
 479. Time of elections fixed for certain townships.  
 480. Repealer.  
 481. Boroughs shall not be created of townships divided into wards.  
 482. Repealer.  
 483. Certain act shall not be construed as applying to certain borough governments.  
 484. Certain townships may contract with adjoining municipality for a water-supply.  
 485. Committee may establish rules and regulations for water service. Receipts, how applied, &c.  
 486. Water rents shall be a lien upon property served, &c.  
 487. Water mains may be extended. Bonds may be issued, &c.  
 488. Notes or bonds heretofore issued validated.  
 489. Act inoperative until adopted at an election. Proceedings for, &c.  
 490. Township and borough authorities shall meet and apportion taxes to be collected, &c.  
 491. Act to apply to certain townships.  
 492. Repealer.

### I. Township act of 1846, with supplements.

An act incorporating the inhabitants of townships, designating their powers and regulating their meetings.

Approved April 14, 1846.

1. That the inhabitants of each of the several townships, precincts and wards of this state, hereinafter mentioned, be and they are hereby continued a body politic and corporate in law, as heretofore constituted and established, by the name of "the inhabitants of the township of \_\_\_\_\_, in the county of \_\_\_\_\_," as the case may be, that is to say :

(1) The inhabitants of the townships of Hackensack, Saddle River, Franklin, Harrington, New Barbadoes, Lodi and Washington, in the county of Bergen.

[Townships since incorporated : Hohokus, P. L. 1849, p. 21. Union, P. L. 1852, p. 43. Midland, 1873, p. 54. Englewood, 1873, p. 691. Palisades, 1873, p. 691. Ridgewood, 1873, p. 691. Ridgefield, 1876, p. 487.]

(2) The inhabitants of the townships of Springfield, Clinton, Union, Bloomfield, Belleville, Rahway, Westfield, New Providence, Elizabeth, Orange, Caldwell, Livingston and Newark, in the county of Essex.

[Incorporated in 1847, p. 29, Plainfield. By P. L. 1857, p. 244, the county of Union was set off from the county of Essex. Essex county now contains the following townships : Clinton, Bloomfield, Belleville, Orange, South Orange, Caldwell, Livingston, Newark and Millburn. East Orange, 1863, p. 103. West Orange, 1863, p. 279. Montclair, 1868, p. 998, and Franklin, 1874, p. 191.]

(2A) Union county contains the townships of Rahway, Elizabeth, Union, Springfield, Westfield, New Providence, Plainfield and Linden. Clark, 1864, p. 369. Summit, 1869, p. 538. Cranford, 1871, p. 476.

(3) The inhabitants of the townships of Piscataway, Woodbridge, Perth Amboy (otherwise called the north ward of Perth Amboy), North Brunswick (otherwise called the north ward of New Brunswick), Monroe, South Brunswick (otherwise called the south ward of New Brunswick), and South Amboy (otherwise called the south ward of Perth Amboy), in the county of Middlesex.

Rev. 332, 723.

Har. 137.

P. L. 1836, p. 95.  
 " 1842, p. 165.  
 " 1844, p. 231.  
 " 1846, p. 15.

R. S. 1019.

Townships incorporated.

Bergen.

Essex.

Union.

Middlesex.

- [East Brunswick and New Brunswick, P. L. 1860, p. 162. Madison, 1869, p. 111. Raritan, 1870, p. 684. Cranbury, 1872, p. 378. Sayreville, 1876, p. 492.]
- Monmouth. (4) The inhabitants of the townships of Upper Freehold, Stafford, Dover, Middletown, Shrewsbury, Freehold, Howell, Millstone, Jackson, Union and Plumsted, in the county of Monmouth.  
[By act of February 15th, 1850, the townships of Stafford, Dover, Jackson, Union and Plumsted were set off into Ocean county. The following townships have since been incorporated in Monmouth county: Atlantic, P. L. 1847, p. 66. Marlboro, 1848, p. 48. Raritan, 1848, p. 95. Manalapan, 1848, p. 199. Ocean, 1849, p. 115. Wall, 1851, p. 191. Holmdel, 1857, p. 29. Matawan, 1857, p. 29. Eatontown, 1873, p. 630.]
- Ocean. (4A) The inhabitants of the townships of Jackson, Plumsted, Stafford, Union, Dover and Brick, in the county of Ocean.  
[Manchester, 1865, p. 913. Lacey, 1871, p. 876. Eagleswood, 1874, p. 284. Berkeley, 1875, p. 430. Ocean, 1876, p. 503.]
- Somerset. (5) The inhabitants of the townships of Bridgewater, Bedminster, Bernards, Hillsborough, Montgomery (otherwise called the western precinct), Warren, Franklin (otherwise called the eastern precinct), and Branchburgh, in the county of Somerset.  
[North Plainfield, 1872, p. 1040.]
- Burlington. (6) The inhabitants of the townships of Little Egg Harbor, Springfield, Mansfield, Washington, Evesham, Willingborough, New Hanover, Chester, Northampton, Chesterfield, Burlington, Pemberton and Southampton, in the county of Burlington.  
[Medford, 1847, p. 16. Westampton, 1850, p. 241. Bordentown, 1852, p. 3. Shamong, 1852, p. 64. Beverly, 1859, p. 21. Lumberton, 1860, p. 248. Cinnaminson, 1860, p. 268. Bass River, 1864, p. 597. Woodland, 1865, p. 224. Randolph, 1870, p. 961. Florence, 1872, p. 40. Mount Laurel, 1872, p. 40.]
- Gloucester. (7) The inhabitants of the townships of Deptford, Greenwich, Woolwich, Franklin and Harrison, in the county of Gloucester.  
[Mantua, 1853, p. 153. Clayton, 1858, p. 26. Woodbury, 1854, p. 333. West Deptford, 1871, p. 337. West Woolwich, 1877, p. 364. By act of 1871, p. 314, the townships of Monroe and Washington were set off from Camden to Gloucester.]
- Salem. (8) The inhabitants of the townships of Salem, Mannington, Lower Penn's Neck, Pittsgrove, Upper Pittsgrove, Elsinborough, Alloway's Creek, Upper Penn's Neck, Upper Alloway's Creek and Pilesgrove, in the county of Salem.  
[Quinton, 1873, p. 217.]
- Cape May. (9) The inhabitants of the Upper township (otherwise called the upper precinct), the Middle township (otherwise called the middle precinct), the Lower township (otherwise called the lower precinct), and Dennis, in the county of Cape May.  
[Cape May City, 1869, p. 240.]
- Hunterdon. (10) The inhabitants of the townships of Lebanon, Clinton, Alexandria, East Amwell, West Amwell, Bethlehem, Kingwood, Tewksbury, Readington, Raritan, Delaware and Franklin, in the county of Hunterdon.  
[Lambertville, 1849, p. 247. Union, 1853, p. 91. Frenchtown, 1867, p. 567. Town of Clinton, 1865, p. 778. High Bridge, 1871, p. 1005. Holland, 1874, p. 513.]
- Morris. (11) The inhabitants of the townships of Pequannock, Jefferson, Roxbury, Chester, Washington, Hanover, Randolph, Morris, Chatham, Mendham and Rockaway, in the county of Morris.  
[Passaic, 1866, p. 666. Boonton, 1866, p. 506. Montville, 1867, p. 936. Mount Olive, 1871, p. 695.]
- Cumberland. (12) The inhabitants of the townships (otherwise called precincts) of Maurice River, Downe, Fairfield, Greenwich, Stow Creek, Deerfield and Hopewell, and of the townships of Millville and Bridgeton, in the county of Cumberland.  
[Cohansey, 1848, p. 125. Landis, 1864, p. 180. Commercial 1874, p. 211.]

(13) The inhabitants of the townships (otherwise called precincts) of Sandyston, Montague, Frankford, Byram, Hardyston, Newton, Walpack, Wantage and Vernon, and of the townships of Stillwater, Green, Sparta and Lafayette, in the county of Sussex.

[Andover and Hampton, 1864, p. 196.]

(14) The inhabitants of the townships of Mansfield, Oxford, Franklin, Harmony, Greenwich, Hope, Independence, Knowlton, Hardwick, Pahaquarry and Blirstown, in the county of Warren.

[Belvidere, 1845, p. 108. Frelinghuysen, 1848, p. 172. Washington, 1849, p. 222. Phillipsburg, 1851, p. 188. Hackettstown, 1853, p. 344. Lopatcong, 1863, p. 289. Borough of Washington, 1868, p. 76. Allamuchy, 1873, p. 371.]

(15) The inhabitants of the townships of Paterson, Acquackanonck, Manchester, West Milford and Pompton, in the county of Passaic.

[Wayne, 1847, p. 47. Little Falls, 1868, p. 13. Passaic, 1869, p. 317.]

(16) The inhabitants of the townships of Egg Harbor, Galloway, Hamilton, Mullica and Weymouth, in the county of Atlantic.

[Atlantic City, 1854, p. 278. Egg Harbor City, 1858, p. 385. Hammon- ton, 1865, p. 188. Buena Vista, 1867, p. 142. Absecon, 1872, p. 301.]

(17) The inhabitants of the townships of Nottingham, Hamilton, Princeton, East Windsor, West Windsor, Hopewell, Lawrence, Ewing and Trenton, in the county of Mercer.

[Washington, 1859, p. 350. Chambersburg, 1872, p. 1044. By act of 1856, p. 134, part of Nottingham township was annexed to city of Trenton and part to Hamilton township.]

(18) The inhabitants of the townships of Bergen, North Bergen, Har- rison, Jersey City and Van Vorst, in the county of Hudson.

[Hoboken, 1849, p. 282. Weehawken, 1859, p. 368. Union, 1861, p. 99. West Hoboken, 1861, p. 99. North Bergen, 1861, p. 99. Bayonne, 861, p. 454. Greenville, 1863, p. 103. Town of Union, 1864, p. 561. Kearny, 1867, p. 253. Township of Van Vorst annexed to Jersey City, 1851, p. 392, and Bergen, 1869, p. 1377.]

(19) The inhabitants of the townships of Washington, Gloucester, Union, Newton, Waterford, Camden, Delaware and Winslow, in the county of Camden [Centre, 1855, p. 182. Stockton, 1859, p. 18. Haddon, 1865, p. 119. Gloucester City, 1868, p. 103. Merchantville, 1874, p. 216]; *provided*, that the corporate name, powers and privileges, of the several cities, towns and boroughs of this state, shall be continued agreeably to the provisions of the several acts incorporating said cities, towns and boroughs respectively.

2. That the boundaries of the several townships shall be and remain as heretofore established by law. (1)

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

4. That the freeholders and inhabitants who are or shall be qualified by law to vote at town meetings, shall have full power, and they are hereby directed and required to assemble and hold town meetings in the respective townships in the counties of Burlington, Monmouth, Salem and Cumberland, on the second Tuesday in March, annually; in the respective townships in the county of Cape May, on the first Tuesday in March, annually; in the respective townships in the counties of Bergen, Essex, Somerset, Middlesex, Hunterdon, Morris, Passaic, Mercer and Hudson, on the second Monday in April, annually; in the respective townships in the counties of Gloucester, Atlantic and Camden, on the second Wednesday in March annually; in the townships of Montague, Sandyston and Walpack,

(a) The intention of this section was to make at least thirty days between the service of the summons and the return; the act of March 18th, 1851 (*ante*, p. 2540, Sec. 41), having abolished the necessity of regarding terms in the return of writs of summons,

a legal service can be made on the township at least thirty days before the return day. On that day the court is, by force of the statute, in session for the return of the writ. *Phillipsburg ads. Raub*, 8 Vr. 48. See, also, *McNeil v. Gloucester City*, 22 Vr. 444.

in the county of Sussex, on the second Monday in March, annually ; in the remaining townships in the county of Sussex, on the second Monday in April, annually ; in the township of Pahaquarry, in the county of Warren, on the second Monday in March, annually ; and in the remaining townships in the county of Warren, on the second Monday in April, annually ; and that said town meetings shall be held at such places, in the respective townships, as the electors of such township may have directed and appointed, or shall, from time to time, direct and appoint. [See Sec. 80, *post.*]

Who entitled to vote.

5. That every person entitled to the right of suffrage under the constitution, who shall have resided five months in the township next preceding such town meeting, shall be entitled to vote at such meeting, and no other person. [See Sec. 33, *post.*]

Choose presiding officer.

6. That between the hours of eleven and twelve of the day of holding the town meetings in the several townships of this state, the electors of every township, so assembled, shall choose, by plurality of votes, some fit person to preside at and superintend such meeting, who shall take care that the business thereof be conducted in a regular and orderly manner, and shall, in case of dispute, determine who have and who have not a right to vote at such meeting according to law.

Duties.

Penalty for disorder.

7. That no person shall behave in a disorderly manner, or interrupt the person speaking at any town meeting by unnecessary noise or conversation ; and if any person shall, after notice from the presiding officer, persist in his disorderly behavior, then it shall be lawful for the said presiding officer to direct such disorderly person to withdraw from the meeting, and moreover, such person shall forfeit one dollar for such offense ; and such disorderly person, if he refuse or neglect to withdraw, shall, by direction of the said presiding officer, be carried out of the meeting by some of the constables of the said township, and put into a place of confinement, where he shall be detained until such meeting shall be ended ; *and further*, that the fines specified in this section, shall be sued for, and may be recovered, with costs, by action of debt, in the name of the clerk of the township before any justice of the peace of the said county ; and that any elector or inhabitant of the said township shall be admitted as a witness in support of such action, notwithstanding his being a member of such corporation, or interested in the appropriation of the said fine in manner aforesaid.

Fines recovered.

Make by-laws.

8. That the persons qualified to vote at town meetings shall, at their annual meetings, or at any other meeting duly held for that purpose, make and ordain such regulations and by-laws as the majority of them so assembled shall, from time to time, judge necessary or proper for improving their common lands in tillage, pasturage, or any other way, and directing the use and management, and the times and manner of using their common lands, for making and maintaining such and so many pounds, and at such places as may be necessary or convenient, and to impose such penalties on the offenders against such regulations and by-laws as they shall deem expedient, not exceeding twelve dollars for each offense, to be recovered, with costs of suit, by and in the name of the clerk of the township where the offense shall be committed, by action of debt, before any justice of the peace or any other competent authority, in any other township in the said county or elsewhere ; and no such action shall be abated or discontinued by the death or expiration of the office of the said clerk, but may be continued and prosecuted to effect by his successor in office ; and all such penalties, when recovered, shall be applied to the use of the township where the offense shall have been committed, in such manner and for such purposes as at their town meetings shall, from time to time, be directed and appointed.

Impose penalties.

Suit not to abate.

By-laws recorded.

9. That all such regulations and by-laws shall be entered and recorded by the clerk of such township, in a book by him to be provided for that purpose, and shall remain and be in force until the same shall be revoked or altered, or new made and ordained at some subsequent town meeting ; all which alterations, new regulations, and by-laws shall also, from time to

time, be entered and recorded as aforesaid, and shall continue in force until revoked, altered, or made and ordained anew, as aforesaid.

10. That the persons qualified to vote at town meetings are hereby authorized, at their annual meetings, or any other meeting duly held for that purpose, to make such provisions and allow such rewards for the destruction of wolves, wildcats, foxes, crows, blackbirds, and other noxious wild animals and birds, as they or the major part of them, so assembled, shall deem necessary or proper.

Provide for destroying animals.

11. That the persons qualified to vote at town meetings shall be and they are hereby empowered at their annual meetings, or at any other meeting duly held for the purpose, to vote, grant, and raise such sum or sums of money for the maintenance and support of the poor, the building and repairing of pounds, the opening, making, working and repairing of roads and keeping them in order, in such townships as are authorized to repair their highways by hire, the destruction of noxious wild animals and birds, for running and ascertaining the lines, and prosecuting or defending the common rights of such township, and for other necessary charges and legal objects and purposes thereof, as are or shall be by law expressly vested in the inhabitants of the several townships of this state, by this or some other act of the legislature; which money so voted and granted, shall be assessed, levied and collected by the same persons, in the same manner, and under the like fees, fines and penalties as the money raised in such township by the board of chosen freeholders of the county shall be assessed, levied and collected, and at such times and in such proportions as the said town meetings, respectively, shall direct and appoint; *provided*, that the said fines and penalties shall, when recovered, be paid to the clerk of the said township, and be applied to the use of the said township, in such manner as shall, from time to time, be directed and appointed at their annual meeting. (a)

Raise money for what purposes.

How collected.

Proviso.

12. That the persons qualified to vote at town meetings shall have full power and authority at their respective annual meetings, to elect for such township, by a majority (b) of votes, one clerk, one or more assessor or assessors, provided no such township shall be thereby entitled to more than one vote in the board of assessors of the county, one or more collector or collectors, three or more judicious freeholders of good character to hear and finally determine all appeals relative to unjust assessments in cases of taxation, two freeholders commonly called chosen freeholders, two surveyors of the highways, (c) one or more overseer or overseers of the poor, one or more constable or constables, and so many overseers of the highways and poundkeepers (d) as they shall deem necessary or convenient, and one reputable freeholder as a judge of elections; which said several officers shall hold their respective offices for one year, and until others shall be chosen and legally qualified in their stead; and that in addition to the before-mentioned officers, the electors of every corporation at their respective annual meetings as aforesaid, shall have full power and authority

Officers to be elected.

(a) The whole proceedings of a town meeting are regulated by statute, and they have no power to alter or change them; hence, they cannot require the oath of an overseer of the road to be subjoined to his account. *Mendham v. Losey*, *Pen.* \*347, \*355, *Fennington, J.* So, they cannot take bonds of constables to enforce the performance of legal duties, except in the case specially provided for by statute. *Middletown v. McCormick*, *Pen.* \*500, \*504. A tax voted by a special town meeting to pay bounties to volunteers, unauthorized by any special law, where the notice of the meeting did not specify the object, and no specific sum nor any certain means of ascertaining the proper amount were determined—*Held*, to be illegal. *State, Fennimore v. Clothier*, 1 *Vr.* 351. A town meeting has no lawful right to raise money for incidental expenses without specifying what those expenses are. The resolution or order authorizing the tax must show upon its face that the money is to be raised and applied to some legal object or purpose. *State, Verhale v. Scalmann*, 8 *Vr.* 156. A vote by the inhabitants of a township at town meeting to raise for schools "all the law allows," as it can be rendered certain, is sufficient, and the assessment made by virtue of it will not be set aside on *certiorari*. *State v. Sickles*, 4 *Zab.* 125. *State v. Middletown*, 4 *Zab.* 124. A resolution at a town meeting to raise for general township expenses as much as the township committee shall direct, or in these words, "ways and means left to the committee," is illegal; and a tax assessed to raise a sum directed by the committee by virtue of such vote is illegal, and will be set aside; the power of directing how much money shall be raised

for town purposes, is vested in the town meeting, and cannot be delegated. *Ib.* Upon the minutes of the proceedings of the town meeting of the township of W., it appeared that the sum of \$400 was to be raised for township purposes, and "for notes and bonds, to be left to the committee." Under this authority the committee ordered \$1,215 to be raised. *Held*, that the town meeting could not delegate its authority to the township committee. *State, Wharton v. Koster*, 9 *Vr.* 308. The portion of the assessment for notes and bonds set aside. *Ib.* So, "nine hundred dollars for ways and means and support of the poor," is illegal. *State v. Middletown*, 4 *Zab.* 124. The meeting ought to order money to be raised for the several purposes expressly authorized by law, by formal resolutions carefully drawn, and recorded in the minutes. *Ib.* No corporate act under the seal of the township, is required or necessary. *Mendham v. Losey*, *Pen.* \*347, \*352, *Fennington, J.* A township may raise such sum for road purposes as may be required. *Norcross v. Veal*, 22 *Vr.* 87. And also such sum as may be required for defending the common rights of the township. *Bulon v. Woolwich*, 26 *Vr.* 489.

(b) This means a majority of all the ballots cast. The general rule that persons present but not voting shall not be counted in ascertaining the result, does not apply. *State, Hoagland v. Labaw*, 3 *Vr.* 263, 272.

(c) See *supra*, p. 2814, note (a).

(d) A municipal corporation has no power to appoint a pound-keeper, unless expressly authorized by its charter. *White v. Tailman*, 2 *Dutch.* 87.

Township committee.	to elect five judicious freeholders resident within the township, who shall be denominated the township committee, (a) a majority of whom shall be a quorum, and shall continue in office one year and until others are chosen in their stead; which committee shall have authority, and it is hereby rendered their duty to examine, inspect, and report to the annual or other town meetings the accounts and vouchers of the township officers, and to superintend the expenditure of any moneys raised by tax for the use of the township, or which may arise from the balance of the accounts of any of the township officers; (b) and provided, that the several officers enumerated in this section may be elected by a plurality of votes, in any annual town meeting which may resolve, or now are or hereafter may be required by law, to vote by ballot.
Their duty.	
Proviso.	
How notice given.	<p>13. [Amended by Sec. 56, <i>post.</i>]</p> <p>14. [Repealed by Sec. 57, <i>post.</i>]</p> <p>15. That whenever it shall be necessary in the opinion of the township committee, to hold a town meeting for any of the purposes specified in this or any other act, at any time between the annual meetings, it shall be the duty of the clerk of such township to give notice thereof in writing under his hand, mentioning the time, place and object or purpose of such meeting, to be fixed up at four or more of the most public places in the said township, at least eight days before the time therein appointed for holding such meeting.</p>
Clerk to keep minutes.	16. That the clerk of every township shall enter, in a book to be kept for the purpose, the names of the persons and the offices to which they are elected at town meetings, and the proceedings of such meetings, which shall be signed by the presiding officer of the meeting and attested by the clerk. (c)
Transmit names to county clerk, and set up copies.	17. That the clerk of such township shall, within ten days after every election, transmit to the clerk of the court of common pleas of the county, a certified list of the names of the persons and the respective offices to which they are elected; and shall, within five days after the said election, set up fair and true copies of such list in three or more of the most public places in such township, which shall be considered as sufficient notice to the said persons of their being elected to the said offices respectively.
Committee to notify appointments.	18. That if the appointment to office is made by the township committee in the manner prescribed by law, then it shall be the duty of the said committee to give personal notice to, or cause notice in writing to be left at the place of abode of the person so appointed, of such his appointment, within five days after the same, and, also, within the said time, to transmit an account of such appointments to the clerk of the said court of common pleas.
Oath to be taken by.	19. That every clerk of the township, surveyor of the highways, assessor, commissioner of appeals in cases of taxation, overseer of the poor,

(a) Where an act provided that road commissioners should be elected in the same way as other township officers, and that one of them be chosen president of the board, and if a vacancy occurred by death, or by a commissioner becoming non-resident, the township committee was authorized to fill it. Two of the commissioners, Cox and Crane, each having received the same number of votes, the township committee unanimously elected Cox president of the board. *Held*, legal. *State, Wenans v. Crane*, 7 Vr. 394. The act of 1868, authorizing the township committee of M. township to order money to be raised by tax for payment of an existing indebtedness of the township, does not require the order to be in writing. *State, Verhule v. Saalman*, 8 Vr. 156. The expense of laying out and opening a public road in M. township, under the act of 1868 (P. L., p. 844), which is to be paid by the town, must, by order of the township committee, be assessed by the assessor of the township in the same manner and at the same time other township taxes are assessed. *Ib.* The raising of moneys to meet contingencies, is wholly without the jurisdiction of the township committee. *Ib.* A township committee cannot lawfully expend for other purposes than those of education, the moneys raised or appropriated for a school fund. *Hoboken v. Ivinson*, 5 Dutch. 65. A township committee in this state have no power to borrow money on the faith of the township, or to authorize anyone to borrow money in the name of the township, or to bind the inhabitants to the payment of money so borrowed. *Musgrove v. Kennell*, 8 C. E. Gr. 75. But if the members of the township committee can persuade anyone to loan money necessary for township purposes, they are at liberty to do so; and the borrowing or expenditure of such money will not be restrained. Such borrowing cannot affect the township or any inhabitant, unless the inhabitants, at a regular town meet-

ing, ratify the loan and assume the debt. *Ib.* The committee ought to keep a record of their proceedings, and make all their orders in writing. *Callahan v. Morris*, 1 Vr. 160. Commissioners being authorized to borrow money "on the faith and credit" of a township, and to execute bonds therefor, "under their hands and seals respectively"—*Held*, that power was thereby given to make such bonds in the name of the township. *Morrison v. Bernards*, 7 Vr. 219. An action will not lie against the overseers of the poor for the maintenance of paupers, but must be brought against the inhabitants of the township. *Board v. Cronk*, 1 Hal. 119. A township bond recited that the township officers executing it had been authorized, as the law required, to issue such bond. *Held*, in a suit on the bond, that the township could set up that no such authority had been given. *Hudson v. Winslow*, 6 Vr. 437. See *supra*, p. 2810, note (a); p. 42, note (a); p. 846, note (a).

(b) The committee do not act in the character of judges; they are auditors to examine, inspect and report the clerks or servants of the corporation, and not its judges to hear, try and determine without notice. They are the agents of the township only so far as they act within the express provisions of the law. *Demarest v. Inhabitants of New Barbadoes*, 11 Vr. 807.

(c) The clause requiring the moderator to sign the township book, is merely directory; the book is competent evidence without such signature. *State, Reeves v. Ferguson*, 2 Vr. 107. The record of the town meeting or a sworn copy thereof, is the best evidence of the election of a constable or other township officer. *Prickett's Case*, *Spen*, 134. The town clerk's oath verifying a copy of a township resolution, is sufficient proof. *State v. Clothier*, 1 Vr. 351. If the time of holding the town meeting does not appear on the record, it may be shown by parol. *State v. Bentley*, 3 Zab. 532.

and constable, hereafter elected or appointed as aforesaid, shall, before he enters upon the execution of his office, and within six days after notice of such election or appointment, take and subscribe an oath or affirmation, (a) before some justice of the peace residing in or near the said township, in the form hereinafter prescribed, that is to say, every clerk shall take and subscribe an oath or affirmation in the following form, to wit :

I, \_\_\_\_\_, clerk of the township of \_\_\_\_\_, in the county of \_\_\_\_\_, do solemnly and sincerely promise and swear (or affirm), that I will faithfully and honestly keep all the papers, writings, books and records, by virtue of my office committed, and which, from time to time, shall be committed to me ; and that I will, in all things, to the best of my knowledge and understanding, perform the duties of said office of clerk, without favor or partiality. Clerk.

And every surveyor of the highways shall take and subscribe an oath or affirmation in the following form, to wit :

I, \_\_\_\_\_, do solemnly and sincerely promise and swear (or affirm), that I will, in all things, to the best of my knowledge and understanding, well, justly and faithfully execute the office of a surveyor of the highways, without favor or partiality. Surveyor.

And every assessor shall take and subscribe an oath or affirmation in the following form, to wit :

I, \_\_\_\_\_, do solemnly and sincerely promise and swear (or affirm), that I will truly, faithfully, honestly, and impartially value and assess the ratable estates in the township of \_\_\_\_\_, in the county of \_\_\_\_\_, and that in making such valuations and assessments, I will, to the best of my knowledge and judgment, observe the directions of the law respecting the same ; and that I will make a true return of all such assessments to the board of assessors, at their meeting, required to be held on the first Monday in September, by the third section of "An act concerning taxes."

And every freeholder to hear and determine appeals relative to unjust assessments in cases of taxation, shall take and subscribe an oath or affirmation in the following form, to wit :

I, \_\_\_\_\_, do solemnly and sincerely promise and swear (or affirm), that I will well, truly, and faithfully execute the trust reposed in me, and perform my duty, as a commissioner of appeals in cases of taxation, for the township of \_\_\_\_\_, in the county of \_\_\_\_\_, according to the best of my knowledge and understanding, without favor or partiality. Commissioner of appeals.

And every overseer of the poor shall take and subscribe an oath or affirmation in the following form, to wit :

I, \_\_\_\_\_, do solemnly and sincerely promise and swear (or affirm), that I will in all things, to the best of my knowledge and understanding, well and faithfully execute the trust reposed in me, as an overseer of the poor of the township of \_\_\_\_\_, in the county of \_\_\_\_\_.

And every constable shall take and subscribe an oath or affirmation in the words following, to wit :

I, \_\_\_\_\_, do solemnly and sincerely promise and swear (or affirm), that I will well and truly serve the state of New Jersey in the office of constable for the township of \_\_\_\_\_, in the county of \_\_\_\_\_ ; that I will honestly and impartially summon, impanel and return good and lawful men for juries, able and sufficient, and not suspected or procured, as is or shall be directed by law ; that I will, to the utmost of my power, faithfully and without delay, execute all writs, precepts, process, warrants and executions to me directed, and which shall come to my hands, and truly Constable.

(a) Surveyors of the highways must not only take but must subscribe the oath of office required by the statute, or the return of a road laid out by them will be quashed. *Fisher v. Allen*, 3 Hal. 301. *State v. Barnes*, 1 Gr. 268. *Hoagland v. Culvert*, *Spen.* 387. *State v. Davis*, 1 Gr. 10. *Road in Middlesex*, 1 South. \*396. *State v. Lawrence*, 2 South. \*850. *Matter of Highway*, 1 Har. 391. The use of the word "declare" in the oath of a surveyor is synonymous with "promise," required by the statute, and is not cause for setting aside the return. *Bassett v. Denn*, 2 Har. 432. Nor the error of the township clerk in filing copies instead of the originals. *Id.* Nor where the body of the official affirmation is "promise and swear (or affirm)," and the jurat "affirmed before me," &c. *State v. Shreve*, 1 South. \*297. Although a quorum of duly-qualified surveyors sign the return, yet it is

void if they have acted with an unqualified person. *State v. Willingborough Road*, *Coxe* 123. An oath that he will perform the duties of "surveyor of highway of the township of O." is a fatal departure. *State v. Davis*, 1 Gr. 10. So, also, an oath that he will "execute the office of surveyor of the highways in the township of H., in the county of E.," &c. *State v. Hart*, 2 Har. 185, 186. So, also, an oath that he will "execute the office of a surveyor of the highway, without favor or partiality of the township of E., in the county of Salem." *State v. Ayres*, 3 Gr. 479. If the oath be signed by the surveyor with his real name, a mistake in spelling such name in the body of the oath, will not vitiate it. *Hoagland v. Culvert*, *Spen.* 387. *Supra*, p. 2324, Sec. 97.

return the same ; that, in the exercise of my office, I will do no wrong to any, but will do right to all, and take none but lawful fees ; that I will truly, diligently and honestly, without fraud, deceit, oppression, favor or partiality, do, execute and perform all services, acts and duties of my said office to the best of my knowledge, judgment and ability.

Justice to certify  
oath, &c.

**20.** That every justice of the peace, before whom such oath or affirmation shall be taken and subscribed, shall, without fee or reward, certify, under the said writing, the day and year when such oath or affirmation was taken, and subscribe his name thereto, and then deliver the said certificate to the officer taking such oath or affirmation, who shall, within six days thereafter, transmit or deliver such certificate to the clerk of the township for which such officer was elected or appointed, who shall file every such oath or affirmation, except that of surveyors of the highways ; and the said clerk shall, within twenty days after every election for the surveyors of the highways, transmit to the clerk of the court of common pleas of the county, to be by him filed, the oath or affirmation of such surveyor or surveyors, as may have been presented to him within the time prescribed by law, a copy of which oath or affirmation shall be first filed by the said town clerk, and remain of record in his office. (a)

To be sent to  
clerk.

Of surveyor's  
oath.

What deemed a  
refusal to serve.

**21.** That if any clerk, surveyor, assessor, commissioner of appeals overseer of the poor or constable, shall not take and subscribe such oath or affirmation as aforesaid, or shall not transmit or deliver the same to the clerk as aforesaid, within the time hereby limited, or if any officer elected or appointed as aforesaid, shall not give such security as is or shall be by law required, within the time for that purpose limited, then and in every such case such neglect shall be deemed a refusal to serve (b) in such office, and the township in which such officer was chosen, or township committee who appointed him, as the case shall require, may thereupon proceed to a new election or appointment.

New election.

Forfeit for refusal  
to serve, or  
acting without  
qualification.

**22.** That if any person hereafter elected or appointed a clerk, surveyor, assessor, collector, commissioner of appeals, chosen freeholder, overseer of the poor, constable, overseer of the highways or poundkeeper, as aforesaid, shall refuse to accept or serve in such office, or if any such clerk, surveyor, assessor, commissioner of appeals, overseer of the poor or constable, shall proceed in the execution of such office before he shall have taken and subscribed such oath or affirmation as aforesaid, or if any officer, so elected or appointed, shall proceed in the execution of his office before he shall have given such security as is or shall be required by law, then every person so neglecting or refusing, or doing, shall forfeit fifteen dollars, to be recovered, with costs, by action of debt, in any court having cognizance of that sum, in the name and for the use of the inhabitants of the township in and for which such officer was elected or appointed.

Papers, &c., of  
clerk to be  
delivered to suc-  
cessor.

**23.** That upon the death or expiration of the office of clerk of any township, all the papers, writings, books and records, belonging to the said office, shall be delivered to the successor in office, on the oath or affirmation of the preceding clerk, or, in case of his death, on the oath or affirmation of his executors or administrators ; and if any such clerk, his executors or administrators, shall refuse or neglect to deliver the same on oath or affirmation as aforesaid, being lawfully demanded, then every such person shall forfeit sixty dollars, to be recovered, with costs, by action of debt, in any court having cognizance of that sum, in the name and for the use of the inhabitants of the said township.

Seventh and  
twenty-ninth sec-  
tions to be read.

**24.** That it shall be the duty of the presiding officer at every town meeting, immediately after his election and taking the chair, to cause the

(a) Although a surveyor has taken and subscribed the oath before a justice, and filed the same in due time, but the justice has failed to certify when it was taken, it is fatal to the return, and cannot be cured by a supplemental certificate of the justice. *State v. Northrop*, 3 *Har.* 271. *State v. Green*, 3 *Gr.* 88; case reversed May 21st, 1842. *Ante*, p. 2324, Sec. 87. So, also, if it do not appear either upon the face of the affidavit or otherwise, that the person before whom it was sworn was a justice of the peace. *State v. Hutchinson*, 5 *Hat.* 242. *State v. Green*, 3 *Gr.* 88. *State v. Rogers*, cited by *Hornblower, C. J.*, 3 *Gr.* 90. That the

town clerk did not keep a copy of his oath of office, or that it does not appear on the oath of office where it was taken, or that the officer was a justice, provided these appear *attunde*, is not sufficient to set aside the return. *State v. Bergen*, 1 *Zab.* 342. *State v. Ayres*, 3 *Gr.* 479, 481. Sworn copies of the oaths are sufficient—it is not necessary to produce the originals. *State v. Hutchinson*, 5 *Hat.* 242. But a certificate as to them made by the clerk of the common pleas, is not evidence. *State v. Cate*, 4 *Zab.* 516. See *Hopppack v. Wilson*, 1 *South*, \*149, \*150 (a). (b) See *Matter of Public Road*, 1 *South*, \*396, \*398 (a).

seventh and twenty-ninth sections of this act to be read to the persons then assembled.

25. [Amended by Secs. 61 and 62, *post.*]

26. That if any person chosen at any town meeting by virtue of this act, shall serve in any town office for one year, or pay a fine or forfeiture that the law inflicts for refusing to accept or serve in such office, such person shall not be compelled to serve in the said office, nor to pay any fine or forfeiture for refusing to accept or serve in the said office, for the space of five years thereafter. (a)

One year's service to exempt.

27. That whenever the inhabitants of any of the townships in this state, at their annual town meeting, held on the day appointed by law for holding the same, shall deem it expedient to change the hour of opening the said meeting, it shall and may be lawful for them so to do, and to proceed to choose the presiding officer; which time so agreed on shall be the time of meeting, until it be by the said inhabitants changed to some other hour; *provided*, that the hour fixed on shall not be earlier than ten o'clock in the forenoon, nor later than two o'clock in the afternoon of said day.

Hour of meeting may be changed.

28. That it shall and may be lawful for the inhabitants in the several townships in the county of Cape May, at their annual township meetings, to elect three surveyors of the highway for each and every township in said county.

Proviso.

Surveyors in Cape May.

29. That hereafter it shall be lawful for the inhabitants in each of the townships of this state, duly qualified to vote at town meeting, at their annual meetings, to vote, grant and raise, in the same manner as other moneys for town purpose are authorized to be raised, such sum of money as the majority of said meeting shall agree upon, to be laid out and expended, under the direction of the town committee in each township, for the education of such poor children as are paupers belonging to said township, and the children of such poor parents resident in said township as are or shall be, in the judgment of said committee, unable to pay for schooling the same; and also, for the erection and repairing of one or more public school-houses, or for the establishment of such free schools, and their support, as are or shall be in the judgment of said committee necessary.

Money for education and school-houses.

30. That the board of assessors of the several counties shall annually make net abstracts of ratables for their respective counties, from the assessments returned.

Abstracts of ratables.

31. [Repealed by Sec. 38, *post.*]

#### Supplement.

Approved March 7, 1850.

P. L. 1850, p. 291.

32. SEC. 1. That every person entitled to the right of suffrage under the constitution, who shall have resided five months in the county next preceding such town meeting, and who actually resides in the township where he claims a vote, shall be entitled to vote at such meeting, and no other person.

Who entitled to vote at town meetings.

33. SEC. 2. That so much of the fifth section of the act to which this is a supplement, as conflicts with the provisions of this act, be, and the same is hereby repealed.

Part of section 5 repealed.

#### Supplement.

Approved February 11, 1852.

P. L. 1852, p. 22.

34. SEC. 1. That the clerks of any township or ward in this state shall have power to take the official oath or affirmation of any township or ward officer, duly elected or appointed in their respective districts, now required to be taken and subscribed before some justice of the peace; and shall give the like certificate thereof, and deliver the same to such officer as is required by law, which shall have the like effect as if taken before and made by such justice, and that without fee or reward.

Clerk of township or ward may administer official oaths to township officers.

(a) This section does not render a person ineligible for successive years, but exempts him from compulsory service for five years after one service. *State v. Holiday*, 3 *Hal.* 266, 267.

P. L. 1853, p. 287.

Oath of clerk.

## Supplement.

Approved March 4, 1853.

**35. SEC. 1.** That it shall be lawful for the presiding officer of any township or ward meeting, in which a clerk of said township or ward shall be elected, to administer the official oath or affirmation to such clerk.

P. L. 1864, p. 178.

Township clerk to make out account of receipts, &amp;c., of township committee

## Supplement.

Approved March 4, 1864.

**36. SEC. 1.** That it shall be the duty of the clerks of the several townships in this state, within sixty days after the town meeting at which they shall have been elected, to make out from the papers and records of the township, a full and complete account of the receipts and expenditures of the township committee during the preceding year, and to cause the same to be published in one or more of the newspapers circulated in said townships; which report shall be verified by the oath of said clerks respectively.

P. L. 1855, p. 970.

Penalty for failure of clerk to make out account.

## Supplement.

Approved April 5, 1855.

**37. SEC. 1.** That if any township clerk shall neglect to perform the duty of publishing a full and complete account of the receipts and expenditures of the township committee, as specified by the act to which this is a further supplement, he shall forfeit and pay the sum of fifty dollars, to be recovered by action of debt, one-half to go to the township, and one-half to the person who brings suit for the same; and the said publication shall be made in the paper or papers of the county in which the township lies, designated by the governor to publish the public laws of this state.

P. L. 1868, p. 840.

Compensation of township committee and clerk.

## Supplement.

Approved April 7, 1868.

**38. SEC. 1.** That the thirty-first section of the act to which this is a supplement, be and the same is hereby repealed, and the members of the township committee of the several townships of this state shall hereafter be allowed and paid two dollars per day each, and the clerks of the several townships as aforesaid, shall be hereafter allowed and paid three dollars per day by their respective townships for the services rendered in performing their several township duties required of them by law.

P. L. 1869, p. 843.

Overseers of the poor to give bonds.

## Supplement.

Approved March 10, 1869.

