CHARTER

OF

THE CITY OF HOBOKEN,

IN THE STATE OF NEW JERSEY,

PASSED BY THE LEGISLATURE OF SAID STATE
MARCH 28TH, 1855.

WITH

The Several Supplements thereto, including the Supplement Approved April 6th, 1871,

AND

ACTS CREATING THE FIRE DEPARTMENT OF SAID CITY, BOARD OF WATER COMMISSIONERS, &C., &C.

COMPILED BY

JOHN C. BESSON, Counsellor-at-Law,

FOR

THE MAYOR AND COUNCIL OF THE CITY OF HOBOKEN.

HOBOKEN, N. J.:
A. O. EVANS, Steam Book and Job Printer, 56 Washington Street.

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AN ACT

TO INCORPORATE THE CITY OF HOBOKEN.

TITLE I.—*Of the boundaries and civil divisions of the city.*

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of that part of the county of Hudson embraced within the following boundaries, to wit: Beginning at a point in the middle of Hudson river due east from the mouth of Loss or Sluice creek; thence running due west to the centre of said creek at its mouth; thence along the centre of said creek, the several courses thereof, to the great bend in the same;* thence down the centre of the principal ditch, on the west line of lands of the late John G. Costar, to the public road leading from North Bergen to Hoboken:† from thence due south to the north line of Jersey City;‡ thence along said north line easterly to the mouth of Eel Creek; thence to the middle of Hudson river; thence northerly, up and along the middle of said Hudson river, to the point of beginning. Boundaries of city.

*See act entitled "An Act to create a new township in the county of Hudson, to be called the Township of Weehawken," approved March 15, 1859.

†See Pam. L. 1867, p. 956, sec. 6, Sup. approved April 6, 1866. For southerly boundary see supplement, approved Jan. 29, 1867.

‡See "An Act to Incorporate Jersey City," approved March 18, 1851. Pam. Laws 1851, p. 392.

be and they are hereby constituted a body corporate and politic, in fact and in name, by the name of "the Mayor and Council of the city of Hoboken;" and they and their successors may use a common seal, and, by their corporate name, shall be in law, within the limits and under the restrictions hereinafter prescribed, capable of purchasing, holding, and conveying, for the public use of said corporation, any estate, real or personal, that the public good requires to be so purchased, held, or conveyed; and the said mayor and council of the city of Hoboken, and their successors, shall, by virtue of this act, become and be absolutely and completely vested with all the lands, tenements, hereditaments, property, rights, causes of action, and estate whatsoever, both in law and in equity, in possession, reversion, or remainder, which at the time of the passing of this act are vested in or belong to the inhabitants of the township of Hoboken, in their corporate capacity, and be liable to pay all the just debts of the said inhabitants of the township of Hoboken owed in their corporate capacity.

Boundaries of wards.

2. *And be it enacted*, That the said city shall be divided into three districts or wards, in the manner following, to wit: All that part of the city lying south of the middle line of Third street shall constitute the first ward of said city; and all that part lying north of the middle line of Third street, and east of the middle line of Bloomfield street, shall constitute the second ward of said city; and all that part of said city lying north of the middle line of Third street, and west of the middle line of Bloomfield street, shall constitute the third ward of the said city of Hoboken.*

*"An Act to create a Fourth Ward in the city of Hoboken," approved March 16, 1869.

TITLE II.—*Of the officers of the city, their election, duties, and term of office.*

City officers.

3. *And be it enacted*, That hereafter, and until otherwise provided for by law, there shall be elected, in and for the said city, a mayor, a treasurer, a clerk of the city, a collector, a collector of arrears of taxes,* an overseer of the poor, a superintendent of common schools,† a street commissioner,‡ a pound keeper,§ a chief engineer of the fire department, and one assistant engineer, who shall hold their offices for one year, all of whom shall be elected at the charter elections, except the chief engineer and the assistant engineer of the fire department, who shall be elected by the members of said department, in the same manner as prescribed by an act entitled, "An act to incorporate the fire department of the township of Hoboken, in the county of Hudson," approved March fifteenth, one thousand eight hundred and fifty-four.

Ward officers.

4. *And be it enacted*, That the ward officers shall be, for each ward, two councilmen,‖ one judge of election, two inspectors of election, one assessor, one trustee of common schools,¶ two chosen freeholders, one constable, one commissioner of appeals, and a clerk, who shall be clerk of election; and the councilmen of each ward shall perform such duties as by the laws of the state devolve ex-officio on the town committeemen in the other townships of this state; and each ward, for general purposes not provided for in this act, shall be considered a township, and each of the three city asses-

*Supplement approved April 6, 1871.

†Superintendent of Schools abolished by supplement, approved March 21, 1865, sec. 12.

‡Street commissioner and overseer of poor to be appointed. Supplement approved March 21, 1865, sec. 13.

§"A pound keeper" stricken out. See act approved March 15, 1861, sec. 1.

‖"Three councilmen," term of office, &c. See supplement approved Feb. 16, 1863.

¶Three trustees. See supplement approved March 21, 1865, sec. 10.

sors shall, in the meeting of county assessors, have the same voice as the assessors of any township in the county.*

Election of officers.

5. *And be it enacted*, That the charter election shall be held on the second Tuesday in April, in each year, at such place, in each ward, as a majority of the council shall designate; *provided, however*, that the first election shall be held for the first ward, in the town hall; for the second ward in school room in Washington street, near Fourth; and for the third ward, in the academy on public square on north side of Fourth street, in rear of Methodist church, or at such other places as the township committee may direct; said elections shall be held and conducted by the judge, inspectors, and clerk of election, at the same hours, in the same manner, and under the same regulations, in all things, as prescribed by law for the state elections and for members of the legislature, except that the return of the election shall be made to the city clerk within forty-eight hours after the closing of the polls, which return shall be a full, true, and correct copy of the original statement of the result of such election, made by such judge and inspectors, and shall be signed by them with their own hands and attested by the clerk, and the city clerk shall, when he receives such return, immediately file the same in his office as an official paper.

Proviso.

Who entitled to vote.

6. *And be it enacted*, That every person who would, by the existing laws of the state, be entitled to vote at an election for members of the legislature, if held on that day, shall be entitled to vote at the charter election; and any person voting in any ward shall have actually resided in said ward at least five days previous to such election, and he shall be entitled to vote in that ward, and no other; and no person shall be

*See supplement approved April 6, 1871.

eligible to vote upon any proposition appropriating moneys raised or to be raised by taxation, unless he shall be entitled to vote at the charter elections for charter officers.

Electio cared.

7. *And be it enacted*, That the person or persons receiving the greatest number of votes of those given in the city, for any city office, and of votes given in each ward, respectively, for any office in that ward, shall be elected to that office.

Duties of board of city canvassers.

8. *And be it enacted*, That the judge of election in each ward, in every such election, shall attend the meeting of the board of city canvassers, hereinafter provided for, as a member thereof, with the original statement of the result of such election in such ward, which shall have been made, signed and certified as herein before directed; that the judges of election, together with the members of the board of councilmen whose term of office will not expire till after the next succeeding charter election, shall constitute the board of city canvassers;* a majority of said board shall be a quorum, and the city clerk shall be clerk of said board; that such board shall meet on the Friday next after such election, at five o'clock in the afternoon of that day, at the council chamber in said city, and at that hour, without delay, the members of said board who shall be then present, if more than five in number, shall proceed to choose one of their number, who shall be chairman thereof; and as soon as such chairman shall be appointed, it shall be his duty to administer to each of the other members, and of each of the other members to take an oath or affirmation in the following form: "I do swear (or affirm, as the case may be,) that I will faithfully and impartially execute the duties of a member of this board of city canvassers according to law;" and thereupon one of the members of said board

*Amended by supplement approved March 18, 1863.

shall administer to said chairman, and said chairman shall take an oath or affirmation in the same form as that taken by the other members of such board; and if the city clerk shall be absent at such meeting, at the time appointed therefor, the board shall forthwith, after the oaths or affirmations shall have been administered, as herein before directed, proceed to appoint a fit person to be clerk of such board; and before proceeding to canvass and estimate the votes, the chairman of the said board shall administer to the clerk thereof, and the said clerk shall take an oath or affirmation in the following form: "I do swear (or affirm, as the case may be,) that I will faithfully execute the duties of clerk of this board, according to law;" thereupon the judges of election, who shall be present as members of said board, shall produce the original statements which shall have been delivered to them, respectively, by the electors, and lay the same before such board; and from them the said board shall proceed to ascertain the votes given at such election, for the several persons voted for thereat, for the several offices mentioned in such statements.

Certified copy of statement may be used, if original not produced.

9. *And be it enacted*, That if any of the judges shall be unable to attend such meeting, on the day appointed therefor, he shall, at or before the hour of five o'clock in the afternoon of that day, deliver, or safely transmit to the city clerk, the original statement of the result of the election, which shall have been delivered to him, as herein before directed; and if, from any cause, such original statement shall not be produced to said board of city canvassers at the time appointed for the meeting of said board, the city clerk shall produce and lay before the said board the certified copy thereof filed in his office; and thereupon the said board shall proceed to make their statement and declaration from such certified copy, in the same manner and with the same effect as if the original statement had been produced

by the judge of election to whom the same was delivered.

Written statement to be made.

10. *And be it enacted*, That the said board of canvassers shall make a written statement of the whole number of votes given for mayor of said city, as well as for the several other officers to be elected for said city, and the several wards thereof, the names of the persons for whom such votes were given, and the number of votes given for each.

Statement of board of canvassers to be filed.

11. *And be it enacted*, That upon such statement, the board shall proceed to determine and declare what person or persons have received the highest number of votes for each of the offices mentioned in such statement; in case any two or more persons shall have received an equal number of votes for the same office, a new election shall be ordered within five days from the meeting of said board, to fill any or all such offices; the statement and final declaration of the board shall be certified by the presiding officer and clerk, and filed in the office of the city clerk.

Statement and declaration to be published.

12. *And be it enacted*, That the clerk shall keep proper minutes of the proceedings of the board, and enter the same, with the statement and declaration of the board, in the book of minutes of the council; said statement and declaration shall, within one week thereafter, be published in one or more of the newspapers printed in said city; and within ten days after the board shall have determined what persons have been elected to the several offices in said city, the said clerk shall cause written notices of his election to be given to each of the persons so elected.

State and county elections.

13. *And be it enacted*, That all elections hereafter to be held within the city, for members of the senate and general assembly of this state, for sheriff, clerk, surrogate, and coroners of the county of Hudson, and for members of congress and electors of president and vice-president of the United States, or for any other officers

of the general or state government or officers of the said county of Hudson, to be elected by the people, shall be held in the several wards of the said city, at the places therein appointed by the council for holding the city elections, on the day or days which now are or hereafter may be designated for holding such elections; the polls shall be opened at eight o'clock in the forenoon, and closed at seven o'clock in the afternoon; and the judges and inspectors of election before mentioned shall preside at and conduct all such elections; and the clerks of the said wards shall be the clerks of such elections in their respective wards; every person in said city, entitled to vote at such elections, shall give his vote in the ward wherein he actually resides at the time of such election, and not elsewhere; and in case any person, at any election whatever held in said city, shall vote, or offer his vote, in a ward in which he is not entitled to vote, he shall be liable to the penalty prescribed in the fiftieth section, chapter first, of the act entitled, "An act to regulate elections," approved April sixteenth, one thousand eight hundred and forty-six, to be sued for and recovered, in the name of the clerk of the ward where the offence shall be committed, in an action of debt, with costs, and applied to the use of the poor of said city.

Duties and powers of officers of election.

14. *And be it enacted*, That the said judges and inspectors of election shall take the same oaths, and conduct such elections, and make returns thereof, in the same manner as the township officers of election are or may be by law required to do, and shall be vested with the same powers and authority, entitled to the same compensation, and perform the same duties, and be subject to the same penalties, as the like officers of the townships of this state are or may be by law vested with, allowed, or subject to; and in case of the absence, death, incompetency, or refusal to serve of any of the said officers of elections at any election provided

for by this act, such vacancy or vacancies shall be supplied in the manner prescribed by law for supplying such vacancies in the townships of this state; and the clerk of the city shall procure election boxes for the use of the several wards, in such manner and of such descriptions as are required to be procured by the township clerks of this state, and be subject to the same penalties as township clerks are subject to for neglecting to procure such boxes, and keeping the same in repair.

Duties and powers of mayor.

15. *And be it enacted*, That the mayor shall be elected annually, and no person shall be eligible to that office unless he shall have resided in the city at least two years, and attained the age of thirty years; it shall be his duty to see that the laws of the state and the ordinances of the city are faithfully executed therein, and to recommend to the council such measures as he may deem necessary or expedient for the welfare of the city; as the head of the police of the city, he shall maintain peace and good order therein, and shall have power to suppress all riots and tumultuous assemblies, and to cause to be arrested, without process or warrant, and to commit for trial, all persons violating, or whom he has reason to believe have violated, the laws of the state or ordinances of the city; he shall possess the same powers and authority in criminal cases with which justices of the peace are invested; he shall have power to suspend any policeman for cause, to be by him assigned to the council in writing; in case of his absence from the city, or his inability to perform the duties of his office, the chairman of the council shall, during the continuance of such absence or inability, be vested with the powers and execute the duties of the mayor.

Justices of the peace to issue warrant for breach of ordinance.

16. *And be it enacted*, That any justice of the peace in said city be and he is hereby empowered, on oath, affirmation, or affidavit, made according to law, that any

person or persons has or have been guilty of a violation of any of the ordinances of said city, to issue a process, either in the nature of a summons or a warrant, as to him may seem most advisable, against the person or persons so violating such ordinance, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons, be returnable in five entire days; that such process shall state what ordinance or ordinances the defendant or defendants named therein has or have violated, and in what manner the same has been violated; and that on the return of such process, or at the time to which the justice of the peace shall have adjourned the same, the said justice of the peace shall proceed to hear testimony, and to determine and give judgment in the matter, without the filing of any pleadings; and that the justice of the peace shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels and person of the defendant or defendants; *provided*, that in all cases where the fine or penalty shall exceed ten dollars, or where the punishment may be imprisonment, there may be a trial by jury, to be conducted as in cases now triable by jury in the courts for trial of small causes, and also an appeal, as in cases where appeal may now be had from judgments in courts for the trial of small causes; *and provided also*, that in all cases an appeal may be made to the council for a remission of any penalty that may be inflicted or adjudged.

Proviso.

Proviso.

Penalty for not delivering books to successor.

17. *And be it enacted*, That if any person, having been an officer of the said city, shall not, within ten days after he shall have vacated or been removed from the office, and upon notification and request by the city clerk, or within such reasonable time thereafter as the council shall allow, deliver over to his successor in office all the property, books, and papers belonging to the city, or appertaining to such office, in his possession or under his control, he shall forfeit and pay to the city the sum of five hundred dollars, to be sued for and recovered, with costs.

Vacancies, how supplied

18. *And be it enacted*, That in case a vacancy shall occur, either by a refusal to serve, death, removal, resignation, or from any other cause whatever, in any of the offices mentioned in the preceding sections of this act, it shall and may be lawful for the city council to appoint others to fill such vacancies for the unexpired terms, (except) such as are heretofore provided for; and the person or persons so appointed to fill such vacancy or vacancies shall, during the said term, perform the like services, and be entitled to the same compensation, and subject to the like responsibilities and penalties, as if elected at the annual election aforesaid; and if any of the officers elected at the said annual elections, or who shall be appointed to fill any vacancy under this act, shall not qualify according to law within twenty days after any such election shall be held or appointment made by the city council, the office to which he or they were elected or appointed shall be deemed vacant.

Duties of treasurer

19. *And be it enacted*, That the treasurer shall receive, safely keep, and disburse, under the direction of the council, all moneys belonging to or under the control of the city; he shall also keep an accurate account of all receipts and payments, and make returns thereof monthly, or oftener if required, in such manner as the council shall direct; no money shall be paid out of the treasury, except on warrant signed by the mayor or acting mayor, and countersigned by the city clerk, except for the payment of bonds for the city, and certificates of indebtedness for improvements given by the city, and interest on the same, and moneys paid into the city treasury for the redemption of property sold for taxes and assessments; and no warrant shall be drawn on the treasurer by said officers, except in pur-

suance of an order of the council, passed at a stated meeting of the board, and entered in their minutes; all such warrants shall be numbered and made payable to the order of the person or persons entitled to receive the same, and shall specify for what purpose the amount therein mentioned is directed to be paid; it shall be the duty of the clerk, before he delivers any warrant so drawn, to enter in the margin of a book, to be provided for the purpose, to be called "the warrant book," opposite to said warrant, the number, date, and amount of the same, the date of the order or resolution authorizing it to be drawn, the purpose for which it was ordered, and the name of the person or persons to whose order the same is made payable, and to take his or their receipt in said book, at the end of said marginal entry, for the said warrant.

Duties of city clerk.

20. *And be it enacted*, That the city clerk shall, in addition to the duties in this act required of him, have charge of all the records, books, papers, and documents of the city, except when the council shall, by ordinance otherwise direct, countersign all licenses signed by the mayor, and keep the record of the proceedings of the council; he shall engross all the ordinances of the council in a book, to be provided for by that purpose, with proper indexes, which book shall be deemed a public record of such ordinances, and each ordinance shall be signed in the book by the mayor, or acting mayor, and said clerk; copies of all papers duly filed in this office, and transcripts thereof, and of the records and proceedings of the council, and copies of the laws and ordinances of the said city, certified by him under the corporate seal, shall be evidence in all courts and places; he shall also receive and pay over to the treasurer all moneys which by any law or usage are paid to the clerk of the city.

Overseer of the poor and superintendent of schools.

21. *And be it enacted*, That the overseer of the poor and superintendent of schools shall respectively per-

form such duties as by the laws of this state now appertain to and devolve upon the overseers of the poor and superintendents of schools in the several townships of this state, except as changed by this act, or any ordinance passed by virtue thereof, and shall, in addition thereto, perform such other duties, and receive such compensation as the council shall by ordinance direct and award.

Commissioners of appeal.

22. *And be it enacted*, That the commissioners of appeal shall have the same powers and perform the same duties, and be entitled to like compensation, that commissioners of appeals in the several townships, of this state now have or hereafter may have; and, in addition, they shall have the power to examine the person or persons appealing in cases of taxation under oath, as to the valuation or amount of the chattels assessed against them respectively; and it shall be the duty of the said commissioners to receive the oath of any person appealing, when offered by him relative thereto.*

Member of council may arrest offenders.

23. *And be it enacted*, That every member of the council shall have the power, and it shall be his duty, without warrant, to arrest, or cause to be arrested, any person engaged in his presence in disturbing the public peace or violating any law of the state or ordinance of the city for the preservation of good order and morality, and to bring, or cause such person to be brought, before any justice of the peace, or some other magistrate, to be dealt with according to law.

Official terms of officers.

24. *And be it enacted*, That the official term of the several persons who shall be elected in pursuance of this act shall commence on the first Monday of May next after their election, and they shall continue in office until the end of their term, unless removed, as herein provided; and no appointments for the full term

* Sec. 22. Repealed. See Supplement Appd., Mar, 23, 1859. Supplement Appd., April 6, 1866.

shall be made more than one week prior to the commencement of the said term.

Officers to give bond.

25. *And be it enacted*, That the city treasurer, city clerk, collector of taxes, and collector of arrears of taxes, and such other officers as the council may require, shall, before they enter on the duties of their office, give bonds to the city, in its corporate name, in such sums and with such freehold securities as the council may approve, for the faithful performance of their duties; and all constables shall give bonds to the city, in the manner required by law, with freehold sureties, to be approved of by the council.

Elections for justices of the peace.

26. *And be it enacted*, That for the election of justices of the peace, each ward shall be considered as a township, and, until the census, each ward shall be entitled to one justice only.

Fines.

27. *And be it enacted*, That all fines inflicted by ordinances shall, when received, be paid into the city treasury.

TITLE III.—*Of the Constitution and Duties of the Council.*

Legislative powers.

28. *And be it enacted*, That the legislative powers of said corporation shall be vested in a mayor and board of councilmen.

Board of councilmen.

29. *And be it enacted*, That the board of councilmen shall consist of the councilmen elected from each ward; and each councilman shall, at the time of his election, be an elector of the ward in which he is chosen, and shall have been a resident of the city for at least two years immediately previous thereto, and shall have attained the age of twenty-five years.

Councilmen to be divided into classes.

30. *And be it enacted*, That the board of councilmen first elected under and by virtue of this act shall, at their first meeting after their election, divide the councilmen of each ward, by lot, into two equal classes, one of which shall go out of office at the expiration of the first year, and the other at the expiration of the second

year; and that, on the second Tuesday of April, of the year one thousand eight hundred and fifty-six, and every year thereafter, the said wards shall, respectively, elect one person as councilman of said ward, who shall hold such office for two years; and in case of death or disability of any councilman, a person shall be duly elected to fill the unexpired term.

Vacancies in council.

31. *And be it enacted*, That in case any councilman shall, after his election or during his term of office, remove out of the ward in which he shall have been elected, his office shall be deemed vacant, and he shall no longer act as councilman; any councilman may also resign his office at any time, by filing written notice thereof with the city clerk; and the council shall have power to direct a special election to supply any vacancy that may occur, but such person so elected shall hold his office only for the residue of the term so vacated.

Quorum.

32. *And be it enacted*, That a majority of the council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day.*

Chairman of council.

33. *And be it enacted*, That the council shall annually elect a chairman from its own body, and in his absence a chairman for the time being, choose officers, appoint its time of meeting, be the sole judge of the qualifications of its members, determine the rule of its own proceedings, and keep a journal thereof.

Ordinance to be signed by mayor.

34. *And be it enacted*, That every ordinance of the council, and every resolution of the council affecting the interest of the city, shall, before it takes effect, be presented, duly certified, to the mayor; if he approve it, he shall sign it, if not, he shall return it, with his objections, and file the same with the clerk within ten days after he received it; and the said board shall, at

*See supplement approved March 23, 1859, which adds the words, "and compel the attendance of absen members."

its first regular meeting thereafter, order the objections to be entered at large on its journal, after which it shall proceed to reconsider the same, and if two-thirds of the members elected shall then pass the same, it shall take effect as a law, but in every such case the vote shall be taken by ayes and nays, and entered on the journal; and if such ordinance or resolution shall not be so returned by the mayor within ten days after he has received it, it shall become a law, in like manner as if he had signed it; *provided always*, that each and every ordinance, so passed as aforesaid, shall be published, for the space of twenty days, in at least one newspaper published or circulated in said city or county, before said ordinance shall go into effect; *provided also*, that no ordinance or by-law shall be enacted or passed by the said council, unless the same shall have been introduced before the said council at a previous stated meeting, and shall have been agreed to by at least four members of the council.

Proviso.

Proviso.

Annual statement to be published.

35. *And be it enacted*, That the council shall, at least once a year, not more than thirty, nor less than twenty days before the annual city election, publish, in such of the newspapers printed in the city or county as they shall designate, a full statement of all the receipts and expenditures, of every description, for the fiscal year preceding such statement, including all the moneys which have passed through the hands of the treasurer, for any purpose whatever, together with the different sources of city revenue, the amount received under each, the several appropriations made by the council, the objects for which the same were made, and the sums expended for each; also any moneys borrowed upon the credit of the city, whether by temporary loans or by the issue of bonds, the terms upon which they were obtained, the authority under which they were borrowed, and the purposes to which they were applied, and how much of the same, or other city

indebtedness, has been repaid, and by what means; the statements shall also include a detailed account of the city property, existing debts of every description, and the condition of the sinking fund, with all such other information as may be necessary for a full understanding of the financial concerns of the city.

Meetings of council.

36. *And be it enacted*, That the council shall hold stated meetings, at least once in each month, at such time and place as they may appoint; but the mayor, or, in his absence, any two councilmen, may call special meetings, by notice to each of the members of said council, served personally or left at his usual place of abode.

Resignations.

37. *And be it enacted*, That resignation of any office held under the council by the provisions of this act may be made to the council, and the council may fill such vacancy for the remainder of the current civil year.

Removal from office.

38. *And be it enacted*, That the council, for cause, may remove any person appointed by them under the provisions of this act by a vote of two-thirds of the members of said council; and the cause therefor, together with the ayes and nays upon the vote taken, shall be entered at large upon the journal of the council.*

Members of council not to hold office when emoluments are paid from city treasury.

39. *And be it enacted*, That no member of the council shall, during the period for which he was elected, be appointed to or competent to hold any office, the emoluments of which are paid from the city treasury, or be directly or indirectly interested in any work or business, or in the sale of any article, the expense, price, or consideration of which is paid from said city treasury, or by any assessment levied by any act or ordinance of said council; nor shall any such member be directly or indirectly interested in the purchase of any real

*This section is repealed and supplied by supplement approved March 15, 1861, sec. 5.

estate or other property belonging to the corporation, or which shall be sold for taxes or assessments, or become security for any officer appointed by said council, or for any contractor under the city government, under the penalty of five hundred dollars for each offence, to be recoverable by suit in the name of the city clerk; and the said amount, when received, to be paid in the city treasury.

TITLE IV.—*Of the powers of the council.*

Ordinances. 40. *And be it enacted*, That the said council shall have power to pass, alter, and repeal ordinances, to take effect within said city, for the following purposes:

Public buildings. First. To manage, regulate, control, and protect the finances and property of the city, and for the building, erecting, and maintaining school houses and a city prison, and such other buildings as may be necessary for the objects of this charter.

Police. Second. To establish, regulate, and control a day and night police, and to regulate and define the manner of their appointment and removal, their duties and their compensation.*

Fire Department. Third. To control and regulate the fire department of the city, subject to the provisions of "An act to incorporate the fire department of the township of Hoboken," approved March fifteenth, eighteen hundred and fifty-four, except so much of said act as shall conflict with the provisions of this act, which parts be and are hereby repealed; to make such reasonable regulations, as to the manner of building dwelling houses and other buildings, the manufacture and keeping of gunpowder, fire works, and other dangerous and combustible articles, and to prevent, within certain limits, to be from time to time prescribed by ordinance, the erection of wooden buildings.

*See supplement approved March 17, 1870.

Lamps. Fourth. To provide lamps, gas posts, and gas, to light the streets, docks, piers, wharves, public squares, and public buildings of said city.

Wells and Pumps. Fifth. To control and regulate all the wells and pumps in the public streets and squares, and to make all necessary arrangements for a full and copious supply of good and wholesome water for public and private use; to make ordinances for the distribution of the same, and to impose assessments for the use thereof, which assessments shall be binding upon improved and unimproved lots so assessed, and may be collected in the same manner as prescribed in this act for the collection of assessments for grading, paving, curbing, flagging, and laying out of public streets, squares, and alleys; *provided*, that no arrangement shall be made with any parties which will involve an expense to the city of more than one dollar per annum, per capita, for every actual resident in the city; a census, to determine the number of residents, shall be taken between the tenth and twentieth days of December, in each year, by two persons to be appointed, one by the council and one by the contractor; *and provided*, that when the annual payments to the contractor shall amount to twenty thousand dollars per annum, then the increased payments shall cease, and the contractor shall continue the supply of water at the rate of twenty thousand dollars per annum, but either party may have the privilege of ending the contract, by giving three years' notice to that effect; *and provided*, that the water rates shall in no case exceed the water rates now charged in New York or Jersey City; *and provided also*, that nothing herein contained shall be so construed as to authorize the issue of bonds or other evidences of debt by the city for such purposes; and in case no arrangement shall be made with any company or person to furnish a sufficient supply of water for public and private purposes, as above specified, within one year after this

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charter shall go into operation, then that a two-thirds vote of the inhabitants of Hoboken (being legal voters), at their succeeding charter election, may authorize the council to construct proper water works, and to borrow money, in such manner as they may direct, for the construction of such works.

Grading, paving, and regulating streets.

Sixth. To make, lay out, and improve all public streets, alleys, squares, and grounds, and to establish such as have been already laid out; and to regulate and govern the levelling, pitching, and constructing of the streets and alleys and the raising and levelling of streets and alleys and of all lots and grounds for building, as well public as private, except those already established; to establish the boundaries of all streets and public alleys, and prevent and remove all encroachments, encumbrances, and nuisances in or upon the same; to pave, gravel, curb, and gutter the streets; to flag, or pave with brick, the side walks, to repair the side walks, or any of them, or any part thereof; to reset the curb and gutters in the streets; to compel the occupiers and owners of improved lots to curb and flag, or pave with brick, the side walks opposite their lots, except those already flagged or paved, and to compel the owners of vacant lots to curb and flag, or pave with brick, not less than three feet wide, the side walks opposite said lots, and to keep the same and the gutters swept and clean, and clear the snow and ice, and other impediments; to prevent horses, cattle, swine, goats, and geese* from running at large in the streets, and to provide for the impounding and sale of the same, and the destruction of diseased quadrupeds; to prevent immoderate driving in the streets and riding or driving over or upon the side walks, and to regulate the speed and running of locomotive engines and railroad cars through said city; to construct and build

* "And other animals." See Supplement, approved March 23, 1859, Sec. 3.

sewers and drains in and from the public streets and squares, and such alley ways as may be dedicated for draining purposes; *provided*, the owners of two-thirds of the property upon such streets or alleys shall petition, in writing, to said council to have such sewers or drains constructed; *and provided*, the owners of two thirds of all property of said city shall petition, in writing, to said council to have such public squares sewered or drained, the clerk of said city to keep on file said petitions, for the inspection of all persons interested, to regulate the building of vaults and the laying of water or gas pipes in or under the streets, and, in every other respect, to secure to the public and the adjoining owners the safe and convenient use of the streets and side walks, squares and public grounds, for the purpose for which they are or may be laid out and dedicated, (in all that part of said city lying south of the following described boundaries, to wit: commencing at a point in the centre of the Hudson river due east from the stone wall of Edwin A. Stevens, where it strikes the wall leading to the Sybil's cave, and running west to said wall; thence westerly, along said wall, to the easterly line of Hudson street; thence northerly, along the easterly line of Hudson street, to the northerly line of Seventh street; and thence westerly, along the northerly line of Seventh street, to the western boundary of said city.)*

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Docks and wharves.

Seventh. To regulate and order the building of a dock at the foot of Third street, in said city, at the expense of said city, such dock not to exceed in width the width of said street, and to regulate said dock and the use thereof, when built, and the rates of wharfage, such wharfage to be received by said corporation for their use and benefit, and to make such regulations touching the same, not inconsistent with the laws of

* All of this clause after the words "laid out and dedicated" repealed. See supplement, approved March 23, 1859, sec. 10.

this state and the United States, as to them may appear proper and necessary; but nothing herein contained shall be so construed as to give the corporate authorities any right or privilege as shore owners, nor to deprive the shore owners of any right as shore owners, nor any right to permit or establish a ferry, nor any privilege as riparian owners; and further, that it shall be lawful for the shore owners to fill out or extend the shore along the line of the dock herein provided to be built at any time when they may so elect; but that, in case of any such extension or filling out, they shall, at their own cost, build and extend said dock as many feet beyond the then extreme end of said dock as they shall fill in from the shore, said extension to be made of the same width, and equal in every respect to the dock then in use.

Nuisances.

Eighth. To declare, by general law, what shall be considered nuisances in lots, streets, docks, wharves, and piers, and to direct, provide for, and to enforce their removal, and to provide for the sale or other disposition of all encumbrances on the streets, side walks, docks, wharves, and piers.*

Health laws.

Ninth. To provide health laws, and to enact all such ordinances as they may deem necessary to protect the health of the city.†

Inns and taverns.

Tenth. To license and regulate inns or taverns for the sale of or traffic in intoxicating drink or drinks, and to license, regulate, and prohibit hawkers, peddlers, hucksters, butchers, slaughter-houses, and markets, on such terms and under such regulations and penalties as the council shall by ordinance impose; and no other license for such purpose within said city, granted by any other authority, shall be lawful, except licenses granted by the governor to hawkers and peddlers.‡

* Supplement, approved April 6, 1871, sec. 19.
† See supplement, approved April 4, 1867, sec. 4.
‡ Tenth clause stricken out and supplied by supplement, approved March 23, 1859, sec. 4.

Carmen and hack drivers.

Eleventh. To license, carmen, hack drivers, omnibus drivers, and porters, and to prohibit all persons, not so licensed, from following the employment of a carman, hack driver, omnibus driver, or porter, in said city.*

Keeper of city prison, &c.

Twelfth. To provide that the said councilmen, or a majority of them, in council assembled, by not less than four concurring votes, shall and may, from time to time, elect and appoint a keeper of the city prison, a weigh-master, an inspector of lumber, firewood, coal, and other fuel, and to define and prescribe their powers and duties, which officers, so appointed, shall continue in office until others shall be appointed to succeed them, and be sworn into office.

Gaming houses, &c.

Thirteenth. To prevent and suppress gaming houses and to prohibit gaming, and to restrain and punish all mendicants, vagrants, street beggars, and common prostitutes.

Riots.

Fourteenth. To suppress riots, disorderly and tumultuous assemblies, and to suppress vice and immorality.

Violation of ordinances.

Fifteenth. To punish, by fines, or imprisonment in the city prison, all violations of any ordinance authorized by this act, and to provide all means which they may judge necessary to carry into effect the objects and powers provided for by this act; and no fine shall exceed fifty dollars, or imprisonment ten days.

Interments, &c.

Sixteenth. To regulate or prohibit interments within the city, and bathing in the adjacent waters, and the exhibition of shows, caravans, circuses, or other like matters, and the firing of guns, fire crackers, or other fire works, in said city.

Dogs.

Seventeenth. To restrain all dogs from running at large, and to authorize their destruction.†

* Ib., sec. 5.
† "To impose taxes on dogs." See supplement approved March 23, 1859, sec. 6. For further powers of the council see supplement approved March 15, 1861, secs. 6, 10, 11; supplement approved April 4, 1867; supplement approved April 6, 1868; supplement approved April 6, 1871.

Council may borrow money.

41. *And be it enacted*, That it shall be lawful for the said council to borrow money, from time to time; *provided*, that the board shall be so empowered by the people at any annual charter election, who shall determine, by a majority vote, the amounts and the general purposes for which any sum may be so borrowed, when in such case it may be lawful for the board of council to secure the payment thereof, by the issue of bonds, or other instrument, under the common seal and the signature of the mayor, and to provide by tax for the payment thereof; *and provided*, there shall not be a greater sum than five thousand dollars raised by loan in any one year, unless the people, by a two-thirds vote at any charter election, otherwise direct; *and provided also*, the said city shall not owe more than ten thousand dollars at any one time, except as provided in Title IV., section 5, of this act.

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Yeas and nays to be recorded.

42. *And be it enacted*, That on the adoption of every ordinance passed by said council, either for the appropriation of moneys, laying of assessment, taxes, or paving and grading of streets, or for appointments or municipal regulations, the yeas and nays shall be taken, and recorded in full upon the minutes of said council by the city clerk.

TITLE V.—*Of taxes, and their collection.**

Tax authorized to be raised.

43. *And be it enacted*, That the people shall have power, at their annual charter election, by a majority of votes, to raise by tax from year to year, for public purposes, any sum or sums of money, not exceeding in the aggregate the amount hereinafter prescribed; and the council shall appropriate, as directed by the people (at such charter election), all such moneys as have been so directed to be raised, for the purposes of lighting the streets, supporting a night watch, supplying

* See supplement approved April 6, 1871, sec. 18; also supplement approved April 6, 1868.

the city with water to extinguish fires, for repairing the streets, for improving the public grounds, maintaining the poor, supporting and maintaining public schools, erecting and maintaining market houses, school houses, a city prison, for contingent expenses, and all other purposes authorized by this charter; and that the expenditure of such moneys shall be confined to the objects for which they were directed, and be appropriated to no other; and the tax for such purposes shall not exceed, in any one year, three mills* on a dollar of the actual and true value of the property assessed; all taxes for city purposes shall be assessed by the three assessors, acting together, within the time directed by the laws of this state for assessing township, county, and state taxes, in the manner following: They shall assess a poll tax on every white male resident over the age of twenty-one years, who is not a pauper, not less than fifty cents, nor more than one dollar, which shall be a school tax, and shall be paid to the superintendent of public schools, for the support of public schools; they shall also assess real estate and chattels situate in the city, both of residents and non-residents, except such real estate and chattels belonging to religious corporations or churches, or used or occupied by or for public schools or academies, as is by law exempt from taxation by the assessors of townships, and also the real estate and chattels belonging to the mayor and council of said city, in their corporate capacity, by valuing the same at its true, full, fair value, designating the number of lots or parcels of land, and the value of personal chattels which they assess to each person; and every person owning or having in his charge any lands or chattels in said city shall, on application of said assessors, or either of them, disclose and specify the quantity and situation of such

Manner of assessing and collecting tax.

* "Three mills" stricken out and "eight mills" substituted. See supplement approved April 6, 1866.

lands, and the amount, nature, and value of such chattels; and if any person refuse to answer or give such information, when required, the said assessors shall value his real estate and chattels at double the amount which they may believe the same to be worth, and such person shall have no relief therefrom before the commissioners of appeal, except for so much as exceeds the double value of his estate; and the residue of such city tax, after deducting the amount raised by the poll tax, shall be assessed and raised by such per centum on the whole valuation of such real estate and chattels as is required to make such residue; and all taxes so assessed for city purposes shall be collected by the collector, in the same manner as he is by law directed to collect township, county, and state taxes, and shall be paid over by him to the city treasurer, except such moneys as may have been collected for public school purposes, which shall be paid over to the superintendent of public schools, as soon as collected, and before the thirtieth day of December, in each year.