**39. SEC. 1.** That when any person shall hereafter be elected to the office of overseer of the poor in any township within this state, he shall, before he enters upon the duties of his office, enter into bonds to the inhabitants of said township, in their corporate name, with one or more sufficient surety or sureties, who shall be a freeholder or freeholders, and resident in said township, to be approved of by the township committee of said township, and in such sum as the said township committee shall direct, conditioned for the faithful performance of all the duties of said office of overseer of the poor of said township according to law.

P. L. 1872, p. 71.

Chosen freeholders to file with township committee detailed account of money expended by them.

## Supplement.

Approved April 4, 1872.

**40. SEC. 1.** That from and after the passage of this supplement, it shall be, and it is hereby made the duty of the chosen freeholders or freeholder, in each and every township of this state, to make out and file with the township committee of their respective townships, a full, detailed and correct account and statement of all moneys expended by them or appropriated in their respective townships under and by direction of the board of

chosen freeholders of their respective counties, for the year then elapsed, for the construction or repair of bridges or other county purposes, which statement or account of said expenditure shall be filed as aforesaid by said chosen freeholders or freeholder with said township committee, at least ten days before the annual town meeting held in each of said townships, under a penalty of fifty dollars for each omission of said duty, to be recovered of such delinquent officers by action of debt, to be brought by and in the name of said township for the use thereof.

**41. SEC. 2.** That it shall be the duty of the township committee of each of the townships of this state to read said statement and account so filed with them as aforesaid to the inhabitants of said township, when assembled by law in their annual town meetings, and to file the same among the township records with the clerk thereof.

Duty of the township committee.

#### Supplement.

Approved March 4, 1879.

P. L. 1879, p. 83.

**42. SEC. 1.** That in every county in this state, containing not less than twenty-five thousand nor more than eighty thousand inhabitants, as ascertained by the last state census, the persons legally qualified to vote at town and municipal elections, in the several townships and cities thereof, shall hereafter elect for each township in said counties but one chosen freeholder, and for each city or ward in said counties the same number of chosen freeholders as the inhabitants of the said cities or wards, respectively, are now authorized by law to elect; and the chosen freeholders so elected in each of said counties shall constitute "the board of chosen freeholders" in and for the same.

Number of chosen freeholders in municipalities of certain counties.

**43. SEC. 2.** That from and after the passage of this act, the chosen freeholders to be elected in the several cities, wards and townships in the said counties, shall be elected at the same time, for the like term, and in the same manner as chosen freeholders are now elected therein, respectively; and they shall be invested with the same powers, enjoined to perform the same duties, and subject to the same laws as other chosen freeholders in this state.

Election.

Powers and duties.

**44. SEC. 3.** 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 12, 1879.

P. L. 1879, p. 115.

**45. SEC. 1.** That from and after the passage of this act, there shall be elected but one overseer of the poor in and for each township in this state, at the annual town meetings for the election of township officers.

Election of one overseer of the poor only.

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

Repealer.

#### Supplement.

Approved March 14, 1879.

P. L. 1879, p. 275.

**47. SEC. 1.** That the persons legally qualified to vote at town and municipal elections in this state shall hereafter elect for each township and ward but one chosen freeholder, and the chosen freeholders so elected in the several counties of this state, having a population by the last state census of not less than twenty-four thousand four hundred inhabitants, and not exceeding thirty-six thousand inhabitants, shall constitute "the board of chosen freeholders" in and for the same.

Number of chosen freeholders in municipalities of certain other counties.

**48. SEC. 2.** That from and after the passage of this act, the chosen freeholders to be elected in the several wards and townships of this state shall be elected at the same times, for the like term, and in the same manner as chosen freeholders are now elected therein respectively; and they shall be invested with same powers, enjoined to perform the same duties, and subject to the same laws, as chosen freeholders in this state now are.

Election.

Powers and duties.

Repealer.

**49. SEC. 3.** 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.

Approved February 10, 1882.

P. L. 1882, p. 11.

Township may vote money for lock-ups.

**50. SEC. 1.** That it shall hereafter be lawful for the persons qualified to vote at town meetings in and for the several townships of this state, at their annual town meetings, or at any other meeting or meetings duly held for the purpose, to vote, grant and raise any sum or sums of money, not exceeding three thousand dollars at any one time, for the purchase of land and the erection and repairing of a lock-up, or place for the temporary detention of criminals or persons charged with the violation of law, in any of the said townships, which money, so voted and granted, shall be assessed, levied and collected by the same persons, in the same manner and under the like fees, fines and penalties as the money raised in such townships by the board of chosen freeholders of the county shall be levied, assessed and collected; and the said money shall be expended, and the said lock-up shall be under the direction and control of the township committee in and for the said townships.

How controlled.

## Supplement.

Approved March 8, 1882.

P. L. 1882, p. 54.

Townships may vote money for public buildings.

**51. SEC. 1.** That the persons qualified to vote at town meetings shall be and they are hereby empowered at their annual meetings, or at any other meeting duly held for the purpose, to vote, grant and raise such sum or sums of money as they may determine, for the purpose of purchasing, erecting, building and maintaining suitable lands and buildings for public uses in any township, to be the property of the inhabitants of such township, and to be under the control of the township committee thereof; *provided, however,* that it shall not be lawful to vote, grant or raise, in any one year, for such purpose, a sum greater than one-fifth of one per centum on the taxable value of the property in said township, as shown on the assessor's duplicate.

Proviso.

## Supplement.

Approved March 8, 1883.

P. L. 1883, p. 88.

Number of chosen free holders in certain municipalities.

**52. SEC. 1.** That no city, township or borough in this state, entitled by law to elect chosen freeholders, and having less than one thousand inhabitants at the last preceding national or state census, shall elect more than one chosen freeholder for such city, township or borough.

Repealer.

**53. SEC. 2.** That all acts and parts of acts, public or private, inconsistent with this act, are hereby repealed.

## Supplement.

Approved March 25, 1884.

P. L. 1884, p. 100.

Inhabitants of township may authorize sale of certain real estate.

**54. SEC. 1.** That it shall be lawful for the inhabitants of any township in this state, by vote at their annual or a special town meeting called by the township committee of such township for that purpose, to authorize the sale by such township committee, at either public or private sale, of any real estate whereof the inhabitants of such township may be seized in their corporate capacity in fee-simple absolute, or of any other estate therein, and in case of sale of any such real estate it shall be lawful for the township committee of such township to convey such real estate to the purchaser thereof by deed, signed by such township committee and sealed with the corporate seal of such township, and that at such annual or special town meeting, or at any town meeting, the inhabitants of such township may vote to appropriate such moneys arising from the sale of such real estate for any township purpose authorized by law; *provided,* that this act shall not apply to lands acquired by the township under sales for taxes or assessments.

Proviso.

## Supplement.

Approved April 24, 1884. P. L. 1884, p. 249.

**55. SEC. 1.** That in any township of this state where it has been the custom to designate at the annual township meetings the place of holding the next annual township meeting, that the place of holding said next annual township meeting shall be determined by ballot by designating the place upon the same ballot used in voting for the various township officers.

Place of holding annual town meeting to be determined by ballot.

## Supplement.

Approved April 25, 1884. P. L. 1884, p. 266.

**56. SEC. 1.** That section thirteen of the act to which this is a supplement be amended to read as follows :

[That if any township shall neglect at their annual town meeting to choose any of the officers directed by law to be chosen, or if any of the officers so chosen in any township shall refuse to serve, or shall tender to the township committee his resignation of such office, or shall die, or remove out of the said township, or become incapable of serving before the next annual meeting, then it shall be lawful for said township committee to accept such resignation, or to declare such office vacant, or both ; and, in case a vacancy occurs as aforesaid, such township committee shall, by a writing, under their hands, appoint a person to fill such vacancy until the next annual town meeting.]

When township committee may declare office vacant and fill the same.

**57. SEC. 2.** That section fourteen of the act to which this is a supplement, be and the same is hereby repealed.

Special repealer.

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

General repealer.

## Supplement.

Passed February 25, 1885. P. L. 1885, p. 48.

**59. SEC. 1.** That the persons legally qualified to vote at town and municipal elections, in counties of the third class in this state, shall hereafter annually elect for each township and ward in said counties, but one chosen freeholder, for the term of one year, and the chosen freeholders so elected shall constitute the board of chosen freeholders of said counties.

Number of chosen freeholders in counties of third class.

**60. 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.

Repealer.

## Amendatory act.

Approved April 1, 1887. P. L. 1887, p. 181.

**61. SEC. 1.** [This section, amending Sec. 25, *ante*, is again amended by Sec. 62, *post*.]

An act to amend an act entitled "An act to amend an act entitled 'An act incorporating the inhabitants of townships, designating their powers and regulating their meetings' [Revision], approved April fourteenth, one thousand eight hundred and forty-six," and which said amendment was approved April first, one thousand eight hundred and eighty-seven.

Approved March 25, 1889. P. L. 1889, p. 91.

**62. SEC. 1.** That section number twenty-five of the act entitled "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings" [Revision], approved April fourteenth, one thousand eight hundred and forty-six, as amended by said act approved April first, one thousand eight hundred and eighty-seven, and which reads as follows [see Sec. 61, *ante*], be amended so as to read as follows :

[That when any person shall hereafter be elected or appointed to the office of collector in any township within this state, he shall, before he enters upon the duties of said office, and within thirty days after notice

Collector's bond.

given of such election or appointment, enter into bond to the inhabitants of said township, in their corporate name, with one or more sufficient surety or sureties, being a freeholder or freeholders and resident within the county in which said township is situate, to be approved by the township committee of said township, in such sum as the said township committee shall direct, conditioned for the faithful performance of all the duties of said office of collector of said township according to law.]

## Supplement.

Approved April 11, 1889.

P. L. 1889, p. 261.

Township committee to take oath.

**63. SEC. 1.** That every person elected as a member of the township committee in any township, shall, before he enters upon the discharge of his duties, and within six days after notice of his election or appointment, take and subscribe an oath or affirmation, before the township clerk or some other person authorized under the laws of this state to administer oaths and affirmations, that he will, to the best of his ability and understanding, faithfully, justly and impartially perform the duties of a member of the township committee of such township; and the certificate of such oath or affirmation shall, within six days thereafter, be delivered to the clerk of the said township, who shall file the same in his office; and if such person shall not take and subscribe the said oath or affirmation as aforesaid, or shall not transmit or deliver the same to the township clerk as aforesaid, within the time hereby limited, such neglect shall be deemed and taken as a refusal to serve in the said office.

## Supplement.

Approved June 13, 1890.

P. L. 1890, p. 438.

Voters may raise money for assessor's map.

**64. SEC. 1.** That the qualified voters of any township of this state may, at their annual or other meeting, vote, grant and raise such sum or sums of money as they may deem proper for the preparation and completion of an assessor's map of their township, which said map shall show the location and width of each street, road or avenue, to have said streets or avenues permanently established by the location of stone monuments in the center or side lines thereof, and the dimensions and ownership of each individual lot of land or premises situated in said township.

Action to be taken at annual meeting unless notice has been given, &amp;c.

**65. SEC. 2.** That no such action as is authorized by the first section of this act shall be taken at any meeting other than the annual meeting unless notice of such meeting and of the purpose thereof shall have first been given in the manner required by law for giving notice of the holding of special town meetings.

How money is collected.

**66. SEC. 3.** That the money that may be voted and granted by virtue of the first section of this act, and for the purposes herein expressed, shall be assessed, levied and collected by the same persons, in the same manner and under the same fees, fines and penalties as the money raised in such township by the board of chosen freeholders of the county shall be assessed, levied and collected.

Authorized to enter into contracts.

**67. SEC. 4.** That the township committee of any such township, or a majority of them, shall have authority on behalf of said township to enter into contracts with suitable person or persons for the work necessary to the preparation and completion of the map in the first section of this act mentioned, and out of the sum or sums that may be voted and granted shall determine how much shall be expended for each portion of said work.

May borrow money on note, &amp;c.

**68. SEC. 5.** That the township committee of any such township, or a majority of them, may borrow money from time to time in anticipation of the collection of the sum or sums voted and granted for the purposes in the first section in this act mentioned, and may secure the payment thereof by note or otherwise, in the name of said township.

## Supplement.

Approved June 13, 1890.

P. L. 1890, p. 440.

Township committee to sell abandoned real estate.

**69. SEC. 1.** That it shall be lawful for the township committee of any township in this state, in the inhabitants of which in their corporate capacity there is vested any estate in fee-simple absolute or otherwise, to

any unimproved real estate, or any real estate, the public use of which has been abandoned, to sell said real estate either at public or private sale, and to convey the same to the purchaser thereof by deed signed by the township committee and sealed with the corporate seal of such township, and appropriate the moneys arising from the sale of such real estate for any township purpose authorized by law ; *provided*, that this act shall not apply to lands acquired by the township under sales for taxes or assessments. Proviso.

**Supplement.**

Approved March 2, 1891.

P. L. 1891, p. 72.

**70. SEC. 1.** That the term of office of all township officers heretofore elected or hereafter to be elected shall not extend beyond the term for which they were or may hereafter be elected ; and no such township officer shall be considered as holding over in any such office after the expiration of the term for which he was or may be elected, but the office shall be considered vacant after the expiration of such term until filled by his successor in office. Term of office of township officers shall not extend beyond the term for which they were or may be hereafter elected.

**Supplement.**

Approved March 9, 1891.

P. L. 1891, p. 89.

**71. SEC. 1.** That the assessors and collectors of the respective townships of this state elected after the passage of this act, shall hold their office for the term of three years. Term of assessors and collectors.

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

**Supplement.**

Approved March 7, 1893.

P. L. 1893, p. 95.

**73. SEC. 1.** That the overseers of the poor and town clerks of the respective townships of this state elected after the passage of this act, shall hold their office for the term of three years. Term of office of overseer of the poor.

**74. 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. Repealer.

**Supplement.**

Approved May 17, 1894.

P. L. 1894, p. 434.

**75. SEC. 1.** That it shall be lawful for any township committee or board of commissioners within any township or village in this state, having authority to procure and supply lights for lighting the public streets, to make a contract with any person or corporation for the supplying of such lights, for a year or term of years, which contract when so made shall be lawful and valid, and the moneys payable under said contract in each year shall be levied and raised by taxation in the annual tax levies of such year ; *provided*, that no such contract shall be made for a longer period than five years. Governing body may contract for lighting streets.

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

**Supplement.**

Approved February 26, 1895.

P. L. 1895, p. 131.

**77. SEC. 1.** That in all townships in this state where one or more of the members of the township committee, overseers of the roads or other township officers are now required by any general or special act to be selected and elected from each of certain road districts, described and laid out by metes and bounds in any such act, and the inhabitants of the whole or a portion of any such road districts have assumed and adopted a borough form of government, the township committee of such remaining portion of the township shall hereafter consist of such number of committeemen as the remaining described road districts shall be entitled to elect from their When boroughs are created, how township committee shall be constituted.

respective districts, according to such act, and in case a part of any such described road districts only remains, then the remaining portion of such road district shall be entitled to have and elect one member of the township committee, and the whole number of such committee shall consist of the members entitled to represent the whole of such remaining described road districts and parts thereof as aforesaid.

Same provisions applied to election of road overseer. Repealer.

**78. SEC. 2.** That the provisions of the last aforesaid section shall also apply to the election of overseers of the roads from any such township.

**79. SEC. 3.** That all acts, whether general, special or private, inconsistent with the provisions of this act, be and the same are hereby repealed.

## II. Township act of 1876, with supplements.

### An act concerning townships and township officers.

P. L. 1876, p. 297.

Time of holding annual election for township officers.

P. L. 1877, p. 67.

Proviso.

Appointment of chairman and treasurer.

What moneys raised by taxation to be paid to treasurer.

Mode of submitting resolution.

Notice to be given of special town meeting.

Approved April 21, 1876.

**80. SEC. 1.** That after the first day of January, one thousand eight hundred and seventy-seven, all town meetings in the several towns and townships of this state, for the election of township officers, shall be held on the second Tuesday of March, in each and every year; and that at such elections the vote shall be by ballot, and the same shall be held and conducted in the same manner that the general elections are held and conducted; *provided, however*, that this section shall not apply to towns or townships in any county of this state, where chosen freeholders are elected by assembly districts. [See Sec. 111, *post*.]

**81. SEC. 2.** [Amended by Secs. 97 and 122, *post*.]

**82. SEC. 3.** That all the towns and township committees now acting or to be hereafter elected or appointed prior to the said first day of January, eighteen hundred and seventy-seven, shall have the power and authority to appoint a chairman and treasurer, as in the preceding section mentioned, and the duties and responsibilities of such chairman and treasurer shall be the same as therein set forth.

**83. SEC. 4.** That in all cases where money raised by taxation remains in the hands of any person or persons unexpended, and the same cannot for any reason be used for the purpose for which it was raised, and in all cases in which the money so raised is held in trust for the town or township, and is not needed or cannot be used for the purpose for which it was raised, every person or persons holding such moneys shall on demand pay the same to the treasurer of the town or township committee, who in case of refusal is hereby authorized to sue for and collect the same, in any court having jurisdiction thereof, in his own name as such treasurer, to and for the use of the said town or township; and the said treasurer shall hold the said moneys subject to the order of the said committee, and the committee may appropriate and use the same for the benefit of said town or township as they may deem best. (a)

**84. SEC. 5.** [Amended by Sec. 101, *post*.]

**85. SEC. 6.** 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 the said committee 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 or township; and the result of the said town meeting, as to the said resolution, shall in either case be certified to the said committee 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

(a) See *Heckel v. Sandford*, 11 Vr. 181.

such resolution, then such committee shall proceed to issue such bonds forthwith, and use the same for the purposes expressed in said resolution; and all proceedings in relation to said petition, said resolution, and the vote thereon, and the issue of said bonds, shall be recorded at length in the town books by the town clerk, and such bonds shall not be sold for less than ninety-five per centum of their par value.

**86. SEC. 7.** 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 expense thereof shall be paid in the same way.

Manner of holding and conducting special town meeting.

#### Supplement.

Approved March 2, 1877.

P. L. 1877, p. 47.

**87. SEC. 1.** That when any township in this state has been or may be hereafter divided into voting districts in accordance with the seventeenth and eighteenth sections of "An act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six, it shall be lawful to hold the annual town meetings, and any special town meetings legally called in each election district so set off, for all township officers and measures eligible or proper to be voted for at the township elections.

When township divided, township election to be held in each district.

**88. SEC. 2.** That the judges of election of each district and the clerk of the township shall meet within two days after the holding of such elections, at the polling place in the district in which the said clerk resides, and the said judges, when so met, shall cast up and add together the votes polled in the several districts, and the result thus determined shall be written out and signed by the judges, and a copy of the same, duly attested by the clerk of the townships, shall then be delivered to the said clerk, who shall record and dispose of the same as required by law.

Mode of canvassing the votes of the townships.

#### Supplement.

Approved March 7, 1877.

P. L. 1877, p. 58.

**89. SEC. 1.** That it shall be lawful for the township committee of any township of this state, adjacent to any city thereof, to contract with the aqueduct board or board of water commissioners of such city, for the laying of water pipes and the erection of hydrants and other necessary apparatus (where not already laid or erected), for the supply of water through any street or streets within such township, and to allow to such board, as compensation therefor, a rate of interest not exceeding ten per centum per annum on the cost of the same, and to cause the amount of such annual compensation to be assessed upon the taxable real estate lying upon the line of such street or streets, and within three hundred feet therefrom; which amount shall be assessed by the assessors of such township and collected by the collector thereof, under the direction of said township committee, as other taxes are assessed and collected in said township.

Township committee may contract with aqueduct board for supply of water, &c.

#### Supplement.

Approved March 19, 1878.

P. L. 1878, p. 135.

**90. SEC. 1.** That whenever any township in this state, or any board of commissioners of any township, or of any part thereof, which may have heretofore entered into any contract or agreement with any aqueduct board or board of water commissioners in this state for furnishing any such township, or any part thereof, with a supply of water, and which township shall have failed to make an assessment of the costs and expenses to such township for obtaining such supply upon the owners of land and real estate benefited by such supply of water, that then the township committee of any such township shall cause a just and equitable assessment of such cost and expense to be made upon all the owners of all the lands and real estate in such township benefited thereby, in proportion to the benefits received.

When township committee to make assessment of cost of water-supply.

Proceedings for assessment when water has been supplied for extinguishment of fires without contract.

**91. SEC. 2.** That whenever any township of this state shall have been supplied with water and with hydrants for the extinguishment of fires by any aqueduct board or board of water commissioners, without any contract or agreement with any such aqueduct board or board of water commissioners furnishing such supply of water and hydrants, the township committee of such township shall make a just and equitable assessment of such amount as shall be agreed upon between any such township and any such aqueduct board or board of water commissioners for furnishing such supply of water and hydrants, in this section referred to, upon all the owners of all the lands and real estate benefited by such supply of water, in proportion to the benefits received thereby.

Township committee may contract for supply of water.

**92. SEC. 3.** That it shall be lawful for the township committee of any township in this state, adjacent to any city thereof, to contract with the aqueduct board or board of water commissioners of any city thereof for the continuance of a supply of water through pipes already laid and hydrants already furnished, or which may be hereafter laid and furnished, by any such aqueduct board or board of water commissioners, and the annual cost and expense of such supply shall be assessed by the township committee of such township in the manner and proportion as in the first section hereof is provided.

Assessment to be a lien upon lands.

**93. SEC. 4.** That any assessment made under any of the provisions of this act shall be a lien upon the lands and real estate of any owner or owners, with respect to which any such assessment may be made, in the same manner and to the same extent that the tax levied and raised in such township is a lien upon such lands and real estate, from the time the certificate of assessment shall have been delivered to the collector of such township.

Certificate of assessment to be delivered to the township collector.

**94. SEC. 5.** That it shall be the duty of the township committee of any township in this act referred to, immediately after they shall have made any assessment provided for by this act, to deliver the certificate of such assessment to the collector of such township.

Duty of the collector.

**95. SEC. 6.** That it shall be the duty of such collector, immediately after any assessment made as aforesaid shall have been delivered to him, to proceed to collect the same.

Assessments remaining unpaid, how collected.

**96. SEC. 7.** That should any assessment upon any owner or owners of lands and real estate aforesaid, made under any of the provisions of this act, remain unpaid for the space of three months after the certificate of such assessment shall have been delivered to the collector of such township aforesaid, then it shall be lawful for the township committee of any such township, or the collector thereof, to proceed to collect the assessment so remaining unpaid in the same manner as unpaid taxes are collected in such township, or the township committee of any such township may bring an action on the case in any court of competent jurisdiction in the name of any such township against any such owner or owners of any lot, tract or parcel of land and real estate, for any assessment in this section referred to, for so much money laid out and expended by such township for the use of the owner or owners, and declare generally and give the special matter in evidence.

#### Supplement.

P. L. 1878, p. 374.

Approved April 5, 1878.

**97. SEC. 1.** [This section, amending Sec. 81, *ante*, is again amended by Sec. 122, *post*.]

Township clerk to publish financial account each year.

**98. SEC. 2.** That it shall be the duty of the clerks of the said townships in this state, at least twenty days before the annual town meeting in each year, to make out and cause to be published in such newspaper published in said township as has the largest circulation, or if no newspaper be published in said township, then in the newspaper published nearest to said township, in said county, and having the largest circulation, or in pamphlet form if the town committee shall so order, a full and complete account of

the receipts and expenditures of the township committee for the preceding year, the amounts received and paid out by the township collector from all sources for account of the township or of the several school districts therein during the said year, the amount of taxes remaining unpaid, and the names of the delinquents.

**99. SEC. 3.** That if any township clerk shall neglect or refuse to make out and publish the account of the receipts and expenditures of the township committee, township collector, and of the unpaid taxes due the township, he shall forfeit and pay the sum of fifty dollars, one-half of which shall be recovered by action of debt by any person who shall bring suit for the same, and one-half to the treasury of such township; *provided*, that the provisions of this act shall not apply to any county having a population between fourteen thousand and twenty thousand inhabitants by the last census.

Penalty for neglect or refusal to publish account.

Proviso.

**100. SEC. 4.** That all acts or parts of acts inconsistent with the above act, be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

#### Supplement.

Approved March 10, 1879. P. L. 1879, p. 107.

**101. SEC. 1.** That section five of the act to which this is a supplement, and which reads as follows [see Sec. 84, *ante*], shall be amended so as to read as follows :

[That whenever it is deemed expedient to issue town or township bonds for any lawful purpose, such bonds shall be issued by such committee or common council of any incorporated town or borough, and shall be signed by the chairman thereof and countersigned by the treasurer, and numbered and registered by him in a book to be kept for that purpose; *provided, however*, that before any such bonds shall be made or issued, the following conditions shall have been complied with and observed : a petition requesting the said committee to issue such bonds, specifying the amount to be issued and the purpose for which they are to be used, shall be presented to the said committee, signed by taxpayers of the said town or township (not including such persons as pay a poll tax only), representing not less than one-third in number of the taxpayers of the said town or township; *provided, however*, that said one-third in number of said taxpayers shall represent a majority in amount of the taxable property of said town or township, which petition shall be verified by the oath of the assessor of the said town or township that it is so signed, and before the issuing of the bonds as hereinafter provided, such petition and affidavit shall be recorded by the town clerk and filed in the office of the county clerk, and such petition and affidavits, or a certified copy thereof, shall be competent evidence of the facts therein set forth, in any court of this state; the said committee shall, on receiving such petition, cause a resolution to issue such bonds to be submitted to the legal voters of such town or township, 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 committee for that purpose.](a)

Township bonds, how issued.

Proviso.

Proviso.

#### Supplement.

Approved March 14, 1879. P. L. 1879, p. 219.

**102. SEC. 1.** That it shall be lawful for the township committee of any township of this state, within thirty days after the organization of the township committee in each year, to fix by ordinance the annual salary and compensation to be paid to each person elected by the people, or appointed by such township committee, to any office in any such township, and the time and manner of the payment thereof; *provided, however*, that the

Township committee to fix by ordinance salary of officers.

Proviso.

(a) This section applies only to cases where it is optional either to incur the debt or not, and not to cases where a lawful debt has already been incurred and the payment of it is conse-

quently obligatory upon the township. *Township of Union v. Rader*, 16 Vr. 182.

salary of any such officer shall not be increased beyond the amount now fixed by law therefor.

Salary not to be changed.

**103. SEC. 2.** That no salary or compensation, when so fixed by ordinance, shall be changed or altered, except within the time and in the manner prescribed by the first section of this act.

Restriction of act.

**104. SEC. 3.** That this act shall not apply to townships having less than five thousand inhabitants, nor shall it be construed to apply to the salaries of the teachers in any of the public schools of this state.

#### Supplement.

P. L. 1879, p. 312.

Assessments for supplies of water not to exceed benefit conferred.

What portion to be a debt against the township.

Township committee to subscribe an oath.

Report of assessments to be made in writing.

Repealer.

Approved March 14, 1879.

**105. SEC. 1.** That nothing in the act approved the nineteenth day of March, in the year one thousand eight hundred and seventy-eight, supplemental to the act to which this is a further supplement, shall be construed to authorize or require an assessment upon the owners of lands and real estate, of more of the costs and expenses of the supply of water in said supplemental act provided for than is equal to the benefits conferred thereby upon the said lands and real estate; and that such portion of said costs and expenses as shall not, for any reason, be assessed and collected in the mode provided by said supplemental act, shall be a debt or charge against the township receiving such supply, in its corporate capacity; and the township committee thereof shall cause the same to be paid out of any moneys of said township not otherwise appropriated, or shall cause the same to be assessed and collected by taxation, in the same manner as other township charges and expenses are raised and paid.

**106. SEC. 2.** That the said township committee, before they proceed to make any assessment contemplated by this act, shall take and subscribe an oath or affirmation, before the clerk of said township, to make the said assessment fairly and impartially, according to the best of their skill and judgment.

**107. SEC. 3.** That the said township committee, or a majority of them, shall make a report, by a certificate in writing, of the assessments so made, and before proceeding to sign the same, shall give an opportunity to the parties interested to examine the same, and shall give at least five days' notice, by advertisement or otherwise, to the parties interested, at what time and place in said township the said report may be examined by them; and also of the time and place when and where the parties interested can be heard by the said township committee, or a majority of them; and after hearing the parties, the said township committee, or a majority of them, shall proceed to complete said report, making such alterations as they deem proper, and shall then sign the same and deliver said report to the collector of said township.

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

#### Supplement.

P. L. 1881, p. 135.

Annual salary of treasurer to be fixed by ordinance.

Approved March 18, 1881.

**109. SEC. 1.** That it shall be lawful for the township committee of any township of this state, within thirty days after the organization of said committee in each year, to fix by ordinance the annual salary and compensation to be paid to the person who shall be appointed the treasurer thereof, and the time and manner of the payment of said compensation.

#### Supplement.

P. L. 1882, p. 77.

**110. SEC. 1.** [Amended by Sec. 134, *post.*]

Approved March 9, 1882.

## Supplement.

Approved March 14, 1882.

P. L. 1882, p. 96.

**111. SEC. 1.** That it shall and may be lawful for the board of chosen freeholders of any county in this state, whose township elections are held pursuant to section first of the act entitled "An act concerning townships and township officers," approved April twenty-first, one thousand eight hundred and seventy-six, to change the time of holding township elections in and for such county, from the second Tuesday in March to the second Tuesday of April, instead of the time designated in said act, said elections to be held in all other respects under the laws now applicable to elections directed by said act; *provided*, that the said change shall be authorized by a resolution passed at any meeting of said board; *and provided further*, that at the expense of said county, notice of the adoption of such resolution shall be given by the clerk of said board, by two insertions thereof in the public newspapers printed in said county, for the two weeks immediately preceding the second Tuesday of March, and a copy of said notice be also mailed by said clerk, to each of the township clerks in said county, at least two weeks before said second Tuesday in March.

Time of township elections, how changed.

Proviso.

Proviso.

**112. SEC. 2.** That whenever the change contemplated by this act shall be made in any county, the several officers for the time being in the townships of such county shall hold their respective offices until others shall be chosen and legally qualified in their stead, and thereafter said township elections shall be held on the second Tuesday of April, annually.

Officers to hold until others are legally qualified.

**113. SEC. 3.** That all acts and parts of acts inconsistent herewith are hereby repealed, and that this shall be a public act, and take effect immediately.

Repealer.

## Supplement.

Approved March 23, 1883.

P. L. 1883, p. 200.

**114. SEC. 1.** That in the several townships of this state in which the township committees consist of three persons, the members thereof shall hereafter be elected for the term of three years; *provided, however*, that at the first annual town meeting held in such townships after the passage of this act, the ticket voted shall designate the name of one member of the town committee for one year, the name of another for two years, and the name of a third for three years, and at each succeeding election one member of the township committee shall be elected for the term of three years.

Term of office of certain township committees consisting of three persons.

Proviso.

**115. SEC. 2.** That all vacancies in the office of members of the township committee in such townships shall be filled for the unexpired term only.

Vacancies, how filled.

## Supplement.

Approved March 23, 1883.

P. L. 1883, p. 213.

**116. SEC. 1.** That the collector of each of the townships in this state shall, on the second Tuesday in February, in each year, file with the clerk of his township, a full, true and complete account of his receipts and expenditures for account of his township during the preceding year, the amount of taxes remaining unpaid, the names of the delinquents, and the amount due from each; that the said account shall be in writing, verified by the oath of the collector that the same is, in all respects, just and true; and that any collector who shall neglect or refuse to make and file such account as aforesaid, at the time and in the manner designated in this act, shall be guilty of a misdemeanor, and subject, upon conviction, to a fine of one hundred dollars.

Collector to file account of receipts, unpaid taxes, &amp;c., in February of each year.

Penalty for neglect.

## Supplement.

Approved March 26, 1886.

P. L. 1886, p. 133.

**117. SEC. 1.** That whenever any township in this state, or any board of commissioners of any township or any part thereof, shall have in contemplation the laying out or opening of any new road or street within such township, or shall have taken any steps in the laying out or opening of such new road or street, it shall be lawful, at any time before the damages

Owners of land may file remonstrance against opening or laying out of new roads or streets.

to be awarded for the opening of such new road or street shall have been assessed, for a majority of the owners of the land in lineal feet frontage to be assessed for such improvement to file with the township clerk a remonstrance, in writing, against the opening or laying out of such new road or street, signed by them or their agents lawfully authorized, and thereupon the said township committee, as well as any commissioner or board of commissioners or board of assessments that may have been appointed or selected for laying out or opening such new road or street, or for assessing damages, benefits or expenses resulting from or connected with such proposed improvement, shall forthwith desist from and proceed no further with the opening or laying out of such proposed new road or street, and all costs and expenses that shall have been incurred in the matter of such new road or street shall become a charge upon such township, to be collected and paid in the manner provided by law for the collection and payment of the ordinary expenses of such township. (a)

Repealer.

**118. SEC. 2.** That all acts or parts of acts inconsistent with this act are hereby repealed.

## Supplement.

Approved March 13, 1888.

P. L. 1888, p. 176.

Term of office of members of certain township committees.

**119. SEC. 1.** That the legal voters of any township in this state, in which the township committee consists of five members, may, at any town meeting, by a majority of votes cast, pass a resolution directing that the members of the township committee shall thereafter be elected for the term of three years. [See Secs. 127 to 130 and Secs. 138 to 141, *post.*]

When resolution passed, terms to be determined by lot.

**120. SEC. 2.** That upon the passage of such resolution in any such township, the members elected therein for township committee shall, at their first meeting, determine by lot which two of said members shall hold office for the term of one year, which other two shall hold office for the term of two years, and which other one shall hold office for the term of three years; and the respective members shall thereupon hold office for the respective terms so determined, and at each succeeding town meeting thereafter in such township the number of new members of the township committee to be voted for and elected shall be such as to fill the places or place of the members or member whose term of office shall expire, and such new members or member shall be elected for the term of three years, except in the event of a vacancy of the office of a member during an unexpired term, in which event the vacancy shall be filled for the unexpired term only.

Repealer.

**121. SEC. 3.** That all parts of acts which are inconsistent with the provisions of this act be and they are hereby repealed.

## Supplement.

Approved March 26, 1889.

P. L. 1889, p. 97.

**122. SEC. 1.** That section one of the act to which this [is] a further supplement, which section, as the same was amended by a supplement to said act, approved April fifth, one thousand eight hundred and seventy-eight, reads as follows [see Secs. 81 and 97, *ante*], shall be amended so that the same shall read as follows :

Election, organization and duties of township committees.

[That at all such town meetings held after the passage of this act, the several town and township committees to be voted for and elected in the said towns and townships shall consist of three persons; and the said committees, when duly elected, appointed and qualified, shall have power and authority to appoint one of their number to be the chairman of said committee, and one to be treasurer thereof; or they may appoint the collector of the township to be the treasurer thereof; the chairman of the said committee shall preside at all the meetings thereof, and the clerk of the township shall act as clerk of said committee and keep a record of the proceedings, and shall record the same in the town book; (b) the treasurer of the said committee shall be the

(a) The title to this act sufficiently expresses its object; the act applies to townships wherein the power of opening streets belongs to the township committee. *French v. East Orange*, 20 77. 401.

(b) The act does not declare what shall be the effect of the clerk's failure to make such record or that his record shall be the sole evidence of the action of the committee. *West Jersey Traction Co. v. Camden Horse R. R. Co.*, 7 Dick. 469.

custodian of the moneys of such town or township, and all moneys which the said committee are by law authorized to receive and disburse shall be paid to him, and shall be held by him subject to the order of said committee, and paid out by him on their order; and he shall, when required, and at the end of his term of office, account to the said committee for the moneys received by him as such treasurer, and pay over the balance in his hands, unexpended, to such person as may be appointed to succeed him, on demand; and such treasurer shall give bond to the inhabitants of such town or township in such sum and with such sureties as the said committee shall approve, conditioned for the faithful discharge of all the duties of his office, and for the payment by him, on demand, to his successor in office, or to such person as the said committee shall designate and appoint, of such moneys remaining in his hands not paid out on the order of said committee, and upon the further condition that such treasurer render at all times, when called upon by the said committee, and at the end of his term of office, a just and true account of all moneys received and paid out by him as aforesaid, which bond shall be filed in the office of the clerk of the county in which such town or township is, the same having been first approved by the said town committee, and such approval indorsed on said bond; *provided, however*, that the provisions of this act shall not apply to townships in counties of this state having one hundred thousand inhabitants, or more, by the last state census.]

#### Supplement.

Approved April 8, 1889. P. L. 1889, p. 222.

WHEREAS, The provisions of the law in reference to the number of township committeemen, and their term of office, are conflicting with reference to townships in counties in this state having more than one hundred thousand inhabitants, and the same should be made clear; therefore,

**123. SEC. 1.** [Amended by Sec. 126, *post*.]

**124. SEC. 2.** That if members of the township committee under existing laws have been elected for a period longer than one year, they shall hold their office until the end of their term; but only so many township committeemen shall be elected in such a case as will make the whole number of the township committee five, including those who hold over under existing terms of office.

**125. 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.

Preamble.

Members to hold to end of term.

Number not to exceed five.

Repealer.

An act to amend an act entitled "A supplement to an act concerning townships and township officers," approved April twenty-first, one thousand eight hundred and seventy-six, which supplement was approved April eighth, one thousand eight hundred and eighty-nine.

Passed April 1, 1890. P. L. 1890, p. 168.

**126. SEC. 1.** That section one of an act entitled "A supplement to an act concerning townships and township officers," approved April eighth, eighteen hundred and eighty-nine, which section reads as follows [see Sec. 123, *ante*], be and the said section hereby is amended so as to read as follows:

[That in the several townships of this state which are in counties having one hundred thousand inhabitants or over by the last state census, the township committee shall consist of five members, who shall be elected annually and hold their office for one year and until their successors are elected; *provided, however*, that this act shall not apply to townships governed by special charters.]

Number and election of township committee in certain townships. Proviso.

An act legalizing, ratifying and confirming township elections heretofore held in pursuance of an act entitled "A further supplement to an act entitled 'An act concerning township officers,' approved April twenty-first, one thousand eight hundred and seventy-six," which supplement was approved March thirteenth, anno domini one thousand eight hundred and eighty-eight.

P. L. 1890, p. 170.  
Certain elections legalized.

Approved April 2, 1890.

**127. SEC. 1.** That any election of township officers heretofore held or had in any township of this state in pursuance of an act entitled "A further supplement to an act entitled 'An act concerning township officers,' approved April twenty-first, one thousand eight hundred and seventy-six," which supplement was approved March thirteenth, anno domini one thousand eight hundred and eighty-eight [see Secs. 119 to 121, *ante*, and Secs. 138 to 141, *post*], be and the same is hereby legalized, ratified and confirmed, any law to the contrary notwithstanding.

Shall hold office until end of terms.

**128. SEC. 2.** That the members of the township committee elected at any such election shall hold and possess their offices until the end of their respective terms.

Number of township committeemen.

**129. SEC. 3.** That only so many township committeemen shall be elected in any such case, under existing laws, as will make the whole number of the township committee five, including those who hold over under existing terms of office.

Repealer.

**130. SEC. 4.** That all acts inconsistent with this act be repealed, and that this act shall be deemed and taken to be a public act and shall take effect immediately.

Supplement.

Passed March 11, 1892.

P. L. 1892, p. 109.  
Township committees in certain counties to be elected for terms of three years.

**131. SEC. 1.** That the legal voters of any township in this state, which are in counties having one hundred thousand inhabitants or over, by the last state census, in which the township committee consists of five members, may, at any town meeting, by a majority of votes cast, pass a resolution directing that the members of the township committee shall thereafter be elected for the term of three years, which said resolution shall be printed on the same ballot as the names of the candidates.

Classification of terms of office.

**132. SEC. 2.** That upon the passage of such resolution in any such township, the members elected therein for township committee shall, at their first meeting, determine by lot which two of said members shall hold office for the term of one year, which other two shall hold office for the term of two years, and which other one shall hold office for the term of three years; and the respective members shall thereupon hold office for the respective terms so determined, and at each succeeding town meeting thereafter in such township the number of new members of the township committee to be voted for and elected shall be such as to fill the places or place of the members or member whose term of office shall expire, and such new members or member shall be elected for the term of three years, except in the event of a vacancy of the office of a member during an unexpired term, in which event the vacancy shall be filled for the unexpired term only.