Expenses of collection.

44. *And be it enacted*, That the several assessors shall, in addition to the whole amount of taxes authorized to be laid, assess, to cover losses and expenses, such sum or sums as will cover their own and the collectors' fees, as allowed by law, and five per cent. additional upon the whole sum to be raised,* to be applied to the supply of any deficiency by reason of losses of taxes not collectable, and to defray the necessary expenses of collection; the surplus, if any, shall be applied to such purposes as the council may direct.†

Collector to make return of delinquent tax-payers.

45. *And be it enacted*, That the collector of the said city, in case of the nonpayment of taxes on or before the twentieth day of December, in each year, shall make out a list of the names of the delinquents, with the sums due from them, respectively, thereto annexed,

* "Fifteen per centum." See supplement, approved April 4, 1867.
† See supplement, approved March 23, 1859, sec. 7.

and deliver the same to the clerk of the said city, on the thirtieth day of December, in every year, except when the said day shall be Sunday, and then on the next day following;* and it shall be the duty of such clerk to lay the same before the council, at a meeting thereof held next after the same shall be delivered to him, and thereupon the said council shall deliver the same to the collector of arrears of taxes, (who shall proceed and issue a tax warrant thereon, as provided by law in case of taxes in townships, who shall have power to collect the same, in like manner, in all things, as the constables in townships are directed by law,† *provided*, such collector shall, before he delivers such list to the said clerk, take and subscribe an oath or affirmation, before some justice of the peace of said city, that the moneys in the said list mentioned have been duly demanded, or due notice thereof given at the usual place of residence of each delinquent who could be found or may then reside in the said city.

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Interest to be charged on unpaid taxes.

46. *And be it enacted*, That whenever, within the said city, any tax shall remain unpaid after the twentieth day of December, in every year, it shall be lawful for the collector of arrears of taxes to charge, receive, and collect, in addition to the amount of said tax, interest thereon, to be computed at the rate of twelve per centum per annum, from the twentieth day of December, in each year, until the same is paid; and such interest shall be paid over by the said collector of arrears of taxes to the treasurer of said city, in like manner and at the same time as he may be required to pay over to said treasurer all taxes by him collected, except such as have been collected for public school purposes, which shall be paid over to the superintendent of public schools.

* "Fifteenth day of January." See supplement, approved March 30, 1869.
† Amended, see supplement, approved March 15, 1861, Sec. 13, 14.

Collector may deduct interest in certain cases.

47. *And be it enacted*, That if any person or persons, from whom any tax shall hereafter be due and payable to the said city, for state, county, or city purposes, shall pay the same or any part thereof, to the collector of the said city before the time appointed by law for the said collector to return a list of delinquent tax payers, it shall be lawful for the said collector to allow and deduct from the amount of said tax, so paid, interest thereon, to be computed at the rate of seven per centum per annum, from the time when the said tax shall be received by the said collector until the time appointed by law to make such return of the list of delinquents aforesaid; *provided*, that nothing herein contained shall be so construed as to exempt the said council, or the treasurer of said city, from paying over to the treasurer of this state, or the collector of Hudson county, the full quota of taxes required by law to be raised in said city for state and county purposes.

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Real Estate may be sold for payment of taxes.

48. *And be it enacted*, That all taxes and assessments, which shall hereafter be assessed or made upon any lands, tenements, or real estate situate in said city, shall be and remain a lien thereon until paid, notwithstanding any devise, descent, alienation, mortgage, or other encumbrance thereof; and that if the full amount of any such tax or assessment shall not be paid and satisfied within the time limited for the payment thereof, it shall and may be lawful for the council to cause such lands, tenements, or real estate to be sold at auction, for the shortest term for which any person will agree to take the same, and pay such tax or assessment, or the balance thereof remaining unpaid, with the interest thereon, and all costs, charges, and expenses, and to execute, under the common seal of the said city, a declaration of such sale, to be signed by the mayor and city clerk, and to deliver the same to the purchaser; and such purchaser, his executors, administrators, or assigns, shall, by virtue thereof, lawfully hold and enjoy

the said lands, tenements, or real estate, for his and their own proper use, against the owner or owners thereof, and all persons claiming under him or them, until his said term shall be completed and ended; *provided*, that the said council shall first have caused such sale to be advertised, for at least sixty days, in at least one public newspaper printed and published in said city, and if no newspaper shall be printed and published in the said city, then in at least one public newspaper generally circulated in the said city, and also by advertisements put up in at least five public places in the said city, which advertisements shall describe the said lands, tenements, or real estate, and specify the amount of the assessment or tax, and the recitals in such declaration of sale shall be evidence of the assessment, advertising, and sale; *and provided also*, that the lands, tenements, or real estate, so sold, may be redeemed by the owner, mortgagee, occupant, or person interested therein, or by any other person, for and on behalf of the owner, mortgagee, or claimant of such lands, tenements, or real estate, at any time within two years after the sale, for either taxes or assessments, or for both, by paying to the treasurer of the city, for the use of said purchaser, the said purchase money, together with any other sum paid for tax or assessment, which the said purchaser may have paid, chargeable on said lands, tenements, or real estate, and which he is hereby authorized to do, with interest thereon, at the rate of fifteen per centum per annum, in addition thereto; and the certificate of the treasurer of the city, stating the payment, and showing what lands, tenements, or real estate such payment is intended to redeem, shall be evidence of such redemption; the mortgagee shall have power to redeem, at any time, until after the expiration of the six months' notice herein specified; no mortgagee, whose mortgage shall have been duly recorded before sale for any tax or assessment, shall be effected by such sale,

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unless six months' notice in writing shall have been given to him by the purchaser, or those claiming under him, either personally, or if not to be found in the city, then such notice shall be deposited in the post office of said city, directed to him at his last known place of residence (or at the post office nearest thereto), but nothing herein contained shall be so construed so as to impair the lien created by such tax, assesement, or sale; within a month after the service of such notice by the purchaser, or by those claiming under him, it shall be the duty of the person serving, or causing the same to be served, to file in the city clerk's office a copy of the notice served, together with the affidavit of some person, who shall be certified by the officer before whom said affidavit shall be taken to be a credible person, proving the due service of said notice, which affidavit shall be evidence in all courts of the facts therein contained; *and provided also*, that the said term of time for which any land, tenement, or real estate, so sold as aforesaid, shall not commence, nor shall said purchaser, or those claiming under him, have a right of possession to said land, tenement, or real estate, until the two years limited for the redemption of the same shall have expired; and the said purchaser, or those claiming under him, shall, at the expiration of said declaration of sale, quit and surrender the said lands, tenements or real estate, in as good state and condition as when he entered thereon, natural wear and accidents excepted; *provided also*, that the sale of such lands, tenements, or real estate, or any portion of them, may be adjourned or postponed from time to time, or suspended, as the council may direct; *and provided*, that if, at any sale of lands, tenements, or real estate, for assessment or taxes, the whole, or any part thereof, shall remain unsold for the want of purchasers, then it shall and may be lawful for the said council to adjourn the said sale, not less than thirty, nor more than sixty days; twenty days'

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notice, at least, shall be given, as aforesaid, of the said adjourned sale; and if, at said adjourned sale, there shall be no purchasers for said lands, tenements, or real estate, or any part thereof, then it shall and may be lawful for the treasurer of the city to purchase the said lands, tenements, or real estate for the benefit of the city, subject to the same redemption as hereinbefore provided for; *provided also*, that all moneys paid for the redemption of said lands, tenements, or real estate, as aforesaid, together with such taxes and assessments paid by a mortgagee or judgment creditor, shall be a lien on said lands, tenements, or real estate for the amount so paid, with interest, at the rate of seven per centum per annum; and such lien shall have precedence of all other liens on said lands, tenements, or real estate, and on foreclosure of any mortgage by such mortgagee redeeming, shall be directed to be made out of said lands, and, on sale of said lands under any such judgment, shall be paid out of the proceeds of sale; *provided further*, that a complete record of all taxes and assessments shall be kept in the city clerk's office, which record shall contain the time when such assessments and taxes were laid, the time when they were paid, and, if the property has been sold therefor, the time of said sale, and to whom sold, and if redeemed, when and by whom; it shall be the duty of the city clerk to record, in a book, to be called "records of sales," all declarations of sale, to give certificates of search, in relation to liens, to any person or persons applying for the same, and to cancel such declarations, when the property for which they were given shall be redeemed, on certificate of the treasurer of such redemption, and to file said certificate in the clerk's office; it shall be the duty of the treasurer to make out two certificates for all property redeemed, one for the person redeeming and one to be filed in the city clerk's office.

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Notice to be given of time for redemption,

49. *And be it enacted*, That it shall be the duty of the council to give notice of the expiration of the time limited for the redemption of all lands sold for assessments or taxes by virtue of this act, by advertisement as aforesaid, sixty days next preceding the expiration of the time so limited for redemption, specifying the property unredeemed, and the amount due thereon.*

Assessment and collection of state and county taxes.

50. *And be it enacted*, That all state and county taxes shall be assessed by the assessors in like manner and upon the same property as city taxes are assessed, and they shall be collected by the collector in like manner as city taxes are collected by him, and shall be paid over by him to the county collector, in like manner and under like penalties as township collectors are directed by law ; *provided however*, that the proportion or quota of tax to be levied and collected in said city for state and county purposes shall be adjusted and fixed, from year to year, upon the same basis or ratio as by the laws of this state is or may be adjusted and fixed for the several townships in this state, for which purpose the assessors shall make a list of such persons and property as are by law liable to such taxes.

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Lamp, water and police district.

51. *And be it enacted*, That the council shall establish, by ordinance, certain limits in said city, to be called the lamp, water, and police district, which district shall not extend north of the line designated in Title IV., section 6, of this act, nor northwest of the line of lands of the late John G. Coster, and shall appropriate such moneys as may be directed by a vote of the people, which shall be raised for the expenses of lighting the streets, and supporting the police, and providing water, and such amount shall be assessed only on property lying within such lamp, water, and police district ; and

* Owner to pay full costs of advertising. See Supplement approved March 15, 1861, sec. 20.

the assessors shall assess such taxes separately from all other taxes, and shall assess them only on property within the lamp, water, and police district*.

TITLE VI.—*Of improvements, and assessments therefor.*

Assessments for opening and repairing streets.

52. *And be it enacted*, That all expense for improvements in opening, grading, guttering, curbing, bridging, and paving streets, and for flagging side walks, and for filling and refilling side walks, and for repairing and resetting flagging in or on the side walks, and for repairing and resetting curb and gutters, and bridge stone and bridging, and for building wells, pumps. cisterns, drains, and sewers, shall be assessed upon and paid by the lands and real estate benefited by the same, in proportion to the benefit received ; †all propositions for such improvements, except for opening streets and constructing sewers, shall be advertised by the council, in one of the city papers, for twenty days before the same are adopted, and the parties interested shall, if they desire, have an opportunity of being heard thereon before the council or their appropriate committee ; *provided*, that for paving any street, or portion of a street, lying without the limits before described, the consent of the owners of a majority of the lots to be assessed therefor shall be first had and obtained ; and the expenses of such improvements, when completed, shall be ascertained and assessed by three impartial commissioners, not interested therein, who shall be appointed by the council from the freeholders resident in the city, which commissioners shall examine into the whole matter, and shall determine and report, in writing, to the council, what real estate ought to be assessed for such improvement, and what proportion of such expenses

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* Sec. 51. Repealed. See Supplement approved March 23, 1859, sec. 9.

† See Supplement approved Feb. 23, 1870.

shall be assessed to each separate parcel or lot of land, and shall accompany such report with a map containing each lot assessed, and the name of the owner or owners thereof, which report and map shall be filed in the office of the city clerk, and be by him recorded in the assessment book; whereupon the said clerk shall cause to be inserted in at least one of the newspapers published in said city, for at least ten days, a notice of the filing of said report, and that the council will meet at a time and place, to be specified in said notice, to consider said assessment, and receive and consider all objections thereto, which may be presented in writing; and if the council shall confirm said assessment, it shall constitute a lien on the property assessed for the amount of such assessment.

Lands may be taken on payment of value.

53. *And be it enacted*, That the council shall have power to take any lands that they may judge necessary for the opening of Third steeet, upon paying to the owner the fair value of the lands taken, and of the improvements thereon, and the damage done to any distinct lot, or parcel, or tenement, by taking part of it for such purpose; *provided*, that the owners of property benefited thereby shall pay a just and equitable proportion of the expenses and costs of opening said street.

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Payment of assessment of damages to owners.

54. *And be it enacted*, That upon completing the report of the commissioners assessing the value of lands taken, and the damages thereby, the city treasurer shall tender and pay to the owner of said lands, if resident in the city, the amount of such assessment due to him; but if such owner is not resident in the city, or upon due inquiry cannot be found therein, or is a lunatic or idiot or an infant, or if, from any other lawful cause, he is incapacitated to receive the same, or if such owner will not accept the same, and sign a proper receipt therefor, when tendered, then the city treasurer shall make affidavit of such facts, and file the same with the

city clerk; and the council shall, after inquiry into the facts of the case, direct the amount of such assessment to be placed either in the city treasury or in some safe bank, for the use of the person to whom the same may be due; and upon filing such receipt of the owner, or the passing of such resolution by the council, the said lands shall be vested in the city, and the city officers may proceed with such improvements, and the said moneys, so deposited, shall be paid by the city to the person entitled thereto, on demand, without interest, except from such time as a demand may be made and payment refused.

Commissioners of assessment to take oath.

55. *And be it enacted*, That all commissioners of assessments, appointed by or under this act, shall, before they proceed to the duties of their appointment, subscribe and take an oath, before the mayor or city clerk, faithfully, honestly, and impartially to perform the duties required of them, and shall receive such compensation for their services as the council shall, by general ordinance, fix and ordain, such compensation not to exceed two dollars per day.*

Grading and paving public streets.

56. *And be it enacted*, That the council shall have power to grade, pave, and remove obstructions in all streets, public grounds, and public squares, that are or may become public streets, public grounds, and public squares or highways, by dedication or otherwise (south of the lines heretofore described.)†

Expenses, how paid.

57. *And be it enacted*, That all work and materials for improvements, exceeding in cost one hundred dollars, shall be done or furnished by contract, and all contracts for doing work, or furnishing materials for the improvements provided for in this act, shall be advertised for twenty days previous in a city paper, and

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* The words "south of the lines heretofore described" repealed. See Supplement approved March 23, 1859, sec. 11.

† See Supplement approved March 15, 1861, sec. 8.

shall at all times be given to the lowest bidder who will comply with all the requirements of the council and will give ample freehold security for doing said work and furnishing said materials according to contract; and all bids shall be opened in public, and at a time previously noticed in the advertisement above mentioned.*

TITLE VII.—*Of the auditing of claims against the city.*

Claims against city to be audit d.

58. *And be it enacted*, That all claims and demands against the city shall be audited by the council, upon days to be designated for the purpose, at least as often as once in three months; all claims must be presented in writing; they shall be numbered and filed by the clerk, and a brief entry of the name of the claimant, number, nature, and amount of the claim, made by the clerk, in a book kept by him for the purpose, prepared with appropriate letters and columns, so that the entry shall serve as an alphabetical index to the claim; the book shall be provided with a column, in which shall be entered, after the claim, the date, when it is audited, and the amount, if any, allowed thereon; the claims shall be audited, and the amounts allowed paid without unreasonable delay; in case the council shall disallow any claim, or allow but a part thereof, its decision shall be a bar to the claim disallowed, or the part not allowed, unless an action shall be commenced against the city thereon within six months from the time the same was audited.

Notice to be given of auditing accounts.

59. *And be it enacted*, That at least two weeks before Thursday, in the second week prior to the annual city election, the council shall cause a notice to be published in one or more of the newspapers published in said city or county, and the publication to be continued for two

* See *ib.* sec. 9.

weeks, that upon such Thursday it will meet for the purpose of auditing all claims and demands against the city which have not been audited; upon such Thursday the council shall meet, and proceed to audit all claims against the city which have been or may then be presented, and to make provision for the payment of all such claims, and of all portions of claims, which it shall have allowed or may then allow.

Claims not to bear interest, except in certain cases.

60. *And be it enacted*, That no claim against the city, which has been presented to the council to be audited, shall be withdrawn from the files; no claim or demand against the city which has not been audited, or which has not been liquidated by the council, shall bear interest, unless it shall have been presented to the council to be audited previous to or at the annual auditing of claims provided for in this title; but the provisions of this title shall not apply to claims on bonds or certificates of indebtedness for improvements given by the city, or to moneys paid into the city treasury for redemption of property sold for taxes or assessments.

Costs on actions against city.

61 *And be it enacted*, That no costs shall be recovered against the city, in any action brought against it for any unliquidated claim which has not been presented to the council to be audited, nor shall costs be recovered against the city, in any action upon any unliquidated claim which shall have been allowed in part by the council, unless the recovery shall be for a greater sum than the amount allowed by the council, with the interest thereon from the time it was allowed.

TITLE VIII.—*Miscellaneous provisions.*

Taxes unpaid when act takes effect.

62. *And be it enacted*, That all taxes and assessments made and due before this act shall take effect in the township of Hoboken, and not then paid, shall be collected and received by the mayor and council of Hoboken, in the name of the collector of the township of Hoboken; and the property liable to be sold therefor shall

be sold as if this act had not been passed; and any duty in such collection and sale, imposed upon any officer under the township, shall be performed by the corresponding officer elected or appointed under this act.

Council to fix salaries of officers.

63. *And be it enacted*, That the council shall have power to fix the salary, pay, or compensation of all officers appointed by them by general ordinance, such salary or pay shall not exceed that of similar officers in Jersey City; and the salary or compensation of any officer, which has once been fixed, shall not be increased during the continuance of his term of office.

First charter election.

64. *And be it enacted*, That the first charter election under this act shall take place on the second Tuesday in April next, and it shall be held by one judge, two inspectors of election, and one clerk in each ward; those entitled to act by the laws of the township shall hold the election in the first wards, and those for the second and third ward shall be appointed by the township committee; and said election shall be held at such place as before directed; and said township committee shall cause notice of the appointment of such officers, and such places for holding the polls, to be published and posted, for at least seven days before the day of election, in the several wards of said city; and the present town committee and three judges of election shall meet at the town hall on the morning of Thursday next after such election, at ten o'clock, A. M., and be a board of canvassers of such election; and the clerk of election in each of said wards, shall bring, in person, to such board of canvassers the statement of the votes given in his ward, as made and certified by the board of election in such ward, and from such statements, the said board of canvassers shall then and there make a statement of the whole number of votes cast for each person voted for in said election, and shall declare the person who shall have received the greatest number of

votes for any office elected thereto; the said board of canvassers shall sign their names to said statement and declaration in duplicate and shall forthwith publish such declaration in each of the public newspapers printed in said city, and shall deliver one copy of such statement and declaration to the clerk of said city.