Repealer.

**133. SEC. 3.** That all acts and part of acts which are inconsistent with the provisions of this act be and they are hereby repealed.

An act to amend an act entitled "A further supplement to an act concerning townships and township officers," approved April twenty-first, one thousand eight hundred and seventy-six, and which said supplement was approved March ninth, one thousand eight hundred and eighty-two.

P. L. 1892, p. 382.

Approved April 4, 1892.

**134. SEC. 1.** That section one of said act [see Sec. 110, *ante*] be amended so as to read as follows :

Unexpended balances and appropriations of money, how appropriated.

[That whenever an unexpended balance of money remains in the treasury of any township after the close of the fiscal year in which such money was granted and raised, and whenever any unappropriated sum or sums of

money remain on hand, whether derived from surplus tax receipts, from interest, from penalties, from rents, from licenses, or from any other source of income or receipt whatever, it shall be lawful for the township committee of said township, by resolution duly recorded in their minutes, to appropriate such unappropriated surplus from time to time to any purpose of public expenditure which is or may be recognized by the law of this state as a lawful purpose for which moneys may be granted, raised and expended in townships, whether any appropriation has already been voted or not by the inhabitants of said township or other authorized authority for said purpose, and whether the appropriation so voted has been expended or not.

## Supplement.

Approved May 15, 1894.

P. L. 1894, p. 332.

**135. SEC. 1.** That township committees of all townships in counties having one hundred thousand inhabitants or over by the last United States census shall consist of five persons; *provided, however*, that this act shall not apply to any township which is now, or hereafter may be divided into wards, and in which members of the township committee are elected by wards.

Township committee in certain counties, how composed.  
Proviso.

**136. SEC. 2.** That the occupants of said office shall serve out the term they were originally elected for, and subsequently those elected to make the requisite number shall by lot determine which shall hold office for the period that shall fix the time so that a successor may be elected at every annual election for the term of three years.

Succession to be determined by lot.

**137. SEC. 3.** That the acts and parts of acts which are inconsistent with this act be and they are hereby repealed.

Repealer.

An act legalizing, ratifying and confirming township elections heretofore held in pursuance of an act entitled "A further supplement to an act entitled 'An act concerning township officers,' approved April twenty-first, one thousand eight hundred and seventy-six," which supplement was approved March thirteenth, one thousand eight hundred and eighty-eight.

Approved May 22, 1894.

P. L. 1894, p. 460.

**138. SEC. 1.** That any election of township officers heretofore held or had in any township of this state, in pursuance of an act entitled "A further supplement to an act entitled 'An act concerning township officers,' approved April twenty-first, one thousand eight hundred and seventy-six," which supplement was approved March thirteenth, one thousand eight hundred and eighty-eight [see Secs. 119 to 121 and 127 to 130, *ante*], be and the same is hereby legalized, ratified and confirmed, any law to the contrary notwithstanding.

Former election ratified and confirmed.

**139. SEC. 2.** That the members of the township committee elected at any such election, shall hold and possess their offices until the end of their respective terms.

Township committee shall hold office until end of term.

**140. SEC. 3.** That only so many township committeemen shall be elected in any such case, under existing laws, as will make the whole number of the township committee five, including those who hold over under existing terms of office.

Number to be elected.

**141. SEC. 4.** That all acts inconsistent with this act be repealed, and that this act shall be deemed and taken to be a public act, and shall take effect immediately.

Repealer.

## III. Sidewalks.

An act to regulate the construction of sidewalks in the townships of this state.

Approved April 5, 1878.

P. L. 1878, p. 359.

**142. SEC. 1.** That upon the presentation of a petition in writing, for the construction of a sidewalk on any continuous portion of a public thoroughfare in any village located in any township of this state which shall be signed by the owners of two-thirds of the lineal feet of front defined in

When township committee may construct sidewalks in villages.

said petition, which said front shall not have been previously improved under the provisions of this act, it shall then be the duty of the township committee, if they so elect after verification by examination of the facts set forth, and after notices of reception of said petition shall have been served upon the parties affected thereby, to proceed to construct or to have constructed such sidewalk in such manner, with such suitable materials and in such width and grade as shall be defined and requested by said petitioners.

Advertisement  
for proposals.

**143. SEC. 2.** That when such petition shall have been presented to said township committee to grade and construct such sidewalks, and the township committee shall have elected to construct the same, they shall order the township clerk thereupon to set up advertisements in three of the most public places in said township for the reception of proposals for doing the work, said proposals to be received at such time and place as shall be designated by said committee, and the said committee shall be empowered to reject any and all of said proposals, or to advertise for new proposals, or to accept such as shall, in their opinion, be most advantageous, and to enter into and compel the performance of all necessary and proper contracts for the doing of said work; *provided*, that in case the owner or owners of any lands in front of which such sidewalk shall have been ordered built shall choose to construct such sidewalk themselves or to cause the same to be constructed, they shall be and hereby are empowered to construct the same upon filing notice of such intention in writing with the chairman of the township committee within ten days after such owners shall have been notified as provided in section one of this act; *provided, further*, that such sidewalk shall be constructed in all respects in the manner and of like materials specified in said petition and upon the same grade, and shall be completed within the time prescribed for the completion of the whole; and the person or persons so constructing their own sidewalk shall be exempt from assessment for construction, but not from their share of the necessary fees and costs incurred by said township committee.

Proviso.

Proviso.

Costs and  
expenses to be  
assessed upon  
owner of lands.

**144. SEC. 3.** That when such township committee shall have caused such sidewalk to be constructed in accordance with the terms of the said petition, the cost of construction, together with all fees, cost and interest, shall be assessed by them upon the owner or owners of the land in front of which such sidewalk shall have been constructed; *provided always*, that costs of construction shall not be assessed on such owners as shall be exempt from the same under section two of this act.

Proviso.

Basis of assess-  
ment to be the  
number of lineal  
feet front owned  
by each person.

**145. SEC. 4.** That the basis of assessment shall, in all cases, be the number of lineal feet front owned by each person in front of whose lands the said walk shall have been constructed, and that any and all assessments for the cost of construction of such sidewalk, together with all fees, costs and interest, shall be and remain a lien or liens upon the lands and real estate in front of which such sidewalk shall be constructed, from the time of the presentation of said petition to such township committee until such assessment, with the costs, fees and interest thereon, shall have been fully paid and satisfied, notwithstanding any devise, descent, alienation, mortgage or other incumbrance thereof, and notwithstanding any mistake in the name or names of any owner of such lands or real estate, or omission to name any such owner or owners, and that any assessment in which such mistake or omission occurs shall be as valid and effectual in law as though such mistake or omission had not occurred; and the said lien or liens may, in the discretion of said committee, be enforced by the sale and conveyance of said lands and real estate in the manner prescribed by law for the collection of other taxes.

Collection of  
assessments.

**146. SEC. 5.** That the township committee shall deliver to the township collector a copy of said assessment when made, and the sums thereby assessed shall thereafter be collected in the same manner as other taxes are collected in said township, and that in case any such assessment for the construction of such sidewalk, together with all costs, fees and interest thereon, shall remain unpaid at the expiration of ninety days from and after the service of the legal notice, as required for the collection of other

taxes in such township, it shall be lawful for the said township committee in their discretion and by resolution, to direct that such assessment shall be collected, with interest, costs and fees, as aforesaid; and it shall be the duty of the collector of taxes in said township to proceed immediately in the collection thereof by enforcing said lien by the sale and conveyance of said land and real estate in the manner prescribed in an act to make taxes a lien upon real estate, approved March seventeenth, one thousand eight hundred and fifty-four. [See p. 3350, *ante*.]

147. SEC. 6. That it shall and may be lawful for said committee, or a majority of them, to borrow money, from time to time, in anticipation of an assessment for the construction of such sidewalk, to an amount not to exceed the cost of the actual construction thereof, and to secure the payment, by note or otherwise, in the name of said township, and to be used for no other purpose but for the grading and construction of such sidewalk.

Committee may borrow money in anticipation of assessment.

148. SEC. 7. That the sidewalks along the avenues, constructed by the public road board through any township in this state, shall be constructed under the provisions of this act, when not otherwise provided for.

Sidewalks constructed by public road boards.

149. SEC. 8. That in case any sidewalk, constructed under this act, shall become out of repair, it shall be lawful for the township committee to cause written notice to be served upon the owner or occupant of the property in front of which the defective walk shall be, to repair the same, and in case of the failure on the part of such owner or occupant to repair such sidewalk within ten days thereafter, the township committee shall cause such repairs to be made, and the costs, together with all fees, costs and interest, to be assessed upon the property and collected in the manner provided by law for assessing and collecting the cost of building a sidewalk.

Sidewalks, how kept in repair.

150. SEC. 9. [Amended by Sec. 151, *post*.]

#### Supplement.

Approved March 3, 1882. P. L. 1882, p. 42.

151. SEC. 1. That section nine of the act to which this is a supplement be amended so that the same shall read as follows :

[That all acts or parts of acts inconsistent with this act be and the same are hereby repealed; *provided*, that this act shall not be taken as repealing any special act or acts, or any part or parts thereof, regulating the construction of sidewalks in any townships of this state, but this act shall be deemed and taken as granting an additional separate authority and method for the construction of sidewalks in any such township; *and further provided*, that in any petition presented under this act the petitioners shall therein state that such improvement is petitioned for under the provisions of this act.]

Repealer.

Proviso.

Proviso.

#### An act to authorize the construction and repairing of sidewalks in townships.

Approved March 23, 1882. P. L. 1882, p. 168.

152. SEC. 1. That the township committee or committees of any township or townships within this state, may, at any time or times, set off and divide their said township or townships into districts, to be designated by numbers, and may alter the same from time to time, and shall by resolution, to be entered at length upon their minutes, define and declare the limits, boundaries and numbers of such districts, and the same being so defined and declared shall be deemed and taken as sidewalk districts for the purposes of this act.

Township committees authorized to divide townships into sidewalk districts.

153. SEC. 2. That whenever requested, in writing, by ten freeholders and legal voters of any of said districts to call a meeting for the purposes of this act, the said committee of any such township may, if they shall deem it advisable so to do, by resolution, direct or cause to be issued a call for a meeting of the legal voters of such district, signed by the township clerk, which shall be posted in five of the most public places in said district for at least ten days, and not more than twenty days, before such meeting shall be held, stating the time and place and object of the meeting.

Meeting of legal voters of districts, how called.

Who to preside at meetings.

**154. SEC. 3.** That at such meeting, the chairman of the township committee shall preside, if present, or, in the event of his absence or omission to preside, a majority of the legal voters present shall choose some other member of such committee, if any be present, or if not then one of their own number, to so preside, and shall also choose a secretary of such meeting; the legal voters so convened, or a majority of them, shall be authorized and empowered to vote to authorize the expenditure, in the manner hereinafter provided, of any such sum or sums of money in said district as they may determine, for the purpose of constructing or repairing sidewalks therein, and the chairman and secretary of such meeting shall, under their hands, in writing, notify the township committee of the result of such meeting, and the same shall thereupon be entered upon the minutes of said township committee.

Who may vote for sidewalks.

Township committee to decide what sidewalks to be constructed or repaired.

**155. SEC. 4.** That upon such notification the said committee shall, by resolution, determine and decide what sidewalk or walks, or what part or parts thereof, in said district shall be so constructed or repaired, and the manner in which the same shall be so constructed or repaired, and thereupon shall expend the money so authorized to be expended or such part thereof as may be necessary, in such manner as to said committee may seem to be most advantageous to the said district.

Cost of construction and repair, how assessed.

**156. SEC. 5.** That when such township committee shall have caused such sidewalk to be constructed or repaired, the cost of construction or repair, together with the fees, cost and interest, shall be assessed by them by a resolution to be entered in the minutes of their proceedings, upon the owner or owners of the land in front of which such sidewalk shall have been constructed or repaired; *provided, however,* that no assessment shall be made upon the owner or owners of any lands in front of which any sidewalk or walks shall have been previously constructed or repaired in the manner required by the said committee, and shall then be in good order.

Proviso.

Basis of assessment.

Assessments to remain a lien on lands.

**157. SEC. 6.** That the basis of assessment shall in all cases be the number of lineal feet front owned by each person in front of whose lands the said walk shall have been constructed or repaired, and that any and all assessments for the cost of construction or repair of such walk, together with all fees, cost and interest shall be and remain a lien or liens upon the lands and real estate in front of which such sidewalk shall be constructed or repaired until said assessment shall be fully paid and discharged, notwithstanding any devise, descent, alienation or mortgage or other incumbrance thereof, and notwithstanding any mistake in the name or names of any owner of such lands or real estate, or omission to name any such owner or owners, and that any assessment in which such mistake or omission occurs shall be as valid as though such mistake or omission had not occurred, and the said lien or liens may, in the discretion of said committee, be enforced by the sale and conveyance of said lands and real estate in the manner prescribed by law for the collection of other taxes.

Collection of assessments.

**158. SEC. 7.** That the township committee shall deliver to the township collector a copy of said assessment when made, and the sums thereby assessed shall thereafter be collected in the same manner and by the same officers as other taxes are collected in said township, and that in case any such assessment for the construction or repair of such sidewalk, together with all or any part of the costs, fees and interest thereon shall remain unpaid at the expiration of ninety days from and after the service of the legal notice as required for the collection of other taxes in said township, it shall be lawful for the said township committee, in their discretion and by resolution, to direct that such assessment shall be collected, with interest, cost and fees as aforesaid; and it shall be the duty of the township committee and the collector of taxes in said township to proceed immediately in the collection thereof by enforcing said lien by the sale and conveyance of said land and real estate in the manner and to like effect as prescribed in a certain act entitled "A further act concerning taxes, making the same a first lien on real estate, and to authorize sales for the payment of the same," approved March fourteenth, eighteen hundred and seventy-nine, and any supplement or supplements thereto. [See p. 3353, *ante*.]

Sale of lands.

**159. SEC. 8.** That the said committee are hereby empowered in such case to borrow upon the credit of the township and upon promissory note, or otherwise, sufficient money to construct or repair said sidewalk or walks in anticipation of the collection of such taxes.

Committee may borrow money in anticipation of assessments.

**160. SEC. 9.** That this act shall be taken and deemed as conferring a right and authority upon the inhabitants of the several townships for the construction or repair of sidewalks in addition to such authority as may now by law be vested in them.

Act, how construed.

**161. SEC. 10.** That nothing in this act contained shall give to any township committee control of or supervision over the sidewalks in any incorporated town, borough or city within the boundaries of any township, or take the control of the sidewalks within any such town, borough or city from the municipal authorities thereof where by law such control is now vested in the authorities of such municipality.

Restriction of act.

**An act to authorize the construction, curbing and paving of sidewalks and crosswalks in townships.**

Approved May 9, 1881.

P. L. 1881, p. 303.

**162. SEC. 1.** [Amended by Sec. 195, *post.*]

**163. SEC. 2.** [Amended by Secs. 194 and 196, *post.*]

**164. SEC. 3.** That if any owner or owners of lots shall neglect or refuse to construct, curb and pave sidewalks within the time limited in such notice as aforesaid, it shall be the duty of the township committee to have the same constructed, curbed and paved, and also to have constructed all necessary crosswalks, which work shall be done under the supervision of the township committee, or of such person or persons as they shall designate for that purpose, not being a contractor or contractors for the work so done.

If owners neglect to construct sidewalks within certain time, township committee to have same constructed.

**165. SEC. 4.** That whenever the work of constructing, curbing and paving such sidewalks as the owners shall have neglected or refused to construct, curb and pave, together with the work of constructing, curbing and paving sidewalks at the intersections of streets, and the work of constructing crosswalks, and the expenses of surveying, calculations, maps, printing, fees, and other necessary expenses appertaining to such work, shall be estimated by the township committee to exceed the sum of two hundred dollars, it shall be the duty of the said township committee to advertise for proposals to do said work and furnish all necessary materials, for not less than five days, in a newspaper printed in the county and circulating in such township, and shall award the contract to the lowest bidder or bidders, who shall give satisfactory proof of his or their ability to furnish the requisite materials and perform the work properly, and offer sufficient security for the faithful performance of the contract in regard to time, quality of material and work to be done.

When committee shall advertise for proposals.

Contract to be awarded to lowest bidder.

**166. SEC. 5.** That if the owner of any lot of land shall construct, curb and pave any sidewalk after the township committee shall advertise for proposals as aforesaid, and before the expiration of the time within which the contractor or contractors may be limited to do the same, such owner shall not be entitled to any abatement or reduction on account thereof, but shall be and remain liable to the township for the full amount of the assessment to be made upon such owner as hereinafter directed.

Owner constructing sidewalks after advertisement not entitled to reduction of assessment.

**167. SEC. 6.** That the advertisements herein directed to be made for proposals shall require: first, a separate bid for the substantial grading necessary to raise or reduce the ground on which the sidewalks and crosswalks are to be constructed to the grade which the ordinance shall establish as the grade of the curb of such sidewalks, and for the furnishing of materials, the incidental grading and the laying and finishing of the crosswalks, and for the furnishing of materials, the incidental grading and curbing, paving and finishing of those portions of sidewalks that shall lie in the angles at the intersections of streets; second, a separate bid for the furnishing of materials, the incidental grading and the curbing, paving and finishing of all the sidewalks which shall be in front of, or border upon any lots of land.

Requisites of advertisement for proposals.

When work completed, certain expenses to be added to contract price.

**168. SEC. 7.** That when the construction, curbing and paving of such sidewalks and crosswalks shall have been completed, it shall be the duty of the township committee to add to the contract price of the work and materials specified in the second subdivision of the next preceding section, such part of the expenses of surveying, calculations, maps, printing, fees and all other necessary expenses appertaining to the construction of such sidewalks (exclusive of the contract work) as the contract price of the work and materials specified in such second subdivision is of the contract price of the work and materials specified in both of the subdivisions of the next preceding section, to which sum shall be added interest thereon at six per centum per annum for three months, which last sum shall be the amount to be assessed upon the owners of lots in front of which, or bordering which, such sidewalks have been constructed, curbed and paved. (1)

Amount to be assessed upon owners.

What to be basis of assessments.

Assessments, how made.

**169. SEC. 8.** That the township committee having ascertained the total amount to be assessed upon the owners of lots as aforesaid, shall proceed to ascertain the cost per lineal foot of the same; that said cost per lineal foot shall be the basis of assessments; and that the township committee shall then by a resolution to be entered in the minutes of their proceedings, assess upon the owner or owners of each lot in front of which, or bordering which, such sidewalks shall have been constructed, a sum proportionate to the number of lineal feet of sidewalk in front of, or bordering upon such lot, which assessment shall include the name or names of the owner or owners, if known, a brief description of the location of the lot, the number of lineal feet of sidewalk in front of, or bordering upon the lot, and the total amount of the assessment; and all such assessments shall become due and payable at the expiration of three months from the time of entering the same in the minutes of the township committee as aforesaid. (1)

Assessments, when due.

**170. SEC. 9.** [This section, with Secs. 7 and 8, was amended by P. L. 1887, p. 30. This amendatory act was repealed by P. L. 1895, p. 568. The section was also amended by P. L. 1894, p. 186. It was again amended by P. L. 1895, p. 280, being Sec. 205, *post.*]

Assessment to be a paramount lien on lands.

**171. SEC. 10.** That every assessment made, as hereinbefore directed, shall be and remain, from the date of entering the same in the minutes of the township committee, a first and paramount lien upon the lot of land, described in such assessment, for the space of two years from the time the same shall have been entered in the minutes as aforesaid, notwithstanding any devise, descent, alienation, mortgage, lien or incumbrance of any kind, legal or equitable, and notwithstanding any mistake in the name or names of any owner or owners, and notwithstanding any omission to name any owner or owner who are unknown, and notwithstanding any lack of form in the assessment, or in any other proceedings which does not impair the substantial rights of the owner or owners, or other person or persons having a lien upon or interest in any such lot of land.

If assessment not paid when due, interest to be added.

**172. SEC. 11.** That if any assessment shall not be paid at or before the time when the same shall become due and payable as aforesaid, it shall be the duty of the collector to demand and collect, in addition to the amount of the assessment, interest thereon at the rate of ten per centum per annum from the time the same shall become due and payable until the same shall be fully paid.

When assessments in arrear for six months, collector to return copy of assessments, &c.

**173. SEC. 12.** That in case any assessments shall remain unpaid and in arrears for the space of six months from and after the time when said assessments shall be entered as aforesaid in the minutes of the township committee, it shall be the duty of the collector, at the next meeting of the township committee after the expiration of said period of six months, to return to them the certified copy of assessments, with a list of the names of the owners from whom he has collected assessments, and the amounts from them respectively collected, which list shall be annexed to said certified copy of assessments and shall be verified by the oath of the collector;

(1) Sections 7, 8 and 9 were amended by P. L. 1887, p. 30. The amendatory act was repealed by P. L. 1895, p. 568.

*provided*, that if the collector's term of office shall expire before the expiration of the said period of six months, he shall, upon the expiration of his term of office, or at the first meeting of the township committee thereafter, make a return to the township committee in like manner as if the said period of six months had expired, and the certified copy of assessments, together with said list of names and moneys collected, so returned as aforesaid, shall in such case be delivered to said collector's successor in office, who shall proceed to collect the assessments, shown by such certificate and the return thereto annexed, to be unpaid, and at the expiration of said period of six months shall likewise make return to the township committee under oath.

Return in case of expiration of collector's term of office.

**174. SEC. 13.** That it shall be lawful for the township committee upon receiving the return made as aforesaid after the expiration of said period of six months, to cause a warrant to be issued, which warrant may include the names of any number of owners shown to be delinquent by said return, and shall also include the date of entering the assessments in the minutes of the township committee, a description of the location of each lot of land, the number of lineal feet of sidewalk in front of or bordering upon each lot, and the amount of the assessment against the owner or owners of each lot, under the common seal, if any, of the township, signed by the chairman of the township committee and attested by the township clerk, directed to the collector of taxes of such township, commanding him to make said assessments, with the interest, and all lawful costs, fees, charges and expenses appertaining to the execution of said warrant, out of the lots of land on account of which such assessments were respectively made, by selling the same, or any part thereof as will be sufficient for that purpose, for the shortest term, not exceeding fifty years, for which any person or persons will agree to take the same and pay such assessments, with the interest and all costs, fees, charges and expenses, and further directing the said collector to make return of said warrant with all his proceedings thereunder, in writing, to the township committee within four months from the date thereof.

Warrant to be issued for collection of delinquent assessments.

**175. SEC. 14.** That the said warrant shall be recorded by the clerk of said township before its delivery to said collector in the township book known as the "record of tax sales."

Warrant to be recorded by clerk of township.

**176. SEC. 15.** That it shall be the duty of the said collector before he sells by virtue of such warrant, to give public notice of the time and place of such sale of any lots of land under this act, by advertisement, signed by such collector, in a newspaper printed and circulating in said township, or if none be printed in said township, in a newspaper printed in the county and circulating in said township wherein such lots of land are situate, once in each week, for at least four weeks successively next preceding the time appointed for such sale, and shall cause copies of such notice to be set up in five of the most public places in said township for the same period, and shall forthwith mail a copy of such notice to the owner or owners of each lot to be sold, directed to him, her or them, at his, her or their last-known post-office address, with full postage prepaid thereon; *provided*, that such sale may be adjourned on application of the owner or other person interested therein or because of no bidders, from time to time, not exceeding sixty days, in which case a short notice of such adjournment shall be published in said newspaper.

Collector to advertise notice of sale.

Proviso.

**177. SEC. 16.** That it shall and may be lawful for the said collector, at the time and place specified in the above notice, or at the time and place to which he shall adjourn as aforesaid, to sell and strike off such lots of land set forth in such warrant, or any part thereof, to such person or persons as will agree to take the same for the shortest term, not exceeding fifty years, and pay such assessments as may be imposed as aforesaid on account thereof, and the interest thereon, and all costs, fees, charges and expenses touching the same, such payment to be made in all cases before the conclusion of such sale, and if not so made, the collector shall resell the property; and that within ten days thereafter the said collector shall deliver to the purchaser a certificate of such sale, under his hand and seal, and duly acknowledged according to law; such certificate shall contain a

Sale of property by collector.

Certificate of sale to be delivered to purchaser.

description of the property, the term for which sold, the amount of assessments, interest, costs, fees, charges and expenses in detail, the date of entering the assessment in the minutes of the township committee, the date of the warrant under which the sale was made, and the time when the right to redeem shall expire.

Collector to return warrant and proceedings to committee.

**178. SEC. 17.** That the said collector shall return said warrant to said committee within the time therein required, together with all of his proceedings thereunder in writing, and he shall annex thereto copies required by this act to be by him given, published, mailed and posted, with proof of such publication, posting and mailing, and an oath or affirmation by said collector that the said return is true, full and complete in all respects.

Clerk of townships to record return.

**179. SEC. 18.** That the clerk of such township shall record said return (the warrant only excepted), and the papers thereto annexed, in the aforesaid "record of tax sales," at length, immediately succeeding the record of such warrant, space being reserved for the purpose.

Certificate of sale to be recorded.

**180. SEC. 19.** That the purchaser shall cause such certificate of sale to be recorded in the county clerk's office, or in the office of the register of deeds for such county, within twenty days from the receipt thereof, and that, thereupon, he shall be entitled to the immediate possession of the property described in said certificate, and to all rents, issues and profits arising therefrom on and after the date of such certificate, and the purchaser shall give notice, in writing, to the owner, tenant or other person in possession of said premises, either personally or by leaving the same with some member of his family over fourteen years of age, and informing him of the contents thereof, which notice shall set forth the fact of such sale, and may demand possession of said premises within thirty days after service as aforesaid; the person serving such notice shall also, at the same time, exhibit to the person so served the certificate of sale, and if, at the expiration of the said thirty days, the said owner, tenant or other person in possession shall not deliver up the possession thereof or redeem the same as hereinafter provided, then and in that case the purchaser may take the same proceedings to gain possession of such premises as purchasers under decrees of foreclosure and sale of mortgaged premises may do.

Purchaser entitled to possession.

How land sold for assessments may be redeemed by person having interest therein.

**181. SEC. 20.** That the owner or owners, mortgagee, tenant in possession, or any other person having a legal or equitable interest in any lot of land sold for assessments as aforesaid, may redeem the same at any time within two years from the date of such sale, by paying to the purchaser or his legal representative the amount of purchase-money set out in detail in said certificate, with twelve per centum interest thereon, together with such other fees, costs, expenses and charges as may have been incurred by the purchaser under the provisions of this act, and the purchaser, or his legal representative, upon receiving such payment, shall, by deed duly executed and acknowledged, at the expense of the person redeeming, surrender, grant and yield up, or grant, bargain and sell, or otherwise convey the estate so purchased as aforesaid to the person redeeming the same; and if any mortgagee or other person holding an estate in lien upon said premises shall redeem the same, he shall have a lien thereon for the amount paid as aforesaid, with interest at twelve per centum per annum, in addition to his mortgage or other lien, in like manner as if the same had been included in said mortgage or other lien; and if any tenant in possession shall redeem the same, it shall be lawful for him to deduct the sum so paid, with interest thereon at twelve per centum per annum from the rent; and within twenty days after the person redeeming shall have received his deed as aforesaid, he shall have the same recorded in the office of the county clerk or of the register of deeds.

When land sold is not redeemed within certain time, township committee to execute deed to purchaser.

**182. SEC. 21.** That in case such lots of land so sold shall not be redeemed within the time provided for by this act, then and in such case the township committee, upon due proof being made, by affidavit, that such redemption has not been made, and upon the surrender of such certificate, shall execute and deliver to the purchaser, his legal representatives or assigns, at his or their expense, a deed for the same, under the common seal of the township, signed by the chairman of the township committee and attested

by the township clerk, and acknowledged or proven according to law, which deed shall contain a description of the property, the date of the assessments, the fact of advertisement and sale, the date of sale and the period for which the premises were sold, and which deed shall be recorded in the office of the clerk or register of deeds of the county where the lands are situated, within ten days after date thereof, and if not so recorded the same shall be of no effect until recorded, as against a mortgagee or purchaser in good faith, and the right of redemption shall also continue until such record, notwithstanding the said period of two years may have elapsed; and that such purchaser or purchasers, and his and their legal representatives, upon complying with the provisions of this act, shall, by virtue thereof, lawfully hold and enjoy said lots of land and premises for and during the term for which he, she or they shall have purchased the same, for his, her or their own proper use, benefit and advantage, against the owner or owners thereof, and all and every person or persons claiming under him, her or them, and against any and all other estates therein, whether legal or equitable, and any and all mortgages, alienations, devises, descents, liens and incumbrances of every kind and nature, as fully and completely as though there were no other estates, mortgages, alienations, devises, descents, liens or incumbrances of, in, upon or against said property or any part thereof, until said term shall be fully completed and ended, and the purchaser shall be at liberty, at or before the expiration of said term, to remove any building or buildings and materials erected and placed by him, her or them thereon, and when said term shall have ended, shall peaceably and quietly yield up the same to the lawful owner or owners thereof, in as good state and condition as when he took possession of the same, damage resulting from the ordinary use and the elements excepted.

What deed to contain.  
When recorded, &c.

**183. SEC. 22.** That the record of the proceedings for the sale of any lots of land for assessments as aforesaid, in the aforesaid "record of tax sales," shall be received in all courts as presumptive evidence of the regularity of the proceedings therein recorded, and the aforesaid deed, executed by the township committee to the purchaser, his legal representatives or assigns, shall be presumptive evidence in all courts and places that such sale and proceedings were regularly made and had according to the provisions of this act.

Record of proceedings evidence.

**184. SEC. 23.** That no sale of any lot of land, made in pursuance of this act, shall destroy or in any manner affect the lien of any mortgage thereon duly recorded or registered at the time of such sale, unless the purchaser shall give to such mortgagee or mortgagees, within three months from the date of such sale, notice in writing, setting forth the date of such sale, the amount of the purchase-money, the description of the property as contained in the certificate of sale, the date when the limit of redemption shall expire and a reference to this act, which notice shall be served personally, or by leaving the same with a member of his family over the age of fourteen years, and if he cannot be found, then by mailing the same, inclosed in an envelope, plainly directed to him, her or them, at his, her or their last-known post-office address, with full postage prepaid thereon, and the purchaser shall, within twenty days after the service of said notice, transmit a true copy of the same, with due proof of service made before any officer authorized to take acknowledgments of deeds, to the clerk or register of deeds for the county in which such lands and premises are situate, and which notice shall be recorded and indexed in the same book in which mortgages are recorded and a marginal note made thereof in the book where the original mortgage is recorded or registered, for which service the county clerk or register of deeds shall receive the sum of eight cents a folio, to be paid by the purchaser.

Sale not to affect mortgage unless purchaser give notice to mortgagee.

Notice, how served.

Copy to be transmitted to clerk or register of county.

To be recorded.

**185. SEC. 24.** That the said collector be entitled to receive for his services, under said warrant, the following fees, and no more, for each name on said warrant, to wit: for executing the warrant, twenty-five cents; for selling, twenty-five cents; for every adjournment, ten cents; for making and executing each certificate of sale, fifty cents; besides actual necessary disbursements for printing, postage, affidavits and acknowledgments.

Fees of collector under warrant.

Fees of township committee.

**186. SEC. 25.** That the township committee issuing such warrant shall receive therefor five cents for each name on said warrant, the same to be divided equally among the members in attendance when the warrant is issued.

Fees of township clerk.

**187. SEC. 26.** That the township clerk shall receive for attesting and recording said warrant and return, ten cents for each name thereon.

Purchaser to pay fees, &c.

**188. SEC. 27.** That all the fees, costs, charges and expenses authorized by this act shall be charged to and paid by the purchaser.

Collector to continue proceedings after his term expires, &c.

**189. SEC. 28.** That in case the collector's term of office shall expire before he shall have completed his proceedings under any warrant, he shall continue such proceedings thereunder to the end, notwithstanding the expiration of his said term, and in such case his bondsmen shall be liable for any illegal act of their principal, in the same manner and to the same extent as though said collector's term of office had not expired.

When costs to be paid by township shall be assessed.

**190. SEC. 29.** That the township committee shall cause the contract price of the work and materials specified in the first subdivision of the sixth section of this act, and that portion of the expenses of surveying, calculations, maps, printing, fees of township committee and other necessary expenses which is not assessed upon the owners of lots as aforesaid, together with lawful interest thereon from the time of completing said sidewalks and crosswalks until the next general assessment for taxes in such township shall become due and payable, to be assessed by the assessor of the township at the same time that the next general assessment for taxes shall be made in such township, which costs and expenses shall be assessed and collected in the same manner that other moneys for township purposes shall be assessed and collected. [This section was repealed by P. L. 1887, p. 32, § 4. The repealer was itself repealed by P. L. 1895, p. 568.]

When work does not exceed \$200, committee may award contract without advertising for proposals.

**191. SEC. 30.** That whenever the work of constructing, curbing and paving such sidewalks as the owners shall have neglected or refused to construct, curb and pave within the time limited in the notice directed to be published in the second section of this act, together with the work of constructing, curbing and paving sidewalks at the intersection of streets, and the work of constructing crosswalks, and the expenses of surveying, calculations, maps, printing, fees and other necessary expenses appertaining to such work, shall not be estimated by the township committee to exceed the sum of two hundred dollars, the said township committee may give the contract for said work to any responsible person or persons, or may hire the same to be done, without advertising for proposals, and in all other respects the proceedings shall be the same as hereinbefore directed in case the cost and expenses shall be estimated to exceed the sum of two hundred dollars.

**192. SEC. 31.** [Amended by Sec. 203, *post.*]

Act to be taken as conferring additional power upon townships.

**193. SEC. 32.** That this act shall be taken and deemed as conferring an additional power and authority upon townships for the construction, curbing and paving of sidewalks and crosswalks, notwithstanding any power and authority that may have been previously conferred upon any township or townships by any other act or acts, whether general or special; *provided*, that nothing in this act contained shall give to any township committee control of or supervision over the sidewalks and crosswalks in any incorporated town, borough or city within the boundaries of any township, or take the control of such sidewalks or crosswalks within any such town, borough or city from the municipal authority thereof, where by law such control is now vested in the authorities of such municipality.

Proviso.

#### Supplement.

P. L. 1885, p. 23.

Approved February 10, 1885.

**194. SEC. 1.** [This section, amending Sec. 163, *ante*, is amended by Sec. 196, *post.*]

## Amendatory act.

Passed April 7, 1890. P. L. 1890, p. 235.

**195. SEC. 1.** That section one of an act entitled "An act to authorize the construction, curbing and paving of sidewalks and crosswalks in townships," approved May ninth, one thousand eight hundred and eighty-four [see Sec. 162, *ante*], be amended so that the same shall read as follows :

[That on the application, in writing, of the owners of one-fourth of the property fronting on any public road or street or section thereof, in any township in this state, for the construction, curbing or paving of sidewalks and crosswalks, along one or both sides of such section of such public road or street, it shall be lawful for the township committee of such township to direct, by resolution, the township clerk to post copies of the said application, together with a notice of the time and place when and where the township committee will meet to receive and consider objections thereto, in five of the most public places in said township, designated by the township committee, for ten days, and thereupon, after such notice shall be given, and if, at the time and place so specified, the owners of one-half of the property fronting within the limits mentioned in said application do not object thereto, in writing, it shall be lawful for such township committee, by ordinance, to direct sidewalks and crosswalks to be constructed, curbed and paved along one or both sides of such public road or street, or along one or both sides of any section of such public road or street, not exceeding the limits applied for, in such manner and with such materials as said township committee shall deem advisable ; *provided*, that if the grade of the public road or street, or of the section thereof along which such sidewalks and crosswalks are proposed to be constructed, shall have been established, in accordance with any law, general or special, previous to the passage of the ordinance directing the construction, curbing and paving of such sidewalks and crosswalks, then the grade of such sidewalks and crosswalks shall be made to conform, as nearly as practicable, to the grade of such public road or street, or of such section thereof ; *and provided*, *further*, that the width of any sidewalk shall not exceed one-fifth of the width of the public road or street.]

Construction,  
curbing and  
paving of side-  
walks and cross-  
walks.

Proviso.

Proviso.

## Amendatory act.

Approved April 14, 1891. P. L. 1891, p. 409.

**196. SEC. 1.** That section two of an act entitled "An act to authorize the construction, curbing and paving of sidewalks and crosswalks in townships," approved May ninth, anno domini one thousand eight hundred and eighty-four [see Secs. 163 and 194, *ante*], be and the same is hereby amended to read as follows :

[That after the passage of any ordinance as aforesaid, it shall be the duty of the township committee to cause a notice signed by the chairman of such committee to be published in a daily newspaper printed and circulated in said township, for five consecutive days (Sundays excepted), or in a weekly newspaper printed and circulated in such township for three consecutive weeks, or if none be printed in such township, in a daily newspaper printed in the county and circulated in said township, for five consecutive days (Sundays excepted), or in a weekly newspaper printed in the county and circulated in said township for three consecutive weeks, which notice shall require the owner or owners of each lot in front of which or bordering which the sidewalk shall by said ordinance be directed to be constructed, curbed and paved, to construct, curb and pave the same in the manner prescribed in such ordinance, within such time as the township committee shall direct, not being less than thirty days after the last day of such publication as aforesaid.]

Proceedings to  
require owners of  
lots to construct  
sidewalks, &c.

## Supplement.

Approved April 16, 1891.

P. L. 1891, p. 472.

Lawful for township committee to order that assessments for flagging or curbing may be paid in yearly installments.

Proviso.

If installment not paid for thirty days after it has become due, the whole assessment to draw interest.

Assessments to be a paramount lien.

Application of collections of assessments.

**197. SEC. 1.** That it shall be lawful for the township committee of any incorporated township of this state, by resolution passed at one of the regular meetings of said committee, to order that the owners of lands upon which assessments for flagging or curbing, or both, have been placed in compliance with the provisions of the act and the supplements and amendments thereto of which this is a further supplement, may pay such assessments in such equal yearly installments, not exceeding ten, with legal interest thereon, as the said township committee shall determine; *provided*, that any party assessed shall have the privilege of paying the whole of any assessment or any balance of installments, with accrued interest thereon, at one time.

**198. SEC. 2.** That in case any installment of any assessment mentioned in the previous section shall remain unpaid for thirty days from and after the time when the same shall have become due and payable, the whole assessment shall become and be immediately due and payable, shall draw interest at the rate of one per centum per month, and shall be collected in the same manner as is provided by the act of which this is a supplement for other past-due assessments.

**199. SEC. 3.** That every assessment made as hereinbefore provided shall be and remain a first and paramount lien upon the lot of land described in such assessment until the same, and all installments of the same with the accrued interest thereon, shall have been paid and satisfied.

**200. SEC. 4.** That all collections on account of said assessments or the interest thereon shall be applied to the payment of the township obligations issued by the said township committee, in payment of the cost of the improvements for which said assessments were made, and for no other purpose whatever.

## Supplement.

Approved March 29, 1892.

P. L. 1892, p. 354.

Costs in towns or townships for improving sidewalks to be a lien.

Repealer.

**201. SEC. 1.** That the costs heretofore or hereafter incurred by any town or township of any county of the first class of this state, for improving sidewalks, shall be a lien upon the abutting lands in front of which such work is done, and the same may be collected in the same manner and by the same officers as taxes are or may be collected in such towns or townships.

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

## Supplement.

Approved May 22, 1894.

P. L. 1894, p. 480.

Township committee may issue notes or bonds for certain purposes.

Conditions of bonds.

**203. SEC. 1.** That section thirty-one of the act entitled "An act to authorize the construction, curbing and paving of sidewalks and crosswalks in townships," approved May ninth, one thousand eight hundred and eighty-four [see Sec. 192, *ante*], be amended so as to read as follows:

[That the township committee of any township in this state is hereby authorized and empowered to borrow, upon the credit of the township, by the issuance of promissory notes or bonds of the inhabitants of such township, signed by the chairman of such committee and attested by the township clerk under the seal of the township, which bonds shall pledge the whole property of the township for the payment thereof, and especially pledge all receipts from assessments arising from sidewalk and crosswalk improvements under the provisions of said act, which bonds or notes shall bear interest at a not greater rate than five per centum per annum, and the interest on said bonds may be made payable semi-annually, and said bonds may be either registered or coupon bonds, as the township committee may direct, and said notes or said bonds may be made payable at such time as said township committee may direct, but no bond shall be issued for a longer period of time than ten years from its date, nor shall the same be negotiated at less than par.]

**204. SEC. 2.** That in case any sidewalks or crosswalks have been heretofore laid by the township committee of any township in this state, and the assessment for the same has been laid against property in accordance with the provisions of the act to which this is a supplement, or any other act, that it shall be lawful for the township committee in any such township to issue its corporate bonds of the character and in the manner in the first section provided for, and fund all sidewalk or crosswalk assessments at this date due and unpaid to such township, and in case of the issuance of such bonds, then and in that case the present assessments for sidewalks or crosswalks outstanding and now due and unpaid, shall be held by the commissioners of the sinking fund of such township, if such commissioners exist, or by such other officer as the township committee shall direct, as a sinking fund to meet and discharge any bonds issued in pursuance to the provisions of this section.

May fund debt for crosswalks, &c.

Present assessment shall be held by sinking fund.

#### Amendatory act.

Approved March 14, 1895.

P. L. 1895, p. 280.

**205. SEC. 1.** That section nine of the act entitled "An act to authorize the construction, curbing and paving of sidewalks and crosswalks in townships," approved May ninth, one thousand eight hundred and eighty-four [see Sec. 170, *ante*], be and the same is hereby amended so as to read as follows :

[That within five days after the assessment shall have been confirmed and entered in the minutes as aforesaid, the township clerk shall deliver a certified copy of the same to the collector of taxes in such township, who shall within fifteen days after receiving the same demand payment of the sum so assessed upon the owner or owners of each lot of land by delivering to the owner of each lot, or to one of the owners of each lot residing within his township, or by leaving at the place of residence of any owner residing within his township, or by delivering to the agent of any such owner or owners a notice in writing or printed, which notice shall set forth the name or names of the owner or owners, a brief description of the location of such lot, the amount of the assessment, and the time when the same shall become due and payable, and if any owner or owners shall reside out of his township, the said collector shall, within the same time, send a like notice to him, her or them by mail, with postage prepaid, directed to his, her or their last-known post-office address ; *provided*, that the provisions of this act shall not apply to townships in counties having less than fifty thousand inhabitants.]

Assessments shall be certified to collector.

Proceedings to collect.

Proviso.

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

Repealer.

#### Supplement.

Approved March 22, 1895.

P. L. 1895, p. 574.

**207. SEC. 1.** That the provisions of an act entitled "An act to authorize the construction, curbing and paving of sidewalks and crosswalks in townships," approved May ninth, one thousand eight hundred and eighty-four, and the several supplements thereto and acts amendatory thereof, shall apply to either the construction, curbing or paving of sidewalks in townships, and also to the construction and curbing, construction and paving or curbing and paving.

Application of act and supplements defined.

**An act to authorize the relaying and repair of sidewalks in townships of this state, and to provide for the assessment and collection of the costs and expenses incurred therein.**

Approved March 18, 1895.

P. L. 1895, p. 331.

**208. SEC. 1.** That the township committees of the several townships of this state be and they are hereby authorized by ordinance to provide for the relaying and repair of sidewalks in the several townships in this state, in such localities, of such width and material and of such length as they may deem best ; that upon the passage of such ordinance by any township committee, it shall be the duty of the township clerk to notify, in writing, the owner or owners of all lands adjacent to such proposed

Proceedings to provide for relaying and repairing of sidewalks.

improvement of the adoption of such ordinance, and requiring such owner or owners to make, or cause to be made, under the supervision of said town committees, the improvement therein and thereby provided for in front of their said lands respectively within thirty days after service of such notice, and that, in default thereof, such improvement will be made by said township committee at the expense of such owner or owners; such notice shall be served personally upon such property-owner or owners when he, she or they reside within the township where such improvement is proposed, or by leaving the same at his or her residence with some member of his or her family above the age of fourteen years; but when such owner or owners reside without the limits of said township, such notice shall be served either personally or by mailing the same to such owner or owners at his, her or their proper post-office address, if the same can be ascertained, but if the same cannot be ascertained after due inquiry, then such notice may be given by publishing the same once a week for at least two weeks in some newspaper published in said township, if any; or if no newspaper shall be published in said township, then by publishing the same in some newspaper published in the county in which said township lies, and circulating therein, for the same period in the same manner.

Proceedings when owners default.

**209. SEC. 2.** That in default of any property-owner or owners making such improvement within thirty days after being notified as aforesaid, the said township committee shall and may without delay proceed to relay or repair said sidewalk, make or cause the same to be relaid or repaired in front of the property of such owner or owners, and shall pay the costs and expenses of the same to the person or persons entitled to receive the same; the said township committee shall cause said work to be done by contract in all cases where the amount of work to be done is estimated to cost more than one hundred dollars, and shall in such case invite bids for said work by public notice given once a week for at least two weeks in some newspaper printed and published in the township, and if there be no such newspaper, then in some newspaper printed and published in the county and circulating in said township; said township is hereby empowered to issue the promissory notes of said township in payment of the cost and expenses of said work.

Lands so improved shall be assessed for costs and expenses thereof.

**210. SEC. 3.** That whenever said work shall be done in whole or in part by any township committee, pursuant to this act, it shall be the duty of said committee to ascertain and determine the costs and expenses of doing such work in front of and adjacent to the lands of any and every owner neglecting or refusing to make such improvement after notice as aforesaid, and thereupon to assess such costs and expenses upon and against the said lands of such owner or owners respectively, and to file such assessment under the hands and seals of said township committee with the clerk of said township.

Clerk shall file assessment and certify same to collector, &c.

**211. SEC. 4.** That it shall be the duty of the township clerk of said township to receive and file said assessment, and within five days thereafter to deliver a certified copy thereof to the collector of said township; and from and after the filing of said assessment with the clerk of said township said assessment shall be and remain a first and paramount lien upon the lots assessed for the amounts thereon assessed respectively, with interest at six per centum from the time of such filing, and also for all costs and fees thereon until the same shall be paid and satisfied, notwithstanding any devise, descent or alienation thereof, or any judgment, mortgage or incumbrance thereon, and notwithstanding any mistake in the name or names of the owners, or omission to name the owner or owners thereof, and any assessment in which such mistake or omission occurs shall nevertheless be a valid and effectual lien upon the lands assessed.

Collector of taxes shall collect assessments.

**212. SEC. 5.** That the assessments so imposed shall be collected by the same officer or officers and at the same time and in the same manner that taxes are or may be collected in the township where said improvement is made.

## IV. Miscellaneous township acts.

An act to authorize the inhabitants of the several townships of this state to vote by ballot at their town meetings.

Approved March 22, 1860.

P. L. 1860, p. 670.

**213.** SEC. 1. That the inhabitants of the several townships of this state, authorized by law to vote at town meetings, are hereby authorized and required, when a majority of the legal voters assembled at any annual town meeting shall decide that the next or subsequent annual town meetings thereafter shall be held by ballot, to so hold their elections, and not otherwise, which election by ballot shall be so held, until it shall be determined in the same manner that their next or subsequent annual town meetings thereafter shall not be held by ballot; and when held by ballot, it shall be lawful to elect at their annual town meetings the following officers until otherwise required by law, whose qualifications shall be the same as are or may be fixed by law, that is: a township clerk, a judge of election, an assessor, a collector, one or more chosen freeholders, two surveyors of the highways, three commissioners of appeal, one or more overseers of the poor, as many overseers of the highway as there are road districts, one or more poundkeepers, a township committee consisting of three or more persons, a town superintendent of public schools, as many justices of the peace as the township may be constitutionally entitled to elect, one or more constables; and shall also, upon the same ballot, vote for the amount of money to be raised for the support of the poor, for school purposes, for the repair of roads, the amount of dog tax, and all other money necessary for township purposes, and for the places of holding the next annual town meetings, and the election of state and county officers. [See Sec. 80, *ante*.]

When townships authorized to hold elections by ballot.

Officers to be chosen.

**214.** SEC. 2. That the judges of election elected at the last, or any future town meeting, shall preside at and conduct the election at the next ensuing annual town meeting, and the clerk of the said township shall be the clerk thereof.

Officers of election.

**215.** SEC. 3. That the judge of election elected at the last, or any future town meeting, shall preside at and conduct the election at the next ensuing annual town meeting, and the clerk of the said township shall be the clerk thereof.

Judge of election.

**216.** SEC. 4. That the election shall open at nine o'clock in the morning and close at three o'clock in the afternoon of said day, except when justices of the peace are elected, when the poll shall open and close at the same hours as at state elections, and be conducted in the same manner, and be subject to the same rules as elections for state and county officers are or shall be, and the same duties shall devolve upon the judge of election and the clerk as are to be performed by the board of election and the clerk in other elections; they shall take the same oath or affirmation as far as applicable, be invested with the same powers and be liable to the same penalties, the same qualification for voters shall be required, and the result ascertained in the same manner, and stated according to law.

Election, when to be opened and closed.

**217.** SEC. 5. That a plurality of votes shall be sufficient to elect any officer, or to fix the place of holding the town meetings of the state and county elections, but a majority of all the votes cast shall be required to determine an amount of money to be raised or specified; and in case there shall be a neglect or failure to elect any officer by the town meeting, or to fix the place of holding the next town meeting, or state and county elections, or in case of the refusal of any person elected to accept of the appointment, or if a vacancy occurs from any other cause, or in case two or more have an equal number of votes, for the same office, the town committee shall, at their next meeting thereafter, fill such vacancy, determine upon such place, elect between those having an equal number of votes, and determine the amount or sum to be raised or specified, unless they shall deem a

Plurality of votes to elect.

Vacancies, how filled.

special town meeting for these purposes advisable, and in that case shall have power to call such special town meeting as now provided by law. (a)

Clerk of township to notify persons appointed to fill vacancies.

**218. SEC. 6.** That when the township committee shall fill a vacancy, or elect in case of a tie between candidates, they shall immediately notify the clerk of the township, who shall enter the same on the township book containing the minutes of the proceedings of the town meetings, and shall also notify the person or persons appointed or chosen, and shall transmit a statement thereof to the clerk of the county.

Reports of township officers, when presented and filed.

**219. SEC. 7.** That the reports of the township committee, the overseers of the poor and town superintendent of public schools, shall be presented to the township committee and filed and preserved by the town clerk; in posting up the list of officers elected, as required by law, the clerk shall add thereto the result of the election in other particulars; the first election under this act shall be held at the place appointed at the last town meeting, and all special town meetings at the place of holding the last preceding annual town meeting; the same ballot-box shall be used at the town meeting, and provided by the clerk, which is used at the state and county elections; the judges of election and clerk shall receive the same compensation for attending any town meeting as for attending a state or county election, and the township committee may allow the clerk such compensation for the additional duties required by this act, as they may deem reasonable.

**220. SEC. 8.** [Repealed.]

#### Supplement.

Approved March 8, 1864.

P. L. 1864, p. 187.

Judges of election and clerk not eligible to office.

**221. SEC. 1.** That the judge or judges of election, and the clerk of the township, referred to in the second and third sections of the act entitled, "An act to authorize the inhabitants of the several townships of this state to vote by ballot at their town meetings," approved March twenty-second, in the year one thousand eight hundred and sixty, shall not be eligible to any office at said election, except that of judge of election or clerk of the township to which they may be elected.

#### Supplement.

Approved February 12, 1895.

P. L. 1895, p. 67.

Term of commissioners of appeal.

Proviso.

**222. SEC. 1.** That in the several townships of this state the commissioners of appeal shall hereafter be elected for the term of three years; *provided, however*, that at the first annual town meeting held in such townships after the passage of this act, the said commissioners of appeal shall be elected for one, two and three years respectively, and at each succeeding election one commissioner of appeal shall be elected for the term of three years.

#### An act to provide for the payment of interest on township bonds.

Approved April 20, 1876.

P. L. 1876, p. 227.

Township committees authorized to order assessments for payment of interest, &c.

**223. SEC. 1.** That the several township committees of this state shall have power to order the assessor and collector in their respective townships, annually, to assess and collect at the same time and in the same manner that other township taxes are assessed and collected, such sums as in their judgment may seem necessary for the payment of interest on any township bonds at present issued or which may be hereafter legally issued. (b)

(a) Where the township committee failed to elect between two candidates having an equal number of votes, at their next meeting after the annual township meeting, and ordered a special town meeting, the committee cannot, at a subsequent meeting, rescind their action. *Brown v. Boden*, 22 Vr. 114. Where two members of the township committee were candi-

dates for re-election, and the election as between them resulted in a tie, it was held that neither of them could vote at the next meeting of the committee after the township election, under the authority of this section. *Kildurn v. Conlan*, 27 Vr. 349.

(b) See *Atlantic City Water Works Co. v. Smith*, 18 Vr. 473.

## An act in relation to assessments in townships.

Approved March 9, 1877.

P. L. 1877, p. 227.

**224. SEC. 1.** That whenever the cost, damages and expenses of any improvement other than for the laying of sidewalks in any township in this state, made under and by virtue of the provisions of any special law of this state, have been assessed wholly upon the line of such improvement or upon the owners of the lands along such lines, or where assessments for benefits for such local improvements have been or may hereafter be set aside by the courts of this state, any owner or owners of any lands so assessed who shall have paid or shall hereafter pay the sums of money so assessed against them on their said lands for such improvements, shall be stayed and delayed in the collection of such moneys from such municipal corporation until such time as a re-assessment for benefits for such improvements shall have been made as hereinafter set forth; *provided, however,* that interest upon the sums of money so paid as aforesaid for such assessments shall be collected on final settlement from said municipal corporations at the rate of seven per cent. per annum from the date of the payment of said assessments up to the time of final adjustment; *and provided further,* that such re-assessment shall be made within two years from and after the passage of this act; in all cases where such void assessments have been made or assessments so set aside, and in cases where assessments for benefits for local improvements shall be hereafter set aside, such re-assessments shall be made and completed within twelve months from the date of the setting aside of said assessments; *and provided further,* that in cases where such re-assessments are made and completed within the time limited in this act for the refunding of said moneys, the said moneys so as aforesaid paid shall become at once due and payable, and shall be applied in settlement of said re-assessments, and the balance, if any, refunded to the person or persons entitled legally thereto. (a)

Collection from municipal corporations of moneys paid for assessments for improvements, &c., stayed and delayed in certain cases.

Proviso.

**225. SEC. 2.** That in all cases in which such re-assessment shall be necessary, and in all cases in which an assessment for costs, damages and expenses which have been heretofore incurred, or which may be hereafter incurred, for any public improvement in any such township authorized by any special law as aforesaid shall be necessary, the township committee of the township in which such assessments or re-assessments shall be necessary to be made shall cause notices to be set up in three of the most public places in such township, one of which shall be along the line of such improvement, which notices shall state that application will be made on a certain day and place, in such county therein named, to the circuit court of the county in which such township is situate for the appointment of three disinterested freeholders, resident in such county, as commissioners to make such re-assessment, and shall be signed by the clerk of such township and set up as aforesaid at least five days prior to the time specified therein for such application; and such circuit court, when applied to as aforesaid, upon due proof that such notices have been set up as aforesaid, on which the judgment of such court shall be final and conclusive, is hereby authorized and required to appoint three freeholders as aforesaid as such commissioners, by rule entered in the minutes of such circuit court; and in case of death, resignation, refusal to serve, or disability of any such commissioner, the vacancy shall be filled as soon as may be by said court on application.

Proceedings in cases in which re-assessment shall be necessary.

Public notices to be set up.

Appointment of commissioners.

**226. SEC. 3.** [Amended by Sec. 230, *post.*]

**227. SEC. 4.** That the judge of the said court who shall perform the services aforesaid shall receive the following compensation, to wit: for the appointment of the said commissioners, the sum of five dollars; for the hearing of the objections to any report, the sum of five dollars; for every day he shall sit to hear the same and upon the confirmation of any such report, the sum of five dollars, to be paid by the township in which such improvement is situate.

Compensation to the judge.

(a) The title to this act sufficiently expresses its object, and it is neither special nor local. *Van Riper v. North Plainfield*, 14 Pr. 349.

Court may  
make rules of  
practice, &c.

**228. SEC. 5.** That the said court may make such rules, not inconsistent with this act, for the regulation of the practice and procedure under the same as shall be deemed expedient.

Supplement.

Approved March 29, 1878.

P. L. 1878, p. 201.  
Circuit court to  
determine com-  
pensation to  
commissioners  
of assessments.

**229. SEC. 1.** That the commissioners who have made any assessment provided for in the act to which this is a supplement, shall be entitled to receive such compensation for their services as the circuit court by whom they are appointed shall determine to be just and reasonable, to be paid by the township in which such improvement is situate.

Supplement.

Approved March 17, 1893.

P. L. 1893, p. 379.

When commis-  
sioners appointed  
shall make report  
of proceedings.

Proviso.

**230. SEC. 1.** That section three of said act [see Sec. 226, *ante*] be amended so as to read as follows :

[That as soon as may be after such appointment such commissioners shall proceed to make such re-assessment or assessment, and in so doing shall assess upon all the tracts or lots of land and real estate benefited by such improvement such proportion of such costs, damages and expenses as will be equal to the amount of benefits actually acquired by said lands and real estate from such improvement, proportioned equitably to the benefit each of such tracts or lots shall be deemed to acquire, and shall make a report of their proceedings and assessments to such court within thirty days after their appointment; *provided*, that if it shall appear to the satisfaction of said court, upon the application of such commissioners, that further time is necessary, said court may extend the time for making said report for a further period of not more than thirty days; and upon the coming in of any such report signed by the said commissioners, or any two of them, the said court shall cause notice to be given as it shall direct of the time and place of hearing any objection that may be made to such assessment, and after hearing any matter which may be alleged against the same the said court shall, by rule or order, either confirm the said report or refer the same to the same or to new commissioners, to be appointed by the said court, to reconsider the matter thereof; and the said commissioners to whom the said report shall be so referred shall return the same report corrected and revised, or a new report to be made by them in the premises, to the said court without unnecessary delay, and the same on being so returned, shall be confirmed or again referred by said court in manner aforesaid as right and justice shall require, and so from time to time until a report shall be made or returned in the premises which the said court shall confirm, and such report, when so confirmed by said court shall be final and conclusive, as well upon the said township as upon the owner of any land and real estate affected thereby; and the said court shall thereupon cause a certified copy of said report to be transmitted to the clerk of such township, with a certified copy of the rule of said court confirming said report, and the assessment so made shall be thereupon collected as authorized by the special law under which such costs, damages and expenses were incurred; and in case the said costs, damages and expenses shall exceed the amount of said benefits, such excess shall be a debt upon and paid by the township in which such improvement is made out of moneys raised by general taxation for that purpose.] (a)

(a) This legislation supersedes and annuls previous special township laws. *Catholic Protectory v. Kearney*, 27 Vr. 386.

An act to enable towns and townships in this state to obtain a supply of water from existing city water works.

Approved March 9, 1877.

P. L. 1877, p. 198.

**231. SEC. 1.** That the town council or township committee of any town<sup>(a)</sup> or township, with the consent in writing of the owners of the majority of the real estate, according to its assessed value in the year preceding the year of such consent, in such town or township shall be and hereby is authorized from time to time to contract with the corporation of any incorporated city having water works or such authority or board thereof, as may have the care and management of such water works (which corporation and authority said board are hereby likewise authorized to enter into such contract) for a supply, for such town or township and the inhabitants thereof, and the works there carried on, of water from such water works on such terms and conditions and for such a number of years as the contracting parties may agree upon; and such corporation, authority and board are hereby authorized to make alterations and additions to its said water works and supply pumps, machinery, and lay pipes in any place that may be agreed on; and exercise in behalf of such town and townships all the powers given to such city authority or board for and on behalf of such city, so as to execute the powers hereby given to it and them, and to do like acts in behalf of said towns and townships as it or they may do for and in behalf of said city, and do any other thing necessary to give effect to and enable it or them to perform such contract on its or their part; all roads and streets in or out of said city may be used to lay pipes in; said consent need not express more than generally, to consent to the town or township entering into a contract for supplying water to the town or township.

Town council or township committee authorized to contract for supply of water, &c., with corporate authorities of cities having water works.

**232. SEC. 2.** That said town council or township committee shall after making such contract have power to construct and acquire the necessary works, pumps, engines, boilers and other requisite machinery, to be located in or out of the town or township which may not be provided for in, or furnished under said contract, and to lay down one main supply pipe running in such directions throughout the town or township, and as many fire hydrants as may be expedient; *provided*, the total cost necessary to be raised by the sale of the bonds hereinafter provided for, shall not for each town or township exceed ten per centum of the assessed value of the real estate in said town or township in the year preceding such consent; all streets and roads may be used by such town or township to lay pipes in, and put up fire hydrants; all work necessary to be done or materials to be furnished to execute these powers, may be done directly by the town or township or through contractors who after reasonable advertisement shall be deemed to afford the best security for completing the work on the most advantageous terms.

May construct and acquire necessary works, &c.

Proviso.

**233. SEC. 3.** That after such contract with such city, corporation, authority or board, is, under the conditions aforesaid, made, said town council or township committee shall have power for and in behalf, and in the corporate name of said town or township, to issue coupon or other bonds, in such sums as the town council or township committee, respectively, shall find convenient, not exceeding in the whole the said one-tenth of the said total assessed value of the real estate in such town or township, as such value shall appear by the assessment for the year preceding the year of such consent as aforesaid; such bonds shall be payable after a term of years not less than twenty, from the year in which the said contract shall be made, and shall bear interest not exceeding seven per centum per annum, payable semi-annually; the said bonds may be disposed of at a rate not less than ninety-five per centum of their par value; the proceeds of the sale of said bonds shall be used exclusively to pay for the cost of the aforesaid works, pumps, machinery and main pipe which said town or township is to construct or acquire as aforesaid, and the interest on said bonds

May make and issue bonds.

Bonds not to be sold at a rate less than ninety-five per cent. of par value.

Proceeds of sale of bonds, how applied.

(a) For construction of the word "town," see *Banta v. Richards*, 13 Vr. 498.

shall be raised annually by tax, at the same time and in the same manner, and on the same property which is taxable in said town or township issuing said bonds, as the state tax is raised ; and the principal of said bonds shall likewise be raised in the same manner, by the same kind of tax, raised at one time or from time to time, as such town council or township committee shall see fit, and the real and personal property in such town or township shall be liable for the payment of said bonds, principal and interest.

Principal and interest to be paid by tax.

May make contracts for construction of works, lay pipes, &c.

**234. SEC. 4.** That after the making of such contract, and after the construction of such works, pumps and machinery, and the laying down of such main pipe, and putting in of fire hydrants, and due and sufficient performance on all sides, of such contract, to justify such proceedings the town council or town committee, or such other public body as may hereafter be charged with the care and management of said works, shall have power to employ men, make contracts and to obtain all material necessary to put and keep such works in operation, and to keep them in repair and to lay distributing pipes, and house connections, and to lay such kind of tax as aforesaid, in manner aforesaid, to raise money to pay therefor ; the said town or township may supply the water to the inhabitants, and to all buildings in such town or township, at such reasonable rate for the use of such distributing pipes and house connections and supply of water as shall seem expedient, and to collect such rates, and out of such rates to reimburse the town or township the money expended for such distributing pipes and house connections, and to make reasonable and legal by-laws regulating the use of the water and the collection of such rates as may seem expedient.

Preamble.

**235. SEC. 5.** *And whereas*, the benefits to be accomplished by this act may be more cheaply and conveniently secured if two or three or more of such municipalities desiring a water-supply shall enter such a contract as each by the first section is authorized to make ; *and whereas*, such contracts on the part of such towns or townships are likely to be such as will provide for a compensation to such city, corporation, authority or board at a rate on the amount of water supplied, which will be measured or estimated, and therefore no town or township will be made liable for another's supply ;

Two or more town councils or townships may unite in contracts.

*Be it enacted*, That two or more town councils, or two or more township committees, or one or more township committees, and one or more town councils, may make such contract as is hereinbefore authorized to be made by one municipality for its supply with such city, or its said authority or board for a water-supply and the other necessary or proper things before mentioned to accommodate all which shall so unite on the same terms and conditions, however, as to the consent of owners of property in each town or township respectively, as is before described ; and each of such town council or councils and township committee or committees so uniting in such contract shall have the same power, under the same conditions as to each, to issue bonds, and to the same extent and of the same character, and every other power which is hereinbefore given to each in the case first provided for, and under the same restrictions and limitations as it would have had if such town council or township committee had made a separate contract and had otherwise complied with the provisions contained in the previous sections of this act ; and the real and personal estate in each town or township so contracting together shall be liable to the payment of the principal and interest of the bonds of that town or township which shall issue such bonds ; and each town or township so uniting and issuing its bonds, shall have the aforesaid taxing power within its own limits to raise and pay the principal and interest thereof ; and in relation to executing the powers to construct and acquire the necessary works, pumps, engines, boilers, and other requisite machinery, in or out of any of the constructing townships or towns, and to lay the main supply pipes and fire hydrants of such town or towns and township or townships who united in the contract in this section first mentioned, may make a separate or joint contract or contracts for the said works, pumps, engines, boilers, and other requisite machinery, and for such laying of the main

Property of each town or township contracting together shall be liable for payment of principal and interest of bonds so issued.

May make separate or joint contracts.

supply pipes and fire hydrants, or such portions as may be deemed expedient of any of the same as may be needed by all or any of the uniting towns or townships, but under such contract or contracts, each town and township contracting shall be liable to the contractor or contractors only for such work and materials as are done and used in such town or township and for an equitable proportion of what work may be done or materials used outside of such uniting towns or townships; the said consents herein provided for shall be verified by the oath of the assessor of the said town or township that it is so signed, and said consent and affidavit shall be recorded by the town clerk and filed in the office of the town clerk, and such consent and affidavits, or a copy thereof certified by such clerk, shall be conclusive evidence of the facts therein set forth, in any court of judicature where the said facts may come in question.

Consents to  
be verified.

**236. SEC. 6.** That any local, private, or special, or public act, and every part thereof which is repugnant to or inconsistent with this act or any act or part of act which can be construed to in any wise alter, affect, control or construe this act, be and the same is hereby repealed, and that this act shall take effect immediately.

Repealer.

**An act permitting townships in this state, whose times of elections are fixed by special acts, to alter said times of holding their township elections.**

Approved February 26, 1878.

P. L. 1878, p. 81.

**237. SEC. 1.** That it shall and may be lawful for any township in this state, whose township elections are now held by any special act of the legislature of this state, to change the time of said elections by and with the consent and direction of the township committee of said township, to the second Tuesday in March or the second Tuesday in April, instead of the time directed in said special act; said election to be held in all other respects under the law now applicable to elections directed by said act; and the township committee of any such township may by resolution provide for such change of time of holding the township election in accordance with the provisions of this act; *provided*, that at least five days' notice of the adoption of the resolution providing for such change shall be given in at least one newspaper circulating in the township, and that such notice be posted in ten public places of any such township for a like period.

Township committee authorized to change the time of holding township election.

Proviso.

**An act in relation to townships the territorial boundaries of which are the same as those of incorporated cities.**

Approved March 15, 1878.

P. L. 1878, p. 106.

**238. SEC. 1.** That whenever the territorial boundaries of any city incorporated by the laws of this state shall be the same as the territorial boundaries of any township, the said townships shall be and the same are hereby abolished; that the township committee and collector of said townships elected or appointed shall remain in and perform the duties of their respective offices until a settlement of the accounts of said townships can be made, which shall not exceed the period of four months after their term of office for which they may have been elected shall have expired, after which the common council or other corporate body and collectors of said cities shall have the same powers and perform the same duties as the township committee and collectors of such townships are now required to perform.

Where township and city boundaries are the same, township is abolished.

Settlement of accounts, by whom made.

**An act relative to townships raising money for township purposes.**

Approved April 4, 1878.

P. L. 1878, p. 294.

**239. SEC. 1.** That where the amount of money to be raised for township purposes in any township of this state is fixed by special statute at one-fifth of one per centum upon the valuation of the taxable property of the township, it shall be lawful for the said township committee, or a majority of them, and they are hereby authorized to increase the amount so as not to exceed in any one year two-fifths of one per centum.

Rate of taxation in certain townships increased.

**An act in relation to assessments in townships and to provide for the payment of judgments recovered on contracts for improvements.**

P. L. 1878, p. 301.

Approved April 5, 1878.

Township committee in certain cases to ascertain cost and expense of street improvement and make assessment of benefits.

**240. SEC. 1.** That whenever the cost and expenses of grading, flagging or paving any street, or section of a street, in any township or polling district therein in this state shall not have been assessed, under and pursuant of the act or acts of the legislature of this state, authorizing such grading, flagging or paving to be done, and an assessment of the cost and expense thereof to be made, it shall be the duty of the township committee of any such township, or a majority of them, or the township committee of any such township in which such polling district may be, or a majority of them, immediately after the passage of this act, to ascertain the whole amount of the cost and expense of any such improvement, and proceed to make an assessment thereof; and in making said assessment, the said township committee, or a majority of them, shall assess upon all the tracts or lots of land and real estate benefited by such improvement, such proportion of such costs and expenses as will be equal to the amount of the benefits actually acquired by said lands and real estate from such improvement, proportioned equitably to the benefit each of such tracts or lots shall be deemed to acquire; and the balance of such costs and expenses, if any remain unassessed, shall be a debt upon and paid by such township; and said township committee of said township is hereby authorized to raise by tax, in the same manner and at the same or any other time that other taxes in said township are raised, money sufficient to pay any such balance.

Cost over benefits, how paid.

Township committee to take and subscribe oath.

**241. SEC. 2.** That the said township committee, before they commence to make any assessment contemplated by this act, shall take and subscribe an oath or affirmation before the clerk of said township, to make the said assessment fairly and impartially, according to the best of their skill and judgment.

Report of assessment to be made in writing.

**242. SEC. 3.** That the said township committee, or a majority of them, shall make a report, by a certificate in writing, of the assessment so made and before proceeding to sign the same shall give an opportunity to the parties interested to examine the same, and shall give notice by advertisement or otherwise to the parties interested at what time and place in said township the said report may be examined by them; and, also, of the time and place when and where the parties interested can be heard by the said township committee, or a majority of them; and after hearing the parties, the said township committee, or a majority of them, shall proceed to complete said report, making such alterations as they deem proper, and shall then sign the same and deliver said report to the collector of said township.

Assessments to be a lien.

**243. SEC. 4.** That the assessment authorized and directed by this act shall be and remain a lien upon the lands assessed, from the time said report shall have been delivered to the collector of said township, in the same manner and to the same extent that taxes are liens upon lots or tracts of land in said township.

Collection of assessments.

**244. SEC. 5.** That the collector of said township shall, as soon as the said report is delivered to him, proceed to collect the assessments named in said report, and shall give notice by advertisement or otherwise (if by advertisement, then to be in two newspapers printed and published in the county wherein such township is situated, which last-named notice shall be published for two weeks, at least once each week, successively), stating in general terms the street, or section of street, comprised in such assessment, and requiring the owners of lots and tracts of lands assessed in such report to pay the amount to him within three months from the first publication or giving of such notice.

Proceedings in case of non payment of assessment.

**245. SEC. 6.** That if any assessment upon any lot or tract of land, made under the provisions of this act, shall not be paid within three months from the time appointed in said notice, the said township committee, or a majority of them, may, as they shall deem proper, either bring an action on the case

in any court of competent jurisdiction, in the corporate name of such township, against the owner or owners of such lot or tract of land for so much money laid out and expended by them for the use of such owner or owners, and declare generally and give the special matter in evidence, and either party, from any judgment rendered therein, may have the same remedy by appeal or otherwise as if said parties were private individuals, or may proceed to collect the said assessment by sale of the lots or tracts of land whereon such assessment has been imposed or may be a lien, in the same manner and to the same extent as lands are now sold for unpaid taxes in said township, and the purchaser or purchasers at any such sale or sales, and his legal representatives, shall hold and enjoy such lots or tracts of land, with the rents, issues and profits thereof, in the same manner and by the same title and tenure as purchasers at the sales of lots or tracts of land for unpaid taxes can now hold and enjoy the same in said township.

**246.** SEC. 7. That in all cases where any person or persons may have heretofore recovered, or may hereafter recover, any judgment in any court of record of this state, against any municipal corporation for work done or materials furnished, under any contract for the improvement of any street or highway situate within the corporate limits or boundaries of such municipal corporation, or for money due on bonds issued in payment for such work or materials, or for interest due thereon, it shall be the duty of the township committee, or other body having charge of the finances of such municipal corporation, or their successors, by whatever name they may be called, to order a sufficient sum to be raised by taxation to pay and satisfy such judgment or judgments, which sum or sums, so ordered to be raised, shall be assessed, levied and collected in the same manner and at the same time that other taxes in such municipality are assessed and collected; *provided*, that this act shall not apply to any township the charter of which provides a method of assessing the costs and expenses of grading, flagging or paving any street, or section thereof, in said township; *provided, however*, that the provisions of this act shall not apply to any township or polling district in any county of this state which had less than seventy-five thousand inhabitants by the last state census.

Township committee authorized to raise by taxation a sufficient sum to satisfy any judgment against municipal corporation.

Proviso.

Proviso.

An act to provide for licensing hacks and other vehicles by the township committees of the several townships of this state, and for the better government of the same.

Approved March 5, 1879.

P. L. 1879, p. 84.

**247.** SEC. 1. [Amended by Secs. 251, 253 and 254, *post*.]

**248.** SEC. 2. That in all townships aforesaid, the township committee thereof may prescribe a penalty or penalties for the violation of this act, either by imprisonment in the county jail not exceeding ten days or by a fine not exceeding twenty dollars, and any justice of the peace of said township shall have jurisdiction of such cases, and may give judgment and issue execution for the collection of such fine or fines, to be levied on any personal property of such person or persons fined as aforesaid, directed to any constable of the county in which said township is situate, which execution shall be levied, executed and returned in the same manner as executions in other cases, or in case of sentence to imprisonment in the county jail, may issue his warrant for the imprisonment of such offender as in other cases cognizable before him.

Penalties may be prescribed.

Jurisdiction of justice of the peace.

**249.** SEC. 3. [Repealed by Sec. 252, *post*.]

**250.** SEC. 4. That this act shall not apply to any of the incorporated cities or towns of this state.

Restriction of act.

#### Supplement.

Approved April 1, 1887.

P. L. 1887, p. 110.

**251.** SEC. 1. [This section, amending Sec. 247, *ante*, is amended by Secs. 253 and 254, *post*.]

**252.** SEC. 2. That the third section of the act to which this is a supplement [see Sec. 249, *ante*] be and the same is hereby repealed.

Repealer.

## Supplement.

P. L. 1888, p. 131.

Passed March 5, 1888.

**253.** SEC. 1. [This section, amending Secs. 247 and 251, *ante*, is amended by Sec. 254, *post*.]

## Supplement.

P. L. 1889, p. 30.

Approved February 26, 1889.

**254.** SEC. 1. That section one of the act entitled "An act to provide for licensing hacks and other vehicles by the township committees of the several townships of this state, and for the better government of the same," approved March fifth, one thousand eight hundred and seventy-nine [see Secs. 247, 251 and 253, *ante*], shall be and hereby is amended so that said section shall read as follows :

Township committee to have power to license vehicles, &c.

[That in all townships of this state the township committee of said township shall have power within the limits of said township to make rules and regulations for licensing and regulating hacks, cabs, omnibuses, stages, carriages and vehicles used for the carrying and transportation of passengers, and to fix the license fee for the same, and to prohibit unlicensed persons from acting in the capacity of hackmen.]

## An act respecting sewerage and drainage.

P. L. 1880, p. 69.

Approved March 2, 1880.

Township committee may, upon petition of property-owners of unhealthful district, employ engineers to make plans and specifications for building sewers, drains, &c.

**255.** SEC. 1. That whenever a petition stating that any particular place or district therein described, in any township of this state, is in a condition detrimental to the public health, or likely to become so, signed by property-owners in said district, the assessed value of whose real estate within said district is one-tenth of the assessed value of the real estate within said district, shall be presented to the township committee of said township in which said district is situate, the said committee, if satisfied that said petition fairly represents the wishes of a sufficiently large proportion of the property-owners of said district, shall employ a competent civil engineer to make plans and specifications for the building of a sewer or sewers, drain or drains, the erection or construction of pumps, dykes, dams, tide-banks and such other works, and such filling and excavating as may be necessary to secure a sufficient and proper drainage or sewerage, or both, of the place or district required to be drained or sewerd.

Petition, where district is located in more than one township.

**256.** SEC. 2. That if said district be located in more than one township, said petition shall be presented to the township committees of such townships, who, in acting thereon, and in carrying out the provisions of this act, shall act as one committee, or refer the matter to a sub-committee of their number.

Decision of committee conclusive.

**257.** SEC. 3. That the decision of such township committee or committees to appoint such engineer, shall be conclusive as to the sufficiency of the petition.

Report of engineer to be presented.

**258.** SEC. 4. That the report of such engineer, with plans and specifications for properly draining and sewerage said district, shall be presented to the said committee, who shall thereupon consider the said report, and may in connection with the said engineer, make such changes in said plans and specifications as they, or a majority of them, deem advisable ; said plans and specifications, when completed, shall show the location and size of all main sewers and drains to empty into said main sewer, and other general features of the plan, and shall state what part of said plan it is proposed to carry out and construct immediately, and shall have annexed thereto an estimate, made by said engineer, of the probable cost of the work it is proposed to construct immediately, including damages and compensation for any lands which it may be necessary to take or use ; and the said plans, specifications and estimate shall then be and remain open for public inspection at some convenient place, at reasonable hours, for four weeks, and notice thereof shall be given by publication once a week during said four weeks, in a newspaper published in or nearest to said district, and also by posting large and conspicuous notices in six public places in said district.

Plans, &c., when completed, to show location and size and estimate of cost.

To remain open for inspection.

**259. SEC. 5.** That the said committee shall order an election to determine whether said plans, or the part thereof which it is proposed to carry out immediately, shall be adopted, and whether bonds shall be issued to procure money to pay for the same, and shall designate the time and place or places for holding said election, and appoint inspectors thereof; and the notices required in the fourth section of this act shall contain a notice of such election, and of the time and place or places appointed therefor; at such election the polls shall be open from eight o'clock in the morning till five in the afternoon of the day on which it is held, and every freeholder residing in said township or townships in which said district is situate may vote, and the inspectors shall certify the result of said election to the clerk of the county in which said district is situate; should a majority of the votes cast be against the plan proposed, or against issuing bonds, the said committee shall have power to submit the same or other plans to the electors at another election, to be ordered and held in the same manner as hereinbefore provided.

Election to be held for adoption of plans, and whether bonds shall be issued.

**260. SEC. 6.** That whenever at any election held in accordance with section five of this act, a majority of the votes cast shall be in favor of the adoption of any plan submitted as aforesaid, and the result of such election shall have been properly certified to the clerk of the county, the said committee shall proceed to construct and complete such works in accordance with said report, plans and specifications.

If plans are adopted at election, committee to proceed and complete the work.

**261. SEC. 7.** That said committee shall have power to issue certificates of indebtedness or improvement certificates to the contractors for work done, to be paid out of moneys raised for the purposes specified in this act as hereinafter set forth; and in case an issue of bonds has been authorized as aforesaid, to issue registered or coupon bonds of said township or townships for the purpose of providing funds to pay for said improvements; said bonds shall be made payable at times to be therein specified, not more than twenty years thereafter, but so that an equal amount of said bonds shall fall due each year after the first; such bonds shall be of the denominations of one thousand, five hundred and one hundred dollars, and shall bear interest at the rate of six per centum per annum; in case the said district lies in more than one township, the said committee shall determine the amount of bonds to be issued by each township in proportion to the amount of the assessment for such work likely to be assessed upon lands situate in each township respectively; said bonds shall be issued under the seal of the township, and be signed by the township committee and countersigned by the treasurer of the township, and shall be a lien upon all the real estate assessed as hereinafter provided.