Inhabitants not incompetent witnesses in trials where city is party.

65. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any fact, to which issue or investigation the mayor and council of Hoboken is a party, or in which it is interested, no person shall be deemed an incompetent judge, witness, or juror, by reason of his being an inhabitant, freeholder, or freeman of the said city; and that if any person shall be sued or impleaded by reason of anything done by virtue of this act, it shall be lawful for such person to plead the general issue, and give this act and special matter in evidence at the trial.

Terms of present officers, when to cease.

66. *And be it enacted*, That all the township officers of the township of Hoboken shall continue in office and have all the power and authority now vested in them by law, until the mayor and council first elected under this act shall be sworn into office and organized, from and after which time their authority shall cease and determine, except so far as shall be necessary to carry out the provisions of this act.

Compensation of officers.

67. *And be it enacted*, That the sums hereafter specified, and no other, shall be the pay or compensation to be received per annum by the persons filling the following offices for the time being, and shall remain the same until altered by the legislature of this state: the mayor shall receive the sum of two hundred and fifty dollars, the treasurer the sum of fifty dollars, the city clerk the sum of three hundred dollars; the collector shall receive the same fees as those paid to the township collectors in other townships of the state; the collector of arrears of taxes shall receive five per cent. upon all moneys received by him, which amount he shall be en-

titled to demand and receive from the person or persons owing and paying said arrears of taxes and assessments; the street commissioner shall receive the sum of two dollars for every day actually spent in the service of the city; each councilman shall receive one dollar per day for each day actually spent on the business of the city; the overseer of the poor, the poundkeeper, the assessors, judges of election, inspectors of election, clerk of election, comissioner of appeals, shall receive the same compensation that the overseer of the poor, the poundkeeper, the assessors, the judges of election, the inspectors of election, and the commissioner of appeals, of the different townships of the state, are entitled to receive by the statute laws of the state; and the payment of all salaries shall be made by the city treasurer, upon the presentation of the proper warrant, on the first day of each quarter of the fiscal year, out of any moneys he may have on hand belonging to said city.*

Justices of the peaco and commissioners of deeds.

68. *And be it enacted*, That the present justices of the peace and commissioners for acknowledgment and proof of deeds shall continue in office, for the residue of their terms, as justices and commissioners, respectively, in that ward in which they respectively reside at the passage of this act; and that each ward shall be entitled to two commissioners of deeds, who shall be appointed in the manner prescribed by the statutes of the state.

Election to be held for adoption or rejection of charter.

69. *And be it enacted*, That this act shall not go into effect unless the assent of a majority of the electors of the township of Hoboken shall be first obtained, and, for this purpose, a poll shall be opened on the twenty-ninth day of March, eighteen hundred and fifty-five, between the hours of twelve o'clock, noon, and six in the afternoon, under the direction of the inspectors of the last election of the said township, and at the place where the last election was held for members of the township

* See Supplement approved, March 23, 1859, sec. 12.

committee, of which time and place the township committee of said township shall give, at least, one week's previous notice in one of the newspapers published or circulated in the said township; and the electors entitled to vote for members of the township committee of said township, as now constituted, shall express their assent or refusal of this act, by depositing their ballots in the box provided for this purpose in said township; and those electors who are in favor of the said law shall each deposit a ballot containing the word "Charter," written or printed thereon, and those who are opposed shall each deposit a ballot with the words "No charter," written or printed thereon; and a canvass and return of the votes shall be made by the said inspectors to the township committee of Hoboken; and if a majority of those who vote at such election are found to be in favor of this act, it shall then, but not otherwise, go into effect.

Former acts repealed.

70. *And be it enacted*, That all acts in relation to the township of Hoboken, and all provisions of a public character in any of the acts relative to the Hoboken Land and Improvement Company, and the Bergen Land Improvement Company, inconsistent with this act, be and are hereby repealed, but the repeal shall not affect any proceedings had or commenced under the same when this act takes effect, nor any rights or dues to which the said city or township, or any person or persons, is or are entitled by virtue thereof.

Act may be repealed, &c,

71. *And be it enacted*, That the legislature may at any time alter, amend, or repeal this act; and this act shall be a public act, and take effect immediately.

Vested rights of persons or corporations.

72. *And be it enacted*, That nothing in this act contained shall be construed to interfere with or impair the vested rights and privileges of any person or corporation whatever, except as to property taken for public use upon compensation, as provided for in this act.

Approved March 28, 1855.

CHAPTER CXCVIII.

AN ACT to authorize the Mayor and Council of the city of Hoboken to sell or exchange the lands known as the burying ground in the city of Hoboken.

Preamble. WHEREAS, the late John Stevens, dedicated to public use a plot of ground in Hoboken, known as the burying ground, situated between Hudson and River, and Sixth and Seventh streets, in Hoboken, being the said lands described in a certain deed from the Hoboken Land and Improvement Company of the county of Hudson, New Jersey, to the mayor and council of the city of Hoboken, dated October first, eighteen hundred and fifty-five; AND WHEREAS, the said plot is located in the central portion of the city of Hoboken, and it is considered that the further use thereof for burial purposes will be prejudicial to the health of our citizens; AND WHEREAS, the same can be advantageously sold or exchanged for other lands of equal or greater extent; therefore,

Mayor and council authorised to sell land. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the mayor and council of the city of Hoboken to sell and convey said plot of ground, and with the proceeds thereof to purchase other lands, in such place or locality as the said council by a two-third vote of all the members thereof may direct, or to exchange the same for other lands, to be selected and located by the aforesaid two-third vote of said council, and the lands so purchased or acquired by said exchange shall be and the same is hereby set apart forever as a public burial place, for the use of the inhabitants of the city of Hoboken.

Disposit on of surplus money. 2. *And be it enacted*, That upon the completion of such purchase or exchange, it shall be lawful for said council, by like vote, to expend any part of the surplus

moneys arising out of said sale or exchange, in preparing, regulating and ornamenting said new cemetery grounds.

Superintendant of Grounds to be appointed. 3. *And be it enacted*, That the care and control of said grounds and of burials therein, shall be vested in the council of the city of Hoboken, who may appoint and compensate a person to superintend the same, the mayor and council of said city may give and receive the necessary conveyances to perfect said sale or exchange.

Moneys received to be paid to city treasurer. 4. *And be it enacted*, That all moneys received, either by sale or exchange of said lands, shall be placed in the hands of the city treasurer of the city of Hoboken, or such other person as said council shall by a majority vote of all its members direct, he or they giving sufficient security for the payment of the same to their order, and shall be expended for the purposes indicated in this act and no other.

Removal of bodies from burial grounds. 5. *And be it enacted*, That the friends of the deceased interred in the above described lands may remove the bodies therefrom within three months after such sale or exchange, and that at the expiration of said three months the purchaser of the said lands shall, at his own proper cost, under the direction of a person or persons appointed by the council of the city of Hoboken, cause to be removed all remains therefrom and inter the same in a portion of the public burial ground, authorized to be acquired under the provisions of this act, and in case the said purchaser shall neglect to do so at the end of one month, then the same shall be done by the said council or under their direction, and the expense thereof shall be a lien upon said first mentioned burial ground, and be assessed and collected in the manner provided in the city charter for the collection of assessment for improvements.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 20, 1857.

CHAPTER XCVIII.

AN ACT to authorize certain streets, marked out on a plan of the city of Hoboken, to be changed.

Preamble

WHEREAS, on a plan of the city of Hoboken, filed in Bergen county clerk's office, on the eighth day of April, eighteen hundred and fifty-five, and by which sales of lots have been made, a part of the land north of Sixth street and east of Hudson street, were laid out in lots, and streets were marked only on said plan, and without any actual survey or laying out upon the ground; AND WHEREAS, the said lands are elevated at a great height above the grade of the other streets of the city, and consist of solid rock, and the streets, as plotted on said plan, can never be opened and graded to any proper city grade, except at a cost that will exceed the value of the lots when graded, and thus destroy the value of the land; AND WHEREAS, other streets can be planned and laid over said lands, more adapted to the natural grade of the surface, that will greatly add to the value of the said lands; AND WHEREAS, no streets have been opened or lots sold in said part of said lands, and no individual has acquired any right in said lands, except the owners of the same, but it is suggested that, by reason of the filing of said map and the sales thereby, that the public may have acquired a claim to call for the opening of said streets, and Edwin A. Stevens and the other owners of said lands, have applied for a law annulling any right that might exist in the public or anybody or person whatever, to require said streets to be opened, and authorizing them to lay out other streets, to be laid out in the place of the same, and it appearing that such change will be beneficial to the public and all parties interested; therefore,

Parts of certain streets vacated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the street marked out on the said plan of the city of Hoboken, next east of Hudson street and parallel thereto, and north of Seventh street, and all that part of the Second street, east of Hudson street and parallel thereto, and north of Sixth street, and all that part of Seventh street, east of the street next east of Hudson street, and all that part of Eighth street east of Hudson street, are hereby vacated and made void; and it shall not be lawful for any public or municipal authorities, or any person whatever, to open or use the same as public streets; and the lands shall be held by the owners of the fee, free from any easement or right of a street or road over the same.

New streets to be laid out.

2. *And be it enacted*, That the owners of the lands across and over which said streets are laid out, are hereby authorized and required to lay out, in lieu of said streets so vacated, on said lands, and on the lands north of and adjacent thereto, other streets, in such manner as shall be, in their judgment, most beneficial to the public interest, said new streets to contain as many superficial feet of land as those do that are hereby declared vacant and void, and to file a plan or map, designating such new streets, in the office of the clerk of the county of Hudson, before the first day of January next; and the filing of such map shall be an agreement to dedicate such new streets, so laid out thereon, to public use; and they shall be public streets, whenever the opening of the same may be called for by the proper municipal authorities of the city of Hoboken.

Approved March 6, 1858.

CHAPTER CCXXX.

A FURTHER SUPPLEMENT to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Duties, powers and compensation of commissioners of appeal.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section twenty-two of said act be repealed, and that the following be substituted in lieu thereof: "*And be it enacted*, That the commissioners of appeal shall have the same powers and perform the like duties, and be entitled to like compensation that the commissioners of appeals in the several townships of this state now have or hereafter may have; and, in addition, they shall have the power to examine the person or persons appealing, in cases of taxation, under oath, as to the valuation or amount of the chattels and real estate assessed against them respectively; and it shall be the duty of said commissioners to receive the oath or affidavit of any and every person appealing, when offered or presented by him or them relative thereto; and said commissioners, on such affidavit, shall reduce the assessment to the sum specified in such affidavit; and all affidavits so presented shall be filed by said commissioners in the office of the clerk of the city."

Section 32 of former act amended.

2. *And be it enacted*, That section thirty-two of said act be amended by inserting after the words "may adjourn from day to day," the words following: "and compel the attendance of absent members."

6th clause of section 40 of former act amended.

3. *And be it enacted*, That the sixth clause or subdivision of section forty of said act be amended by inserting immediately after the words "goats and geese'" the words "and other animals."

10th clause of section 40 of former act amended.

4. *And be it enacted*, That the tenth clause or subdivision of section forty of said act be stricken out, and

the following inserted in the stead thereof: Tenth. To license and regulate inns or taverns and other houses of public entertainment for the sale of, or traffic in, spirituous, vinous, fermented or other intoxicating drink or drinks, and to prohibit, by fine or penalty, all traffic in, or sale of such spirituous, vinous, or other intoxicating drink or drinks by all or any person or persons not having a license from said council for that purpose; and to license, regulate and prohibit hawkers, peddlers, hucksters, butchers, slaughter houses and markets, on such terms, and under such regulations and penalties, as the council may, by ordinance, impose; and no other license, granted for such purposes within said city, by any other authority, shall be lawful, except licenses granted by the governor of this state to hawkers and peddlers.

11th clause of section 40 of former act amended.

5. *And be it enacted*, That the eleventh clause or subdivision of section forty of said act be amended by inserting immediately after the words "porter in said city," the following: "and to license hacks, omnibuses and stage coaches, and to prevent, by fine or imprisonment, all hacks, omnibuses and stage coaches from running or being run within or through said city without such license."

17th clause of section 40 of former act amended.

6. *And be it enacted*, That the seventeenth subdivision or clause of section forty of said act be amended by inserting at the beginning thereof the following: "to impose taxes on dogs."

Section 44 of former act amended.

7. *And be it enacted*, That section forty-four of said act be amended by striking out the words "five per centum," and inserting "ten per centum," in lieu thereof, and also by inserting immediately after the words "be applied to," the following: "the payment of salaries and."

Evidence of publication, &c., of ordinance to be filed.

8. *And be it enacted*, That the due publication of all ordinances heretofore passed by said council, or that may hereafter be passed by them, and posting of all

notices required to be published or postsd by said act, or the act to which this is a supplement, shall be verified by the affidavit of the printer of the newspaper in which such publication shall be made, or his foreman, and of the person who posted such notice, and such affidavit shall be filed in the office of the city clerk, and shall be evidence of such publication and posting in all courts and places.

Section 51 of former act repealed.

9. *And be it enacted*, That section fifty-one of the act to which this is a supplement be and the same is hereby repealed.

Part of 6 h clause of section 40 of former act repealed.

10. *And be it enacted*, That all that part of the sixth clause or subdivision of section forty, title four, after the words "for the purposes for which they are or may be laid out and dedicated," be and is hereby repealed.

Part of sec. 56 of former act repealed.

11. *And be it enacted*, That the words "south of the lines heretofore described," in section fifty-six of the act to which this is a supplement, be and the same is stricken out and repealed.

Compensation of officers.

12. *And be it enacted*, That the sixty-seventh section of the act to which this is a supplement, be and the same is hereby repealed, and the following inserted in lieu thereof: That the sums hereafter specified, and no other, shall be the pay or compensation to be received by the persons filling the following offices for the time being, and shall remain the same until altered by the legislature of this state: The mayor shall receive the sum of two hundred and fifty dollars per annum; the treasurer the sum of two hundred dollars per annum; the city clerk the sum of five hundred dollars per annum; the collector of taxes the sum of three hundred dollars per annum; the collector of arrears of taxes shall receive five per centum upon all moneys collected by him, which amount he shall be entitled to demand and receive from the person or persons owning and paying said arrears of taxes and assessments; the street commissioner shall receive the sum of three hundred

dollars a year; each councilman shall receive one dollar and fifty cents per day for each day actually spent in the business of the city; the assessor of each ward shall each receive the sum of one hundred and fifty dollars per annum; the poundkeeper, judges of election, inspectors of election, clerk of election and commissioners of appeals shall receive the same compensation that the poundkeeper, the judges of election, clerk of election and inspectors of election, and the commissioners of appeals of the different townships of the state are entitled to receive by the statute laws of the state; and the payment of all salaries shall be made by the city treasurer upon the presentation of the proper warrant on the first day of each quarter of the fiscal year, out of any moneys he may have on hand belonging to said city.

Public act.

13. *And be it enacted*, That this act shall be deemed a public act, and take effect on the first day of May, eighteen hundred and fifty-nine; and that so much of the act to which this is a supplement, and all other acts, or parts of acts, inconsistent with the provisions of this act, be and the same are hereby repealed.

Approved March 23, 1829.

CHAPTER CXXX.

AN ACT to create a new township in the county of Hudson, to be called the "township of Weehawken."

Boundaries of township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the city of Hoboken and the township of North Bergen, in the county of Hudson, included within the following boundaries, that is to say, commencing on the westerly side of the road leading from Bull's ferry to Hoboken, formerly known as the Weehawken turnpike, at a point which divides the lands, formerly of Mitchel Saunier and John Van Horne, as the said lands are laid down on a map of L. F. Douglass, bearing date eighteen hundred and forty-one, and from said place of beginning running in a southeasterly direction, down the bank of Hudson river, following the same dividing line, and a continuation thereof if protracted to the middle of Hudson river; from thence, returning to the place of beginning; and from said place of beginning running southerly, and along the westerly side of said road, to the northerly side of the Bergen turnpike road, opposite the lands of John Ehlers, and where said roads intersect; thence northwesterly, and along the northerly side of the said turnpike road, until you reach a point opposite to the intersection of the Palisade avenue with the Bergen turnpike road aforesaid; thence crossing the said Bergen turnpike, and following along the easterly line of said avenue in a southwesterly direction, to lands of Charles Loss, deceased, where the same intersect the said easterly side of Palisade avenue; from thence along the westerly and northerly boundary of said property, as said lands are actually bounded, to where the boundary line of said Loss property intersects the said Bergen turnpike road, and across said road, and in a continuation of said last mentioned line to a point one hundred feet easterly from the easterly line of said road; thence southerly and parallel with the said turnpike, and one hundred feet distant therefrom, to a point nine hundred and fifty feet northerly from the northerly line of Eighth street, in Hoboken, as said street is laid down on Loss' map of Hoboken, filed in the Bergen county clerk's office; thence easterly and parallel with Eighth street to a point where Tenth street intersects with the westerly line of Hudson street, as the same is shown on a map of a part of Hoboken, filed in the clerk's office of the county of Hudson, December thirty-first, eighteen hundred and fifty-eight; from thence southerly along the easterly line of Hudson street as the same is shown on the map last aforesaid, to the northeast corner of Hudson and Seventh street; thence easterly along the northerly line of Seventh street to the northeasterly corner of River and Seventh street; thence southerly along the easterly side of River street to the northerly side of Sixth street, and then east along the north line of Sixth street to the river; and thence in a continuation of said last mentioned line, if protracted to the centre of the river; thence up the river, and along the middle thereof to a point which will reach the line first protracted as aforesaid, to the middle of Hudson river, shall be and the same is hereby made a new township, to be called by the name of the township of Weehawken.

Inhabitants incorporated.

2. *And be it enacted*, That the inhabitants of the said township of Weehawken are hereby constituted a body politic and corporate in law, by the name of "The Inhabitants of the township of Weehawken," in the county of Hudson, and state of New Jersey, and are vested with and entitled to all the rights, powers, privileges, authority and advantages, and subject to

the same government and liabilities as are prescribed in the act entitled "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings," approved April fourteenth, eighteen hundred and forty-six, except that they shall elect but one chosen freeholder, and shall be entitled to a full proportionate estate, share and interest in any public funds and property with other townships in the county of Hudson, in proportion to the taxable property, and as taxed by the assessors within their respective limits at the last assessment, and subject to like obligations and responsibilities, with other townships in the said county, in the same manner as if herein particularly enumerated and set forth.

Annual town meeting.

3. *And be it enacted*, That the inhabitants of the said township of Weehawken shall hold their first annual town meeting at the house of Joshua Benson, on the second Wednesday of April, eighteen hundred and fifty-nine, and afterwards at such place in the said township of Weehawken as shall be determined by the electors of said township, in the manner prescribed by law.

Settlement of paupers.

4. *And be it enacted*, That all paupers who have gained a settlement within the territorial limits included in the said township of Weehawken, shall, after the passage of this act, be chargeable to the township of Weehawken.

Justices of the peace, &c., to hold office until expiration of term.

5. *And be it enacted*, That justices of the peace, commissioners for taking the acknowledgement and proof of deeds, and other officers residing within the limits of the township of Weehawken, shall hold their offices until the same shall expire by their own limitation.

Lands, set off, to be subject to proportionate share of debt of Hoboken.

6. *And be it enacted*, That such portion of the lands and property in the first section of this act described, and therein included, as are separated and set off from the city of Hoboken, shall be subject to a proportionate share of any debt or obligation incurred by the city of

Hoboken; and also such portion of the lands and property in the first section of this act described and included therein, as are set off from the township of North Bergen, in the county of Hudson, shall be subject to a proportionate share of any debt or obligation incurred by the inhabitants of the township of North Bergen, in the county of Hudson, and the inhabitants of the township of Weehawken, in the county of Hudson, shall be made liable to the debts and obligations aforesaid, to be enforced at law or in equity, upon the lands and property aforesaid, in the proportions and in the principles aforesaid.

Part of former act repealed.

7. *And be it enacted*, That all acts and parts of acts inconsistent with the creation of the said township of Weehawken, and the boundary and jurisdiction thereof, as in this act contained, are to that extent modified and repealed.

Assembly district.

8. *And be it enacted*, That the said township of Weehawken shall be included in the third assembly district of the county of Hudson.

9. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1859.

CHAPTER CCCCXLIII.

A further supplement to an act entitled an act to incorporate the city of Hudson, approved April eleventh, eighteen hundred and fifty-five.

Flights of steps or stairs to be erected and kept in repair.

4. *And be it enacted*, That when the said common council shall cause to be laid out or opened, any street or avenue easterly of Hudson avenue, or easterly of Palisade avenue as empowered by a supplement to the act to which this act is a supplement, approved March twenty-fourth, eighteen hundred and sixty-four, it shall be lawful for said common council to erect or maintain and keep in repair on the same, such flights of stairs or steps of stone or iron, or both, or combined as in their estimation may be required, for the purpose of enabling travellers and pedestrians to ascend and descend the ridge existing near the easterly boundary of the city, the expense for the erection of which, shall be assessed in the same manner as for any improvement in section forty-second of the act to which this act is a supplement, and according to second section of this supplement; and the expense for maintaining and keeping in repair shall be paid out of the city treasury, and that the appropriation for street repairs shall include such expenditure.

Boundaries of tract of land annexed to city.

6. *And be it enacted*, That the following described tract of land, on and near the easterly boundary of said city, is hereby annexed to said city, and shall be included within the corporate limits of the same, that is to say, all that certain tract of land beginning at a point in the southeasterly side of the Hoboken turnpike, at the turn in the same at the foot of the hill; thence running in a straight line along the foot of the hill to the centre of the Paterson and New York plank road; thence along the centre of the said Paterson and New York plank road to a point where the southerly line of Ninth street, as laid down on a map of the property of John G. Coster, deceased, if produced, would meet the said centre line of said Paterson and New York plank road; thence along the said southerly line of Ninth street produced to the westerly line of the said Coster property, as laid down in said map; thence along the said westerly line of the said Coster property the various courses thereof to the southerly side of the tide bank on the southerly side of the Hoboken turnpike; thence along the southerly side of the said tide bank to the bridge, near the foot of the hill, thence along the southeasterly side of the said Hoboken turnpike to the point of beginning; and that the plot of land embraced within the boundaries aforesaid be, and the same is hereby, annexed to the third ward of said city.

Approved April 11, 1867.

CHAPTER CLXXIX.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Amendment of former act.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section three, of title two, of said act, be amended by adding after the words "a clerk of the city," the words "two assessors," and also by striking out the words "a poundkeeper ;" that section four, of title two, be amended by striking out the words "one assessor," and also by striking out the word "three," and inserting the word "two" in its place.

Of the clerk and fire warden.

2. *And be it enacted*, That the clerk of the city shall be clerk of the commissioners of appeal, and shall have power to administer all oaths and affirmations necessary to be used before said commissioners ; that the council shall have power to appoint a fire warden of said city, in such a manner as they shall by ordinance prescribe, and also to fix his comepnsation.

Salary of city clerk.

3. *And be it enacted*, That the city clerk shall receive for his pay and compensation six hundred and fifty dollars per annum, and shall keep his office open at least seven hours each day, except Sundays, at such times as shall be prescribed by an ordinance of the council.

Fees to clerk in certain cases.

4. *And be it enacted*, That in all cases in which persons shall bring writs of certiorari to remove the proceedings of the council, it shall be lawful for the city clerk to charge and receive from the parties bringing such certiorari, on presenting the same, at the rate of ten cents per folio for the necessary return thereto, in lieu of his other charges.

Of removal of certain officers.

5. *And be it enacted*, That section thirty-eight of said act to which this is a supplement, be repealed, and the

following inserted in lieu thereof: "*and be it enacted*, that any officer, except the mayor, may be removed from office for cause by resolution of the council ; *provided*, that no such removal shall take place until the party sought to be removed has had an opportunity to be heard in his defence, nor unless two-thirds of all the members elected to said council vote therefor ; whenever any such removal shall take place, the cause therefor, together with the ayes and nays upon the vote taken, shall be entered at large upon the journal of the council." Proviso.

Amendment of former act.

6. *And be it enacted*, That section forty of said act be amended by inserting at the end of the seventeenth subdivision thereof the following provision: "eighteenth —to prescribe and define the duties of all officers elected and appointed under or by virtue of this act, except the mayor, justices of the peace, councilmen and chosen freeholders."

Of the fire department.

7. *And be it enacted*, That section forty-three of said act be amended by inserting after the words "maintaining public schools," the words "maintaining the fire department."

Of taxes upon real estate, &c.

8. *And be it enacted*, That section fifty-five of said act be amended by adding the following provisions at the end thereof: "and whenever within said city any assessment on any lot or parcel of land shall remain unpaid for thirty days after the confirmation thereof by the council, it shall be lawful for the council to charge, receive and collect, in addition to the amount of said assessment, interest thereon, to be computed at the rate of twelve per cent. per annum from the time of confirmation of said assessment until the same be paid; that any assessment or estimate of value in damages made by any commissioners under this act, or the act to which this is a supplement, that may be made upon principles contrary to law, and the provisions of this act, or the act to which this is a supplement, may be

reviewed, and for such cause set aside by the supreme court or the circuit court of the county of Hudson, upon certiorari, and the said court shall, in the case of setting aside any such assessment or valuation, appoint new commissioners to examine into and report anew as to the part set aside, and for the purpose of such examination the supreme court or said circuit court may require, by rule, the commissioners to certify specifically as to the principle on which their assessment was made, or may inquire into the same by affidavits to be taken for that purpose."

Of contracts for work, &c.

9. *And be it enacted*, That section fifty-seven of said act be amended by striking out the words "and shall at all times be given to the lowest bidder who will comply with all the requirements of the council, and will give ample freehold security for doing said work and furnishing said materials according to contract," and by adding the following provision at the end thereof; "but the council shall be under no obligation to accept the lowest bid, and may reject all bids if they shall think proper, and in case of such rejection the council shall again advertise for proposals, and proceed in all things as if no proposals had been offered."

Powers of council to fix salaries and make appointments.

10. *And be it enacted*, That section sixty-three of said act be repealed, and the following inserted instead thereof: "*and be it enacted*, that the council shall have power to fix the salary, pay or compensation of all officers, both elected and appointed, except such as are provided for in this act, or the act to which this is a supplement, by general ordinance, and the salary or compensation of any officer which has once been fixed shall not be increased during the continuance of his term in office; and that said council shall have power and authority by general ordinance to appoint a corporation attorney, a city physician, a corporation printer, a poundkeeper, a sergeant-at-arms of the council, and such subordinate and other officers and agents of said

city not named in this act or the act to which this is a supplement, as they shall think necessary either for the better ordering and governing said city, or for the convenience, safety and advantage of commerce, and to define and prescribe their powers and duties, which officers so appointed shall continue in office until the first Monday in May after their election or appointment, or until others shall be appointed to succeed them, and be sworn into office."

Council may allow railroads to be constructed.

11. *And be it enacted*, That it shall be lawful for the council by general ordinance to grant permission to any person or persons, or corporation, to lay railroad tracks, and run rail cars thereon in or over any street or highway within said city, under such licenses, conditions and restrictions as the said council may think proper, and to alter, change or revoke the same at pleasure; *provided*, that no such grant or permission shall be made or given until a majority of the property along the line of such street or highway shall have first given their consent in writing for such railway track to be laid.

Proviso

Powers of policemen.

12. *And be it enacted*, That it shall be lawful for the captain of police or any policeman of said city to serve all processes for violation of any ordinances of said city, and for the suppression of vice and immorality, in the same manner as constables in townships.

Of tax warrants.

13. *And be it enacted*, That section forty-five of said act be amended, by striking out the words "who shall proceed and issue a tax warrant thereon, as provided by law in cases of taxes in townships, who shall have power to collect the same in like manner, in all things, as the constables in townships are directed by law."

Duties of collector of arrears of taxes.

14. *And be it enacted*, That it shall be the duty of the collector of the arrears of taxes, immediately after the delivery to him of the list of delinquents, to proceed to collect the arrears of taxes; and that for that purpose he shall possess all the powers conferred on con-

stables in the several townships in like cases, and in case any such delinquent shall neglect or refuse to pay such arrears of taxes, and in case no sufficient goods and chattels of any such delinquent can be found, to levy and make the amount of such arrears, together with the fees, costs and charges, then it shall be the duty of the collector of arrears of taxes to arrest the body of such delinquent, and commit him to the keeper of the common jail of the county of Hudson, there to remain until he shall pay such arrears of taxes and the costs, charges and expenses, or be delivered by due course of law; and no goods or chattels of any kind, except wearing apparel, shall be exempt from sale for taxes in said city; and upon the expiration of the office of such collector of arrears of taxes, if any taxes which shall remain uncollected shall be returned by him to the said council, it shall be the duty of the said council to deliver such list to the new collector of arrears of taxes, who shall proceed thereon for the collection of the same, in like manner as aboae directed.

Fees of collector.

15. *And be it enacted*, That the collector of arrears shall receive five per cent. upon all moneys collected by him of taxes assessed upon real estate, and ten per cent. upon all moneys assessed on personal property; *provided*, that in case an assessment be made upon both real and personal property against any one individual or corporation, then the said collector of arrears shall receive five per cent. upon the whole sum collected by him from such individual or corporation; and in all cases thirty-eight cents for each distress actually made by him.

Proviso.

Amendment of former act.

16. *And be it enacted*, That section forty-three, title five, of said act be amended by striking out the words "three assessors," and inserting in lieu thereof the words "two assessors."

Relating to cemetery.

17. *And be it enacted*, That the city council shall have power to dispose of by ordinance to the inhabitants of the City of Hoboken, so much of the Hoboken Cemetery grounds, for burial purposes, as they may deem necessary, under such conditions and restrictsuoi as to them shall seem proper, and shall also provide for laying out, keeping, maintaining, improving and adorning said cemetery.

Liability for excess of appropriaton.

18. *And be it enacted*, That each and every member of the said council shall be held personally liable to the mayor and council of the city of Hoboken, for any indebtedness against the said city, voted for by such member, beyond the appropriations made by the people at their annual election.

Houses to be numbered, &c.

19. *And be it enacted*, That the council shall have power to cause all the houses within the boundaries of said city, to be numbered in such manner as they may deem most advisable, and to place on the corner of the various streets, a sign with the name of the street and the No. of the house of which it is attached; also, to vacate the names of all parts of streets known as places; they shall cause a book to be made showing the number of divisions in each block, and the street number of the lot, which numbers shall remain in the assessment number of said lots, or their divisions, until a re-numbering shall be ordered by said council; they may also, by ordinance, direct the kind of number that shall be placed on each house, and prescribe a penalty for non-compliance therewith.

Amendment of former act

20. *And be it enacted*, That section forty-nine be amended, by adding thereto the words, "and the owner, mortgagee, occupant, or person interested therein, or any other person for or on behalf of the owner, mortgagee, or claimant shall be required at the time he, she or they shall redeem the said property, to pay all the costs, charges and expenses of advertising as aforesaid.

Repealed.

21. *And be it enacted*, That all such parts of the act, to which this is a supplement, and any supplement

thereto, as are inconsistent with any of the provisions of this act, are hereby repealed, and that the said act shall hereafter be taken and read as if the amendments and alterations by this act provided for, had originally been made in said act.

22. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1861.

CHAPTER X.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, Anno Domini one thousand eight hundred and fifty-five.

Preamble. WHEREAS, the corporate authorities of the city of Hoboken are required by the act entitled "An act for the relief of such portion of the militia of this state as may be called into service," approved May eleventh, Anno Domini one thousand eight hundred and sixty-one, to allow and pay to certain persons in said act mentioned, each the sum of six dollars per month; and whereas, for the purpose of carrying out the beneficent objects of said act, it is necessary that the said corporate authorities should have power to procure a temporary loan of a sufficient sum with which to make such allowances and payments—therefore,

May issue bonds. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the mayor and council of the city of Hoboken to issue bonds, under their corporate seal and the signature of the mayor of said city, for an amount not exceeding three thousand dollars; each bond being for such sum as to them shall seem proper, bearing interest at a rate not exceeding seven per cent. per annum, payable semi-annually, with coupons attached, the principal being payable on the first day of February, Anno Domini one thousand eight hundred and sixty-five, the credit and whole property of said city being pledged for the payment of the same; which bonds it shall be lawful for the said mayor and council of the said city to sell at public or private sale, as the proceeds of the same shall be needed.

Application of proceeds.

2. *And be it enacted*, That it shall be the duty of the mayor and council of the City of Hoboken to apply the net proceeds of said bonds in making payments to such persons who are entitled to receive six dollars per month under the direction of the corporate authorities of the City of Hoboken, by virtue of the provisions of the act entitled "An act for the relief of such portion of the militia of this state as may be called into service," approved May eleventh, Anno Domini one thousand eight hundred and sixty one, or by virtue of the provisions of any supplement which may hereafter be made to said act, and for no other purpose whatsoever.

Interest to be paid.

3. *And be it enacted*, That it shall be the duty of the treasurer of said city to pay the interest upon the said bonds, whenever the same shall be due, out of any money which may at the time be remaining in the contingent fund of said city.

To be paid when due.

4. *And be it enacted*, That when the said bonds shall become due and payable, they shall be paid by the mayor and council of the said city with the moneys received from the treasurer of this state, under the provisions of the third section of the act last above referred to.

When may be paid.

5. *And be it enacted*, That the mayor and council of the City of Hoboken are hereby empowered to pay all or any of the said bonds at any time prior to the first day of February, Anno Domini one thousand eight hundred and sixty-five ; and that each bond shall cease to bear interest at the expiration of thirty days after a resolution passed by the council of said city ordering such bond to be immediately paid.

6. *And be it enacted*, That this act shall take effect immediately.

Approved February 10, 1862.

CHAPTER XXXIX.

A FURTHER SUPPLEMENT to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Powers of mayor and council.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of the City of Hoboken are hereby required to procure the public burial ground of the said city to be laid out into avenues and lots, and shall cause a map to be made of the same, which map they shall cause to be filed in the clerk's office of the County of Hudson before selling or disposing of any of the lots in said cemetery.

May convey lots.

2. *And be it enacted*, That the mayor and council of said city, and their successors, may sell or otherwise dispose of the lots in the said cemetery, by conveyances to the respective purchasers thereof in fee by deed, under the corporate seal of said city, signed by the mayor and attested by the clerk thereof, to be occupied only as burial places for deceased human beings, with the uses and privileges of the several avenues, walks and chapels in said cemetery, subject to such regulations as may be established by the mayor and council of said city in relation to the same.

Management.

3. *And be it enacted*, That the care and management of the said cemetery shall be confided in the mayor and council of said city, and their successors, who shall have the exclusive superintendence thereof, with power by ordinance to provide for the appointment and employment of such officers and agents as they may deem expedient, to prescribe their duties and to fix their compensation ; also, to provide by ordinance for the ornamenting and keeping in good order the grounds, graves, walks and improvements, to prescribe such

police regulations relative thereto as they may deem necessary to regulate and control the manner of the interment and removal of the corpse of any deceased person now buried or who shall hereafter be buried in said cemetery; to provide for the investment of so much of the proceeds of the sale of the lots as to them shall be advisable, as a permanent fund, only the interest of which shall be used in carrying out the purposes of this act, and generally to do all other things for the interest of said cemetery and lot-holders as may be proper in the premises ; it shall also be their duty to cause the same to be enclosed by a good, substantial, neat enclosure, and at all times to keep such enclosure in good order and repair.

No streets to be laid out.

4. *And be it enacted*, That no public streets or roads shall hereafter be opened through the said cemetery grounds, and that the said cemetery and all burial lots hereafter sold therein, shall be and remain free from taxation and from sale under any civil service.

Lot reserved.

5. *And be it enacted*, That it shall be the duty of the mayor and council of said city to cause to be marked out upon the map aforesaid five acres of the said cemetery, and shall designate the same on said map as "reserved," which portion of said cemetery the mayor and council shall have no power to sell or dispose of, but the same shall be reserved for the free burial of the inhabitants of the said city, under such regulations as shall be required, by ordinance, by the said mayor and council ; *provided*, that any member of the immediate family of an inhabitant of said city buried in said cemetery, may be buried therein, although such member may not be at the time of his or her death an inhabitant of said city.

Proviso.

Residue may be sold.

6. *And be it enacted*, That the residue of the said cemetery may be sold and disposed of as aforesaid, in accordance with the said map, to be filed as aforesaid in the county clerk's office, only to the inhabitants of

the said City of Hoboken, the price for each lot being fixed and established by the mayor and council of said city, and being paid for in full before the delivery of the deed ; *provided however*, that after the purchase of any lot or lots by any inhabitant of said city, such purchaser, or any member of his or her immediate family may be buried in such lot so purchased, although such purchaser or member of his or her immediate family may not be at the time of his or her death an inhabitant of said city ; *provided also*, no purchaser shall have power to sell or dispose of any lot or lots to any person other than an inhabitant of said city.