Committee authorized to issue certificates of indebtedness or improvement certificates and bonds.

When district lies in more than one township, committee to determine amount of bonds to be issued by each township.

**262. SEC. 8.** That the said committee shall have power to construct such sewers, drains, pumps, dykes, dams, tide-banks and other works, in accordance with the plans adopted, through and across any road or street in the township or townships in which said district lies, and also through any private lands in such township or townships, in which latter case they shall award the owner or owners of such lands just compensation therefor, and shall add the amount of such compensation to the cost of constructing such works; such compensation shall be awarded and notice thereof given to the owner personally, if he be known and resident of the county, and if not a resident of the county, then by mail, according to the best information that can be obtained as to his address, before commencing such work; and such award shall be final, unless such committee shall reconsider the same and make a new award, or such owners shall appeal, as provided in section fifteen of this act; such award shall bear interest at the rate of six per centum per annum from the date of the making of the same till paid.

Committee may construct sewers, &c., through streets and private lands.

Compensation to owners of lands.

**263. SEC. 9.** That if the said committee shall find it necessary to construct and work through or upon any lands in a neighboring township, and are unable to agree with the owners of such lands upon the compensation to be paid therefor, they shall apply to the township committee of said township, who shall decide upon the necessity of entering said township with such work (subject to appeal as provided in section fifteen of this act),

Committee to award compensation to owners of lands in a neighboring township.

and if they, or the court of common pleas, on appeal, decide to allow such work in such township, the said township committee shall award compensation upon the same principles, and proceed in the same manner, and the same notice shall be given, and their action shall be subject to the same appeal as provided in the eighth section of this act.

Expenses to be assessed upon lands specially benefited.

Appointment of commissioners to make assessment.

Commissioners to take oath.

Notice of meeting to be published.

Commissioners to make assessment of costs and damages.

Notice of amount of assessment to be mailed to each owner of land.

Revision of assessments.

Assessment to be a lien upon property.

Assessments, how payable.

**264. SEC. 10.** That the expense of such work shall be assessed upon lands specially benefited by such improvement, in proportion to the benefit received thereby, but not exceeding, in any case, the amount of such benefit; when such work is completed, the said committee shall apply to the court of common pleas of the county where said improvement is situate, for the appointment of commissioners to make such assessment; two weeks' notice of such application shall be given in one of the newspapers published in said county circulating in the neighborhood of said district, and the said court shall thereupon appoint three discreet and impartial freeholders, not property-owners, taxpayers or residents within said district, or liable to be taxed or assessed for such improvements, as commissioners to make such assessment; and said commissioners shall, before entering upon the duties of their office, subscribe and file in the office of the clerk of the county an oath, faithfully and impartially to discharge the duties devolving upon them as such commissioners; said commissioners shall thereupon give ten days' notice, in a newspaper circulating in said district, that they will meet at a certain time and place to hear the views of all persons interested in the matters referred to them, at which time and place said commissioners shall meet and give full reasonable opportunity to all persons interested to express their views, and may adjourn from time to time, and shall thereupon proceed to make a just and equitable assessment of the costs and expenses of said improvement, including damages for lands or property taken or used, upon the lands specially benefited by such work, in proportion to the benefits acquired by said lands, not exceeding, in any case, the special benefits so received; within ten days after making such assessment, a notice shall be sent through the post-office to each owner of lands so assessed (as nearly, in such case, as the name and address of the owner can be ascertained), stating the amount assessed against said land, and that said assessment will be open for inspection during the next fifteen days, and that the said commissioners will then meet at a time and place in said notice specified, to hear objections and to revise and correct and finally confirm said assessment, at which time and place the said commissioners shall meet and give all parties appearing before them an opportunity to be heard, and may adjourn from time to time, and shall reconsider said assessment, and shall make any alterations therein they may deem just, and thereupon they shall revise, correct and finally confirm the said assessment, and, within ten days thereafter, shall file said assessment in the office of the clerk of the county, and shall give notice of such filing by publication once a week for four weeks, in a newspaper published in or nearest to said district; and the determination of said commissioners, or a majority of them, shall be final and conclusive, unless an appeal be taken, as provided in section fifteen of this act.

**265. SEC. 11.** That from and after the filing of said assessment in the office of the clerk of the county, the said assessment shall be and remain a first and paramount lien upon each lot of land or property assessed for the amount of such assessment, with interest thereon, and all costs and fees thereon, until the same shall be paid and satisfied, notwithstanding any devise, descent or alienation of such land, or any judgment, mortgage or incumbrance thereon, and notwithstanding any mistake in the name or names of the owner or owners, or any omission to name the owner or owners thereof, and any assessment in which such mistake or omission occurs shall nevertheless be a valid and effectual lien as aforesaid upon the lands assessed; and said assessment shall, in case bonds have been issued as aforesaid, be due and payable in equal annual installments concurrently with said bonds, and bear interest at the rate of six per centum per annum from the date of filing said assessment in the county clerk's office, but said

bonds shall always be receivable in payment of such assessment, and if no bonds be issued, then all the said assessment shall be due immediately ; and said assessment, and each installment as it falls due, shall be collected by the collector of the township, and paid over to the treasurer thereof for the purposes specified in this act and no other ; and if such assessment, or any installment thereof, with interest thereon, be not paid within one year from the time when the same is payable, then the land upon which the said assessment is a lien shall be sold to pay the same, with interest thereon at the rate of one per centum per month from the time when the same was payable, and all fees, charges and expenses of collection and sale, in the same manner as land is authorized to be sold for unpaid taxes in the township where such land lies.

Assessments not paid within one year, land to be sold.

**266. SEC. 12.** That in case the cost of constructing such sewer or sewers, and the erection of such other works as are deemed necessary for the purposes aforesaid, shall exceed the benefits to lands specially benefited thereby, such excess of cost and expenses shall be raised by general taxation in the township in which said district is situate, to be assessed, levied and collected in the same manner as other taxes for township purposes are assessed, levied and collected.

If cost of constructing sewers exceed the benefits, excess to be raised by general taxation.

**267. SEC. 13.** That the said committee shall have power to remove any civil engineer appointed as aforesaid and appoint another, and shall fix the compensation of such engineer ; they shall also have power to appoint, employ, remove and discharge, from time to time, such superintendents, surveyors and other employes as they may deem necessary to carry out the provisions and intentions of this act, and to pay them such compensation or wages as they may deem fair and reasonable.

Committee empowered to appoint engineers, &c., and fix their compensation.

**268. SEC. 14.** That the court of common pleas of the county shall fix the compensation of the commissioners making the assessment, upon application made to said court, after filing the same ; and the collector, for collecting the said assessment, shall receive the same compensation or fees as for the collection of taxes, and shall be subject to the same liabilities, pains and penalties, but he shall be allowed to retain his compensation, or fees, out of the moneys collected.

Compensation of commissioners.

Fees of collector.

**269. SEC. 15.** That any person or persons feeling aggrieved by the action of any committee in awarding compensation for lands or property taken or used for the purposes of such improvement, or by the action of the commissioners making the assessment, pursuant to section ten of this act, may, within forty days after serving or mailing the last notice required to be given of such award or assessment, appeal to the court of common pleas of the county, by serving a notice in writing of such appeal upon one of the committee or commissioners whose award or assessment it is intended to appeal from, and the said court shall have full power to review the proceeding of said committee or commissioners in the premises ; and the same, or any award, assessment or other action, to confirm, alter, modify, set aside or reverse, in whole or in part, for errors either of fact or in law, and the said court shall have power to hear and try the same in a summary way, and may summon a jury to determine any question of fact and the said court may proceed in due course, according to the power of the court in other cases ; and the determination of the said court shall be final and conclusive in the premises, and the said court, or any judge thereof, may, until such determination, stay all proceedings in the matter, in reference to which the appeal may be taken, until such final determination ; and like fees and costs shall be paid to the judges, jury, officers of the court and parties, as are allowed in other causes of which said court may have jurisdiction ; and the said court shall have power to make and prescribe all necessary forms, rules and regulations in the conduct of any proceedings to be taken hereunder ; if no such appeal shall be taken within the time and in the manner prescribed in this section of this act, the action of the said committee or commissioners shall be final and take effect, and they may proceed to carry the same into effect.

Persons aggrieved may appeal from award of committee or commissioners.

Determination of court to be final and conclusive.

Fees and costs on appeal.

Sewers, how kept in repair.

**270. SEC. 16.** That whenever any drains or sewers, or system of drains and sewers, or other works provided for in this act, shall have been constructed, the expense of maintaining and keeping the same in repair shall be borne by the township or townships in which the district benefited thereby is located.

Time limited by act may be extended.

**271. SEC. 17.** That the time within which anything is required to be done by this act may be extended by the court of common pleas of the county for good reasons shown, and on such terms and conditions as may be just, provided no rights are prejudiced thereby, and such extension may be granted after the time before limited has expired.

Restriction of act.

**272. SEC. 18.** That this act shall not apply to any incorporated city or village whose charter provides for works of the character specified in this act.

A supplement to the act entitled "An act respecting sewerage and drainage," approved March twentieth [second], one thousand eight hundred and eighty, and to provide for the payment of the cost of sewers heretofore constructed, without authority of law, in or by and for towns and townships.

P. L. 1895, p. 155.

Approved March 6, 1895.

Municipal governing body may construct sewers to tide-water, &c.

**273. SEC. 1.** That it shall be lawful for the town council, township committee or other governing body of any town or township in the state, if deemed by them best for the interest of the same, or any part thereof, to build and construct one or more main sewers in said town or township and thence to tide-water, or to some other outlet sewer or sewers leading thereto, across the territory of adjoining or other municipalities intervening between such towns or townships and tide-water or outlets as aforesaid, with the necessary laterals and appurtenances thereto, first making and entering into contract or contracts in the name of said town or township for the building and construction of said sewers and with the owners of lands necessary to be occupied or crossed thereby, and with such municipalities for permission for such occupation or the use or crossing of their streets and highways respectively for such occupation, or with the owner or owners of any sewers built or building by the owners of land advisable to be connected therewith.

Outlets and laterals to be regarded as parts of main sewer.

**274. SEC. 2.** That all outlet sewer or sewers leading to tide-water across intervening territory aforesaid and necessary laterals and appurtenances aforesaid, or any of them, including such connecting sewers last above mentioned, if contracted for, shall be treated and regarded as parts of such main sewers, and all costs and expenses attending their construction or price shall, for the purpose of assessment, be included in and form part of the cost of any main sewer in connection with which it shall be built, to be collected from property benefited according to the provisions of the act respecting sewerage and drainage, to which this act is a supplement as aforesaid; *provided*, that no such sewer or sewers shall be so constructed as to empty or discharge any of its or their contents into any creek, stream, lake, pond or water-course, the waters of which are used for or connect with waters used for the supply of water to any aqueduct, water main or reservoir of any city, township or other municipality of this state.

Proviso.

**275. SEC. 3.** That whenever there has heretofore been constructed or contracted to be constructed by the governing body of any town or township any sewer as aforesaid, whether within or beyond the territorial limits of such town or township, which has in fact been accepted by such governing body, or to raise and pay the cost of which or any part thereof, bonds of said township have been issued or agreed to be issued and delivered, but for the construction of which sewers and issue of which bonds there existed at the time of such delivery or contract for the same, no valid statute or law authorizing the same, or where the validity of such statute is disputed or doubtful, it shall be lawful for said town council, township committee or other governing body to issue bonds of said town or township in lieu of or in exchange for such bonds before delivered or contracted for, and to deliver the same to the holders

Governing body may issue bonds in lieu of former issue and for further expenses.

thereof, or persons entitled thereto, taking up and canceling any such first-issued bonds, and paying any interest due thereon out of the general fund of said town or township; any person having right to receive such original bonds may require such issue, substitution and delivery; *and further*, that in order to raise the costs and expenses agreed to be paid by such town or township for the construction of said sewer or sewers or the said outlet or outlets, connection or connections therewith, or the remainder thereof, it shall be lawful for the said town council, town committee or other governing body to issue, if in their judgment expedient, bonds in the corporate name of such town in such amount as may be necessary for that purpose; and all bonds contemplated by this act may be registered or coupon bonds, shall bear interest at a rate not exceeding six per centum per annum, shall be payable severally in not more than twenty years from their date, and shall not be sold or disposed of for less than their par value.

Bonds shall not be sold for less than par.

**An act to increase the powers of township committees.**

Approved March 11, 1880.

P. L. 1880, p. 199.

**276. SEC. 1.** That the township committees of the several townships of this state shall hereafter have the following powers in addition to the powers now vested by law in township committees, viz.:

Powers of township committees.

To prevent and suppress breaches of the peace and disorderly assemblages in any street, house or place in the township, and to suppress disorderly houses therein, and to call upon the constables of said township to accomplish such purposes;

To prevent breaches of the peace, &c.

To act as a board of health in case of the prevalence of epidemic diseases;

To act as board of health.

To exercise, either in connection with the overseers of highways or independently, the same power and authority now vested by law under section forty-five of the general road law [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, in said overseers to enter upon lands to make and open gutters, drains and ditches in order to let off water from the highways, and all other powers given to said overseers in said section forty-five, and to direct the town assessor and the town collector respectively to assess and collect sufficient taxes to pay for the expense of the same;

To exercise powers under section 45 of road law.

To abate and remove nuisances, and, at the expense of the occupant or owner, to cleanse and disinfect premises where nuisances detrimental to health are maintained;

To abate and remove nuisances.

To compel the abutters to keep the sidewalks, where the same are much traveled, free from snow and ice and other impediments, and to keep said sidewalks in a safe, convenient and passable condition at all seasons;

To compel sidewalks to be kept in good condition.

To exercise, either in connection with the overseers of highways or independently, the same powers and authority now vested by law in overseers of the highways, to cause to be opened or made safe any highway or bridge which may be impassable or dangerous, according to the provisions of section fifty-six of the general road law [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

To exercise powers under section 56 of road law.

**277. SEC. 2.** That for the enforcement of the foregoing provisions of this act, the town committees may enact and pass any ordinances which do not conflict with the constitution of this state or of the United States, and may, in the name of the clerk of the township, prosecute offenders against the provisions of this act, or of the said ordinances, before any justice of the peace elected in the township.

Town committees may pass ordinances and prosecute offenders, &c.

**278. SEC. 3.** That for each and every offense against the provisions of this act, or of the said ordinances to be enacted in accordance with the same, the person so offending shall, upon conviction, pay a fine of not to exceed one hundred dollars.

Penalty for violation of this act and ordinances.

## Supplement.

Approved May 9, 1884.

P. L. 1884, p. 319.

Township committee may exercise powers under section 49 of road law.

**279. SEC. 1.** That the township committees of the several townships of this state, shall hereafter have the following powers in addition to the powers now vested by law in township committees, viz.: that township committees shall exercise, either in connection with the overseers of highways or independently, all the powers given to overseers by law under section forty-nine of the general road law, approved March twenty-seventh, one thousand eight hundred and seventy-four, in opening public highways to their full width and removing encroachments upon said highways when duly notified in writing, by party or parties conceiving himself or themselves to be injured by their not being opened to their full width or by their being encroached upon, and to direct the township assessor and the township collector respectively, to assess and collect sufficient taxes to pay for the expense of the same.

To define public highways when notified by member of board of freeholders.

**280. SEC. 2.** That when the township committee of any township in this state, shall be duly notified in writing, by a member of the board of chosen freeholders of the county, whose duty is to build, rebuild or repair any bridge or bridges on a public highway in said township, to define the lines of said public highway, it shall be the duty of said committee immediately to do so, and if it be doubtful to the said committee where the lines of any of the said public highways are, they shall proceed in the manner provided by section forty-nine of the general road law, approved March twenty-seventh, one thousand eight hundred and seventy-four, either in connection with the overseers of the highways or independent of them, and to direct the township assessor and the township collector respectively, to assess and collect sufficient taxes to pay for the expense of the same.

Procedure in doubtful cases.

**281. SEC. 3.** That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed, and this act shall be deemed and taken as a public act, and shall take effect immediately; *provided*, that this act shall not apply to public highways or roads under the control of public road boards, turnpike companies or plank road companies.

Repealer.

Proviso.

## Supplement.

Approved March 8, 1893.

P. L. 1893, p. 130.

Additional powers given to township committees.

Proviso.

**282. SEC. 1.** That the township committees of the several townships of this state shall hereafter have the following powers, in addition to the powers now vested by law in township committees; *provided, however*, that nothing in this act shall apply to or affect any street, avenue or highway under the charge or control of any county public road board in this state:

I. [Amended by Sec. 290, *post.*]

II. To order and cause any street, highway or alley, or any part or parts thereof, to be graded, graveled, paved, macadamized or otherwise improved, as to them may seem advisable;

III. To alter the grade of any sidewalk, street or highway, or of any part or parts thereof, and to ascertain and establish the boundaries of all streets, highways and alleys in said township, and to prevent and remove all obstructions and encroachments that may have been or may be made thereon;

IV. To regulate, clean, and keep in repair all sidewalks, streets, highways and alleys in said township; to direct and regulate the planting, rearing, trimming and preserving the shade trees in the same, and to authorize or to prohibit the removal or destruction of said trees; to enforce the removal of snow, ice or dirt from the sidewalks and gutters of said streets, highways or alleys by the owner or occupant of the premises fronting thereon, and also to prevent and forbid the removal of earth, gravel or any other road-making materials from the highways by any person or persons not acting under the authority of the township committee, and also to abate and remove nuisances of every kind in any of the highways or public places of the township;

V. To prevent and punish immoderate driving or riding in any street or highway, driving over or upon any sidewalk, and any cruelty to animals, and to authorize the detaining without warrant, and the arrest of any person who may be guilty thereof ;

VI. To lay and regulate, or prohibit the laying of water or gas or sewer pipes in or under the streets and roads, or any part thereof, in said township, and to provide street lamps for, and to light the streets either with gas or other material ;

VII. To improve the streets, public roads and highways of the township by macadamizing, grading and paving the same, or otherwise, under the direction and control of the township committee, and also for the purpose of improving the sidewalks in said township, under the like direction and control, by curbing the same, or otherwise, and to determine in what manner any street, road or highway, or any part or parts thereof, shall be so improved ;

VIII. To regulate or prohibit the erection of signs or awnings over the streets or sidewalks.

**283. SEC. 2.** That for the enforcement of the foregoing provisions of this act, the township committees of the several townships of this [state] shall have power to pass, alter and repeal, from time to time, any and all such ordinances as they shall think proper, to carry into effect the powers conferred by any or all of the foregoing purposes ; and shall have authority to prescribe a penalty or penalties for the violation of any ordinance or ordinances, passed for any purpose under the fifth subdivision above, by a fine not exceeding fifty dollars ; and may, in the name of the clerk of the township, prosecute offenders against the said provisions or of the said ordinances, before any justice of the peace elected in the township ; and that the book of records of the ordinances of the said township shall be taken and received in all courts or elsewhere, as evidence of the due passage of all the ordinances recorded therein.

Town committees may pass ordinances, prescribe penalties, prosecute offenders, &c.

Book of record of ordinances received in all courts.

**284. SEC. 3.** That when at any meeting of the township committee any ordinance shall be offered at said meeting by any member of said township committee, for any of the powers conferred on them by the first, second and third subdivisions hereof, such ordinance shall not be passed until the township committee shall have caused notice to be served upon the owners of lots or lands fronting or bordering upon the street affected by such ordinance, if such owners are known ; such notice to contain a copy of the proposed ordinance, and stating the time and place when such ordinance will come before said township committee for final passage, which notice shall be served on such owner or owners, if known, at least five days prior to said time, by giving to each of them a copy thereof personally or left at their usual place of abode with a member of the family over the age of fourteen years, at which time and place all persons interested in said ordinance may appear and be heard by themselves, or their counsel, for or against the passage of such ordinance.

Notice to be served upon owners of lots before ordinance shall be passed.

What such notice shall contain.

**285. SEC. 4.** That all ordinances that shall hereafter be passed by any township committee shall be engrossed by the township clerk in a book to be provided for that purpose, with a proper index, which book shall be deemed a public record of such ordinances, and shall be and remain in the custody of the township clerk, and that every such ordinance hereafter passed shall be signed in the said book of the record of ordinances by the chairman of the township committee and the township clerk.

Ordinances shall be recorded by township clerk in book, &c.

**286. SEC. 5.** That every ordinance hereafter passed as aforesaid shall be published one issue in a newspaper printed and circulating in such township, or if none be printed in such township then in a newspaper printed in the county and circulating in such township, and until such ordinance shall have been so published as aforesaid, the same shall be of no effect.

Ordinances to be published in newspaper.

**287. SEC. 6.** That the said book of the record of ordinances shall be taken and received in all courts as evidence of said ordinances, and that copies of said ordinances, certified by the township clerk, under the corporate seal of the township, shall likewise be taken and received in all

Book of records to be received in all courts as evidence, &c.

courts as evidence of said ordinances, and that the publication of said ordinances in a newspaper, as herein required, shall, in all cases, be presumed to have been made, until the contrary shall be proved.

Supplement.

Approved March 17, 1893.

P. L. 1893, p. 418.  
Authorized  
to prohibit  
coasting.

**288. SEC. 1.** That the township committees of the several townships of this state shall hereafter have the following powers in addition to the powers now vested by law in said township committees, viz.: to regulate or prohibit by ordinance in the manner provided in said act, to which this is a further supplement, coasting on or over the public roads, streets, avenues or sidewalks in said township or such of the same as in the judgment of said township committee may be thereby made unsafe for public travel.

Penalty for violation of act.

**289. SEC. 2.** That when a fine is imposed for a violation of the ordinances provided for by the act to increase the powers of township committees, approved March eleventh, one thousand eight hundred and eighty, or by this supplement thereto, and the offender is unable to pay such fine he may be imprisoned one day for each dollar of fine so imposed in lieu thereof.

An act to amend an act entitled "A further supplement to an act entitled 'An act to increase the powers of township committees,' approved March eleventh, one thousand eight hundred and eighty," which supplemental act was approved March eighth, one thousand eight hundred and ninety-three.

P. L. 1895, p. 129.

Approved February 26, 1895.

**290. SEC. 1.** That subdivision number one of section one of said supplemental act [see Sec. 282, *ante*] be and the same is hereby amended so that henceforth said subdivision number one shall be and read as follows, to wit :

May construct  
sewers, &c.

[To order and cause to be constructed any sewer or drain, whether open or covered, for the drainage of any street, highway or public place; to order or cause any street, highway or alley already laid out, or which may hereafter be laid out, or any part or parts thereof, to be straightened, extended, altered or widened, and to take and appropriate for any such purposes any lands and real estate, upon making compensation to the owner or owners thereof by the payment of damages.]

An act to enable township committees of certain townships to grant licenses.

Approved March 12, 1880.

P. L. 1880, p. 302.  
Certain township  
committees may  
pass ordinances.

**291. SEC. 1.** That the township committee of any township of this state being created under a special act of the legislature and having less than three hundred voters shall have power to pass, alter, repeal ordinances to take effect within their respective townships for the following purposes :

I. To license, regulate and prohibit inns, taverns of spirituous, vinous, malt or other strong or intoxicating liquors, and to license and regulate hawkers, peddlers and slaughter-houses ;

II. To fix the terms upon which licenses for such purposes shall be granted, and to make all proper rules and regulations for the collection of license fees, and no other license for any of such purposes shall be valid within such township, except licenses granted by the governor to hawkers and peddlers ;

III. To prescribe the penalties by fine, not exceeding twenty dollars in each case, or by imprisonment in the county jail, not exceeding ten days in each case, or both, for any violation of any ordinance authorized by this act; *provided, however,* that the person or persons violating the provisions of such ordinance or ordinances shall be brought before a justice of the peace in such township, who shall have cognizance of such offense.

Proviso.

**292.** SEC. 2. That every contemplated ordinance shall be presented at a regular meeting of the township committee, and shall receive a two-third vote of the whole number of members of said committee, and the ayes and nays entered at large upon the clerk's book of minutes, when the same shall lie over until the next regular meeting, when, if two-thirds of said members vote in favor of the same, upon the ayes and nays being called, it shall be entered in a book to be provided by the township for that purpose, and it shall be signed by the chairman and clerk; *provided, however,* before it takes effect it shall be published for ten days in a newspaper published in said township, or, if no newspaper is published therein, then in some newspaper published in the county and circulating in said township; and the said ordinance shall be posted for a like time in ten of the most public places in said township, and the publication and posting shall be verified by affidavit of the printer or foreman of the newspaper in which such publication shall be made, and of the person who posted such notice, and such affidavits shall be filed in the township clerk's office, and shall be evidence of such publication and posting in all courts and places.

Manner of passing ordinances.

Proviso.

**293.** SEC. 3. That all public acts and parts of such 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 take effect immediately.

Repealer.

**An act concerning certain townships in this state.**

Approved March 23, 1883.

P. L. 1883, p. 199.

**294.** SEC. 1. [Amended by Sec. 296, *post.*]

**295.** SEC. 2. [Amended by Sec. 297, *post.*]

**Amendatory act.**

Passed March 25, 1884.

P. L. 1884, p. 60.

**296.** SEC. 1. That section one of an act entitled "An act concerning certain townships in this state," approved March twenty-third, one thousand eight hundred and eighty-three, be and the same is hereby amended so as to read as follows :

[That it shall be lawful for the township committee of any township in this state existing under and governed by a special charter, to change, by ordinance, the title and designation of such township from township to town, so that such township shall be thereafter known and designated as a town instead of a township; *provided, however,* that a certified copy of such ordinance, under the seal of the township, shall be filed with the secretary of state within thirty days after its adoption; and after such filing as aforesaid, the corporate name and title of such town shall be "the inhabitants of the town of \_\_\_\_\_" (specifying the name borne by the township of which it is the successor), in the county of \_\_\_\_\_" (naming the county in which such town is situated), and the governing or legislative body of such town shall be known and designated as "the town council," and the other officers as town instead of township officers.]

Township committee may change title from township to town.

Proviso.

**297.** SEC. 2. That section two of said act be and the same is hereby amended so as to read as follows :

[That the charter of any such township, and all acts supplementary thereto and amendatory thereof, shall apply to and continue to govern the town succeeding the same; *provided, however,* that when any provision of such charter or supplement shall be inconsistent with the provisions of any general statute heretofore passed, or which may be hereafter passed by the legislature of this state affecting or applying to incorporated towns, then such charter and supplements, to the extent that the same are or may be inconsistent with any such general statute, shall be taken and deemed to be repealed.](a)

Charter of township to apply to town.

Proviso.

**298.** SEC. 3. That any town which may be formed or created under the provisions of this act, and of the act of which this act is amendatory, shall take, hold, possess and enjoy, and become absolutely vested with all the

Town vested with all rights and liabilities of township.

(a) See *Skinner v. Christie*, 7 Dick. 732.

rights and property of the township of which it is the successor, and shall be responsible for and liable to all contracts, debts, obligations and liabilities of such township.

Ordinances, &c., of townships shall continue in force in town.

**299. SEC. 4.** That all ordinances, resolutions and by-laws of any such township shall within the town succeeding the same continue in force until modified, altered or repealed by the town council of the town succeeding the same.

General statutes to apply to towns created by this act.

**300. SEC. 5.** That all general statutes heretofore passed or which may hereafter be passed by the legislature of the state, relating to or affecting incorporated towns in the state, shall apply to all towns which may be formed or created as aforesaid.

**An act to provide for drainage and sewage in densely-populated townships, in which there is a public water-supply.**

P. L. 1884, p. 32.

Approved March 4, 1884.

May cause surveys, plans and estimates to be made.

**301. SEC. 1.** [Amended by Sec. 330, *post.*]

**302. SEC. 2.** That it shall be lawful for the township committee of such township to cause to be made surveys, plans and estimates by competent engineers and mechanics, sufficient to demonstrate a practicable and efficient system of sewage and drainage for such township, including, the disposition of house sewage and waste. (*a*)

May cause sewers and drains to be constructed.

**303. SEC. 3.** That it shall be lawful for the township committee of such township, whenever in their opinion the public good demands it, by ordinance to cause sewers and drains to be constructed in any part of such township, and, if necessary, to take and appropriate for the purpose of constructing such drains and sewers, any lands and real estate, upon making compensation to the owner or owners thereof as is hereinafter mentioned and provided.

When deemed advisable, may construct sewer to tide-water, &c.

**304. SEC. 4.** That in case the said township committee shall deem it advisable in order to the efficient sewage or drainage of such township, to build and construct a sewer or sewers to tide-water, and for this purpose to pass through territory situated within the bounds of any other municipal corporation or corporations, it shall be lawful for such township committee to build and construct such sewer or sewers to tide-water, and to take and appropriate for this purpose any lands and real estate, and to lay down and examine, repair and replace such sewer or sewers in, through or across any public street or highway, upon making compensation to the owner or owners thereof, as is hereinafter mentioned and provided.

May contract with authorities of adjacent city for the privilege of connecting sewers and drains.

**305. SEC. 5.** That in case the township committee shall deem it expedient to contract and agree with the municipal authorities of any city whose territory adjoins that of such township for the privilege and right to connect the sewers and drains of such township with those of such adjacent city in such manner that the sewage and drainage of such township or city shall flow into and through the sewer or sewers of said city or township, it shall be lawful for the township committee of such township, and for the common council or other governing body of such adjacent city, to enter into and make a contract and agreement in writing in behalf of the municipal corporation which they represent, for the right and privilege aforesaid, upon such terms and for such consideration and during such period as may be settled upon and determined by and between the said township committee and the said common council, and any such contract duly made and ratified by such township committee and such common council, shall be the valid contract of such township and of such city during the period and according to the stipulations therein expressed.

May collect and utilize or dispose of sewage, &c.

**306. SEC. 6.** That in case the township committee of such township shall deem it to be practicable and expedient to collect the sewage of such township, and to deodorize, utilize, consume or dispose of the same, by sale or otherwise, wholly or in part, it shall be lawful for said township committee to purchase lands in the corporate name of the township, and to erect all

(*a*) This act is not limited to townships in which the ownership of the plant which supplies water is in the public, a more reasonable construction being that it applies wherever the sup-

ply of water is available for the public use in question. *Gibbs v. Northampton Township*, 23 Vr. 496.

necessary buildings, works and machinery thereon, and to take and appropriate for such purposes any lands and real estate, upon making compensation to the owner or owners, as hereinafter mentioned and provided.

**307. SEC. 7.** That whenever any ordinance shall be passed by such township committee for making any improvement or performing any work under and by virtue of the provisions of this act, all further acts and proceedings which it may be necessary for said township committee to take to carry out said improvement or work to completion, and all orders relating thereto, may be by resolution and not by ordinance.

When ordinance shall be passed, further proceedings may be by resolution.

**308. SEC. 8.** That whenever the township committee shall determine by ordinance to make and construct any sewer or sewers, drain or drains, or any sewage receptacle, or works or place for treating and disposing of sewage, and shall deem it necessary to take and appropriate for any such purpose any lands and real estate, either within said township or beyond its limits, they are hereby authorized to treat with the owner or owners thereof for the same, and they may purchase said lands and real estate from the owners of the same, and make such compensation therefor as they may deem reasonable, and thereupon shall receive from such owner or owners a conveyance of such lands and real estate to the inhabitants of such township.

Authorized to treat with owner and purchase lands or real estate necessary for construction of sewer, drain or receptacle.

**309. SEC. 9.** That when the township committee cannot agree as to the price or compensation with the owner or owners of any lands and real estate, which they may deem it necessary to take and acquire, or when, by the absence or legal incapacity of such owner or owners, no such agreement can be made, it shall be lawful for the circuit court of the county in which such lands and real estate are situated, on application, in writing, made on behalf of such township committee, and after notice of the time and place of making such application, published at least ten days previously thereto in some newspaper circulating in the said county, to appoint three disinterested commissioners, who shall make an estimate and assessment of the damages that any such owner or owners will sustain, as well for the taking of his, her or their lands and real estate, with the appurtenances, as for the injury to the owner or owners by reason of the intended improvement; if any of said commissioners die or refuse to act, the said court shall immediately make appointment of a proper person to fill any vacancy so created; the said commissioners shall be sworn to make a just and impartial estimate and assessment, and shall present, without delay, to the said court a report, in writing, of such estimate and assessment, which shall be sufficient, if signed by a majority of said commissioners; the circuit court shall direct notice to be given by advertisement in some newspaper circulating in said county, for at least ten days, of the time and place at which said court will proceed to consider said report and any objection that may be made thereto, and shall have power to consider said report and the objections thereto in a summary way, and to revise and to confirm said report with or without alteration; said report, when confirmed by the court, or a copy thereof duly certified by the county clerk, shall at all times be plenary evidence of the right of the township committee to enter upon, take and use the said land and real estate, with the appurtenances, the township committee first tendering to the owner or owners thereof, if resident in this state, the amount so awarded to them; and if any owner is not a resident of this state, or, on due inquiry, cannot be found therein, or is a lunatic or idiot, or under age, or is for any other cause incapacitated to receive the amount awarded, or will not receive the same and sign a proper receipt therefor when tendered, then affidavit shall be made of the facts and filed in the office of the county clerk, and the amount awarded to any such owner shall be deposited in said circuit court before said township committee shall have the right to take and use the said lands and real estate; the court shall settle and determine the compensation to be paid to the commissioners, and the costs and expenses of the application and report, which shall be paid by the township in behalf of which the application has been made.

Proceedings when township committee and owner cannot agree as to price or compensation of lands or real estate.

Lawful for township committee to keep sewers, &c., in repair.

**310. SEC. 10.** That it shall be lawful for the township committee to keep the sewers, drains and works in repair and working order, and to make, establish and enforce regulations and conditions as to the management and use of the same and as to connections therewith, and they shall have power, and it shall be their duty, beneficially and efficiently to control the use of such sewers and drains, and to prevent and stop all abuses and improper uses of the same.

May borrow money and issue bonds to pay costs and expenses of improvements, &c.

**311. SEC. 11.** That for the purpose of paying the costs and expenses of the improvements and public works, and of the proceedings in relation thereto, as mentioned in this act, or any of them, it shall be lawful for the township committee to borrow money from time to time, and to secure the payment of the same by issuing the corporate bonds of the inhabitants of such township, payable at such times as said committee may determine, which bonds, when issued by resolution of the township committee and under the township seal, shall be the valid obligations of such municipal corporation according to their tenor; *provided, however*, that said bonds shall bear interest at a rate not exceeding six per centum per annum, shall be sold for not less than their par or face value; *and provided also*, that in no case shall bonds be issued to an amount which shall cause the entire corporate indebtedness of such township, for all purposes, to exceed, at any time, ten per centum of the assessed valuation of property in said township, as shown on the duplicate of assessment.

Proviso.

Proviso.

Legal voters may raise money to be expended under this act.

**312. SEC. 12.** That it shall also be lawful for the legal voters in such township, at their annual meeting, to vote, grant and raise such sum or sums of money, from year to year, to be expended by the township committee, under the provisions of this act, as a majority of said legal voters shall determine.

Interest and principal of bonds to be paid by taxation.

**313. SEC. 13.** That for the purpose of paying the interest and principal of the bonds to be issued under the provisions of this act, it shall be the duty of the township committee, each year, to issue a warrant to the assessor of such township, directing him to assess upon the property subject to taxation in said township, a sum equal to the amount of principal and interest which will fall due during the then current fiscal year; and all money so by warrant directed to be assessed, as well as any money voted and granted by the legal voters, as herein provided, shall be assessed, levied and collected by the same persons, in the same manner, at the same times and under the like fees, fines and penalties as the money raised by taxation in said township for other township and for county purposes.

Repealer.

Exception.

**314. SEC. 14.** 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, except that no provision of any act which prohibits the pollution of any of the waters of this state used to supply any aqueduct or reservoir, or which are distributed for public use, is intended to be hereby repealed; and this act shall not be construed to authorize the discharge of sewage or the contents of sewers into fresh water, or into any portion of a river or stream tributary thereto, in such manner as to defile a source of public water-supply.

#### Supplement.

Passed April 2, 1885.

P. L. 1885, p. 193.

Township committee may provide for construction of sewers and drains by ordinance.

**315. SEC. 1.** That in any township in this state in which the township committee is authorized by the act to which this is a supplement to provide for, obtain and cause to be constructed a system of sewerage and drainage, it shall be lawful for the township committee, in case they deem such method of procedure advisable, to provide for, obtain and cause to be constructed from time to time such sewer or sewers, and drain or drains in said township, or any part thereof, as they may designate in the ordinance and ordinances which the said committee may for that purpose adopt and pass.

**316. SEC. 2.** That in case the township committee shall be of the opinion that the construction of any sewer or drain will be of local and peculiar benefit to the property in the vicinity thereof, they may apply to the circuit court of the county in which said township is situate, and on application in writing made by, or on behalf of such township committee, and after notice of the time and place of making such application, published at least ten days previously thereto in some newspaper circulating in the said county, the circuit court may appoint three disinterested commissioners, who shall make an estimate and assessment of the benefits that any lands and all real estate in the vicinity of the line of such sewer or drain will receive by the making and construction thereof; if any of said commissioners die or refuse to act, the said court shall immediately make appointment of a proper person to fill any vacancy so created; the said commissioners shall be sworn to make a just and impartial estimate and assessment, and they shall assess upon the several lots or parcels of land benefited by such improvement a sum in proportion to the benefit received by each of said lots or parcels of land, and no lot or parcel shall be assessed more than it is benefited, and they shall present without delay to the said court a report in writing of such estimate and assessment, which shall be sufficient if signed by a majority of said commissioners; the circuit court shall direct notice to be given by advertisement in some newspaper circulating in said county, for at least ten days, of the time and place at which said court will proceed to consider said report, and any objection that may be made thereto, and shall have power to consider said report and the objections thereto in a summary way, and to revise, and to confirm said report with or without alteration; said report when confirmed by the court, or a copy thereof duly certified by the county clerk, shall be plenary evidence of said assessment and of the amount thereof upon each and every lot and parcel of land embraced therein; if the total cost and expense of such improvement exceed the aggregate amount of assessable benefits, then only so much of said cost and expense as equals the aggregate amount of such benefits shall be so assessed, and the remainder of such cost and expense shall be borne and paid by the township at large; the court shall settle and determine the compensation to be paid to the commissioners, and the cost and expenses of the application and report which shall be paid by the township.

Proceedings when committee deem construction of sewer beneficial to property in vicinity.

**317. SEC. 3.** That the said assessments for benefits shall be a lien upon the lots and parcels of land respectively assessed from the date of the confirmation of the report thereof, and shall be immediately due and payable to the person in said township authorized by law to collect and receive taxes; said assessments shall bear interest at the rate of six per centum per annum, but may be paid without interest at any time within thirty days from and after the confirmation of said report.

Assessment to be a lien on land assessed.

#### Supplement.

Approved March 16, 1886.

P. L. 1886, p. 86.

**318. SEC. 1.** That in case any assessment for benefits for any improvement shall be made under the provisions of the act to which this is a supplement, and the supplement thereto, it shall be the duty of the township committee of the township in which such improvement shall have been made, to cause a copy of the report of the commissioners making such assessment, duly certified by the clerk of the county in which said township is situate, to be prepared and delivered to the township collector or receiver of taxes of such township, who shall enter the same in a book to be kept in his office for that purpose, to be called the book of assessments for improvements; and said collector or receiver of taxes shall give notice for four weeks in some newspaper circulating in said township that said report has been delivered to him, and requiring payment of the several sums assessed against any owners of land and real estate for such improvement within sixty days from and after the confirmation of said report by the circuit court of said county; and in case said assessment shall remain unpaid at

Copy of report of commissioners to be delivered to collector.

Collector to give notice of assessment.

Assessment to draw interest.

the expiration of sixty days from and after the first publication of said notice, the said assessment shall draw interest thereupon from and after that time at the rate of one per centum per month ; and it shall be the duty of the collector or receiver of taxes in said township to proceed forthwith in the collection of said assessment by a sale of the land in respect of which such assessment may have been made, as hereinafter provided.

Collector to advertise notice, and on failure of owners to pay assessment, to sell lands.

**319. SEC. 2.** That the said collector or receiver of taxes shall thereupon give a second notice by an advertisement in two newspapers circulating in said township, that unless such assessment, with interest thereon as aforesaid, and all costs and fees, shall be paid to him at his office within thirty days after the first publication of the said second notice, he shall proceed at a certain time and place therein specified, and between the hours of one and five o'clock in the afternoon, to make sale in accordance with the provisions of this act of the said lands and real estate whereon the said assessments have been imposed or may be a lien ; and that said second notice shall contain a brief abstract of said assessment, showing the names of the owner or owners, when known, a brief description of said lands and real estate, and the amount of unpaid assessments due thereupon, and that it shall be lawful to incorporate more than one assessment in said notice.

What notice to contain.

Lands, how sold.

**320. SEC. 3.** That at the time and place, and between the hours mentioned in said notice, the said collector or receiver of taxes shall proceed to sell, by public auction, the several parcels of land and real estate upon which the said assessment shall remain due and unpaid, for the lowest term of years (but in no case exceeding fifty years) for which any person will take the same and pay the amount of such assessment, with the interest thereon as aforesaid, and all costs and fees, including the expense of advertisement and sale ; that such payment shall be made by the purchaser before the close of the sale, and if not so made, the said collector or receiver of taxes may resell the property or the township may have its action against the purchaser for the payment of the whole amount due, with the interest thereon as aforesaid ; that the sale may be adjourned from time to time, at the discretion of said collector or receiver of taxes, until all the said lands and real estate shall have been disposed of, and that such parcels as are not bid for when offered for sale or a resale, as aforesaid, shall be struck off to the township for a term of fifty years.

Purchasers to receive certificates of sale.

What certificates to contain.

Certificates to be recorded.

**321. SEC. 4.** That at or after the close of the sale, the said collector or receiver of taxes shall make out, under his hand and seal, and deliver to each purchaser a certificate of the sale of each lot and parcel of said lands and real estate so purchased by him ; that such certificate shall contain a short description of the property, and shall state the term of years for which it was sold, as well as the time when the right to redeem the same will expire ; that such certificate shall also show the particular assessment under which the sale was made, together with the amount thereof, and the amount of interest, costs, fees and expenses ; that such certificate shall be presumptive evidence of the facts therein stated, and shall be recorded in the office of the township clerk in books to be kept for the purpose, and that the said certificate may be assigned, but that no such assignment shall have any effect until the same shall be recorded as aforesaid in the office of the township clerk, and that no declaration of sale shall be executed and delivered to such purchaser or assignee, as hereinafter provided, until the said certificate shall have been canceled and filed with the township clerk, unless the loss or destruction thereof be established by affidavit to the satisfaction of the township committee.

Record to be kept of all proceedings.

**322. SEC. 5.** That the collector or receiver of taxes shall keep a full and accurate record in his office of all his proceedings upon such sales, including a statement of all certificates granted, and all redemptions of property sold by him, to which record all persons claiming to be interested shall have free access at all reasonable times.

Certificates assignable if township is the purchaser.

**323. SEC. 6.** That if the township becomes the purchaser of any lands and real estate at any such sale, the certificate of sale shall be assignable as aforesaid, and all the other provisions of the act in relation to the sale shall apply to the township the same as to any other purchaser.

**324. SEC. 7.** That no mortgagee or assignee of any mortgage, whose mortgage or deed of assignment, as the case may be, shall have been duly registered before any such sale for unpaid assessment, shall be divested of his rights in the property covered by such mortgage, unless six months' notice of such sale shall have been given to him, in writing, by the purchaser, or by any person claiming under him; that such notice shall be served personally upon the said mortgagee or assignee, if a resident of said county, or if he be not so resident, by being directed to him at his place of residence, as stated in the mortgage or deed of assignment, and by being deposited in the post-office of said township, and that in the latter case said notice shall likewise be published for the space of two months in a newspaper circulating in said township, and that within one month after such service, or service and publication of said notice, it shall be the duty of the person serving, or causing the same to be served, to place in the office of the said collector or receiver of taxes a copy of said notice, together with affidavit of some person (who shall be certified by the officer taking the affidavit to be a credible person) as to the manner of service, or service and publication thereof.

Mortgagees' rights not divested unless notice is given.

How notice to be served upon mortgagee.

**325. SEC. 8.** That the owner, mortgagee, occupant or any person having a legal or equitable interest in any lands and real estate sold as aforesaid, may redeem the same at any time within three years thereafter, by paying to the collector or receiver of taxes for the use of the purchaser, his legal representatives or assigns, the said purchase-money, together with any assessment for taxes or otherwise which the said purchaser may have paid, and of the payment of which he may have filed a written notice in the office of the said collector or receiver, with interest at the rate of one per centum per month, or such purchase-money from the time of such sale, and upon such payment or payments from the time of filing such notice or notices as aforesaid; and that the certificate of said collector or receiver of taxes, stating the receipt of such moneys and showing what property the same was intended to redeem, shall be evidence of such redemption; and that upon the receipt of such moneys by the said collector or receiver, he shall cause the same to be refunded to the purchaser, his legal representatives or assigns, on demand, and that all proceedings in relation to said sale shall then cease and determine; and that if the person so redeeming be a judgment creditor or a mortgagee, or the assignee of a judgment or mortgage, he shall have a lien on the lands and real estate so redeemed by him, by virtue of this act, for the amount so paid by him to effect such redemption, with lawful interest thereon, in the same manner as if the same had been included in his mortgage or judgment, and he may enforce the payment thereof in the same manner; and that the said collector or receiver of taxes shall make out two certificates for all property so redeemed, one to be kept by the person so redeeming the same and the other to be filed in the office of the township clerk.

Owner, mortgagee, &c., may redeem within three years.

Person redeeming to have a lien on lands and real estate.

**326. SEC. 9.** That if any lands and real estate so sold shall not be redeemed as aforesaid, the township committee shall execute to the purchaser, or his legal representatives or assigns, a declaration of sale, signed by the chairman of the township committee, and attested by the township clerk, containing a short description of the premises sold, together with a brief statement of the facts of assessment, advertisement and sale, including the date of sale and the term for which said premises were sold; that said declaration shall be recorded in the office of the township clerk in books to be kept for that purpose, and that until the same be so recorded, such lands and real estate may be redeemed, as hereinbefore provided, notwithstanding the period of three years from the time of such sale may have expired; that such declaration of sale shall be presumptive evidence in all courts and places that such sale and proceedings were regularly made and had, according to the provisions of this act, and that such purchaser and his legal representatives or assigns shall, by virtue thereof, lawfully hold and enjoy such lands and real estate, with the rents, issues and profits thereof, for his, her or their own proper use, against the owner or owners thereof, and all persons claiming under him, her or them, until the term

On failure to redeem, committee to execute declaration of sale.

Declaration of sale to be recorded.

shall be completed and ended for which the purchaser agreed to take the same, and at the expiration of the said term shall peaceably and quietly yield up such lands and real estate to the lawful owner or owners thereof, being liable, however, for any waste or injury done or committed by him, her or them, in the same manner as a tenant for a term of years.

Clerk to give certificates of search and cancel certificates of sale when lands are redeemed.

**327. SEC. 10.** That in addition to the recording of certificates and declaration of sale and assignment of such certificate as aforesaid, the township clerk shall also give certificates of search in relation thereto to any person or persons applying for the same, and that he shall also cancel such certificates and such assignment thereof so recorded whenever the lands and real estate for which they were given shall be redeemed, upon the presentation and filing in his office of the said collector's or receiver's certificates of such redemption.

Compensation of collector or receiver of taxes.

**328. SEC. 11.** That besides the compensation which is now or may be hereafter allowed to the said collector or receiver of taxes for any service to be performed under this act, he shall be allowed such special compensation for special services as may be from time to time determined by the township committee; and that he shall also be entitled to receive from each purchaser the sum of one dollar for every certificate or declaration of sale by him given; and that the township clerk shall also be entitled to receive from said purchaser the sum of one dollar for every certificate or declaration of sale, and every assignment of such certificate to be recorded by him as aforesaid, and also the sum of one dollar for every search (including the certificate thereof) made by him in the records of certificates and declaration of sales and assignments as aforesaid; and that the said collector or receiver of taxes shall likewise collect, for the use of the township, the sum of one dollar from each purchaser at the time of the delivery of the said certificate of sale, for the expenses of advertising and selling each and every lot or parcel of said lands and real estate by him purchased as aforesaid.

Of clerk.

#### Supplement.

Approved February 11, 1888.

P. L. 1888, p. 23.

Township committees authorized to borrow money and issue bonds.

**329. SEC. 1.** That it shall be lawful for the township committee of any township in which any sewer or drain shall be constructed under the provisions of a supplement to the act of which this is a supplement, passed April second, one thousand eight hundred and eighty-five, to borrow money from time to time in the corporate name of said township, and to secure the payment of the same by bond, note or instrument in writing, under the common seal of said township, in anticipation of the collection of any assessment provided for by said supplement; and every such bond, note or other instrument in writing under the common seal of said township, signed by the chairman of the township committee, in pursuance of a resolution of said committee, shall be the valid obligation of said township; and the township committee may negotiate the same on the most favorable terms they may be able to make with the most reasonable care and diligence.

#### Supplement.

Approved March 21, 1888.

P. L. 1888, p. 181.

Township committees of certain townships may provide system of sewerage or drainage.

**330. SEC. 1.** That the first section of the certain act entitled "An act to provide for drainage and sewage in densely-populated townships in which there is a public water-supply," approved the fourth day of March, anno domini one thousand eight hundred and eighty-four [see Sec. 301, *ante*], shall be and hereby is amended so as to read as follows:

[That in any township in this state in which the population has become or shall hereafter become so dense as to average not less than one thousand inhabitants to the square mile of territorial area contained in such township, and in which a supply of water for public and domestic use is furnished or shall be furnished from water works, it shall be lawful for the township committee to provide for, obtain and cause to be constructed a system of sewerage, or of drainage, or both.]

## Supplement.

Approved March 25, 1889.

P. L. 1889, p. 85.

**331.** SEC. 1. That whenever, for any reason, lands along the line of sewers constructed or to be constructed under the authority conferred by the provisions of said act and the various amendments thereto, upon which an estimate and assessment of benefits may be, or might have been made under the provisions of the second section of a supplement to said act, approved April second, eighteen hundred and eighty-five, were not, are not or may not be assessed for benefits accruing from the construction of such sewers, the lands not assessed as aforesaid shall in no way use said sewers unless the owner or owners shall first obtain the written consent of the township committee of the township in which said land is situate, to use said sewers and connect with the same, and this consent shall not be given until a sum equal to the benefits then accruing to said property have been paid to the said township committee for the use of said township, which amount of benefits shall be determined by said township committee by a majority vote, and the record of the same shall be kept in a book to be provided for that purpose by said township committee; and in case anyone shall connect such lands not assessed as aforesaid with such sewers in any way, without their first obtaining said written consent and paying said assessment, such person or persons shall forfeit the sum of one hundred dollars, for each and every offense, to the township in which the said lands are situate, to be recovered in an action upon contract in the name of said township in any court of competent jurisdiction.

Lands unassessed not to use sewers, unless consent of township committee be given.

Consent not to be given until benefits have been paid.

## An act concerning township ordinances.

Approved April 17, 1884.

P. L. 1884, p. 210.

**332.** SEC. 1. That it shall not hereafter be lawful for the township committee of any township to introduce and finally pass at a single meeting of such township committee any ordinance which by law it is now, or hereafter may be, authorized to pass; but every ordinance that shall be introduced at any meeting of such township committee shall lie over and shall not be finally passed except at a meeting subsequent to that at which it shall be introduced.

Ordinances not to be introduced and passed at same meeting.

**333.** SEC. 2. That all ordinances that have heretofore been passed, and all ordinances that shall hereafter be passed, by any township committee, shall be engrossed by the township clerk, in a book to be provided for that purpose, with a proper index, which book shall be deemed a public record of such ordinances, and shall be and remain in the custody of the township clerk.

Ordinances to be engrossed by clerk.

**334.** SEC. 3. That at the foot of the record of each ordinance that has heretofore been passed by any township committee, the township clerk shall enter a certificate of the following or like effect:

Certificate to be entered by the clerk.

"I hereby certify that the foregoing is a true copy of an ordinance now on file in my office. Dated \_\_\_\_\_, A. D. 1884. A. B., township clerk."

**335.** SEC. 4. That each and every ordinance that shall hereafter be passed by any township committee shall be signed, in the said book of the record of ordinances, by the chairman of the township committee and the township clerk.

Ordinances to be signed by chairman and clerk.

**336.** SEC. 5. That every ordinance hereafter passed as aforesaid shall be published for five days in a newspaper, printed and circulating in such township, or if none be printed in such township, then in a newspaper printed in the county and circulating in such township, and until such ordinance shall have been so published as aforesaid, the same shall be of no effect.

Ordinances to be published in newspaper.

**337.** SEC. 6. That the said book of the record of ordinances shall be taken and received in all courts as evidence of said ordinances, and that copies of said ordinances certified by the township clerk under the corporate seal of the township shall likewise be taken and received in all courts

Book of record and copy to be received as evidence.

Publication presumed.

as evidence of said ordinances, and that the publication of said ordinances in a newspaper as herein required shall in all cases be presumed to have been made until the contrary shall be proved.

**An act to provide means for lighting streets in townships.**

Approved April 17, 1885.

P. L. 1885, p. 251.

Moneys may be voted for lighting streets.

**338. SEC. 1.** That it shall be lawful for the legal voters of any township at any regular annual town meeting to vote for and appropriate an amount of money to be raised by taxation not exceeding one thousand dollars, in any one year, to be used under the direction and by the authority of the township committee for the purpose of lighting the streets of the township.

**An act to enable townships to create and maintain a sinking fund.**

Approved April 20, 1885.

P. L. 1885, p. 259.

Township committee authorized to appropriate certain moneys for sinking fund.

**339. SEC. 1.** That the township committee, or other governing body, by whatever name it may be called, of any township of this state, is hereby authorized to appropriate, by ordinance or resolution, such sum or sums of money as they may deem expedient that may be paid to said township in pursuance of the provisions of an act entitled "An act for the taxation of railroads and canal property," approved April tenth, one thousand eight hundred and eighty-four [see p. 3322, *ante*], to constitute a sinking fund for the payment and redemption of the principal of any obligations lawfully issued and now outstanding, and for the payment of which said township is lawfully bound; and after the passage of said ordinance or resolution by said township committee, the revenues or sum or sums of money so appropriated shall not be diverted to any other purpose or use until the said obligations shall have been paid, or until there shall have accumulated sufficient money to pay the obligations to which said sinking fund was pledged.

**340. SEC. 2.** [Amended by Sec. 346, *post.*]

Officers to keep amount assessed for payment of interest on bonded debt separate from other items and accounts.

**341. SEC. 3.** That it shall be the duty of the assessor or assessors of said township, of the receiver of taxes or other proper officer, in preparing the notices of taxes required by law, to assess, specify and keep separate and distinct from other items the amount assessed for the payment of the interest upon the bonded debt of said township, which amount shall be specifically assessed and collected and described as "interest on sinking fund debt;" the said receiver or other proper officer shall keep his accounts of the same in separate and distinct columns, and shall designate the same specifically in his returns to the township treasurer; all proceedings in relation to the collection of the same and of the arrears thereof, shall in all other respects be the same as those in relation to the other township taxes; and the said township treasurer shall set apart, out of the first moneys received by said township, under the provisions of an act entitled "An act for the taxation of railroads and canal property," approved April tenth, one thousand eight hundred and eighty-four [see p. 3322, *ante*], such sum or sums of money appropriated by said township committee to the sinking fund under the provisions of this act; and said treasurer shall keep an account, separately from his other accounts, of all moneys collected and received by him as principal and interest on account of any assessments for which bonds of said township shall have been issued, and which are a charge upon said sinking fund; and the said treasurer shall keep his account of all the moneys and revenues, specified in this section and in this act, separately from his other accounts, and shall hold and keep the said moneys and revenues to the credit of said commissioners separate and distinct from the moneys and revenues of said township, and shall pay over the same to the said commissioners of the said sinking fund whenever the same shall be demanded of him by them, or a majority of them; and all the moneys and revenues specified in this act, upon the establishment of said sinking fund, as herein provided, are hereby pledged and appropriated to the sinking fund of said township for the payment of the principal and interest of the bonded debt of said township.

**342. SEC. 4.** That the said commissioners shall have the entire control and management of the bonded debt of said township ; they shall pay the interest thereon as it becomes due ; all the surplus moneys that shall come into their hands above the amount needed to pay the interest as aforesaid, shall be safely invested by them, and applied towards the payment of the principal of the said debt ; *provided, however,* that such part of the above debt which may be redeemed or purchased by said commissioners, shall be thereupon canceled by them until the maturity and final redemption thereof ; but all the interest accruing on such redeemed and canceled debt shall continue to be regularly assessed, levied and collected, and carried to the credit of said commissioners as hereinbefore provided ; no part of the debt shall be purchased or redeemed at a price above the par value thereof ; the said commissioners shall have power to make such rules and regulations, from time to time, respecting the management of said fund, not inconsistent herewith, as they shall deem expedient ; they shall annually make to said township committee on the first day of December, or at such other time as the said township committee shall direct, a full and detailed report of the state of said fund ; in case the said township committee shall desire to pay any portion of the bonded debt of said township before its maturity, from other funds in their control, the same shall be done through the said commissioners, who shall receive the said moneys from the township committee, and redeem and cancel such of said bonds as they may direct, provided the same can be procured, and render a report thereof to the said township committee.

Commissioners to have control of bonded debt of township.

Proviso.

**343. SEC. 5.** That in case said commissioners find, at any time before the maturity of the said bonded debt, that the amount of moneys in their hands will enable them to pay said bonded debt at their maturity, together with the interest thereon, they shall immediately thereupon report the said facts to said township committee, who shall thereupon cause to be levied the tax authorized for the payment of the interest upon said bonded debt, and shall repeal all ordinances or resolutions raising any other moneys for the use of said sinking fund ; and the said commissioners shall take such measures to call in and redeem said bonds as they may deem expedient.

When commissioners have sufficient money to pay debt at maturity, report to be made, &c.

**344. SEC. 6.** That the said township committee shall, by ordinance or resolution, fix the yearly compensation of said commissioners, which shall include and cover all the expenses of said office ; and shall also, from time to time, determine the amount in which said commissioners shall give bond, and the number of their sureties ; and the said commissioners, before entering upon or discharging the duties of their said office, shall execute a bond to the said township, in the corporate name thereof, in such an amount and with such number of sureties as aforesaid, conditioned for the faithful performance of all the duties of their said office, which bond shall be approved by the supreme court of this state, or any justice thereof.

Township committee to fix compensation of commissioners.

Official bond to be given.

**345. SEC. 7.** That all acts and parts of acts, general, public, local or special, inconsistent with this act, be and the same are hereby repealed, and this act shall take effect immediately.

Repealer.

#### Amendatory act.

Approved April 4, 1894.

P. L. 1894, p. 441.

**346. SEC. 1.** That the second section of an act entitled "An act to enable townships to create and maintain a sinking fund," approved April twentieth, one thousand eight hundred and eighty-five [see Sec. 340, *ante*], be and the same is hereby amended so as to read as follows :

[That after the passage of said ordinance or resolution, the chairman of the township committee, the treasurer of the township, and assessor of the township (for the time being), and two resident freeholders to be chosen by the township committee, shall constitute and be denominated "the commissioners of the sinking fund of the township of \_\_\_\_\_" (as the case may be) ; the two last-named members shall hold office for three years, and if either of such members should die or resign, the vacancy caused

How commissioners shall be appointed.

Tenure of office.

Commissioners shall take and subscribe oath.

thereby shall be filled by the township committee; each of the said five commissioners shall, within ten days after his appointment, take and subscribe the oath of office prescribed by law for officers of said township.]

**An act authorizing the inhabitants of townships to purchase or erect a building for township purposes.**

P. L. 1886, p. 51.

Approved March 1, 1886.

Township committee authorized to purchase lot and erect public buildings.

**347. SEC. 1.** That the inhabitants of any township in this state may, by a vote of a majority of those voting at any spring election, or annual town meeting, authorize the town committee of such township to purchase a lot and erect a building thereon (or purchase a lot and building) for township purposes, taking the title thereto in the corporate name of the inhabitants of said township; *provided, however,* that the total cost of such building, with the lot whereon the same shall stand, shall not exceed one-half of one per centum of the assessed valuation of the property in such township for the year next preceding such election.

Proviso.

Cost of lot and building, how paid.

**348. SEC. 2.** That when so authorized the town committee may divide the cost of such lot and building into not more than three parts, and cause one of such parts to be included in the tax levy of each year until the whole is paid, and may borrow, upon the credit of the township, or by mortgage on said premises, the necessary means to pay for such building at the time of its erection or purchase, and until the same is raised by tax as aforesaid; and said committee are authorized to execute such mortgage, if they deem the same to be necessary.

Town committee may execute mortgage.

For what purposes building to be used.

**349. SEC. 3.** That the building when so erected or purchased shall be used for town committee meetings; for the meetings of commissioners of appeals; for a depository for the town books and papers; for a place of temporary confinement of tramps and criminals; for at least one of the polling places of such township, and for such other uses as may be authorized by the town committee of said township.

#### Supplement.

P. L. 1893, p. 118.

Approved March 8, 1893.

Governing body authorized to purchase lot and erect building for township purposes.

**350. SEC. 1.** That in any township in this state in which the inhabitants thereof have authorized or may hereafter authorize the purchase or erection of a building for township purposes, in accordance with the provisions of the act to which this is a supplement, it shall be lawful for the township committee or other governing body of such township to purchase a lot and erect thereon a building, or to purchase a lot and building, taking title thereto in the corporate name of the inhabitants of said township; *provided,* that the total cost of such building, with the lot whereon the same shall stand, shall not exceed one per centum of the assessed valuation of the property in such township for the year next preceding the election at which the purchase of such lot and the erection of such building may have been authorized.

Proviso.

Powers herein conferred extended to township committees who have heretofore or may hereafter enter into contracts.

**351. SEC. 2.** That the provisions of this supplement and the powers herein conferred are hereby extended to and conferred on the township committees of the various townships of this state where they have heretofore entered into contracts, or may hereafter enter into contracts, for the purchase of a lot and the erection of a building under the authority of the act to which this is a supplement, or by virtue of authority granted for the erection of a building by the inhabitants of such township at an annual election or town meeting; and all acts done in connection therewith are hereby declared to be legal and valid and binding on such township or townships and the inhabitants thereof.

Repealer.

**352. SEC. 3.** That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed in so far as their operation may affect this act.

**An act to empower township committees to order money raised by taxation to pay promissory notes in certain cases.**

Passed April 6, 1886.

P. L. 1886, p. 209.

**353. SEC. 1.** That it shall be lawful for the township committee of any township to order raised by taxation, in the same manner as other township moneys are raised, a sum sufficient to pay the principal and interest of any promissory note or notes given prior to the year one thousand eight hundred and eighty, by order of the township committee in the name of the inhabitants of the township, and signed by the chairman and clerk of such committee, for moneys borrowed for the use of the township; and such money, when raised, shall be applied to the payment of such notes.

Township committee to order money raised by taxation to pay promissory notes.

**An act relating to sewers in townships.**

Passed May 4, 1886.

P. L. 1886, p. 335.

**354. SEC. 1.** That it shall be lawful for the township committee of any township to grant consent to any person or persons, corporation or corporations, to lay a pipe or pipes in any of the streets or public highways in said township for the purposes of sewers, upon such terms or conditions as to said committee may seem expedient, and to open, dig and excavate in such streets or highways, as often as may be necessary to lay, examine and repair or replace said pipe or pipes, or to make connections therewith for the purposes aforesaid, doing no unnecessary damage to said streets or highways, and the entire work to be done under the direction or supervision of said committee or its authorized agents; *provided*, that this act shall not apply to any township in which there is an incorporated town.

Township committee authorized to grant consent to lay pipes in streets, highways, &c., for the purpose of sewers, &c.

Proviso.

**An act to authorize the township committees of townships to borrow money in anticipation of the collection of taxes.**

Approved March 6, 1888.

P. L. 1888, p. 189.

**355. SEC. 1.** That when any money has been appropriated for any lawful purpose, by the legal voters of any townships in this state, at any general or special township meeting, and the expenditure of such money for such purpose shall be or become necessary or desirable before the tax out of which such appropriation should be made, has been levied and collected, and there are no moneys belonging to such township available for such purpose, it shall be lawful for the township committee of such township to borrow money in anticipation of the collection of the taxes to meet such appropriation, and to give promissory notes or other obligations bearing legal rate of interest therefor; such loans may be made for such time as the township committee shall deem reasonable and prudent, and may be renewed from time to time, until such taxes are received by the township collector; and when so received such taxes shall be forthwith applied to the payment of such loans, but in no event shall they be authorized to borrow an amount in excess of the sum appropriated by the legal voters of any township.

Township committee may borrow money in anticipation of taxes.

**An act to authorize the division of townships into street-lamp districts, and the erection and maintaining of street lamps in said districts.**

Approved April 2, 1888.

P. L. 1888, p. 355.

**356. SEC. 1.** That the township committee or committees of any township or townships within this state, may, at any time or times, set off and divide the said township or townships into districts, to be designated by numbers, and may alter the same from time to time, and shall, by resolution, to be entered at length upon their minutes, define and declare the limits, boundaries and numbers of such districts, and the same, being so defined and declared, shall be deemed and taken as street-lamp districts for the purposes of this act. (a)

Township committee may divide township into street-lamp districts.

(a) This act has been held by the supreme court to be unconstitutional because it provides for a tax on property within a district less in area than the township, without reference to special benefits. *Peck v. Township of Baritan*, 23 Vt. 319.

Proceedings to determine amount to be expended for street lamps.

**357. SEC. 2.** That the legal voters of such districts are hereby authorized to meet on the first Tuesday in May of each year, for the purpose of fixing and determining the sum of money to be expended within said districts for the erection and maintenance of street lamps; said meeting shall be held at some convenient public place within the district, and notice thereof, setting forth the time, place and object of such meeting, shall be given by the township clerk, and set up in at least three of the most public places within the district ten days before the day of meeting; and the said legal voters so met may, by the consent of a majority of those present and voting, fix and appropriate the sum of money to be expended for the erection and maintaining of street lights within such district during the ensuing year, and the sum of money so fixed shall be in lieu of all other taxes for that purpose in such district; the sum so fixed and appropriated shall forthwith be certified to the township committee by the chairman and secretary of such meeting under their respective hands, and the said township committee shall within five days after the receipt of such resolution, give notice to the assessor of the township of the sum so fixed, who shall assess the same upon the taxable property within such district, in the same manner as township taxes are assessed; and said money shall be assessed, levied and collected at the same time and in the same manner that other township moneys are assessed, levied and collected; and it shall be the duty of the collector of the township in which said district is situated, to pay over all money by him received, which shall have been assessed by virtue of such vote, to the said township committee, to be held and expended by them for the purpose of the erection and maintaining of street lamps in such district.

An act to authorize the township committees of townships to raise money for certain purposes.

Approved April 17, 1888.

P. L. 1888, p. 485.

When lawful for township committee to borrow money to defray expense of opening and clearing out roads, &c.

**358. SEC. 1.** That when, owing to an unusual storm or unforeseen emergency, any township of this state shall heretofore have been or hereafter shall be obliged to incur expense in the opening and clearing out of the roads, or any of them, of such township, and there are no moneys belonging to such township on hand or available for defraying the expense of such opening and clearing out, it shall be lawful for the township committee of such township to borrow money in anticipation of the collection of a special tax hereby authorized to be levied and collected, for the purpose of defraying the expense of such opening and clearing out, and to give promissory notes or other obligations bearing legal rates of interest for the moneys so borrowed; and such loans may be made for such time as the township committee shall deem reasonable and prudent, and may be re-issued from time to time, until such special tax shall be received by the township collector; and when so received, such tax shall be forthwith set apart and applied to the payment of such loans.

Money borrowed collected by taxation.

**359. SEC. 2.** That when the township committee of any township within this state shall have borrowed heretofore, or hereafter shall borrow any money for any of the purposes specified in the first section hereof, then and in that case it shall and may be lawful for such township committee, in its discretion and by a majority vote of the members thereof, to order and cause the sum or sums of money so borrowed to be levied, assessed and collected as a tax upon the real and personal property within such township liable to taxation therein, in the same manner as other taxes within such township are or may be levied, assessed and collected; and the said real and personal property is hereby made liable to the levy, assessment and collection of said tax; which said tax, when so as aforesaid ordered to be assessed, levied and collected, shall be in addition to the amount of other taxes which any such township committee now is or hereafter may be authorized to impose, levy, assess and collect.

An act authorizing the inhabitants of townships to purchase land and erect a building thereon, or to purchase land with a building erected thereon, for the use of the fire departments of such townships, and such other purposes as the township committee may designate.

Approved April 23, 1888.

P. L. 1888, p. 456.

**360. SEC. 1.** That when taxpayers representing and owning two-thirds of the taxable property in any township in the state shall, by petition to the township committee of such township, so request, the legal voters of such township may, by a vote of a majority of those voting at any spring election or annual town meeting, or at any special meeting to be called for the purpose, determine what amount of money shall be raised for the purpose of purchasing a lot with building thereon, or for purchasing a lot and erecting a suitable building thereon for the use of the fire department of such township, and for such other uses as may be authorized by the township committee of said township, taking the title thereto in the corporate name of the inhabitants of said township; *provided, however*, that the total cost of such lot of land with building to be erected thereon, or lot of land with building already erected thereon, shall not exceed one-half of one per centum of the assessed valuation of the property in such township for the year next preceding such election.

When voters of township may determine amount to be raised for fire department and other purposes.

Proviso.

**361. SEC. 2.** That when so authorized, the township committee may divide the cost of such land and building to be erected thereon, or lot of land with the building already erected thereon, into not more than ten nor less than three equal parts, and cause one of such parts to be included in the tax levy of each year next succeeding, until the whole is paid.

How cost divided.

**362. SEC. 3.** That the said township committee shall have the right and power to borrow upon the credit of the township, in such manner as they may determine by a resolution, the necessary money to pay for such lot of land and building to be erected thereon, or lot of land with building already erected thereon, at the time of the purchase of such lot of land, or lot of land with building thereon, and until the same is raised by tax as aforesaid.

May borrow money to pay for lot and building.

An act to provide for drainage and sewerage in townships.

Approved March 26, 1890.

P. L. 1890, p. 120.

**363. SEC. 1.** That it shall be lawful for the township committee in any township in this state to provide for, obtain and cause to be constructed a system of sewerage or of drainage, or of both.

System of sewerage or drainage may be constructed.

**364. SEC. 2.** That it shall be lawful for the township committee of such township to cause to be made surveys, plans and estimates by competent engineers and mechanics, sufficient to demonstrate a practicable and efficient system of sewage and drainage for such township, including the disposition of house sewage and waste.

Plans and estimates may be made.

**365. SEC. 3.** That it shall be lawful for the township committee of such township, whenever in their judgment the public good demands it, by ordinance to cause sewers and drains to be constructed in any part of such township, and if necessary, to take and appropriate, for the purpose of constructing such drains and sewers, any lands and real estate upon making compensation to the owner or owners thereof as is hereinafter mentioned and provided.

Township committee may, by ordinance, cause sewers and drains to be constructed, &c.

**366. SEC. 4.** That in case the said township committee shall deem it advisable, in order to the efficient sewage or drainage of such township, to build and construct a sewer or sewers to tide-water, and for this purpose to pass through territory situated within the bounds of any other municipal corporation or corporations, it shall be lawful for such township committee to build and construct such sewer or sewers to tide-water, and to take and appropriate for this purpose any lands and real estate, and to lay down and examine, repair and replace such sewer or sewers in, through or across any public street or highway upon making compensation to the

Sewers may be constructed to tide-water.

- owner or owners thereof as is hereinafter mentioned and provided; *provided, however*, that no sewer or sewers shall be built or constructed under this act into or through any adjoining or other township without the consent of the township committee of any such township; *and provided further*, that no sewer authorized to be constructed as herein provided shall be built or constructed so as to empty, drain or discharge any of its contents otherwise than into a river.
- 367. SEC. 5.** That in case the township committee shall deem it expedient to contract and agree with the municipal authorities of any city whose territory adjoins that of such township, for the privilege and right to connect the sewers and drains of such township with those of such adjacent city in such manner that the sewage and drainage of such township or city shall flow into and through the sewer or sewers of said city or township, it shall be lawful for the township committee of such township, and for the common council or other governing body of such adjacent city, to enter into and make a contract and agreement, in writing, in behalf of the municipal corporations which they represent, for the right and privilege aforesaid, upon such terms and for such consideration and during such period as may be settled upon and determined by and between the said township committee and the said common council, and any such contract duly made and ratified by such township committee and such common council shall be the valid contract of such township and such city during the period and according to the stipulations therein expressed.
- 368. SEC. 6.** That in case the township committee of such township shall deem it to be practicable and expedient to collect the sewage of such township, and to deodorize, utilize, consume or dispose of the same by sale or otherwise, wholly or in part, it shall be lawful for said township committee to purchase lands in the corporate name of the township, and to erect all necessary buildings, works and machinery thereon, and to take and appropriate for such purpose any lands and real estate, upon making compensation to the owner or owners thereof as hereinafter mentioned and provided.
- 369. SEC. 7.** That whenever any ordinance shall be passed by such township committee for making any improvement or performing any work under and by virtue of the provisions of this act, all further acts and proceedings which it may be necessary for said township committee to take to carry out said improvement or work to completion, and all orders relating thereto may be by resolution and not by ordinance.
- 370. SEC. 8.** That whenever the township committee shall determine by ordinance to make and construct any sewer or sewers, drain or drains, or any sewage receptacle, or works or place for treating or disposing of sewage, and shall deem it necessary to take and appropriate for any such purpose any lands and real estate, either within said township or beyond its limits, they are hereby authorized to treat with the owner or owners thereof for the same, and they may purchase said lands and real estate from the owners of the same and make such compensation therefor as they may deem reasonable, and thereupon shall receive from such owner or owners a conveyance of such lands and real estate to the inhabitants of such township.
- 371. SEC. 9.** That when the township committee cannot agree as to the price or compensation with the owner or owners of any lands and real estate which they may deem it necessary to take and acquire, or when by the absence or legal incapacity of such owner or owners no such agreement can be made, it shall be lawful for the circuit court of the county in which such lands and real estate are situated, on application in writing, made on behalf of such township committee, and after notice of the time and place of making such application, published at least ten days previously thereto in some newspaper circulating in the said county, to appoint three disinterested commissioners, who shall make an estimate and assessment of the damages that any such owner or owners will sustain, as well for the taking of his, her or their lands and real estate, with the appurtenances, as for the injury to the owner or owners by reason of the intended improvement; if any of said commissioners die or refuse to act, the said court shall immediately make appointment of a proper person to fill any vacancy so created;
- Proviso.
- Proviso.
- May contract and agree with other municipalities to connect sewers and drains.
- Contracts valid.
- Lands and buildings may be purchased and erected to deodorize, &c., the sewage matter.
- Further acts may be by resolution.
- Township committee authorized to take and treat with owners of lands.
- May purchase lands, &c.
- Proceedings in case committee and owners cannot agree, &c.

the said commissioners shall be sworn to make a just and impartial estimate and assessment, and shall present without delay to the said court a report, in writing, of such estimate and assessment, which shall be sufficient, if signed by a majority of said commissioners; the circuit court shall direct notice to be given, by advertisement in some newspaper circulating in said county, for at least ten days, of the time and place at which said court will proceed to consider said report and any objection that may be made thereto, and shall have power to consider said report and any objections thereto, in a summary way, and to revise and to confirm said report with or without alteration; said report when confirmed by the court, or a copy thereof duly certified by the county clerk, shall at all times be plenary evidence of the right of the township committee to enter upon, take and use the said land and real estate, with the appurtenances, the township committee first tendering to the owner or owners thereof, if resident in this state, the amount so awarded to them; and if any owner is not a resident of this state, or on due inquiry cannot be found therein, or is a lunatic or idiot, or under age, or is for any other reason incapacitated to receive the amount awarded, or will not receive the same and sign a proper receipt therefor when tendered, then affidavit shall be made of the facts and filed in the office of the county clerk, and the amount awarded to any such owner shall be deposited in said circuit court before said township committee shall have the right to take and use said lands and real estate; the court shall settle and determine the compensation to be paid to the commissioners, and the costs and expenses of the application and report, which shall be paid by the township in behalf of which the application has been made.

Commissioners to  
make report.

Compensation  
of commis-  
sioners, &c.

**372. SEC. 10.** That it shall be lawful for the township committee to keep the sewers, works and drains in repair and working order, and to make, establish and enforce regulations and conditions as to the management and use of the same and as to connections therewith, and they shall have power, and it shall be their duty, beneficently and efficiently to control the use of such sewers and drains, and to prevent and stop all abuses and improper uses of the same.

Committee to  
keep sewers,  
works and drains  
in repair, &c.

**373. SEC. 11.** That for the purpose of paying the costs and expenses of the improvements and public works, and of the proceedings in relation thereto, as mentioned in this act, or any of them, it shall be lawful for the township committee to apply to a justice of the supreme court, sitting at the circuit in which said township is situate, for the appointment of three commissioners, who shall be residents and freeholders in the county in which such township is situate, and whose duty it shall be to assess the costs and expenses of any such improvement and public works upon the several lots and parcels of land and real estate benefited by such improvements, in proportion to the benefits thereby received by each one of such lots or parcels of land and real estate, and no lot or parcel shall be assessed for more than it is benefited; *provided*, that if the total cost and expense of an improvement exceed the aggregate amount of assessable benefits, then only so much of said cost and expense as equals the aggregate amount of such benefits shall be so assessed, and the remainder of such cost and expense shall be borne by the township as provided by this act.

Commissioners,  
how appointed,  
&c.

Costs and  
expenses of  
improvements to  
be assessed, &c.

Proviso.

**374. SEC. 12.** That for the purpose of paying such portion of the costs and expenses of the improvements and public works, and of the proceedings in relation thereto as mentioned in this act, as shall be assessed against the township at large, it shall be lawful for the township committee to borrow money from time to time, and to secure the payment of the same by issuing the corporate bonds of the inhabitants of such township, payable at such times as said committee may determine, which bonds, when issued by resolution of the township committee and under the township seal, shall be valid obligations of such municipal corporation according to their tenor; *provided, however*, that said bonds shall bear interest at a rate not exceeding six per centum per annum, shall be sold for not less than their par or face value; *and provided, also*, that in no case shall bonds be issued to an amount which shall cause the entire corporate indebtedness of such township, for all purposes, to exceed at any time ten per centum of the assessed valuation of property in said township as shown on the duplicate of assessment.

Committee may  
borrow money  
and issue bonds.

Proviso.

Voters at annual meeting may vote to raise money, &c.

**375.** SEC. 13. That it shall be lawful for the legal voters in such township, at their annual meeting, to vote, grant and raise such sum or sums of money, from year to year, to be expended by the township committee, under the provisions of this act, as a majority of said legal voters shall determine.

Interest and principal of bonds, how paid.

**376.** SEC. 14. That for the purpose of paying the interest and principal of the bonds to be issued under the provisions of this act, it shall be the duty of the township committee, each year, to issue a warrant to the assessor of such township, directing him to assess upon the property subject to taxation in said township, a sum equal to the amount of principal and interest which will fall due during the then current fiscal year; and all money so by warrant directed to be assessed, as well as any money voted and granted by the legal voters, as herein provided, shall be assessed, levied and collected by the same persons, in the same manner, at the same times and under the like fees, fines and penalties as the money raised by taxation in said township for other township and for county purposes.

Duty of assessor.