Proviso.

Proviso.

Regulations.

7. *And be it enacted*, That the mayor and council of said city shall establish a burial ground fund, to the credit of which shall be placed all moneys received by the sale of lots as aforesaid, together with any moneys now in the possession of the said mayor and council belonging to the said cemetery, and all expenses incurred in carrying out the several provisions of this act shall be paid out of the said burial ground fund, and that the same shall not at any time be paid out of any of the other funds of said city ; also, that the said mayor and council are hereby expressly prohibited from using any of the moneys belonging to said fund for any city purpose whatsoever.

Repealed.

8. *And be it enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed, and that this act shall take effect immediately.*

Approved February 18, 1862.

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* See Supplement. Approved March 9, 1868.

CHAPTER CXXI.

An act authorizing the mayor and common council of the city of Hoboken to raise money by temporary loan, for the purpose of distributing relief to the families of volunteers engaged in the war service of the United States.

Common Council may borrow money and issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the mayor and common council of the City of Hoboken to borrow any sum of money not exceeding five thousand dollars, and to secure the payment of the same by issuing a bond, conditioned for the payment of the said sum of money, at such time as the said mayor and common council shall direct, with interest thereon at the rate of seven per cent. per annum, payable semi-annually ; the payment of which said bond shall be secured by the delivery and execution, by the said mayor and common council, of a mortgage upon four lots, each of the dimensions of twenty-five feet by seventy-five feet, of a certain square, situated in the City of Hoboken, and known as Market Square, which is bounded northerly by First street, easterly by Washington street, southerly by Newark street, and westerly by Bloomfield street ; and it shall be the duty of the said mayor and council to raise by tax, yearly, such amount as shall be necessary to pay the interest upon the said sum so borrowed, until the principal and interest of the said bond are paid in the manner hereinafter provided for.

Interest to be paid by tax.

Commissioners to lay out Market Square into lots and sell the same.

2. *And be it enacted*, That Hoyt Sandford, Hermann Lohmeyer, William W. Shippen, Charles Chamberlain and John M. Francis, be and they are hereby appointed commissioners, whose duty it shall be to lay out the said Market Square into lots of such dimensions as to them shall seem most advantageous for building purposes ; that they shall have power to sell and dispose of said square so laid out into lots as aforesaid, at public auction, whenever they shall deem it advisable so to do, having first advertised such intended sale in each of the newspapers printed and published in Hoboken, for the space of two months next preceding the same ; and it shall be lawful for the said commissioners to adjourn such sale from time to time, as to them shall seem most expedient.

Conditions of sale.

3. *And be it enacted*, That it shall be lawful for the said commissioners to impose such conditions of sale upon the purchasers as to them shall seem most expedient and beneficial for the interests of the city ; *provided*, that one of the conditions of sale shall require a substantial brick or stone building, not less than three stories high, to be erected upon each lot, within a certain time mentioned in said condition ; and before the said commissioners advertise the said square for sale as aforesaid, it shall be their duty to report, in writing, to the mayor and council of said city the manner in which they have laid out the said square into lots, the conditions of sale to be imposed upon the purchaser or purchasers, and the time determined upon by them for said sale to take place ; and in case the said report should be rejected, the said commissioners are hereby empowered to amend the same as often as to them shall seem proper, and return it to the said mayor and council for their approval, and no sale of the said square shall be made until the original or amended report of the said commissioners is approved by the said mayor and council ; and upon the sale of the said square the mayor and council shall have power to take from the purchasers bonds and mortgages in sums not exceeding seventy per cent. of the purchase money.

Proviso.

Vacancy in board to be filled.

4. *And be it enacted*, That whenever any vacancy shall occur in the said board of commissioners, it shall be the duty of the said commissioners to fill the same by the election of a freeholder and resident of the said City of Hoboken; and the said commissioners shall not be entitled to receive any compensation for the services rendered by them under this act; but all expenses incurred by them shall be paid by the said mayor and council out of the moneys arising from said sale.

Deeds when made to purchasers.

5. *And be it enacted*, That whenever such sale is consummated, and the conditions thereof complied with by the purchaser or purchasers, it shall be the duty of the said mayor and council to convey the said lot or lots to such purchaser or purchasers, in fee, by deed, under the corporate seal of the said city, signed by the mayor and attested by the clerk of said city.

Money from sale, how appropriated.

6. *And be it enacted*, That all moneys received from the sale of any of the said lots shall be immediately placed into the hands of the treasurer of said city, and that the moneys so received shall be first appropriated by the said mayor and council to the payment of the principal and interest of the bond issued by them under the provisions of the first section of this act, and that the residue of the money shall be appropriated by them towards liquidating the indebtedness of the City of Hoboken, existing on the first day of February, in the year of our Lord one thousand eight hundred and sixty-two; and if any surplus remain, it shall not be used for any other purpose than for the payment of the bonds known as the "Hoboken City Water Scrip;"

Proviso.

provided, that the sureties of the treasurer of the said city shall be liable for every default, should any be made by him, in respect to any moneys that may come into his hands by virtue of the provisions of this act;

Proviso.

provided also, that so much of the money as shall be necessary, arising from the sale of the lot whereon the engine house stands, shall be appropriated by the said mayor and council to the purchase of land and the erection thereon of a new engine house.

Money borrowed, how appropriated.

7. *And be it enacted*, That the sum of money borrowed by the said mayor and council under the provisions of the first section of this act, shall be placed into the hands of the city treasurer, and shall be applied to the support of the families of persons residing in the City of Hoboken, who may voluuteer, or who may have volunteered in the military or naval service of the United States, or who may be called into military or naval service by the government of this state or of the United States, for the maintenance and defence of the state or federal government, and for no other purpose whatsoever.

Relief committee.

8. *And be it enacted*, That the mayor of the City of Hoboken, and two councilmen of said city, to be chosen by the said council, Benjamin S. Taylor, Francis Bolting and Louis Huesman are hereby appointed a relief committee, whose duty it shall be to receive the said sum of money from the city treasurer, and apply it in the manner provided in the next preceding section; and whenever any vacancy shall occur among the members of the committee, who are not councilmen, such vacancy shall be filled by those members, by selecting a resident of the City of Hoboken, who is not at the time of his election a councilman of said city.

9. *And be it enacted*, That this act shall take effect immediately.

Approved March 19, 1862.

CHAPTER XL.

AN ACT to incorporate the Association of Exempt Firemen, in the city of Hoboken.

Corporate name and powers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Theodore Van Tassel, Thomas Mickens, James Houseman, William G. Shepherd, Andrew Mount, William H. Wilson, Peter Ritter and such other persons as may become associated with them, be and they are hereby constituted and made a body politic and corporate to be known in fact and law, as the "Association of Exempt Firemen of the city of Hoboken," and by that name they and their successors shall be capable of sueing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of judicature whatsoever, and they and their successors, respectively, may have and use a common seal, and have power to make, alter and renew the same at pleasure; and by their common seal may make, enter into and execute any contract or agreement touching the objects of said incorporation, and may acquire and hold real and personal estate necessary for the objects of the incorporation; *provided*, the same shall not exceed the sum of five thousand dollars.

Proviso.

Object.

2. *And be it enacted*, That the purpose of said association shall be to aid the fire department of Hoboken in the extinguishment of fires; and the members of said association, when on duty, shall be subject to and under the control of the chief and assistant engineers of the fire department of the city of Hoboken, the same as any fire company of said city.

Officers.

3. *And be it enacted*, That the members of said association shall have power, at their annual meeting, to be

held on the second Tuesday of April, to elect, from among their number, a president, vice-president, secretary and treasurer, who shall hold their offices until others are elected in their stead; they shall also have power to elect, at said annual meeting, one trustee of the Hoboken Fire Department Fund, who shall hold his office for three years; and in addition thereto, at the first annual meeting after the passage of this act, may elect two trustees of the Hoboken Fire Department Fund, one of whom shall hold his office for the term of one year, and one for the term of two years; and the said trustees, when elected, shall be entitled to all the rights and privileges that are now granted by law to the members of the board of trustees of the Hoboken Fire Department Fund, and said association shall be entitled to a representation in said board of trustees, in the same manner as if the said association were one of the fire companies of the city of Hoboken, anything in the act creating the board of trustees of the Hoboken Fire Department Fund to the contrary notwithstanding.

Trustees of Hoboken Fire Department Fund.

Duties and powers.

By-laws.

4. *And be it enacted*, That the said association shall have power to make and prescribe such by-laws, rules and regulations as to them may seem needful; *provided*, the same shall not be inconsistent with this act, or the constitution of this state.

Exempt from taxation.

5. *And be it enacted*, That the property and effects of the said association, held or used for the purpose designed by this act, shall not be subject to the payment of any tax under the laws of the state.

6. *And be it enacted*, That this act shall continue in force for thirty years; *provided always*, that the Senate and General Assembly may, at any time hereafter, amend, repeal or modify this act, as they shall think proper.

7. *And be it enacted*, That all acts and parts of acts

inconsistent with this act, be and the same are hereby repealed.

8. *And be it enacted*, That this act shall take effect immediately.

Approved February 16, 1863.

CHAPTER XLI.

AN ACT to confirm the laying out of the westerly part of the city of Hoboken, according to the map of the tract of land belonging to the estate of John G. Coster, deceased, made by Daniel Ewen and Austin D. Ewen, city surveyors, New York, in November, eighteen hundred and sixty, and filed in the office of the clerk of Hudson county, and to close and vacate all roads and parts of roads within the limits of the said tract, so as to conform to the said map.

Preamble. WHEREAS, the tract of meadow land belonging to the estate of John G. Coster, deceased, and comprising the western part of the city of Hoboken, has been plotted and laid out, with streets and avenues over the same, according to a certain map entitled "map of property situate at Hoboken, Hudson county, New Jersey, belonging to the estate of John G. Coster, decesed, surveyed and laid out into lots, November, eighteen hundred and sixty, by Daniel Ewen, Austin D. Ewen, city surveyors, New York," which is on file in the office of the clerk of the county of Hudson, and such streets and avenues and the arrangement and direction of the same have been made to correspond with the streets and avenues running through and across the eastern portion of the said city—therefore,

Plotting and laying out, confirmed. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the aforesaid plotting and laying out of that portion of the said city of Hoboken, which is comprised within the limits of the said tract of land, be and the same are hereby ratified and confirmed, and that such portion of the said city be laid out with streets and avenues according to the said map.

Roads vacated.

2. *And be it enacted*, That all roads or parts of roads running over the said tract of land different from the streets and avenues laid down upon said map, be and the same are hereby vacated and discontinued; *provided however*, that the road now running across the said tract of land to West Hoboken, and known as the "West Hoboken Road," may be used as the same as it now is until one of the streets contiguous to the same laid down upon the said map shall be actually opened and rendered fit for use; *and provided also*, that when any of the roads or parts of roads now running across said property shall be altered or closed, the streets or avenues opened in place thereof shall be regulated and improved so as to afford equal facilities for the public for passage over the same as such roads or parts of roads may give to the public previous to such vacation; *provided also*, that so much of the avenue known as Newark avenue, and shown upon said map, from the point of contract with the southerly line of Ferry street to the westerly line of said property, and also the road leading from the westerly line of said property to the bridge at or near the foot of Bergen Hill, shall in no event be reduced to less than eighty feet in width.

Proviso.

Regulations.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 16, 1863.

CHAPTER XLVI.

A further supplement to the act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Three councilmen in each ward.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on and after the first Monday in May next, the council of the city of Hoboken shall be composed of three councilmen instead of two from each ward of said city, who shall be elected annually, in the same manner and at the same time as is now prescribed for the election of councilmen by the act to which this is a supplement, and shall each hold his office for the term of one year.

Not to receive compensation.

2. *And be it enacted*, That after the first Monday in May next, no councilman shall receive any pay or compensation for any time spent by him in the business of the said city.

Terms of office.

3. *And be it enacted*, That the terms of office of the present councilmen of the said city of Hoboken shall all expire on the first Monday in May next; and that so much of the act to which this is a supplement, and all other acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed and that this act be deemed a public act, and shall take effect immediately.

Approved February 16, 1863.

CHAPTER CLX.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Act amended. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the eighth section of the act to which this is a supplement be amended, by striking out after the words "judges of election" the words "together with the members of the board of councilmen whose term of office will not expire until after the next succeeding charter election," and also by striking out the word "than" the word "five," and inserting the word "two."

Act amended. 2. *And be it enacted*, That section thirty-four of the act to which this is a supplement be and hereby is amended by striking out the word "four" and inserting the word "five" instead.

Repealed. 3. *And be it enacted*, That so much of the act to which this is a supplement, and all other acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall be deemed a public act, and shall take effect immediately.

Approved March 18, 1863.

CHAPTER LVI.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Preamble. WHEREAS, the citizens of Hoboken, desiring that the call of the government for troops to be furnished by said city to aid in suppressing the rebellion, should be filled with volunteers rather than with drafted men, did offer and pay bounties to secure that object, and for the purpose of paying such bounties, did raise the sum of thirty-five thousand dollars upon the faith of certain promissory notes, guaranteed by numerous citizens of said city; and whereas, it is necessary that provision should be made for the payment of such indebtedness, and it is desirable that the same should be gradually paid off; therefore,

City may issue bonds. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the mayor and council of the City of Hoboken to provide for the payment of the said indebtedness by issuing bonds under their corporate seal and the signature of the said mayor, for an amount of money not exceeding thirty-five thousand dollars, in such sums, and payable at such time or times as the said mayor and council shall deem proper, bearing interest at a rate not exceeding seven per centum per annum, payable semi-annually, with coupons attached, and to pledge the property and credit of said city for the payment of the same; which bonds it shall be lawful for the mayor and council, and their successors to sell and assign; *provided*, that no bond shall be sold by Proviso the said mayor and council for less than par; *provided also*, that the bonds to be issued by virtue of this act

shall be redeemable at a period of time not to exceed twenty years from the passage hereof.

May provide for payment by taxation.

2. *And be it enacted*, That the said mayor and council shall have power and authority to provide by taxation for the payment of said bonds and the interest thereon, and that they shall yearly and every year, until the bonds so to be issued shall be redeemed and paid off, order and cause to be assessed and collected by tax, at the time and in the manner that other taxes in said city are assessed and collected a sum of money sufficient to pay and discharge the principal at the several times it shall become due and payable, and the interest on the said bonds as the same shall become due ;

Proviso.

provided, that not less than one thousand dollars, nor more than three thousand dollars of the principal of said bonds shall be made redeemable in any one year :

Proviso.

and provided further, that the said mayor and council shall cause to be assessed and collected a special poll-tax of one dollar upon every white male inhabitant of the said City of Hoboken, of the age of twenty-one years and upwards, and shall also cause to be assessed all real and personal estate in the said City of Hoboken, now liable to taxation for city purposes, at the full and actual value thereof, at such rate per dollar as will be sufficient to produce the sum required to be raised, after deducting the said special poll-tax.

Application.

3. *And be it enacted*, That it shall be the duty of the said mayor and council to apply the net proceeds of the said bonds to the payment and satisfaction of the indebtedness incurred as aforesaid by the payment of volunteers.

4. *And be it enacted*, That this act shall take effect immediately.

Approved February 19, 1864.

CHAPTER CCXLII.

A further supplement to an act entitled an act to incorporate the city of Hoboken, approved March twenty-eighth, eighteen hundred and fifty-five.

Preamble.

WHEREAS, The citizens of Hoboken are desirous that the late call of the government for troops to aid in suppressing the rebellion should be filled with volunteers, rather than with drafted men, and for that purpose it is necessary to provide for the payment of bounties to such as may volunteer to fill the quota of said city ; therefore,

May issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the mayor and council of the City of Hoboken, to issue bonds under their corporate seal and the signature of the said mayor, for an amount of money not exceeding sixty-five thousand dollars, in such sums and payable at such time or times as the said mayor and council shall deem proper, bearing interest at a rate not exceeding seven per centum per annum, payable semi-annually, with coupons attached, and to pledge the property and credit of said city for the payment of the same, which bonds it shall be lawful for the mayor and council and their successors to sell and assign ;

Proviso.

provided, that no bond shall be sold by the said mayor and council for less than par ;

Proviso.

and provided further, that the bonds to be issued by virtue of this act shall be redeemed at a period of time not to exceed forty years from the passage hereof.

Payment of interest and principal by taxation.

2. *And be it enacted*, That the said mayor and council shall have power and authority to provide by taxation for the payment of said bonds and the interest thereon, and that they shall yearly and every year, until the

bonds so to be issued shall be redeemed and paid off, order and cause to be assessed and collected by tax, at the time and in the manner that other taxes in the said city are assessed and collected, a sum of money sufficient to pay and discharge the principal at the several times it shall become due and payable, and the interest on the said bonds as the same shall become due ;

Proviso. *provided*, that none of the said principal shall be made redeemable before the first day of January, eighteen hundred and eighty-four, and that not less than four thousand dollars nor more than six thousand dollars of the principal of the said bonds shall be redeemable in any one year after that period ; *and*

Proviso. *provided further*, that, the said mayor and council shall cause to be assessed and collected a special poll-tax of one dollar upon every white male inhabitant of the srid City of Hoboken of the age of twenty-one years and upwards, and shall also cause to be assessed all real and personal estate in the said City of Hoboken now liable to taxation for city purposes, at the full and actual value thereof, at such rate per dollar as will be sufficient to produce the sum required to be raised, after deducting the said special poll-tax.

How appropriated. 3. *And be it enacted*, That it shall be the duty of the said mayor and council to apply the net proceeds of the said bonds to the payment of bounties to such as may uolunteer to fill the quota of said city and for no other purpose.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1864.

CHAPTER LXXXVI.

A Further Supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

May issue bonds. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the mayor and council of the city of Hoboken, to issue bonds under their corporate seal and the signature of the said mayor, for an amount of money not exceeding fifty thousand dollars, in such sums and payable at such time or times as the said mayor and council shall deem proper, bearing interest at a rate not exceeding seven per cent. per annum, payable semi-annually, with coupons attached, and to pledge the property and credit of said city for the payment of the same, which bonds it shall be lawful for the mayor and council and their successors, to sell and assign ; *provided*, that no Proviso. bond shall be sold by the said mayor and council for less than par ; *and provided further*, that the bonds to be issued by virtue of this act shall be redeemed at a period of time not to exceed twenty years from the passage hereof.*

Payment of principal and interest by 2. *And be it enacted*, That the said mayor and council shall have power and authority to provide by taxation for the payment of said bonds, and the interest thereon, and that they shall yearly and every year, until the bonds so to be issued shall be redeemed and paid off, order and cause to be assessed and collected by tax at the time and in the manner that other taxes in the said city are assessed and collected, a sum of money sufficient to pay and discharge the principal at the several

* Amended. See Supplement. Approved March 29, 1865.

times it shall become due and payable, and the interest on the said bonds as the same shall become due; *provided*, that none of the said principal shall be made redeemable before the first day of January, eighteen hundred and seventy, and that not less than three thousand dollars nor more than five thousand dollars of the principal of the said bonds shall be redeemable in any one year after that period; *and provided further*, that the said mayor and council shall cause to be assessed and collected a special poll tax of one dollar upon every male inhabitant of the said City of Hoboken of the age of twenty-one years and upwards, and shall also cause to be assessed all real and personal estate in the said city of Hoboken, now liable to taxation for city purposes, at the full and actual value thereof, at such rate per dollar as will be sufficient to produce the sum required to be raised, after deducting the said special poll tax.