Assessments, how paid.

**377.** SEC. 15. That the township committee may by resolution provide that any assessment for any sewer or sewers to be built or constructed under and by virtue of the provisions of this act need not be paid in one payment, but that the same may be paid in equal annual installments; *provided*, that no installment is less than one-fifth of the whole amount of the assessment on such piece or parcel of land assessed.

Acceptance or rejection of act may be submitted to voters.

**378.** SEC. 16. That the township committee of any township may, by resolution, submit the question of the acceptance or rejection of this act to the voters of said township at any town or charter election to be held therein, whereof at least one week's notice shall be given by public advertisement in a daily newspaper circulating in such township; and if a majority of those who shall vote for the acceptance or rejection thereof shall be in favor of the acceptance of this act, then this act shall go into effect immediately, and the grant of power herein made to such township shall be taken to be accepted by such township, and such township shall be bound by the terms of this act; persons entitled to vote at any charter or township election where this question is submitted to them shall express their assent to or rejection of this act by depositing their ballots in a box provided for depositing ballots at such election in such township; and those who are in favor of the acceptance of this act and the grant of powers therein contained shall each deposit a ballot containing the words "act of one thousand eight hundred and ninety, to provide for drainage and sewerage in townships, accepted," written or printed thereon, and those who are opposed shall each deposit a ballot with the words "act of one thousand eight hundred and ninety, to provide for drainage and sewerage in townships, rejected," written or printed thereon, and this acceptance or rejection may be expressed upon the ballot on which are the names of the state, county or township officers, and no separate ballot shall be required for the purpose of this vote; there shall be a canvass on the return of the vote 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 the words "act of one thousand eight hundred and ninety, to provide for drainage and sewerage in townships," shall be found to be for the acceptance of this act, it shall then, and not otherwise, go into effect and be binding upon such township wherein such vote shall have been taken.

Form of ballot.

Canvass of vote, how made.

Repealer.

**379.** SEC. 17. 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, except that no provision of any act which prohibits the pollution of any of the waters of this state used to supply any aqueduct or reservoir, or which are distributed for public use, is intended to be hereby repealed; and this act shall not be construed to authorize the discharge of sewage or the contents of sewers into fresh water, or into any portion of a river or stream tributary thereto, in such manner as to defile a source of public water-supply.

Act, how construed.

An act to authorize incorporated townships to fund obligations incurred for public improvements.

Approved April 7, 1890.

P. L. 1890, p. 190.

**380. SEC. 1.** That hereafter it shall be lawful for the board of township committee or other governing body of any incorporated township in this state, for the purpose of meeting any obligation or obligations that may be contracted in the prosecution of any public improvement authorized by law in such township and the costs, damages and expenses of which are assessable in whole or in part upon the lands specially benefited thereby, to issue either the registered or coupon bonds of such township, to be styled "township of \_\_\_\_\_ improvement bonds," to such an amount as such board or governing body shall by ordinance determine, not, however, to exceed in the aggregate the whole cost of such improvement; such bonds shall be sealed with the corporate seal of such township, signed by the chairman of said board of township committee or other governing body, and countersigned and registered by the clerk thereof, and made payable in not less than one nor more than ten years from the date thereof, and shall bear interest at a rate not exceeding six per centum per annum, payable semi-annually.

Authorized to issue bonds to fund obligations for improvements.

Bonds, when payable, and interest.

**381. SEC. 2.** That any bonds issued under the provisions of this act shall be negotiated or sold at public or private sale at not less than the par or face value thereof, and the proceeds of such negotiations and sales promptly appropriated and applied to the payment and liquidation of the obligations incurred for any public improvement for which such bonds are issued, and to no other purpose whatever.

Bonds to be sold at face value and proceeds, how applied.

**382. SEC. 3.** That all moneys collected and received as principal and interest for and on account of assessments for any public improvement for which such bonds are issued, are hereby pledged and appropriated for the payment of the principal and interest of the bonds hereby authorized to be issued; and all sums of money or balance over and above the amount necessary to pay the principal and interest of said bonds at maturity, as aforesaid, or that cannot be vested in the purchase of said bonds at par before maturity, shall be safely invested in some readily-convertible securities and applied to the payment of said bonds when the same shall become due and payable.

Moneys collected on account of assessments, how appropriated.

**383. SEC. 4.** That it shall be the duty of the board of township committee, or other governing body of said township, and such board of township committee, or other governing body of said township, is hereby authorized and empowered, by resolution, to fix and determine annually, on or before the second Tuesday in May in each year, how much money is necessary to be raised by taxation to pay the interest on such bonds and the principal of such bonds as fall due within one year from the time of adopting such resolution, and to order such sum to be assessed and collected for the purpose aforesaid, a copy of which resolution shall be served by the township clerk on the township assessor of such township, and thereupon the sum so ordered to be raised shall be assessed upon all the ratable and taxable property in such township, and collected in the same manner and at the same time that other township taxes are assessed and collected; and the moneys so raised shall be applied to the payment of such principal and interest falling due on said bonds, and to no other purpose.

Township committee to fix and determine annually amount of money necessary to be raised.

Amount to be assessed, &c.

**384. SEC. 5.** That all acts and parts of acts, whether general, public, local or special, inconsistent with this act, be and the same are hereby repealed.

Repealer.

An act to provide for sewage and drainage in incorporated townships in which there is a public water supply.(1)

Passed April 14, 1890.

P. L. 1890, p. 253.

- 385. SEC. 1.** [Amended by Sec. 402, *post.*]  
**386. SEC. 2.** [Amended by Sec. 403, *post.*]  
**387. SEC. 3.** [Amended by Sec. 404, *post.*]

(1) The title to this act is amended by Sec. 401, *post.*

Authorized to take and appropriate lands, &c.

**388. SEC. 4.** That it shall be lawful for the said board of township committee or other governing body of such township, if necessary, to take and appropriate for the purpose of constructing any sewer or sewers, drain or drains, authorized by any ordinance or ordinances passed and adopted by such board of township committee or other governing body of such township, under and by virtue of the provisions of this act, any lands and real estate, upon making compensation to the owner or owners thereof as hereinafter mentioned and provided.

Authorized to deodorize and dispose of sewage, and purchase lands, erect buildings, &c.

**389. SEC. 5.** That in case the board of township committee or other governing body of such township shall deem it practicable and expedient to collect the sewage of such township, and to deodorize, utilize, consume or dispose of the same by sale or otherwise, wholly or in part, it shall be lawful for said board of township committee or other governing body of such township to purchase lands in the corporate name of said board of township committee or other governing body of such township, and erect all necessary buildings, works and machinery thereon, and to take and appropriate for such purpose any lands and real estate, upon making compensation to the owner or owners as hereinafter mentioned and provided.

May treat with owners and purchase lands, &c.

**390. SEC. 6.** That whenever the board of township committee or other governing body of such township shall determine by ordinance to make and construct any sewer or sewers, drain or drains, or any sewage receptacle, or works or place for treating or disposing of sewage, and shall deem it necessary to take and appropriate for any such purpose any lands and real estate within said township, they are hereby authorized to treat with the owner or owners thereof for the same and they may purchase said lands and real estate from the owners of the same, and make such compensation therefor as they may deem reasonable, and thereupon shall receive from such owner or owners a conveyance of such lands and real estate to the said board of township committee or other governing body of such township.

Proceedings in case no agreement can be made with owners, &c.

**391. SEC. 7.** That when the board of township committee or other governing body of such township cannot agree as to the price or compensation with the owner or owners of any lands and real estate which they may deem it necessary to take and acquire, or when, by the absence or legal incapacity of such owner or owners, or from any other cause, no such agreement can be made, it shall be lawful for the circuit court of the county in which such lands and real estate are situated, on application in writing, made on behalf of such board of township committee or other governing body of such township, and after notice of the time and place of making such application, published at least ten days previously thereto in some newspaper circulating in the said county, to appoint three disinterested commissioners, who shall make an estimate and assessment of the damages that any such owner or owners will sustain, as well for the taking of his, her or their lands and real estate, with the appurtenances, as for the injury to the owner or owners by reason of the intended improvement; if any of said commissioners die or refuse to act, the said court shall immediately make appointment of a proper person to fill any vacancy so created; the said commissioners shall be sworn to make a just and impartial estimate and assessment, and shall present, without delay, to the said court, a report, in writing, of such estimate and assessment, which shall be sufficient, if signed by a majority of said commissioners; the circuit court shall direct notice to be given, by advertisement in some newspaper circulating in said county, for at least ten days, of the time and place at which said court will proceed to consider said report and any objection that may be made thereto, and shall have power to consider said report and the objections thereto in a summary way, and to revise and to confirm said report with or without alteration; said report, when confirmed by the court, or a copy thereof duly certified by the county clerk, shall at all times be plenary evidence of the right of the said board of township committee or other governing body of such township to enter upon, take and use the said land and real estate, with the appurtenances, the said board of township committee or other governing body of such township first tendering to the owner or owners thereof, if resident in this state,

the amount so awarded to them ; and if any owner is not a resident of this state, or on due inquiry cannot be found therein, or is a lunatic or idiot, or under age, or is for any other cause incapacitated to receive the amount awarded, or will not receive the same and sign a proper voucher or receipt therefor when tendered, then affidavit shall be made of the facts and filed in the office of the county clerk, and the amount awarded to any such owner shall be deposited in said circuit court before said board of township committee or other governing body of such township shall have the right to take and use the said lands and real estate ; the court shall settle and determine the compensation to be paid to the said commissioners, and the costs and expenses of the application and report, which shall be paid by the board of township committee or other governing body of such township in behalf of which the application has been made.

**392. SEC. 8.** That the costs, damages and expenses incurred for making any improvement or performing any work under and by virtue of the provisions of this act, shall be assessed upon the lands and real estate specially benefited in proportion to the benefits received thereby, but not exceeding the amount of such benefits ; when such work is completed the said board of township committee or other governing body of such township, shall apply to the circuit court of the county in which such township is situate, and on application in writing, made by or on behalf of said board of township committee or other governing body, and after notice of the time and place of making such application, published at least ten days previously thereto in some newspaper circulating in said county, the circuit court shall appoint three disinterested commissioners, who shall make an estimate and assessment of the benefits that any lands and real estate will specially receive by the making such improvements or public works ; if any of said commissioners die or refuse to act, the said court shall immediately make appointment of a proper person to fill any vacancy so created ; the said commissioners shall be sworn to make a just and impartial estimate and assessment, and they shall assess upon the several lots or parcels of land benefited by such improvement a sum in proportion to the benefit received by each of said lots and parcels of land, and no lot or parcel shall be assessed more than it is benefited, except that where any sewers may be constructed under the provisions of this act forming a trunk line into which lateral sewers may discharge, and through which the surface drainage and sewage of a district may be carried to tide-water or other receptacle, it shall and may be lawful in assessing the benefits which have been or may be conferred upon property by the construction of such trunk line of sewers, for the commissioners appointed to assess such benefits, to assess the same as follows : such assessments may be made upon all the property benefited and to be benefited within the entire drainage district, and where a direct tapping benefit is or may be secured, either by connecting with the trunk line or lateral sewers already constructed, the assessments, when finally confirmed, shall be collectible at once, and where the benefit is prospective, and depends upon the construction of lateral and connecting sewers not yet built, in every such case the assessments made upon such property shall constitute a first lien thereon at and from the time when the lateral sewer is constructed connecting the property assessed with such trunk line, and shall be collectible at the same time the benefits assessed thereon for the construction of such connecting lateral sewer is or may be by law collectible, and shall draw interest only from the time the assessment for benefits made upon property along the line of such lateral sewers for the construction thereof may draw interest, and at the same rate ; and they shall present without delay to the said court a report in writing of said estimate and assessment, which shall be sufficient, if signed by a majority of said commissioners ; the circuit court shall direct notice to be given by advertisement in some newspaper circulating in said county, for at least ten days, of the time and place at which said court will proceed to consider said report and any objection that may be made thereto, and shall have power to consider said report and the objections thereto in a summary way, and to revise and to confirm said report with or without alteration ; said report, when confirmed by the court

Costs, damages  
and expenses to  
be assessed upon  
lands benefited.

Proceedings.

or a copy thereof duly certified by the county clerk, shall be plenary evidence of said assessment and of the amount thereof upon each and every lot and parcel of land embraced therein ; if the total cost and expense of such improvement exceed the aggregate amount of assessable benefits, then only so much of said cost and expense as equals the aggregate amount of such benefits shall be so assessed, and the remainder of such costs and expenses shall be borne and paid by the township at large ; the court shall settle and determine the compensation to be paid to the commissioners, and the costs and expenses of the application and report, which shall be paid by the board of township committee or other governing body of the township in behalf of which the application has been made.

**393.** SEC. 9. [Amended by Sec. 405, *post.*]

Township committee may borrow money and issue notes or improvement certificates

**394.** SEC. 10. That in order to meet the expenses for the improvements and public works, and of the proceedings in relation thereto, as mentioned in this act, the board of township committee or other governing body of such township may borrow the money necessary therefor, temporarily, upon the promissory notes of such corporation, or may issue temporary improvement certificates, from time to time, as the work progresses, in such form as the board of township committee or other governing body of such township may prescribe ; said notes and certificates shall bear interest at a rate not exceeding six per centum per annum, and shall be payable at the expiration of not more than two years from the date of issue ; all receipts from assessments made against property benefited by such improvements shall be paid to the treasurer of the township, and shall be applied to the payment of such improvements or to the payment of any temporary indebtedness incurred by the township therefor.

Interest, and when payable.

Incorporated townships may issue bonds, &c.

**395.** SEC. 11. That in order to provide for so much of the cost of such improvement as shall be required to be paid by the township, and the notes or certificates of indebtedness issued therefor, it shall and may be lawful for incorporated townships to issue bonds to run for a period not to exceed ten years, and to bear interest not exceeding six per centum per annum, which said bonds shall be styled improvement bonds, shall be issued in such denominations as the board of township committee, or other governing body of such township, may determine, and be executed under the corporate seal of said township, signed by the chairman of said board of township committee, or other governing body of such township, and countersigned by the clerk thereof ; coupons signed by the chairman for every half year's interest shall be attached to each bond and numbered to correspond thereto, or the said bonds may be registered, at the option of the holder ; they shall be sold for not less than their par or face value and the proceeds thereof shall be used to pay the portion of the costs, damages and expenses of said improvements and public works required to be paid by such township as aforesaid, and to take up and pay off such temporary notes or certificates as have been given in payment of such costs and expenses ; *provided*, that in order to meet the interest on said bonds and redeem the same at maturity, it shall be the duty of the board of township committee, or other governing body of such township, to order the interest thereon, together with a sinking fund of not less than five per centum of the total amount of said issue, to be raised in the annual tax levy.

Proviso.

**396.** SEC. 12. [Amended by Sec. 406, *post.*]

Repealer.

**397.** SEC. 13. 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 25, 1891.

P. L. 1891, p. 244.

Payment for improvement certificates may be provided for by issuing improvement bonds, &c.

**398.** SEC. 1. That whenever in strict conformity with the provisions of the act of which this is a supplement, the township committee or other governing body shall have caused to be constructed sewers or drains, or both, and have issued temporary improvement certificates or promissory notes of such corporation in payment of the costs of such improvement ; that in order to provide for the payment of such certificates and promissory

notes as they shall severally become due it shall and may be lawful for incorporated townships to issue bonds, to run for a period not to exceed ten years and to bear interest not to exceed six per centum per annum, which said bonds shall be styled improvement bonds, shall be issued in such denominations as the township committee or other governing body of such township may determine and be executed under the corporate seal of said township, signed by the chairman of said board or township committee or other governing body of such township, and countersigned by the clerk thereof; coupons signed by the chairman for every half year's interest shall be attached to each bond and numbered to correspond thereto, or the said bonds may be registered, at the option of the holder; they shall be sold for not less than their par value and the proceeds thereof shall be used to take up and pay off such temporary notes or certificates, and the interest thereon, as may have been given in payment of the cost of such sewers or drains as may have been constructed in said township under the provisions of the act of which this is a supplement; *provided*, that in order to meet the interest and redeem the said bonds at maturity it shall be the duty of the township committee or other governing body to order the treasurer of said township to keep and set apart all moneys received in payment of assessments on such improvement into a sinking fund, which said moneys shall be applied from time to time to the payment of the interest and the redemption of all bonds issued in accordance with the provisions of this supplement.

Proviso.

**399.** SEC. 2. [Amended by Sec. 412, *post*.]

**400.** SEC. 3. That all acts and parts, whether general, public, local or special, inconsistent with this act, be and the same are hereby repealed.

Repealer.

An act to amend an act entitled "An act to provide for sewage and drainage in incorporated townships in which there is a public water-supply," passed April fourteenth, one thousand eight hundred and ninety.

Approved April 17, 1891.

P. L. 1891, p. 488.

**401.** SEC. 1. That the title of the act to which this is an amendment be amended to read as follows: "An act to provide for sewage or drainage, or both, in incorporated townships in which there is a public water-supply."

Title amended.

**402.** SEC. 2. That section one of the said act [see Sec. 385, *ante*] be amended to read as follows:

[That in any incorporated township in this state in which a supply of water for public or domestic use is furnished or shall be furnished from water works, it shall be lawful for the board of township committee or other governing body of such township to provide for, obtain and cause to be constructed a system of sewage or drainage, or both.]

Authorized to construct a system of sewage and drainage.

**403.** SEC. 3. That section two of the said act [see Sec. 386, *ante*] be amended to read as follows:

[That it shall be lawful for the said board of township committee or other governing body of such township to cause to be made surveys, plans and estimates by competent engineers and mechanics, sufficient to demonstrate a practicable and efficient system of sewage or drainage, or both, for such township, including the disposition of house sewage or waste, or both.]

Surveys, plans and estimates to be made.

**404.** SEC. 4. That section three of the said act [see Sec. 387, *ante*] be amended to read as follows:

[That it shall be lawful for the said board of township committee or other governing body of such township, whenever in their opinion the public good demands it, by ordinance or ordinances, to cause sewers or drains, or both, to be constructed from time to time in such township, or any part thereof, as they may designate in the ordinance or ordinances which the said board of township committee or other governing body may for that purpose adopt and pass.]

May cause sewers and drains to be constructed.

**405.** SEC. 5. That section nine of the said act [see Sec. 393, *ante*] be amended to read as follows:

Assessments for benefits to be a lien upon lands, &c.

[That the said assessments for benefits shall be a lien upon the lots and parcels of land respectively assessed from the date of the confirmation of the report thereof, except the assessments for prospective benefits, which shall only become a lien as hereinabove provided ; that it shall be the duty of the board of township committee or other governing body of such township, in which such improvement shall have been made, to cause a copy of the report of the commissioners making such assessment, duly certified by the clerk of the county in which said township is situated, to be prepared and delivered to the township collector of such township, who shall enter the same in a book to be kept in his office for that purpose ; and said collector shall give notice for four weeks in some newspaper circulating in said township, that said report has been delivered to him, and requiring payment of the several sums assessed against any owners of lands and real estate for such improvement within thirty days from and after the confirmation of said report by the circuit court of said county ; and, in case said assessment shall remain unpaid at the expiration of thirty days from and after the first publication of said notice, the said assessment shall draw interest thereupon from and after that time at the rate of one per cent. per month, except the assessments for prospective benefits, which shall draw interest only as in the manner hereinabove provided ; and the said board of township committee or other governing body of such township, shall have the same remedies and rights to enforce the payment of said assessments as they have to enforce the collection of taxes in such township, and by like proceedings ; *provided*, that the township committee shall have the power to make the said assessment for benefits payable by installments, instead of in the manner hereinbefore described, and in such case the owners of lands specially assessed may pay said assessments in such yearly payments, not exceeding ten, as the township committee may determine, with legal interest thereon, from the date of said commissioners' report, the interest on the whole assessment to be paid annually ; the first of which said annual payments shall be made within three months after confirmation by said court of the report of said commissioners, and upon failure to make any of the annual payments or any installment of the interest upon the assessment when due, the whole of said assessment shall become and be immediately due and payable, and the notice to be given by the collector, as above provided, shall be to that effect ; *provided*, that any party assessed shall have the privilege of paying the whole of any assessment with the interest at one time.]

Proviso.

Proviso.

**406.** SEC. 6. That section twelve of the said act [see Sec. 396, *ante*] be amended to read as follows :

To establish regulations, &c., for use of sewers and drains.

[That it shall and may be lawful for the said board of township committee, or other governing body of such township, to keep the sewers or drains or other works which may be constructed under the provisions of this act, in repair and working order, and to make, establish and enforce regulations and conditions as to the management and use of the same and as to connections therewith, and they shall have the power to enter into agreements with private persons or corporations for the use of said sewers or drains, under such restrictions as said board of township committee, or other governing body of such township, may impose, and to establish a price to be paid for such use and to collect the same ; *provided*, that all moneys derived from the use of said sewers or drains shall be applied to the payment of the debt incurred in building the same and the interest thereon.]

Proviso.

Repealer.

**407.** SEC. 7. 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.

Approved March 9, 1893.

P. L. 1893, p. 134.

Commissioners of assessment shall assess both for direct and prospective benefits all lands benefited or to be benefited.

**408.** SEC. 1. That whenever in strict conformity with the provisions of section eight of the act to which this is a further supplement, commissioners of assessment so appointed by the circuit court shall determine that the sewage district or drainage area extends so as to include lands lying in

adjacent cities, towns or townships, and that the drainage from such cities, towns or townships does or may discharge through the sewer or sewers which may have been constructed under the provisions of the act of which this is a further supplement; that the said commissioners shall assess both for direct and prospective benefits all such lands benefited or to be benefited within the said entire drainage area, and that said assessments for benefits so assessed shall be a lien upon the lots, plots or parcels of land lying in the said adjacent cities, towns or townships respectively assessed.

**409. SEC. 2.** That upon the confirmation of the assessment made in conformity with the act of which this is a further supplement the clerk of the township through which the said sewer or sewers have been constructed shall file with each of the clerks of the adjacent cities, towns or townships whose lands are included in the aforesaid assessment a copy of the report of the said commissioners; that it shall be the duty of each of the collectors in said adjacent cities, towns or townships to enter the said assessment, so far as it applies to his municipality, into a book to be kept in his office for the purpose, and he shall give notice for four weeks in some newspaper circulating in the said municipality that the said assessment report is on file and requiring payment of the several sums assessed against any owner of lands and real estate for such improvement within thirty days from and after the confirmation of said report by the circuit court of the said county; and in case said assessment shall remain unpaid at the expiration of the thirty days from and after the first publication of said notice, the said assessment shall draw interest thereupon from and after that time at a rate of one per centum per month, except the assessments for prospective benefits, which shall be governed as provided for in section two of the supplement of the act of which this is a further supplement, approved March twenty-fifth, one thousand eight hundred and ninety-one; and the governing bodies of said adjacent cities, towns or townships affected by said assessment shall have the same powers and rights to enforce the payments of said assessments as they have to enforce the collection of taxes or assessments by like proceedings.

Proceedings upon  
the confirmation  
of the assessment.

**410. SEC. 3.** That all moneys collected on account of the aforesaid assessment by the respective adjacent cities, towns or townships shall be kept in a separate fund, which fund shall be applied to reimbursing the town through which the said sewer or sewers may have been constructed for such expenses, as said town may have incurred in the carrying out of said improvements; and it shall be the duty of the governing bodies of the said adjacent cities, towns or townships to pay over to the authorities of the aforesaid town, on demand, such sums of money as may have been collected whenever demand is made therefor.

Moneys collected  
on account of  
aforesaid assess-  
ment kept in a  
separate fund, &c.

**411. 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.

Repealer.

An act to amend an act entitled "A supplement to an act entitled 'An act to provide for sewerage and drainage in incorporated townships in which there is a public water-supply,' approved April fourteenth, one thousand eight hundred and ninety," which supplement was approved March twenty-fifth, one thousand eight hundred and ninety-one.

Approved May 17, 1894.

P. L. 1894, p. 405.

**412. SEC. 1.** That section two of said supplement [see Sec. 399, *ante*] shall be amended so as to read as follows:

[That the township committee may by resolution provide that any assessment for either direct or prospective benefit, which have been made and confirmed under the provisions of the act of which this is a supplement, need not be paid in one payment as required under the provisions of said act, but that the same may be paid in equal annual installments, with interest at six per centum per annum thereon; *provided*, that no annual installment is less than one-tenth of the whole amount of an assessment on

Township com-  
mittee may pro-  
vide for payment  
of assessments  
by installments.

Proviso.

- Proviso.** any piece or parcel of land assessed ; *provided, also*, that the first annual installment shall become due and payable within thirty days after the confirmation of the assessment as provided for in the act of which this is a supplement ; and in case said installment shall remain unpaid at the expiration of thirty days after the first publication of the notice of the assessment as required in the act to which this is a supplement, the said installments shall draw interest thereupon from and after that time at the rate of one per centum per month ; and the said board of township committee or other governing body of such township shall have the same remedies and rights to enforce the payment of such installment as they have to enforce the collection of taxes in such townships and by like proceedings ; *provided*, that nothing in this act shall prevent payment of the whole assessment or any outstanding balance of the installment on any particular lot or parcel of land ; *and provided, further*, that the provisions of this supplement shall apply only to counties of the first and second class in this state.]
- Governing body may enforce payments.**
- Proviso.**
- Proviso.**

**An act concerning townships.**

Approved March 4, 1891.

P. L. 1891, p. 76.

Unlawful to make arrangements for certain purposes for a period beyond term of office.

**413. SEC. 1.** That it shall be unlawful for any township committee in this state to make any arrangement, by contract or appointment, for sprinkling the streets thereof or for removing garbage therein for a period beyond the term of office of the members of such committee.

**An act to authorize townships in this state to acquire and improve lands for public parks and to maintain and regulate the same.**

Approved March 28, 1892.

P. L. 1892, p. 301.

Townships authorized to raise money by vote for purchasing land and maintaining public parks.

**414. SEC. 1.** That the legal voters of any township in this state, be and they are hereby authorized and empowered, at the annual township elections, or at any other election duly held for the purpose, by a majority of all the votes cast at such election, to vote, grant and raise such sum or sums of money as they may determine, for the purpose of purchasing, maintaining and improving suitable tracts or plots of land for public parks ; said lands to be purchased by, and to be under the control and regulation of the township committee of such township, and to become the property of the inhabitants of such township ; which moneys so voted and granted shall be assessed, levied and collected as other moneys raised in said township are assessed, levied and collected.

**An act in relation to assessments in certain townships.**

Approved March 28, 1892.

P. L. 1892, p. 304.

Commissioners of public roads authorized to make assessments for costs, damages and expenses for road improvements in townships.

**415. SEC. 1.** That in all townships in this state, the legal voters of which are now, or hereafter may be, authorized and empowered to elect commissioners of public roads at their annual township elections, it shall be lawful for such commissioners of public roads to make the proper assessments for the costs, damages and expenses which have been heretofore incurred or which may be hereafter incurred, by virtue of any law of this state applicable to such township, for the surveying, laying out, altering, vacating or altering the grade, of any public road, upon the lands peculiarly benefited by such improvement ; *provided, however*, that such assessments shall bear a just proportion to such benefits, and be confirmed by the township committee of such township, after due notice to all persons interested therein, and shall, in all other respects, not inconsistent with the provisions of this act, conform to the law authorizing the election of such commissioners of public roads.

**Proviso.**

Period for certiorari.

**416. SEC. 2.** That no certiorari shall be granted or allowed to remove into any court of this state, for the purpose of review, any assessment, made or to be made under or by virtue of this act, after the expiration of sixty days from the time of the confirmation of said assessment by the said township committee.

**Repealer.**

**417. SEC. 3.** That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

## An act relating to assessments in townships.

Approved March 28, 1892.

P. L. 1892, p. 807.

**418. SEC. 1.** That it shall be lawful for the board of township committee of any incorporated township of this state, having power by any general or special law to open, grade, pave, curb, gutter, fill up, refill, macadamize and lay sidewalks in any street, road or avenue in said townships, and to levy assessments for the cost thereof, to order, by ordinance passed at one of the regular meeting of said committee, that the owners of lands upon which assessments for improvements, as aforesaid, have been or may hereafter be levied, may pay such assessments in such equal yearly installments, not exceeding ten, and with interest thereon at a rate not less than six per centum per annum, as the said township committee shall determine; *provided*, that any party assessed shall have the privilege of paying the whole of any assessment or any balance of installments, with accrued interest thereon, at one time.

Authorizes township committees to arrange terms for payment of assessments for improvements.

Proviso.

**419. SEC. 2.** That in case any installment of any assessment mentioned in the previous section shall remain unpaid for thirty days from and after the time when the same shall become due and payable, the whole assessment shall become and be immediately due and payable, shall draw interest at the rate of one per centum per month, and the said township committee, or other governing body of such township, shall have the same remedies and rights to enforce the payment of said assessments as they have to enforce the collection of taxes in such township, and by like proceedings.

Whole assessment to become due if one installment is unpaid.

**420. SEC. 3.** That every such assessment shall be and remain a first and paramount lien upon the lot or lots of land described in such assessment until the same, with all installments of the same, with the accrued interest thereon, shall have been paid and satisfied.

Assessment to be a first lien.

**421. SEC. 4.** That all collections on account of said assessments or the interest thereon shall be applied to the payment of the township obligations issued by the said township committee, in payment of the cost of the improvements for which said assessments were made, and for no other purpose whatever.

Collections to be applied in payment of cost of improvements.

## An act to empower township committees to order money raised by taxation to pay township indebtedness in certain cases.

Approved April 8, 1892.

P. L. 1892, p. 437.

**422. SEC. 1.** That it shall be lawful for the township committee of any township to order raised by taxation, in the same manner as other township moneys are raised, and for the assessor to assess the same, a sum sufficient to pay any promissory note or notes, given prior to the year one thousand eight hundred and ninety-two, by order of the township committee, and signed by such committee and the chairman thereof, for moneys borrowed and expended for the use of and for the township; and such moneys, when raised, shall be applied to the payment of such notes.

Township committees to raise money to pay promissory notes.

## An act to enable township committees to encourage the use of broad tires on wagons and carts by a rebatement of taxes.

Approved March 16, 1893.

P. L. 1893, p. 359.

**423. SEC. 1.** That township committees be and they are hereby authorized, when in their judgment it is for the public good, to pass an ordinance allowing a rebate of taxes for township or road purposes to all owners or possessors of wagons and carts used in said township for transportation of goods, wares, merchandise, produce, passengers and for general farm, freight and express purposes, having tires of not less than four inches in width; *provided*, the said rebate shall not exceed fifty cents for each wheel in use in any one year.

Authorized to pass ordinance allowing rebate.

Proviso.

**An act in relation to the publication of ordinances in certain townships in this state.**

P. L. 1894, p. 158.  
Proceedings to have ordinances published, &c.

Approved April 30, 1894.

**424. SEC. 1.** That in every township in this state having a population of ten thousand or more by the census of the United States taken in the year one thousand eight hundred and ninety, or which may hereafter have such population by such census to be hereafter taken, all ordinances introduced into the township committee shall, after their introduction, be considered and read a first time at the meeting of their introduction or at some subsequent meeting, or as the rules of such committee may provide, and shall be open to amendment on such first reading, and after the same shall have had such first reading they shall be published in two newspapers, one of which shall be published in said township for a period of one week, and after such publication such ordinance shall be again considered and acted upon by said committee on its second reading, and said ordinance shall then be open to amendment in all its parts, and after the same shall have been so amended, if amended, and shall have passed its second reading, the same shall be published as amended, if amended between its second and third reading, for a period of one week, and said ordinance shall not be open to amendment upon its third reading and final passage, but the question shall then be, shall the ordinance be passed; and if the vote by which the ordinance has passed its second reading shall be reconsidered and said ordinance shall be amended, the same shall be again republished for one week before it shall be placed upon its third reading and final passage; and any such ordinance which shall have had its first and second reading and been published as aforesaid, and shall have had its third reading and final passage, shall, within five days after the passage thereof, be and become operative and in full force and effect, unless by the terms of the said ordinance it shall be provided that the same shall take effect in some other manner or at some other time.

**An act relating to auditors in townships of this state.**

P. L. 1894, p. 159.  
Duties of auditor, &c.

Approved April 30, 1894.

**425. SEC. 1.** That where, in townships in this state, there now exists under the authority of law an auditor, it shall be the duty of such auditor to audit all claims presented against the township before the same can be ordered paid by the township committee; he shall report upon all claims, with the amount due thereon, and under what authority they have been incurred, from time to time, to the meetings of the township committee, as said committee may, by rule or otherwise, prescribe; any member of such committee may object to any claim so reported, and in such case the claim objected to shall be voted upon separately, otherwise the report of such auditor may be adopted as a whole; all votes taken upon such report, or upon any account or item objected to, the vote shall be taken by aye and no and recorded by the clerk of the committee upon the minutes.

Votes upon adoption of auditor's report shall be recorded.

**An act relative to the establishment of sinking funds and the appointment of commissioners therefor in certain townships in this state.**

P. L. 1894, p. 160.  
Certain townships may establish sinking fund, &c.

Approved April 30, 1894.

**426. SEC. 1.** That the township committee of any township in this state having by the census of the United States, taken in the year one thousand eight hundred and ninety, or by any census hereafter to be taken, a population exceeding ten thousand, shall provide by ordinance for the establishment of a sinking fund or sinking funds with relation to any series of bonds or obligations of the said township, which may have been heretofore or may hereafter be issued by such township, and provide for the control, direction and management of said fund when so established.

**427. SEC. 2.** That in such townships the township committee shall provide by ordinance for the appointment of commissioners of the sinking fund for such township, not exceeding five, of whom the chairman of the township committee for the time being shall be one, and such commissioners when appointed shall have full power and authority to manage and control the said fund under the direction and pursuant to the laws of this state and the ordinances of such township.

Appointment of commissioners to manage same, &c.

**An act to authorize any township of this state to celebrate the centennial anniversary of its existence, and empowering the township committee of such township to provide the necessary funds therefor.**

Approved April 30, 1894.

P. L. 1894, p. 165.

**428. SEC. 1.** That it shall be lawful for every township of this state to celebrate the centennial anniversary of its existence in such manner as its township committee may by resolution direct; and, in order to defray the necessary expenses of such celebration, it shall and may be lawful for such township committee to appropriate therefor a sum of money not exceeding five hundred dollars; and the said township committee, in case no unappropriated moneys of said township are available for the purpose, is hereby authorized to borrow the amount so appropriated upon the promissory note of the township in anticipation of the taxes to be thereafter levied.

Centennial celebration of towns, &c.

**429. SEC. 2.** That it shall be lawful for the township committee, and it is hereby authorized and directed to cause the sum so borrowed, if any, to be assessed and raised in the same manner that other taxes of said township are raised in the tax levy next thereafter imposed, and the moneys so raised shall be applied to the extinguishment of said debt, and to no other purpose.

May assess the same in next tax levy.

**430. SEC. 3.** That the sum so appropriated in any township shall be paid by the township collector in such township to the township treasurer for the purpose aforesaid; and such money so appropriated shall be used and expended by such treasurer under the direction of and upon the order of the township committee.

Appropriation shall be paid to township treasurer.

**An act authorizing township committees of townships in which there may be a water-supply furnished by public or private water works, to raise and pay moneys for the preparation of surveys, plans and estimates for sewerage and drainage.**

Approved May 1, 1894.

P. L. 1894, p. 190.

**431. SEC. 1.** That in any township in this state in which there may be a supply of water furnished by public or private water works, it shall be lawful for the township committee to cause to be made surveys, plans and estimates by competent engineers and mechanics or contractors sufficient to demonstrate a practicable and efficient system of sewerage or drainage, or both, for such township, including the disposition of house sewage or waste, or both, and to appropriate a sum of money to pay for such surveys, plans and estimates not exceeding the sum of five hundred dollars during one year; and the township committee is hereby authorized to borrow the amount so appropriated in anticipation of taxes to be levied, and to cause the same to be raised in the tax levy next thereafter.

Proceedings to construct sewers.

Limitation of taxation.

May borrow money.

**An act to provide for sewerage or drainage, or both, in townships.**

Approved May 9, 1894.

P. L. 1894, p. 254.

**432. SEC. 1.** That it shall be lawful for the township committee of any township in this state to cause surveys and plans to be made for a system of sewerage or drainage, or both, for the township, or for any town or village therein, and to obtain estimates of the cost of constructing the same, and to pay for such surveys and plans and the cost of obtaining such estimates out of any funds under their control subject to be used in paying incidental expenses.

Township committee may cause surveys, plans, and estimates to be made.

May cause system  
to be constructed.

Proviso.

May purchase  
necessary real  
estate.

Proceedings in  
case owner and  
committee cannot  
agree, &c.

Proviso.

**433. SEC. 2.** That it shall be lawful for such committee, either by contract or otherwise, to cause a system of sewerage or drainage, or both, for their township, or for any town or village therein to be constructed, and to make provision for disposing of sewage in any manner not prohibited by law, and to take any and all proceedings necessary and proper for supervision and performance of the work; *provided, however,* that no contract shall be made for the actual construction of any sewer or drainage system, or money expended or obligation created for that purpose other than for the procuring of surveys, plans and estimates, until the assent thereto shall be given in writing by the owners of at least one-half in value of the real estate in such township subject to taxation by the township officers in the year then next preceding, according to the tax duplicate of such year.

**434. SEC. 3.** That it shall be lawful for the township committee to acquire by purchase in the corporate name of the township any real estate situate in such township or elsewhere that may be necessary for the purpose of constructing, maintaining or operating such system of sewerage or drainage, or both, and in case the owner of any such real estate and said committee cannot agree upon the price or terms for sale of said property, it shall be lawful for the circuit court of the county in which said lands and real estate are situate, on application in writing made by or on behalf of such committee, and on such notice to the owner of such lands or real estate, as the court may prescribe, to appoint three disinterested persons as commissioners, who shall make an estimate and assessment of the damages that any such owner will sustain by the taking of said lands and real estate, with the appurtenances, for the purpose aforesaid, and said court shall appoint proper persons to fill vacancies in case it shall be necessary to do so; the said commissioners shall proceed under oath to make an impartial estimate and assessment of such damage, and they, or any two of them, shall make and present a report thereof to said court as soon as practicable; upon the filing of said report either said committee or any party interested in said lands and real estate shall give notice of an application to confirm the same and at the time fixed for hearing said application the said court shall consider said report and any objections that may be made thereto in a summary manner, and confirm the same or refer it back to the said commissioners or other commissioners to be appointed by the court for revision or alteration, and in case the same shall be referred back for revision another report shall be made and considered on notice as aforesaid, and such proceedings continued until a report shall be made that said court shall be willing to confirm, and said report when confirmed by said court, or a copy thereof duly certified by the clerk of the county, shall be plenary evidence of the right of the township committee to enter upon, take and use the said lands or real estate, with the appurtenances, provided said committee shall first tender to the owner thereof, if residing in this state, the amount so awarded, and if any owner is not a resident of this state, or on due inquiry cannot be found herein, or is a lunatic or idiot, or under age, or is for any cause incapacitated to receive the amount awarded, or will not receive the same and sign a voucher or receipt therefor when tendered, an affidavit shall be made of the facts and filed in the office of the clerk of said court, and the amount so awarded shall be deposited with the said clerk, to be disposed of as said court shall direct, and thereupon said township committee shall have the right to take and use said lands and real estate for the purposes aforesaid; *provided,* that the township committee, or any party interested in said lands, feeling aggrieved by the decision of the commissioners, may appeal to the next circuit court of the county wherein said lands are situate; and every such appeal shall be made in writing in the form of a petition to said court and filed with the clerk thereof, and notice of appeal shall be given to the opposite party or parties within ten days thereafter, and said court shall thereupon have full power to hear and determine the same, and to direct a proper issue for the trial thereof, and to order a jury to be struck and a view of the premises to be had; said issue shall be tried at the next term of said court, or at any subsequent term to

which the same may be adjourned, upon like notice and in the same manner as other issues in said court are tried, and the costs of said appeal shall be taxed and paid as said court may direct.