Proviso.

Proviso.

Proceeds, how applied.

3. *And be it enacted*, That it shall be the duty of the said mayor and council to apply the net proceeds of the said bonds to the liquidation of the indebtedness incurred by the said mayor and council, and not heretofore provided for, in the payment of bounties to volunteers, substitutes and drafted men, to fill the quotas of the said city and for no other purpose.

May borrow money.

4. *And be it enacted*, That it shall and may be lawful for the said mayor and council to borrow a sum of money not exceeding one hundred thousand dollars for the purpose of paying such bounties as the said mayor and council may from time to time deem expedient to every volunteer, drafted man or substitute obtained to fill the quota of the City of Hoboken under the present call of the president of the United States, or the quota upon any future call which may be hereafter made by the said president.

To provide for payment of indebtedness by issuing bonds.

5. *And be it enacted*, That it shall and may be lawful for the said mayor and council to secure the payment

of such indebtedness by issuing bonds in the manner and under the same restrictions expressed in the first section of this act, and that they shall also have power and authority to provide by taxation for the payment of the principal of the said bonds, and the interest thereon, in the same manner as is provided for in the second section of this act.

6. *And be it enacted*, That this act shall take effect immediately.

Approved February 28, 1865.

CHAPTER CCXXXV.

An act to vacate a portion of an alley called Court street, in the City of Hoboken.

Preamble.

WHEREAS, upon a certain map of Hoboken, made by Charles Loss, a certain alley, called Court street, was marked and established, and as that portion of said alley lying between Seventh and Eighth streets has never been opened ; therefore ;

Street vacated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of Court street, as the same is laid out on the map of Hoboken made by Charles Loss, lying between Seventh and Eighth streets, in the City of Hoboken, be and the same is hereby vacated.

Land to revert to owners.

2. *And be it enacted*, That the land of said Court street shall revert to the owners of lots fronting upon said street, fram the sides of the street to the centre thereof.

3. *And be it enacted*, That this act shall be deemed and taken to be a public act and shall take effect immediately.

Approved March 21, 1865.

CHAPTER CCXXXVI.

A further supplement to "An act to incorporate the City of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Recorder to be elected.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter, and until otherwise provided by law, there shall be elected in and for the said City of Hoboken, a recorder, who shall hold his office for three years, and who shall receive for his pay and compensation eight hundred dollars per annum, payable in equal quarterly payments.

Powers.

2. *And be it enacted*, That the said recorder shall have such powers and authority in the said City of Hoboken, as is now conferred by law upon the recorder in Jersey City.*

Policemen and their duties.

3. *And be it enacted*, That hereafter the council may appoint such number of policemen as they may deem necessary, not exceeding in all twenty-five, and the policemen in said city are hereby authorized and empowered

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* See Pamphlet Laws of 1851, Page 398.

"The recorder shall have all powers in criminal matters that justices of the peace in and for the several counties of the State, now have and shall have like powers as are given to the mayor to cause to be arrested and committed, without process, any person guilty, or that he may have reason to believe guilty, of any crime or misdemeanor or breach of the peace, and to try all causes and complaints arising from the violation of any city ordinance."

"*And be it enacted*, That the recorder of said city, in addition to the powers heretofore conferred on him, is hereby empowered to inflict such fines, not exceeding the sum of ten dollars, on such persons as shall be brought before him and charged with vagrancy, disorderly conduct, breach of the peace, or any other light offence, or in his discretion to order such persons committed to the county jail or workhouse for any period not exceeding sixty days."

See Pamphlet Laws of 1864, Page 713.

to serve all process issued by said recorder, and to convey prisoners to the county jail and to serve all criminal process within the limits of the said city, issued by justices of the peace, but such policemen shall not be entitled to receive for such service any additional compensation, other than his regluar monthly salary, except the money actually expended in the conveyance of prisoners to the county jail.

Compensation of councilmen.

4. *And be it enacted*, That each of the councilmen hereafter elected in said city, shall receive for his pay and compensation, the sum of two hundred dollars per annum, payable in equal quarterly payments.

Compensation of clerk, &c.

5. *And be it enacted*, That the city clerk, the city treasurer, and the collector of taxes in said city, hereafter elected, shall receive for their pay and compensation the following sums of money per annum : the city clerk, one thousand dollars, the city treasurer and collector of taxes, five hundred dollars each.

Amendment.

6. *And be it enacted*, That section sixteen of the act to which this is a supplement, be amended by striking out the words "justice of the peace," wherever they occur in said section, and inserting the word "recorder" in their stead.

Defendants to enter into recognizance.

7. *And be it enacted*, That upon the return of any writs issued by the said recorder, if the same shall be in the nature of a warrant, and the said recorder shall see fit to adjourn the hearing of the charge made and so orders, then the said defendant or defendants named in the said warrant shall enter into recognizance, as near as may be in the manner directed in courts for the trial of small causes in the amount of the penalty named in the process, with such surety as may be approved by the recorder, unto the mayor and council of the City of Hoboken, for his appearance on the day to which said hearing may be adjourned ; and in default of his appearance, the said recognizance may be collected in the same manner as the same might have been, had the said recognizance been taken in a proceeding in courts for the trial of small causes.

Breach of ordinance

8. *And be it enacted*, That whenever the mayor and council of said city shall, by resolution, require any person or persons to be prosecuted for the breach of any of the ordinances of the said city it shall be the duty of the said recorder to issue process as in other cases against such person or persons, without any oath, affirmation or affidavit being made that such person or persons has or have been guilty of a violation of such ordinances ; *provided*, that such resolution shall specify the name or names of such person or persons, and the ordinances which he or they has or have been guilty of violating.

Proviso.

Justices of the peace.

9. *And be it enacted*, That until the first Monday in May, eighteen hundred and sixty-five, the justices of the peace in said city shall be vested with the same powers they now possess by virtue of the provisions of the act to which this is a supplement.

School trustees.

10. *And be it enacted*, That each of the wards of said city shall, at their annual charter election, elect three trustees of the public schools, in the manner and form that other city officers are elected, and who together shall constitute a board of education, the powers and duties of which board shall be prescribed and defined by general ordinance of the council of said city.

Moneys to be paid to treasurer.

11. *And be it enacted*, That all moneys apportioned to the said city by the state, together with all moneys raised by tax for public schools, shall be paid to the treasurer of said city.

School superintendent abolished.

12. *And be it enacted*, That the office of school superintendent shall be abolished from and after the first Monday in May, eighteen hundred and sixty-five.

Street commissioners, &c.

13. *And be it enacted*, That the street commissioner, overseer of the poor, collector of the arrears of taxes, and one assessor for each ward, shall be appointed by the council of said city, and that so much of sections three and four of the act to which this is a supplement

as provides for the election of these officers, be and the same is hereby repealed.

Powers of council.

14. *And be it enacted*, That the council of the City of Hoboken shall have power and authority, and they are hereby authorized to raise by general ordinance such sum or sums of money as may from time to time be assessed upon or charged to any of the public squares, or other public property belonging to the said city or to any part or portion of the same, for the regulating, improving, paving or flagging any street or streets in said city, or for building sewers or drains under any such street or streets, and that such sum or sums of money, when lawfully assessed to such public squares or property, or any part of the same, shall be included in the next general tax ordinance for the raising and collecting the annual taxes for said city ; and the same shall be assessed, collected and raised as other taxes in said city are assessed, collected and raised ; *provided*, that all such sums of money shall be assessed upon all the real estate in said city, and not on goods and chattels.

Proviso.

May borrow money.

15. *And be it enacted*, That the council shall have power to borrow a sum of money not exceeding two thousand dollars, to enable them to pay the assessment made against the public square on the westerly side of Garden street, between Fourth and Fifth streets, for certain street improvements already completed, until the same can be raised and collected in the manner herein provided.

May appropriate money from contingent fund.

16. *And be it enacted*, That the said council shall have power to appropriate from the contingent fund of said city, a sum of money not exceeding one thousand dollars, for the purpose of paying such compensation as they shall deem just to those members of the council whose time has been employed in discharging any of the duties connected with furnishing men for filling the quotas of said city under the respective calls of the

President of the United States, or with the raising of moneys or means therefor.

Assessments to be made.

17. *And be it enacted*, That the several amounts hereby authorized to be paid, shall be assessed by the assessor of said city in addition to the amounts now authorized by law, and in the same manner as other taxes are now assessed, except those for improvements of streets and building of sewers, which shall be assessed on the real estate only.

Repealed.

18. *And be it enacted*, That this act shall be deemed a public act and take effect immediately, and that so much of the act to which this is a supplement and all other supplements thereto, inconsistent with the provisions of this act, be and the same are hereby repealed.

Approved March 21, 1865.

CHAPTER CCCXLIV.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Amendment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act entitled "A further supplement to an act to incorporate the City of Hoboken," approved February twenty-eighth, eighteen hundred and sixty-five, be amended by striking out the word "twenty," where the same occurs, and inserting in lieu thereof the word "forty."

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 29, 1865;

CHAPTER CCXXXVI.

A further supplement to an act entitled "An act to incorporate the City of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Power to construct sewer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the council of the said city are hereby empowered to build and construct a main sewer through the centre of Third street from the westerly line of Adams street to the Hudson river, subject to all the provisions contained in the said act and its supplements relative to the building of sewers in said city, except that the application of two-thirds of the property facing on the line of said sewer, therefore shall not be required to enable the said council to proceed with the construction thereof, and said council may by ordinance immediately direct the construction and building of said sewer without any petition of the property owners upon said street.

2. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall be deemed and taken to be a public act and take effect immediately.

Approved March 21, 1866.

CHAPTER CCCCLXXII.

A further supplement to an act entitled "An act to incorporate the City of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Boundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this is a supplement be and the same is hereby amended so that the boundaries of said City of Hoboken shall hereafter embrace that part of the County of Hudson embraced within the following boundaries, to wit: beginning at a point on the northerly line of Eighteenth street, as the same is shown on "A map of property situated at Hoboken, Hudson county, New Jersey, belonging to John G. Coster, dated eighteen hundred and sixty," one hundred feet easterly of the easterly line of the Bergen or Hackensack turnpike road, and running thence southerly and parallel with said turnpike, and one hundred feet distant therefrom to a point nine hundred and fifty feet northerly from the northerly line of Eighth street, in Hoboken, as said street is laid down on Loss' map of Hoboken, filed in the Bergen county clerk's office, thence easterly and parallel with Eighth street to a point where Tenth street intersects with the westerly line of Hudson street, as the same is shown on a map of a part of Hoboken, filed in the clerk's office of the county of Hudson, December thirty-first, eighteen hundred and fifty-eight, from thence southerly along the easterly line of Hudson street as the same is shown on the map last aforesaid to the north-east corner of Hudson and Seventh streets, thence easterly along the northerly line of Seventh street to the north-easterly corner of River and Seventh streets, thence southerly along the easterly line of River street to the northerly side of Sixth street, and thence easterly along the northerly line of Sixth street to the Hudson river, and thence in continuation of said last mentioned line if protracted to the centre of Hudson river, thence down the river and along the middle thereof to a point opposite the southerly line of Ninth street, at Jersey City, as laid down on a map of L. F. Douglass, dated eighteen hundred and forty-one, if the said line was protracted to the centre of the river, thence westerly and along the said line to the intersection of the same with a line running one hundred feet westerly from the westerly line of Willow street, in Hoboken, if protracted to said southerly line of Ninth street as shown on L. F. Douglass' map, thence northerly and parallel with Willow street to a line one hundred feet southerly from the southerly line of Ferry street, in Hoboken, thence westerly and parallel with Ferry street to a line one hundred feet southerly from the southerly line of Newark street or turnpike to Newark, as laid down on the map of L. F. Douglass mentioned above, thence westerly and parrallel with Newark street to the foot of Bergen hill; thence northerly and along the foot of the Bergen hill, at its intersection with the centre of the Paterson plank road; thence northerly and along the centre of the Paterson plank road, the several courses thereof, till it intersects with the southerly line of Ninth street, in Hoboken, if protracted to the centre of the Paterson plank road; thence easterly and along the southerly line of Ninth street until it intersects with the westerly line of John G. Coster, deceased, as laid down on the map mentioned above; thence northerly along the westerly line of said property, the several courses thereof, till it intersects with the westerly line of the Bergen or Hackensack turnpike road; thence northerly and along the westerly line of said turnpike road till it intersects with the northerly line of Eight-

teenth street, as the same is shown on the map of the property of John G. Coster, before mentioned; thence easterly and along the northerly line of Eighteenth street to a point one hundred feet easterly of the easterly line of Bergen or Hackensack turnpike road, the place of beginning.

Licenses.

2. *And be it enacted*, That sub-division eleventh of section forty of the act to which this is a supplement be and the same is hereby amended so as to read as follows, to wit: to license and regulate cartmen, hackmen, auctioneers, common criers, hawkers, peddlars junk-shop dealers, junk dealers, venders, porters, hucksters, city railroad cars, dealers in second hand articles, and scavengers, and to fix the rates of compensation to be allowed to them, and to prohibit unlicensed persons from acting in such capacities, and to locate, regulate and remove slaughter houses and petroleum refineries.

Agreement may be made between borrower and lender.

3. *And be it enacted*, That it shall and may be lawful for the borrower and lender of any moneys secured by mortgage upon personal or real estate situated in said city to enter into any contract or agreement whereby the borrower shall pay all governmental, state, city or township or other taxes which may or might without the passage of this act be assessed upon the money so lent or to be loaned, and the securities for the payment thereof, and all such contracts and agreements are hereby made and declared to be valid and effectual in law; and no such mortgage or other security shall be held, deemed or taken in any court of this state to be usurious or invalidated by reason of any such contract or agreement, anything in any existing [law] of this state to the contrary in anywise notwithstanding.

Part of original act amended.

4. *And be it enacted*, That section forty-three of the act to which this is a supplement be and the same is hereby amended by striking out therein the words "three mills" and inserting in lieu thereof the words "eight mills."

Time for making assessment.

5. *And be it enacted*, That all taxes for city purposes shall annually hereafter be assessed by the assessors in said city between the second Monday in May and the twentieth day of July, and the commissioners of appeal in cases of taxation in and for said city are hereby required annually hereafter to convene on the first Monday in August, and said commissioners shall have no power after the third Monday in August to reduce or alter the assessment made by the assessors in said city under the act to which this is a supplement.

Penalty for neglect of duties.

6. *And be it enacted*, That if any assessor or commissioner of appeal in cases of taxation in the city of Hoboken shall neglect or refuse to perform any service or duty at the time and in the manner required by law, he shall for every such neglect or refusal forfeit and pay the sum of one hundred dollars, to be recovered with costs, by action of debt, in the name of the mayor and common council of the city of Hoboken and for the use of said city.

7. *And be it enacted*, That this act shall be deemed a public act and shall take effect on the first day of May, one thousand eight hundred and sixty-six.

Approved April 6, 1866.

CHAPTER V.

An act to amend an act entitled "A further supplement to an an act entitled an act to incorporate the City of Hoboken, approved March twenty-eighth, eighteen hundred and fifty-five," which supplement was approved April sixth, eighteen hundred and sixty-six.

Part of former supplement amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act entitled "A further supplement to an act entitled an act to incorporate the City of Hoboken, approved March twenty-eighth, eighteen hundred aud fifty-five, approved April sixth, eighteen hundred and sixty-six," be and the same is hereby so amended that the southerly line of the boundaries named in said section shall correspond to the northerly line of Jersey City, as the same was established by an act entitled "An act to incorporate Jersey City," approved March eighteenth, eighteen hundred and fifty-one.

Repealed.

2 *And be it enacted*, That so much of the act to which this is a supplement as is inconsistent with this act, be and the same is hereby repealed ; *provided*, that any annual tax which may have been levied by the authorities of the City of Hoboken, upon lands south of the northerly boundary line of Jersey City, as established by its said act of incorporation, shall be paid to the proper authorities ot Jersey City.

Proviso.

3. *And be it enacted*, That this act shall take effect immediately.

Approved January 29, 1867.

CHAPTER CCCX.

A supplement to "An act to incorporate the City of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Ordinances.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act to which this is a supplement, be and it is hereby amended, so that hereafter the council of said City of Hoboken shall have power to pass, alter and repeal ordinances to take effect within said city, for the following purposes :

Inspection of weights and measures, &c.

First—To appoint one or more inspectors of lumber and wood ; one or more weighers and sealers of weights and measures ; one or more gaugers, and whenever a sworn certificate is required in any business or occupation, said council may appoint one or more officers, who shall have power to administer oaths and to give the same ; said council shall have power to prescribed the duties of said officers, fix the term of office, their fees and salary, and the mode of their removal from office ; but nothing in this section shall be construed as authorizing the council to prohibit any person not appointed by them from exercising any trade or vocation named in this section.

Assessment maps.

Second—To cause a general assessment map to be made for said city.

Compensation.

Third—To pay each of the assessors of said city a fair compensation to be based upon the service actually performed in each ward ; *provided*, that such compensation shall not exceed four hundred dollars per annum for any one ward ; to pay the street commissioner six hundred dollars per annum and the city clerk fifteen hundred dollars per annum.

Proviso.

Erection of city hall.

Fourth—To purchase ground for a city hall, and to

erect a city hall thereon, or to purchase improved property and convert the same by proper alterations to like use ; the cost thereof not to exceed fifty thousand dollars in payment thereof the mayor and council of said city may issue bonds bearing interest at the rate of seven per centum per annum, and payable in such instalments and at such times as said council may deem proper ; said council may also sell said bonds at not less than par, and use the proceeds thereof to pay for said city hall.

Election to be held.