**435. SEC. 4.** That it shall be lawful for such township committee to issue promissory notes or certificates of indebtedness of the township in order to raise money to pay for any land or other property acquired for the construction of such sewer system and to pay the cost of constructing the same; *provided*, that no such note or certificate of indebtedness shall bear interest at a higher rate than six per centum per annum, nor be disposed of for less than its par or face value, and all such notes or certificates of indebtedness shall be made payable within two years from and after the beginning of the work; that at the maturity of said notes or certificates of indebtedness, said township committee shall issue either registered or coupon bonds of the township for so much of the cost of such sewer or drainage system as shall not at that time have been collected by means of assessments for special benefits; such bonds shall be authenticated by the corporate seal of the township, and the signature of the chairman of the township committee, and the coupons thereto annexed, if any, shall be authenticated by the autograph or engraved signature in fac-simile of the treasurer of the township committee; said bonds shall be made payable within thirty years from their date, but part of the issue may be made payable at different times; and no bond shall be sold for less than par, and shall not bear interest at a higher rate than six per centum per annum.

Township committee may issue notes or certificates to raise money.  
Proviso.

**436. SEC. 5.** That as soon as said sewer system shall be constructed the township committee shall cause public notice to be given in one or more newspapers of the county circulating in the township where such system is located, and by posting notices in five of the most public places in said township of an application to be made on a certain day and place therein named, at least ten days subsequent to the publication and the posting of said notice, to said circuit court for the appointment of three discreet and disinterested freeholders as commissioners to make an assessment of the costs and expense of such improvement, and such circuit court, on due proof that such notice has been given, shall appoint three commissioners as aforesaid, by order entered in the minutes thereof, and may appoint one or more persons to fill a vacancy or vacancies in case of necessity upon like notice, and the commissioners so appointed shall, before entering upon the duties of their office, take, subscribe, and file in the office of the clerk of the county an oath faithfully to discharge their duties as such commissioners, and shall thereupon give ten days' notice by publication in one or more newspapers published or circulating in the township, and by notices posted in at least five of the most public places therein, that they will meet at a convenient time and place in said township, named in said notice for the purpose of discharging their duties, and at the time and place so appointed the said commissioners shall meet and proceed to examine the matters referred to them, and may adjourn from time to time, and shall give a hearing to all parties interested and an opportunity to produce evidence before them in support of objections, and any of said commissioners may administer oaths and take depositions of witnesses who shall be offered to give testimony in regard to the matter; and thereupon they shall forthwith proceed to ascertain the total cost and expenses incurred by the construction of such sewer system, including also all interest or discounts paid on any notes, certificates or obligations issued on account thereof, and after ascertaining the total amount of such cost and expenses, they shall proceed to make a just and equitable assessment thereof, or of part thereof, on the lands and real estate specially benefited by such improvement, in proportion to the special benefits actually conferred thereby; *provided*, that in no case shall the assessment upon any lands exceed the special benefit conferred by such improvement to the land so assessed, and in case the said commissioners shall determine that the lands specially benefited by said improvement have not been so benefited to the full extent of the costs and expenses thereof, the surplus of such cost and expenses shall be paid by taxation.

Proceedings for appointment of commissioners, &c.

Further proceedings of commissioners, &c.

**437. SEC. 6.** That the commissioners, upon completing their assessments, shall cause a map to be made showing the lots so assessed, and shall designate the same by numbers and the names of the owners as far as they may be known to the commissioners; and they shall make a certificate showing the whole amount of said assessments, with the amount assessed against each, of said lots by reference to the numbers thereof on said map, with the names of the owners set opposite thereto, as far as they may be known to said commissioners, and within thirty days thereafter they shall make a report of their proceedings and assessments to the circuit court, or within such further time as said court may grant, and upon the coming in of said report signed by said commissioners, or any two of them, said court shall direct notice to be given in the manner prescribed in the fifth section of this act of the time and place of hearing any objections that may be made to such assessments, and after hearing any matter that may be alleged against the same the said court shall either confirm the said report or refer it to the same or other commissioners, to be appointed by the court, to consider the subject-matter thereof; the said commissioners to whom the said report shall be so referred shall return the same report, corrected and revised, or a new report to be by them made in the premises, to the said court within such time as the said court shall by order direct, and the same, on being so returned, shall be confirmed or again referred by said court in manner aforesaid, as right and justice shall require, and so from time to time until a report shall be made or returned in the premises which the said court shall confirm; and such report when so confirmed shall be final and conclusive, as well upon the said township as upon the owner of any land and real estate affected thereby; which said map and report when finally confirmed by said court, shall be filed in the office of the clerk of the county wherein said improvement is situate, and a copy certified by the said clerk shall be given to the collector of the township, and such report, map and copy shall at all reasonable and proper times be subject to the examination and inspection of all parties interested in the same; and from and after the filing of said map and report in the office of said clerk, said assessments shall be and remain a first and paramount lien upon the lots so assessed for the amounts thereof, respectively, with interest at six per centum from the time of such filing, and all costs and fees thereon, until the same shall be paid and satisfied, notwithstanding any devise, descent or alienation thereof, or any judgment, mortgage or incumbrance thereon, and notwithstanding any mistake in the name or names of the owners, or omission to name the owner or owners thereof, and any assessment in which such mistake or omission occurs, shall nevertheless, be a valid and effectual lien upon the lands assessed.

Assessments shall be collected by tax collector.

Proviso.

**438. SEC. 7.** That the assessments so imposed shall be collected by the same officer or officers, and at the same time and in the same manner that taxes are or may be collected in the township where such improvement is made; *provided*, that the owner of any lot or tract of land so assessed may pay the assessment thereon, with interest, in equal yearly payments, not exceeding ten, as the township committee may determine, in case such owner shall file with the clerk of the township an agreement in writing, to be approved by the township committee, stating the number of installments by which he will pay the same, and each installment shall be collected at the same time and in the same manner and by the same officer or officers that taxes are or may be collected in the township, but any person may pay the whole of such assessment, with interest, at one time; all moneys collected for or on account of such assessments, and interest thereon, shall be set apart and used exclusively for the payment or purchase of notes, certificates or obligations that may have been made, issued or incurred by the township committee to raise money to pay the cost of said improvement.

Proceedings under this act.

**439. SEC. 8.** That in any proceeding under this act necessary or proper to be had or taken by any township committee, it shall be lawful for such committee to act or proceed by resolution, and said committee may fix and prescribe the terms and manner by which connections with said sewer

system may be made, and shall maintain said system in good order, and may make extensions thereof from time to time when necessary ; *provided*, that in case any extensions are made commissioners shall be appointed to make assessments of the cost, or part of the cost, thereof in the manner herein provided, and any such assessments shall be collected in the manner herein provided ; the compensation of all commissioners appointed in pursuance of this act shall be fixed by the court in which they shall be appointed and paid by the township committee.

Proviso.

**440. SEC. 9.** That two or more townships, by their committees, may enter into a contract to obtain plans, surveys and estimates of the cost of, and to construct, an outlet or trunk sewer, or to provide a plant or works for collecting and disposing of sewage for their respective townships, or for any towns or villages therein, and any township or townships may in the same manner acquire the right to use any outlet or trunk sewer or sewer system that may be or may have been constructed in any municipality on such terms as may be agreed upon ; *provided*, the assent in writing to the making of any such contract shall be given by the owners of at least one-third in value of the real estate in each of such townships subject to taxation by township officers in the year then next preceding, according to the tax duplicates of such year, and in case any such outlet or trunk sewer or sewer system shall be constructed jointly by two or more townships, the part of the cost thereof that shall be paid by each township or by assessments on lands in each township shall be determined in a manner to be provided in such contract, or if not so provided, then by the commissioners appointed to make assessments of the cost thereof, and any proceeding necessary to be taken to acquire property or to construct such sewer or sewer system shall be taken by the township committees of each township acting in joint meeting, and in the corporate names of the townships represented by them ; but all obligations for money borrowed to construct such sewer or system shall be made by the township committees of the respective townships, parties to such contract, and all proceedings to raise money and to impose and collect assessments for the cost of such sewer or system, or parts thereof, in the respective townships, shall be taken as if each township had constructed the part of the sewer or system therein under this act as an independent sewer or system.

Two or more townships may unite for plans, &c.

Proviso.

Obligations for money borrowed, &c., shall be made separately.

**An act authorizing the issuance of tax arrearage bonds in townships.**

Approved May 9, 1894.

P. L. 1894, p. 276.

**441. SEC. 1.** That in any township in this state which now has, or which may hereafter have tax arrearages due and unpaid, and which are a lien upon real estate in said townships, which shall in the aggregate equal or exceed the sum of one hundred thousand dollars, it shall be lawful for the township committee of any such township to direct by resolution, which shall recite the amount of such unpaid tax arrearages, that "tax arrearage bonds" shall be issued to an amount not exceeding eighty per centum of the original assessment of taxes so remaining unpaid, and it shall be lawful for the township committee to issue its corporate bonds for such an amount, pledging the whole property of the township for the payment thereof, and especially pledging all receipts from such arrearages of taxes so funded thereby, and such bonds shall be signed by the chairman of the township committee and attested by the township clerk under the corporate seal of the township, and shall bear interest at a rate not greater than five per centum per annum, payable semi-annually, and shall not be sold at less than par, and said bonds may be either registered or coupon, as the said township committee may direct.

When tax arrearage bonds shall be issued, &c.

**442. SEC. 2.** That all moneys received as principal and interest on account of said taxes in arrears, for the arrearage of which bonds shall be issued by virtue of the provisions of this act, are hereby pledged and appropriated to commissioners of the sinking fund of such townships heretofore appointed or hereafter to be appointed by ordinance of such town-

Principal and interest on account of arrearages appropriated to sinking fund.

Commissioners shall pay interest and invest surplus.

ships for the payment of the principal and interest of such bonds issued under this act, and it shall be the duty of such commissioners of the sinking fund to pay the interest on such bonds as the same falls due, and all surplus money coming into their hands above the amount needed to pay the interest shall be safely invested by them and applied to the payment of said bonds as they fall due.

Separate account of receipts of arrearages shall be kept.

**443. SEC. 3.** That it shall be the duty of the collector, receiver of taxes or township treasurer, as the case may be, to keep a separate account of all moneys received on account of taxes in arrears, for the arrearage of which bonds have been issued under the provisions of this act, and pay the same as received to or deposit the same in a designated depository to the credit of the commissioners of the sinking fund of such township as he may be directed by the township committee by resolution.

Bonds, how payable, &c.

**444. SEC. 4.** That the bonds issued under the provisions of this act shall be payable within not more than twenty years from their date, and may be made payable in equal annual installments, at the option of the township committee.

**An act with relation to the regulation of driving upon the public streets and avenues of townships in this state.**

P. L. 1894, p. 340.

Approved May 15, 1894.

Township committee may provide ordinance for certain purposes, &c.

**445. SEC. 1.** That it shall be lawful for the township committee of any township in this state to provide by ordinance for the prevention of reckless or immoderate driving along the public streets and avenues in any such township, and to prevent racing thereon, and to regulate the rate of speed which persons may travel upon such avenues, streets or highways, and to fix a penalty for the violation of any such ordinances, in such sum or amount as may be named therein, not to exceed the sum of fifty dollars for each offense, which penalty may be enforced and collected in a summary manner upon arrest and complaint of the violation of any such ordinance, and by the imposition of a fine for the amount of such penalty, upon conviction of such violation by the justice before whom such complaint is made.

Penalty.

Proceedings for arrest, &c.

**446. SEC. 2.** That it shall be lawful for the chief of police, or any officer of the police department of any such township, to arrest without warrant where the offense provided against by any such ordinance is committed within his view, and to take the offender so taken into custody before any justice of the peace within the said township, and such offender shall have lawful right to immediate hearing, if he shall so demand, upon such charge or complaint as may be made by such officer so making the arrest, or any other person, but it shall be lawful for the justice before whom such offender may be brought for the violation of such ordinance to hold the accused to bail for hearing to be had at an early date; that upon such hearing, if demand be made by the accused for a trial by jury, he shall be entitled to have such trial, and, in the event of conviction, the cost of such jury shall be added to the fine which may be imposed by the penalty under the ordinance violated.

**An act authorizing township committees in the state to provide by ordinance for the appointment of a building inspector and to define his duties and powers.**

P. L. 1894, p. 424.

Approved May 17, 1894.

Township committee of certain townships may appoint building inspector.

**447. SEC. 1.** That it shall be lawful for any township committee of any township in this state, having within its territorial limits a population of not less than two thousand inhabitants to the square mile, to provide by ordinance for the creation of, and the appointment of a person to, the office of building inspector, and to define in said ordinance his duties and powers, and generally to direct the manner of carrying out of such duties and the enforcement of the authority conferred upon such officer by said ordinance.

**448. SEC. 2.** That it shall be lawful to fix in such ordinance the penalty or penalties for the violation of any provisions of the same, by any person or persons or corporation, and the method of enforcing the same, which penalty so fixed shall in no case exceed one hundred dollars for any specific violation.

May provide penalty for violation of ordinances.

**An act authorizing the division of townships into street-lighting districts and the erection and maintenance of street lights therein, and the election of street-light commissioners in said district.**

Passed May 25, 1894 P. L. 1894, p. 540

**449. SEC. 1.** That the township committee of any township in any county of the second and third class in this state may, at any time set off and divide the said township into districts to be designated by numbers, and may alter the same from time to time, and shall, by resolution to be entered at length upon their minutes, define and declare the limits, boundaries and numbers of said district, and the same being so defined and declared, shall be deemed and taken as street-lighting districts, and shall be known as and designated by and under the corporate name of street-lighting district number ———, which said district, when so designated, shall be a body corporate and shall possess and be deemed to have power to sue and be sued, complain and defend in any court of law or equity, to make and use a common seal, and all other corporate power necessary for the carrying out the powers hereinafter conferred.

Township committee in certain counties may designate districts, &c.

Districts shall be bodies corporate.

**450. SEC. 2.** That on the first Tuesday of June in each year the legal voters of any such district so designated are hereby authorized to meet for the purpose of electing three persons, who shall be known and designated as commissioners of street-lighting district number ——— and at said time the said legal voters shall determine by ballot, by the vote of the majority of those present and voting, the sum of money to be raised and expended within such district for the ensuing year for the erection and maintenance of street lights; the said meeting for the election of said commissioners and the determination of said sum to be raised shall be held at such public place within the district as the said township committee may designate, and notice of said time and place of such election shall be given by the township clerk and set up in at least three of the most public places within the said district ten days before the said election; that the polls on said election shall be open at ——— o'clock in the afternoon and close at seven o'clock in the evening; the voters there assembled, before any votes are cast, shall elect, by viva voce vote, a judge, inspector and clerk of said election.

Proceedings for election of commissioners, &c.

**451. SEC. 3.** That the sum fixed and appropriated by the majority of said votes cast shall be certified forthwith to the commissioners elected as aforesaid, who shall forthwith certify to the same and give notice to the township assessor of the sum so fixed, who shall assess the same upon the taxable property within said district in the same manner as township taxes are assessed; and said money shall be assessed, levied and collected in the same manner that other township moneys are assessed; and it shall be the duty of the collector of the township in which said district is situate to pay over all moneys received by him which shall have been assessed as aforesaid to the said commissioners.

Result shall be certified to commissioners and commissioners shall notify assessor, &c.

**452. SEC. 4.** That the said commissioners are hereby empowered to expend said moneys for the purpose of lighting the streets within said district and to make contracts for said district with electric light or gas companies for the ——— and maintenance of said street lights during their term of office; the sum to be paid by virtue of said contract shall not exceed the amount voted for at said election, and the said commissioners are hereby empowered to determine what streets shall be lighted within said districts and where street lights shall be erected and the number of the same.

Commissioners empowered to expend moneys for certain purpose.

**453. SEC. 5.** That all acts and parts of acts inconsistent herewith are hereby repealed.

Repealer.

An act to provide for the purchase of water works and water-supply plants and the operation of the same, and to provide the money necessary for the purchase thereof in townships of this state.

Approved February 14, 1895.

P. L. 1895, p. 76.

Township committee may purchase water works, &c.

**454. SEC. 1.** That it shall be lawful for the township committee in the townships of this state to purchase any system of water works or water-supply plant now constructed and in successful operation in such township, owned and operated by any person, persons or corporation, upon such terms as may be agreed upon by said township committee and the said person, persons or corporation owning and operating the said system of water works or water-supply plant.

Election shall first be held, &c.

**455. SEC. 2.** That before the township committee of any township of this state shall purchase or enter into any contract for the purchasing of any water works or water-supply plant, such township committee shall, by resolutions, submit to the legal voters of any such township, the question whether such township will purchase such water works or water-supply plant; if the proposition be to purchase any system of water works or water-supply plant, the ballot to be deposited by those in favor of such proposition shall have printed or written thereon the words "in favor of purchasing water works or water-supply plant," and the legal voters opposed to the purchasing of water works or water-supply plant shall deposit a ballot with the words "opposed to purchasing water works or water-supply plant," printed or written thereon; there shall be a canvass upon the return of the votes upon the question submitted, made by the board of registry and election in the same manner as for officers voted for at any charter or municipal election; and if a majority of the ballots on which there shall be either the words "in favor of purchasing water works or water-supply plant," or "opposed to purchasing water works or water-supply plant," be found to be in favor of purchasing such water works, it shall then be lawful for the said township committee to purchase a system of water works or water-supply plant in conformity with the first section hereof.

Notice of election shall be posted and published in newspapers.

**456. SEC. 3.** That the township committee of any such township may submit the question of purchasing a water works or water-supply plant to the legal voters of any such township at a special election to be held for that purpose, causing thirty days' notice of such election to be posted in five conspicuous places in such township, and to be published in two or more newspapers printed and published in such county and circulating in said township, which notice shall be signed by the township clerk, and shall state the time and purpose of said election, and place where the same will be held in the several precincts or voting divisions in said township.

How election shall be conducted.

**457. SEC. 4.** That the said election shall be held and conducted on the day appointed by the township committee of said township by the board of registry and election and registry or poll clerks that held the last annual or municipal election in such township, in conformity with an act of the legislature of the state of New Jersey, approved May twenty-eighth, one thousand eight hundred and ninety, entitled "A further supplement to an act entitled 'An act to regulate elections,' approved April sixteenth, one thousand eight hundred and seventy-six," and the supplements to said act of May twenty-eighth, one thousand eight hundred and ninety, except as herein otherwise provided; there shall be no registration for such elections, but said board of registry and election shall procure and use at such special election a certified copy of the register of the voters filed with the clerk of said township; and no person shall be entitled to vote whose name does not appear on said registry.

Clerk shall provide polling places, &c.

**458. SEC. 5.** That it shall be the duty of the clerk of such township to provide a room in such election district in which to hold said election, and to notify the clerks and board of registry and election that said room has been procured and where the same is located, in conformity with the act above mentioned, but said clerks shall not have booths or apartments prepared in said rooms, nor shall any booths or apartments be used at such election.

**459.** SEC. 6. That at such election the persons entitled to vote therein shall vote by ballot, and each voter shall give his vote by a single ballot, which shall be a paper ticket, on which shall be written or printed the words provided for in the second section of this act; and no official ballot or official envelope shall be required at such special election.

Official ballot not required.

**460.** SEC. 7. That if at the hour of seven o'clock in the morning of the day of such election, or at any other time during such election, any member of the board of registry and election, or any registry or poll clerk, shall be absent from the place where such election shall be appointed to be held, or shall be disqualified, or being present shall neglect or refuse to perform the duties of such office, it shall be the duty of such board to appoint some other person, qualified to vote in said election, in said election district, who shall then and there be present, to fill such vacancy.

Election board shall fill vacancies on same.

**461.** SEC. 8. That in order to provide for the purchase of a system of water works or water-supply plant under the provisions of this act, it shall be lawful for the township committee of such township, in the corporate name of the said township, to issue its bonds in any sum not exceeding in the aggregate five per centum of the taxable valuation of each township, as shown by the tax valuation, to be designated "water bonds," which shall run for any period not exceeding thirty years, and bear interest at any rate not exceeding five per centum per annum, payable semi-annually, which bonds may be sold and disposed of by the township committee of such township at any sum not less than par, the proceeds of which shall be devoted exclusively for the purchase of a system of water works or water-supply plant owned and operated by any person, persons or corporation; and it shall be the duty of the said township committee to provide by taxation the amount of money necessary to pay the interest on the said bonds so authorized to be issued as the same falls due, and the principal of the said bonds when the same shall mature, and every such township shall have authority to levy and collect taxes for this purpose in case the rents and income from the operation of the said system of water works or water-supply plant shall not be sufficient to provide for the interest on the said bonds, and the payment of the said bonds at their maturity, after deducting such sums from the rents and income as may be necessary to extend the said system of water works or to make repairs thereto.

Committee may issue bonds to pay for water works, &c.

**462.** SEC. 9. That it shall be lawful for the township committee of such township, from time to time, to pass such ordinances as may be necessary for the proper management, control and operation of the said system of water works or water-supply plant, and to appoint such officers as may be necessary, and to define their respective duties and term of office and compensation, and to enforce the collection of the rents, rates and charges in any court of law in this state in the corporate name of the said township.

Committee may regulate management of water works, &c.

**463.** SEC. 10. That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall take effect immediately.

Repealer.

An act respecting certain township officers in townships whereof the territorial limits have been or shall hereafter be changed or altered.

Approved February 18, 1895.

P. L. 1895, p. 85.

**464.** SEC. 1. That whenever the territorial limits of any township have been or shall be altered or changed by taking or setting off and excluding therefrom the portion thereof which is included within the corporate limits of a town or city lying within said township, then and in such case all the township officers of said township excepting the assessor, collector and chosen freeholder shall retain, hold and exercise their respective offices in and for said township with the powers and privileges thereto belonging until the expiration of the terms of office for which they were severally elected.

Except in certain case, township officers shall hold till terms expire.

**465.** SEC. 2. That the township assessor and collector of said township, if they reside within the part of said township that has been set off, shall cease to be officers of said township, but shall exercise and enjoy the office

Township assessor and collector, if residents, shall be officers of town or city set off.

of assessor and collector respectively in said town or city so set off as aforesaid, until the terms for which they were elected shall expire and until their successors are elected; *provided*, that the offices of assessor and collector exist under and by virtue of the provisions of the charter of said town or city or are authorized therein by any law of this state.

Proviso.

Chosen freeholder shall hold office for ward in which he resides.

**466. SEC. 3.** That if the chosen freeholder of said township resides in the incorporated town set off as aforesaid, and said town shall be entitled to elect freeholders by wards, then said chosen freeholder shall hold his said office until the expiration of his term and until his successor is elected as the chosen freeholder from the ward in which he resides, and his successor shall be elected for a term ending at the same time as the terms of the other chosen freeholders of said town or city.

Repealer.

**467. 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 be a public act and shall take effect immediately.

**An act to fix the time at which the term of office of township officers shall begin in counties of the first class.**

P. L. 1895, p. 109.

Approved February 25, 1895.

When term of township and village officers shall begin.

**468. SEC. 1.** That the term of office of all township and village officers who shall hereafter be elected in the several townships and villages in counties of the first class in this state shall begin on the Monday next after the annual town meeting or election at which such officers shall be chosen; and such officers shall continue in office until their successors shall be duly elected and qualified.

Repealer.

**469. SEC. 2.** 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 relating to townships in this state now or hereafter having a population of twelve thousand and five hundred, and within the territorial limits of which there is no incorporated city, town or borough, and providing for certain municipal officers and powers therein.**

P. L. 1895, p. 145.

Approved March 5, 1895.

Certain townships to elect president, term, &c.

**470. SEC. 1.** That in every township of this state which had, by the census of the United States taken in the year one thousand eight hundred and ninety, or which may hereafter have by any census which may hereafter be taken under the authority of any act of congress of the United States or of the legislature of this state a population exceeding twelve thousand and five hundred, and within the territorial limits of which there is no incorporated city, town or borough, there shall be elected at the next annual township election held therein a person resident in such township to be the president of such township; he shall be known as "township president;" he shall be the chief executive officer of such township, and shall possess the powers and privileges and perform the duties hereinafter specified; he shall hold his office for the term of two years from the first Monday in May next following his election, and until his successor is elected and qualified; he shall have authority to appoint, subject to confirmation by the township committee by a majority vote of all the members thereof, the collector, treasurer or receiver of taxes, as the case may be, the auditor, chief of police, chief of fire department, township engineer, a township counsel, a health physician, a police justice and such other officers and employes as may be required in such townships to fill offices which are or may be hereafter created by ordinance; and in townships having such a president all of said officers which are now required by law to be elected by the people or appointed by the township committee shall, from and after the date of the passage of this act, cease to be so elected or appointed, and shall be appointed as herein provided.

**471. SEC. 2.** That it shall become the duty of the president of the township at the annual meeting of the township committee in each year to present in writing to the said township committee, and at such other times as may be deemed expedient, a general statement of the situation and condition of the affairs of said township, with such recommendations as he may think proper; he shall countersign all warrants drawn upon the treasurer, collector or receiver of taxes for the payment of moneys for any township purpose; he shall execute all contracts in the name of the township; he shall have control over and supervision of the conduct and acts of subordinate officers, and have authority to examine into all complaints preferred against them or any of them for violation or neglect of duty and to prefer charges against them on his own motion, and shall have the power to suspend any officer or employe of such township until the next regular meeting of the township committee next after such suspension shall take place, when he shall report in writing to such committee the fact of such suspension and his reasons therefor, and if said committee shall approve by a majority vote of all the members thereof of the act of said president in so suspending such officer or employe the office of the person so suspended shall from such approval be and become vacant; he shall have authority to call a special meeting of the township committee at any time when he shall deem it necessary, stating in the call the object thereof; and he shall generally do and perform all such duties as may be required of him by law or by any ordinance of such township; he shall receive such compensation as shall be fixed by the township committee by ordinance, not to exceed twelve hundred dollars per annum; in case of a vacancy in the office of township president from any cause, the chairman of the township committee shall succeed to the office of township president until the first Monday in May next after such vacancy shall have happened, when a successor shall be elected, and in case of the absence from the township of the township president or his sickness, or his inability from any cause to attend to the duties of his office, the chairman of the town committee shall for the time being possess all the rights and powers of the township president.

Duties, power, &c.,  
of the president.

**472. SEC. 3.** That every ordinance or resolution passed by the township committee in any township to which this act applies shall, before it takes effect, be presented to the president of the township by the township clerk, duly signed by the chairman of the township committee and the township clerk; if he approve it he shall sign it, if not he shall return it with his objections and file it, with such objections, with the township clerk within ten days after he shall receive it, and such township committee shall, at its first regular meeting thereafter, enter the objections at length on the minutes and shall proceed to reconsider the same, and if two-thirds of all the members of such township committee agree to pass the same notwithstanding such objections, it shall take effect; the vote shall be taken by ayes and nays and entered on the minutes; if such ordinance or resolution shall not be returned within ten days as aforesaid, it shall take effect in like manner as if it had been signed.

Duties in reference  
to ordinances, &c.

**473. SEC. 4.** That it shall be unlawful for the township committee of any township to which this act applies to award any contract or purchase any supplies where the amount required to be expended in payment thereof shall be two hundred and fifty dollars or more, except after bids shall have been asked, by public advertisement, as shall be provided by ordinance and publicly received therefor, and such contract shall be awarded to or such purchase made of the lowest bidder therefor, unless the interest of the township will not be promoted thereby, and said committee shall have the right at all times to reject any and all bids which may be made; no award of any contract, and no acceptance of any bid, shall be made in any other manner than by resolution approved by, or passed over the veto of, the township president.

Contracts must be  
awarded to the  
lowest bidder  
after due  
advertisement.

**474. SEC. 5.** That the township committee shall have power and authority to provide by ordinance for the appointment of a street and sewer commissioner at a salary to be fixed by the township committee, and when said officer is so provided for he shall be appointed by the township presi-

Appointment of  
street and sewer  
commissioner,  
&c.

dent, subject to confirmation by the township committee, and shall hold his office for a term to be fixed in the ordinance so authorizing his appointment, not to exceed a period of two years, and it shall be lawful for the township committee to provide in the ordinance authorizing the appointment of such street and sewer commissioner and fixing his compensation, that he may at the same time hold the office of township engineer.

Board of excise shall have power to grant licenses, &c.

**475. SEC. 6.** That all licenses for the sale of strong and spirituous liquors, wine, ale and beer, within the limits of such townships, shall be granted by a board of excise and such board shall have sole power to grant licenses to any person or persons of good moral character, who shall be approved by them, upon the presentation of a petition by such applicant to such board of the same tenor and effect heretofore required to be presented to the judges of the several courts of common pleas in this state for that purpose; the said board of excise shall be composed of three persons, to be appointed by the township president and confirmed by the township committee, and shall hold their office for three years from the date of their appointment; *provided, however,* that in making the first appointment under the provisions of this act, the president shall appoint one person for one year, one person for two years and one person for three years, and thereafter each person appointed shall be appointed for three years, except to fill a vacancy, in which case the appointee shall be for the unexpired term only; all proceeds received from license fees within such townships shall be paid over to and received by the receiver of taxes or other proper officer, before the license shall be issued, and such license shall be signed by the board, or a majority of them, and shall be kept at all times by the person receiving the same in a conspicuous place upon the licensed premises, subject to public inspection.

Proviso.

Ordinances and special acts heretofore enacted shall apply.

**476. SEC. 7.** That all ordinances heretofore adopted by any township in this state to which the provisions of this act shall apply, and all special acts now applicable to such townships and not inconsistent with the provisions of this act, shall be and they are hereby continued in force and effect in all such townships as fully and to all intents and purposes, as if embodied herein, and all acts relative to townships in this state heretofore or hereafter passed shall be applicable to the townships to which this act shall apply, unless by the provisions of said act such townships are expressly excepted or they are inconsistent herewith.

Committee may provide for enforcement of ordinances.

**477. SEC. 8.** That the township committee may provide by ordinance for the enforcement of the ordinances heretofore adopted or hereafter to be adopted by a fine not exceeding the sum of one hundred dollars in any one case or by imprisonment not exceeding ten days, or by both such fine and imprisonment, and the police force in such township shall have power to arrest without warrant any person who shall be detected in the act of violating any of such ordinances, and the police officers of any such township shall have, within the territorial limits of such townships, all the powers of a constable under the laws of this state for the arrest of offenders, and for the service of process issued out of the court for the trial of small causes, or by a justice of the peace or police justice.

Act shall remain inoperative unless adopted at an election.

**478. SEC. 9.** That this act shall take effect immediately, but its provisions shall remain inoperative in any township of this state until assented to by a majority of the legal voters thereof voting at an election to be held in such township at any time to be fixed by the township committee thereof, of which the township clerk shall cause public notice of the time and place of holding such election to be given, by advertisements signed by himself and set up in at least twenty public places in such township for at least six days previous to the day of such election; and said clerk shall provide for each elector voting at such election ballots to be printed or written, or partly printed and partly written, on which shall be either the words "for the adoption for this township of the provisions of an act entitled 'An act relating to townships in this state now or hereafter having a population of twelve thousand and five hundred, and within the territorial limits of which there is no incorporated city, town or borough, and providing for certain municipal officers and powers therein,'" or "against the adop-

Proceedings for, &c.

tion for this township of the provisions of an act entitled 'An act relating to townships in this state now or hereafter having a population of twelve thousand and five hundred, and within the territorial limits of which there is no incorporated city, town or borough, and providing for certain municipal officers and powers therein ;' " that the places for holding such election shall be procured by the township clerk under the direction of the township committee, and the polls at such election shall be opened at six o'clock in the forenoon and closed at seven o'clock in the afternoon, and such election shall be conducted by the proper election officers of the several election districts of such township for the time being and in such manner as may then be prescribed by the law regulating township elections therein ; but no previous registration of voters or the maintenance of booths or compartments in the polling places on the day of such election shall be required at any election held under this act ; and the officers of each election district shall return to the township committee of such township a true and correct statement in writing under their hand of the result of such election in their respective districts, which return shall be entered at large upon the minutes of said committee ; if it appears from such returns so made that a majority of the persons voting have voted for adoption, then this act shall in all respects be and become operative in such township, and binding on the inhabitants thereof and upon all persons and property to be affected thereby, and shall abrogate, repeal and annul all acts and parts of acts now existing, whether general or special, in anywise affecting the government of such township, so far as the same are contrary to or inconsistent with the provisions of this act ; *provided, however,* that this act shall not be submitted to the voters of any township by the township committee thereof more frequently than once in any one year under the authority conferred by this section.

Proviso.

**An act fixing the time for holding elections for township officers and members of the boards of chosen freeholders in certain townships of this state.**

Approved March 7, 1895.

P. L. 1895, p. 209.

**479. SEC. 1.** That in all townships in the counties of the second class in this state having a population not exceeding one hundred thousand inhabitants, the elections for township officers and members of the boards of chosen freeholders shall be held on the second Tuesday in the month of March.

Time for holding elections in certain townships.

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

Repealer.

**An act respecting the townships in this state which have been or may hereafter be divided into wards.**

Approved March 7, 1895.

P. L. 1895, p. 211.

**481. SEC. 1.** That hereafter it shall not be lawful to form or create any borough out of any part of the territory of any township in this state which now is or hereafter may be divided into wards.

Borough shall not be created of townships divided into wards.

**482. 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 15, 1895.

P. L. 1895, p. 782.

**483. SEC. 1.** That the act to which this is a supplement shall not be held or construed to apply to such part of the territory of any township in this state divided into wards, as is defined by the description and boundaries contained in an application and proceedings for the formation of a borough government made and taken before the approval of the said act ; but such defined and described territory may be formed into a borough by due course of law in all respects as if the act to which this act is a supplement had not passed.

Certain act shall not be construed as applying to certain borough governments.

An act relating to the supply of water for public uses in townships  
of counties of the first class.

P. L. 1895, p. 565.

Approved March 22, 1895.

Certain townships  
may contract with  
adjoining municipi-  
pality for a  
water supply.

**484. SEC. 1.** That the township committee of any township of a county of the first class of this state owning its own pipes and mains and hydrants shall have power, in the name of the inhabitants of the said township, to enter into and make a contract or agreement with the municipal authorities of any adjoining city or with any water company, for a term of five years or less, for the obtaining and furnishing of a supply of water to be used by the said township for public purposes and uses, at such rates and upon such terms as can be mutually agreed upon.

Township com-  
mittee may  
establish rules  
and regulations  
for water service.  
Receipts, how  
applied, &c.

**485. SEC. 2.** That the said township committee may supply the water so obtained to the inhabitants of the said township upon such terms, rents, rates, prices and regulations as may be determined upon by the said township committee, and that the money so received from the sale of water shall be applied towards the payment of the water in accordance with the terms of the contract or agreement entered into as provided by section one hereof, and that the balance thereof shall be applied by the township committee to defray the necessary expenses, repairs, maintenance and the extension of such pipes and hydrants; *provided, however,* that the money so received from the sale of water upon any portion of the main or any extension of pipes and hydrants, now made or which may hereafter be made, and for which bonds of the inhabitants of said township are now issued, whether the same be issued by virtue of any general or special act, or for which bonds shall be hereafter issued under the terms of this act, after the deduction of its proportion of the money to be applied to the payment of water in accordance with the contract or agreement entered into as provided by section one hereof, shall be applied towards the creation of a fund for the payment of the principal and interest of said bonds.

Proviso.

**486. SEC. 3.** That the owner and occupier of any house, tenement, building or lot shall each be liable for the payment of the rent of water as fixed by the said township committee, for the use of the water by such owner or such occupier, and such rent so fixed shall be a lien upon said house, tenement, building or lot until the same shall be paid and satisfied; that the said township committee shall have authority to require payment in advance for the use or rent of water furnished by the said township in or upon any building, place or premises, and in case prompt payment of any water rent or water rents shall not be made when the same shall become due, the water shall be shut off from said building, place or premises, and shall not be again supplied until such arrears, with interest thereon, shall be fully paid; and it shall and may be lawful for the said township committee to give notice once a week for four week, by advertisement in a newspaper published in said township, requiring the owners or occupants of such houses, tenements or buildings or lots, to pay such water rents remaining due or unpaid thereon, and if the same are not paid, such houses, tenements or buildings or lots will be sold at public auction by the tax collector in the manner now provided for the sale of real property for unpaid taxes for the amount of the rent, with interest thereon, and the expenses of such advertisement and all other incidental expenses, and if, notwithstanding such notice, the owners or occupants refuse or neglect to pay such rents, interest and expenses, then it shall be lawful for the said township committee to direct the said tax collector to sell such houses, tenements, buildings or lots in the manner provided by law for the sale of real property for unpaid taxes in said township.

Water rents  
shall be a lien  
upon property  
served, &c.

Water mains may  
be extended.

**487. SEC. 4.** That when application from any of the inhabitants of the said township for water have been made to the township committee from any part of the township not then supplied with water, which, when taken at the rate established by the township committee as provided by section two hereof, shall amount in value to at least one-tenth of the estimated cost of extending the main from the most available section of the former main to the place for which water has been applied, it shall be lawful for the

township committee to cause the said main to be extended and all necessary hydrants to be constructed thereon, and the said township committee is hereby authorized and empowered, if there are not sufficient funds at its disposal to make said extension, to borrow upon the credit of the township by the issuance of promissory notes or bonds of the inhabitants of such township, signed by the chairman of such committee and attested by the clerk of the township under the seal of the township, which bonds shall pledge the whole property of the township for the payment thereof, and especially pledge the rents derived from the sale of water on such extension according to section two of this act, which bonds or notes shall bear interest at a rate not greater than five per centum per annum, and the interest may be made payable semi-annually and the bonds to be either registered or coupon, as the township committee shall direct; said notes or bonds may be made payable at such time as said township committee may direct, but no bonds shall be issued for a longer period than ten years from the date thereof, nor shall the same be negotiated at less than par; *provided, however*, that no bonds shall be issued under this act whereby the bonded indebtedness of said township shall thereby be caused to exceed twenty per centum of the average assessed valuation of the real property in said township for the three years immediately preceding the said proposed issue.

Bonds may be issued, &c.

Proviso.

**488. SEC. 5.** That any contract for the supply of water or any issue of notes or bonds heretofore made and which, except for the date of the same, would otherwise fall within the terms and conditions of this act, are hereby declared good and valid and are hereby given the same effect as if made after the passage of this act.

Notes or bonds heretofore issued validated.

**489. SEC. 6.** That the provisions of this act shall remain inoperative in any such township until assented to by a majority of the legal votes cast for or against such measure at any regular township election to be hereafter held in such township, of which election on such proposed measure the clerk of the township shall cause notice to be published in the manner now required by him for notices of regular township elections, and the ballots provided at such election for such purpose shall contain the words "for water bill of 1895" or "against water bill of 1895," and, if a majority of the votes cast thereat shall be in favor of this act, then it shall go into effect immediately.

This act inoperative until adopted at an election.

Proceedings for, &c.

**An act concerning townships wherein boroughs have been or shall hereafter be incorporated.**

Approved March 22, 1895.

P. L. 1895, p. 572.

**490. SEC. 1.** That the township committee or committees and the mayor and council of any one or more boroughs formed within any township or townships, shall within twenty days after the first annual election for borough officers hold a joint meeting at some convenient place within the township, and shall ascertain and determine thereat or at an adjourned meeting what amount of the unexpended balances of township moneys, against which there are no outstanding demands, is due to the borough or boroughs aforesaid; that such amount shall be ascertained and calculated upon the proportion that the assessed valuation of real and personal property within the territorial limits of the borough, as appears by the township duplicates for the preceding year, bears to the likewise assessed valuation within the whole township, and thereupon said township committee shall, by resolution, direct the collector of taxes or township treasurer, or both, as the case may be, to pay such sum or sums so found to be due to the collector of taxes for the borough or boroughs, as the case may be, for the use of the borough.

Township and borough authorities shall meet and apportion taxes to be collected, &c.

**491. SEC. 2.** That this act shall apply to and be enforced within the townships wherein boroughs have been incorporated since the first day of January, one thousand eight hundred and ninety-four.

Act to apply to certain townships.

**492. 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.