The said council shall not, however, be authorized to incur any indebtedness for this purpose, unless they first obtain the assent thereto of a majority of the electors of the City of Hoboken, and for this purpose at the next charter election, the electors entitled to vote for the mayor of said city, shall express their assent thereto, or their dissent therefrom by depositing their ballot in the ballot box used for said charter election, and those electors who are in favor of said council incurring said indebtedness shall each deposit a ballot containing the words "City Hall," written or printed thereon, and those who are opposed shall each deposit a ballot with the words "No City Hall," written or printed thereon ; and a canvass and return of the votes shall be made by the judges of said charter election to the council of said city ; and if a majority of those who vote at such election are found to be in favor of building a city hall, then and not otherwise, said council may incur said indebtedness.

Fire department.

Fifth—To purchase one thousand feet of hose for the fire department at a cost not to exceed eighteen hundred dollars.

May issue bonds for fire department purposes.

Sixth—To issue bonds or city script in payment for the engine house or lot, number ninety-eight, Meadow street, in said city, said bonds or city script not to exceed in amount six thousand dollars ; all the proceedings of the mayor and council of said city heretofore

taken in reference to said engine house, is hereby ratified and confirmed and made as valid and effectual in law as if the same had been duly authorized by law before any action whatever had been taken by said mayor and council in reference thereto.

Assessments.

Seventh—To pay all assessments that now or may hereafter be made by the commissioners on the Third street sewer, against the public squares in said city ; *provided*, the same do not exceed the sum of three thousand dollars.

Proviso.

Sewers.

Eighth—To build, construct and continue the Bloomfield street sewer to the southerly line of the city, and to assess the cost of the same on the lands through which said parts of sewers passes ; *provided*, that a petition signed by the owners of at least two-thirds of the property along the line of such sewer be first presented to the said mayor and council.

Receiving basin for sewer.

Ninth—To build and construct receiving basins to connect with any public or private drain or sewer, whenever they may deem the same necessary or proper ; and no petition shall be necessary therefore, and the cost thereof shall be assessed upon and collected from the property benefitted thereby.

Compensation of collector of taxes.

Tenth—To allow the collector of assessments to receive one and one-half per centum on the amount of all sales of real estate, when the same is actually sold for non-payment of assessments.

Compensation of collector of arrears of taxes.

Eleventh—To allow the colletor of carrears of taxes three per centum on the amount of all sales of real estate where the same is actually sold for non-payment of taxes, and to charge the same against the property sold.

Notices of assessments made.

2. *And be it enacted*, That the assessors in the City of Hoboken shall, immediately after they have made their assessments, serve a notice on each party assessed, if living in srid city, stating the valuation made of the real and personal property of said party.

Amendment to original act.

3. *And it be enacted*, That section forty-four of the act to which this is a supplement, be and the same is hereby amended, by striking out the following words in said section, namely; "five per centum additional" and inserting in lieu thereof the words "fifteen per centum additional," and notifying said party when the commissioners of appeal in cases of taxation will meet.

Amendment to original act.

4. *And be it enacted*, That the title IV, ninth subdivision of the fortieth section of the act to which this is a supplement, be and is hereby amended by adding the following: "and to raise by bonds or direct taxation, as may be deemed for the best interests of the city the necessary bonds therefor."

Proceedings to be published.

5. *And be it enacted*, That the proceedings of the council and the board of education of said city, and such matters and things as are directed by said charter to be published, shall hereafter be published in two of the newspapers printed and published in said city in which the laws of this state are now directed to be published.

Repealed.

6. *And be it enacted*, That all acts and parts of acts inconsistent herewith, be and the same are hereby repealed, and this act shall be deemed to be a public act and take effect immediately.

Approved April 4, 1867.

CHAPTER CCLXX.

An act to refund to the City of Hoboken certain state and county taxes heretofore paid by said city.

Preamble.

WHEREAS, the southern boundary line of the City of Hoboken was altered by an act entitled "A further supplement to an act entitled 'An act to incorporate the City of Hoboken,'" approved March twenty-eighth, eighteen hundred and fifty-five, passed April sixth, eighteen hundred and sixty-six, and a portion of the lands formerly in Jersey City was by said act included in the City of Hoboken; and whereas, the territory thus taken from Jersey City has been restored to said city by an act passed during the last legislature; and whereas, the lands thus restored were assessed for state taxes of the year eighteen hundred and sixty-five, one hundred and eighty-six dollars and seventy-five cents, and for county taxes seven hundred and five dollars and fifty cents; and whereas, said tax amounts were severally paid to the state and to the county of Hudson; and whereas, Jersey City has also assessed said lands for the same taxes, and have collected a portion of said taxes and whereas, it is unjust that said taxes should be twice paid, and that the other property of the City of Hoboken should pay these amounts; therefore,

Payment by state treasurer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the state treasurer pay to the treasurer of the City of Hoboken the sum of one hundred and twenty-two dollars and seventy-five cents, and that the county collector of Hudson county pay to the treasurer of the City of Hoboken the sum of four hundred and fifty-three dollars and fifty cents.

2. *And be it enacted*, That this act shall be a public act and take effect immediately.

Approved April 1, 1868.

CHAPTER CCCLXXII.

A FURTHER SUPPLEMENT to "An act to incorporate the City of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Preamble. WHEREAS, John Stevens; dedicated to public uses in eighteen hundred and four a portion of the tract of land in Hudson county called Hoboken, bounded on the north by Fifth street, on the south by Fourth street, on the East by Garden street, and on the west by Willow street, and designated said tract of land on a map thereof, then made by him, a Square; and whereas, the fee of said Square is in parties other than the mayor and council of the City of Hoboken, and a building is now illegally maintained thereon; and whereas, it is desirable that said building should be turned into a city hall, and the title in fee simple of said Square vested in the City of Hoboken; therefore,

Mayor and council authorized to obtain absolute title, &c. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of the City of Hoboken, be and they are hereby authorized to purchase or obtain by gift the absolute title in fee of the whole or any portion of said Square, and receive good and sufficient deeds therefor, and to pay the several parties owning the fee of any portion of said Square such sums of money as they may deem proper, the whole of the expenditures for this purpose not, however, to exceed ten thousand dollars.

Building may be converted into a city hall. 2. *And be it enacted*, That when said mayor and council shall have purchased or acquired by gift the fee of the portion of said Square on which the Methodist Episcopal Church now stands, they may convert the said building into a city hall and use it for public purposes, and in making the alterations necessary therefor may expend a sum not exceeding three thousand dollars.

Expense to be raised by tax. 3. *And be it enacted*, That the several sums of money mentioned in the preceding sections of this act may be included in the next general tax ordinance for raising and collecting the annual taxes for said City of Hoboken, and the same shall be assessed, collected and raised as other taxes in said city are assessed, collected and raised.

Act to be submitted to the people of the city and decided by vote. 4. *And be it enacted*, That at the next charter election held in the City of Hoboken this act shall be submitted to the people of said city; and each voter in favor of this act shall express his assent thereto by depositing a ballot, on which there shall be wrttten or printed the words "For City Hall"; and each voter opposed to this act shall express his opposition thereto by depositing a ballot on which shall be written or printed the words "Against City Hall"; the officers conducting said election shall receive and count said ballots, and certify the result to the council of said city; said words whether for or against this act may be written or printed on the general ticket containing the names of the city and ward officers voted for at said election.

Powers not to be exercised until assented to by a majority vote at next charter election. 5. *And be it enacted*, That the powers granted in this act shall not be exercised by the council of said city, unless a majority of those voting at the next charter election in Hoboken express their assent to this act in the mode prescribed in section four of this act.

6. *And be it enacted*, That this act shall take effect immediately.

Approved April 7, 1868.

CHAPTER CCCXLIII.

An act to amend "An act to incorporate the City of Hoboken."

Vacancies in office to be filled by council.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New. Jersey*, That in case a vacancy shall occur from any cause whatever in any of the elective officers in said city, excepting the mayor and members of the council of said city, it shall be lawful for the council to appoint others to fill said vacancies until a person is elected for said office at the next annual charter election in said city and has been duly qualified and sworn inty office.

Acts of recorder confirmed.

2. *And be it enacted*, That the appointment of James Pope as recorder of said city, by the council thereof, to fill the vacancy occasioned by the death of George S. Avery, and all the acts done by him by virtue of his appointment to said office, are hereby confirmed and ratified and made as valid and effectual in law as if said council were expressly authorized by law to make said appointment at the time when the same was made.

Duties of police.

3. *And be it enacted*, That any policeman of said city seeing any person or persons violating any ordinance of said city may at once without summons or warrant, arrest said person or persons, and take him or them before the recorder of said city, who shall thereupon take the oath or affirmation of said officer, and thereafter proceed as if said person or persons had been brought before said recorder by a warrant regularly issued by him for a violation of any ordinance of said city.

Council may pass and repeal ordinances.

4. *And be it enacted*, That the council shall have power to pass, alter and repeal ordinances to take effect within said city for the following purposes: to license all ice carts and wagons used in said city, and

to prevent and punish all persons owning or using the same without a license; to prevent the slaughtering of cattle or animals within the city limits, or the keeping or maintenance of slaughter houses therein, and to close the same and keep the same closed, and to remove any offensive matter or thing in or coming or flowing from any slaughter house in said city, and to sell any property on the premises for the payment of any expense incurred or fine imposed by the violation of any ordinance in reference to slaughter houses.

Amendment.

5. *And be it enacted*, That section forty-three of the act to which this is an amendment, be and the same is hereby amended by inserting after the words "for contingent expenses," the following words: "for rents of armories for ununiformed militia companies in said city, one thousand dollars."

Streets to be cleaned under direction of street commissioner.

6. *And be it enacted*, That the council of said city shall have power on and after the first day of May, eighteen hundred and sixty-eight, whenever they deem it for the best interests of the city, to purchase or hire the necessary workmen and horses and carts and implements necessary for removing the ashes and garbage and street dirt in said city, and keeping the streets of said city clean at all times, the said workmen and horses and carts and implements, shall be under the direction of the street commissioner, who shall be subject to the control of the committee on streets of said council, the council may at any time sell or dispose of said ashes and garbage and street dirt, and said horses and carts and implements as they may think proper.

Repealed.

7. *And be it enacted*, That all acts and parts of acts inconsistent herewith, be and the same are hereby repealed, and this act shall be a public act, and take effect immediately.

Approved April 6, 1868.

CHAPTER CLIII.

An act to create a Fourth Ward in the City of Hoboken.

Limits of the fourth ward.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That a Fourth Ward be and the same is hereby created and erected in the City of Hoboken, to be composed of all that part of the First Ward in said city, lying west of the centre line of Willow street in said city.

Rights and p rivileges.

2. *And be it enacted*, That the said Fourth Ward shall be entitled to the same representation in the council of said city, and to all the other rights and privileges of the other wards in said city.

3. *And be it enacted*, That this act shall be a public act and shall take effect immediately.

Approved March 16, 1869.

CHAPTER CCCIV.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Power to raise money by tax for various purposes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of the City of Hoboken, shall have power to pass, alter and repeal ordinances to take effect within said City of Hoboken, for the following purposes: first, to raise by tax, a sum of money not exceeding ten thousand dollars, for the purpose of altering, repairing and fitting up any building in the City of Hoboken, which the said mayor and council may rent or procure in said city for a city hall; second, to raise by tax, a sum of money not exceeding fifteen thousand dollars to purchase lands on the Coster estate in the City of Hoboken, and to erect a public school-house thereon; third, to raise by tax, a sum of money not exceeding six thousand dollars, to purchase land in the City of Hoboken and erect a building thereon for the use of Engine Company Number Three; fourth, to raise by tax, a sum of money not exceeding ten thousand dollars to purchase land and erect a building thereon for the use of the association of Exempt Firemen of the Hoboken fire department; fifth, to raise by tax, a sum or sums of money not exceeding forty thousand dollars in the whole, to improve and fence the public squares in said City of Hoboken, or any one of them.

May issue bonds to raise money for improving public squares.

2. *And be it enacted*, That it shall and may be lawful for the mayor and council of the City of Hoboken to raise the said sum of money last above mentioned, by issuing bonds under their corporate seal and the signature of the said mayor for an amount of money not exceeding the said sum of forty thousand dollars, in such

sums and payable at such time or times as the said mayor and council shall deem proper, bearing interest at a rate not exceeding seven per centum per annum, payable semi-annually with coupons attached, and to pledge the property and credit of said city for the payment of the same; which bonds it shall be lawful for the mayor and council, and their successors, to sell and assign; *provided*, that no bond shall be sold by the said mayor and council for less than par; *provided, also*, that the bonds to be issued by virtue of this act shall be redeemable at a period not to exceed twenty years from the passage hereof.

Proviso.

Proviso.

May provide for payment by taxation.

3. *And be it enacted*, That the said mayor and council shall have power and authority to provide by taxation for the payment of said bonds and the interest thereon, and that they shall yearly and every year, until the bonds so to be issued shall be redeemed and paid off, order or cause to be assessed and collected by tax, at the time and in the manner that other taxes in said city are assessed and collected, a sum of money sufficient to pay and discharge the principal at the several times it [shall] become due and payable, and the interest on the said bonds as the same shall become due; *provided*, that not less than one thousand dollars nor more than five thousand dollars of the principal of said bonds shall be made redeemable in any one year.

Proviso.

Proceeds of bonds, how applied.

4. *And be it enacted*, That it shall be the duty of the mayor and council to apply the net proceeds of the said bonds to the purpose of improving and fencing the said public squares.

Certified ordinances received in evidence.

5. *And be it enacted*, That in all prosecutions, suits and actions which may be brought or instituted against any person or persons for violation of any ordinance or ordinances of the mayor and council of the city of Hoboken, heretofore passed or which may hereafter be passed, a copy of such ordinance or ordinances with a certificate thereto annexed, under the corporate seal of said city, attested by the city clerk that the same is or are a true copy or copies of the original or originals, shall be read and received in evidence by the court in which such prosecution, suit or action is pending, as proof of the existence of such ordinance or ordinances, and that no further proof or evidence of publication of such ordinance or ordinances, nor of the corporate seal of said city, nor the signature of the city clerk shall be required for the purposes of such prosecution, suit or action; *provided*, that if the said ordinance or ordinances have not been published as required by law, that fact may be shown in evidence by the defendant or defendants in bar to the action.

Proviso.

6. *And be it enacted*, That the recorder, the street commissioner and the collector of taxes in said city, hereafter shall receive for their pay and compensation the following sums of money per annum: the recorder one thousand dollars, the street commissioner one thousand dollars, the collector of taxes eight hundred dollars.

Compensation of officers.

7. *And be it enacted*, That the collector of the said city of Hobokon, in case of the non-payment of taxes on or before the twentieth day of December in each year, shall make out a list of the names of delinquents, with the sums due from them respectively annexed, and deliver the same to the clerk of the said city on the fifteenth day of January in every year, except when the said day shall be Sunday, and then on the next day following; and it shall be the duty of such clerk to lay the same before the council at a meeting thereof, held next after the same shall be delivered to him, and it shall be the duty of the said council to deliver the same to the collector of arrears of taxes on or before the first day of February next following, who shall proceed thereon as now required by law.

Proceedings in repairing sidewalks and resetting curbs.

8. *And be it enacted*, That in all cases where the council or their committee on streets shall direct the

street commissioner to repair or put in proper grade the sidewalks, or to reset the curb or gutters in any portion of any street, the street commissioner shall proceed to do such work and shall make a correct statement in writing of the costs and expenses thereof incurred for each lot in front of which such work is done, and shall file such statement in the city clerk's office, whereupon the said clerk shall cause to be inserted in at least one of the newspapers published in said city of Hoboken, for at least ten days, a notice of the filing of said statement, and that the council will meet at a certain time and place to be specified in said notice to consider all objections to the charges in said statement made, which may be presented in writing, and if the council shall approve said statement, the charges against each lot for such work therein mentioned shall constitute a lien on the property in front of which such work has been done, and that such liens may be enforced and collected in the same manner as assessments are collected under and by virtue of the act to which this is a supplement.

Ordinances to be published in pamphlet form.

9. *And be it enacted*, That it shall be the duty of the mayor and council of the city of Hoboken to cause the laws and ordinances of said city to be published in book or pamphlet form for the use of the officers of said city.

Pay for the same by tax.

10. *And be it enacted*, That the said council shall have power to raise by tax and appropriate a sufficient sum of money to defray the expenses of causing said laws and ordinances to be published as aforesaid.

Consent of a majority of voters necessary to the expense of "exempt engine house."

11. *And be it enacted*, That the power to raise by tax the sum of ten thousand dollars to purchase land and erect a building thereon for the use of the association of exempt firemen of the Hoboken fire department, shall not be exercised by the said mayor and council unless a majority of the voters of the city of Hoboken, voting at the next charter election in said city, shall signify their assent thereto, and at said election the voters in favor thereof shall deposit a ballot having thereon the words, "For Exempt Engine House," and those opposed thereto shall deposit a ballot having thereon the words, "Against Exempt Engine House," and said words shall be upon the general city ticket, voted for at said election, and said votes shall be canvassed and a return thereof made to the city board of canvassers.

Consent of a majority of voters necessary to the expense of "improving public squares"

12. *And be it enacted*, That the power to raise by tax a sum or sums of money not exceeding forty thousand dollars in the whole, to improve and fence the public squares in said city of Hoboken, or any one of them, shall not be exercised by said mayor and council unless a majority of the voters of the city of Hoboken, voting at the next charter election in said city, shall signify their assent thereto, and at said election the voters in favor thereof shall deposit a ballot having thereon the words, "For Park Improvements," and those opposed thereto shall deposit a ballot having thereon the words, "Against Park Improvements," and said words shall be upon the general city ticket voted for at said election, and said votes shall be canvassed and a return thereof made to the city board of canvassers.

13. *And be it enacted*, That this act shall take effect immediately.

Approved March 30, 1869.

CHAPTER CCCLV.

A further supplement to an act entitled "An act to incorporate the City of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Treasurer may make transfers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the treasurer of the City of Hoboken, by authority of the council of said city, to transfer to any person or persons who will pay the amount due thereon, any unredeemed and uncancelled declaration of sale heretofore issued to said treasurer or that may be hereafter be issued to him for any lands, tenements or real estate, lawfully purchased by said treasurer for the benefit of said city, at any sale for unpaid taxes, assessments, water rents or other charges for which the corporation of said city are or may be authorized to sell such lands, tenements or real estate.

Certificate of transfer, how executed.

2. *And be it enacted*, That a certificate of such transfer, signed by said treasurer, endorsed upon or annexed to such declaration of sale and attested by the city clerk under his hand, shall, together with such declaration of sale, be delivered to the transferee at the time of such transfer, and, thereupon, the person or persons to whom such transfer and delivery are made shall in all respects be entitled to the same rights, powers and privileges, under said declaration of sale, as if the same had been originally lawfully issued to any person other than the treasurer of said city, and by such person duly and legally assigned and set over to such transferee; and such certificate of said treasurer, attested as above stated, shall operate as and be an assignment and conveyance of the said declaration of sale, and the rights and interests thereby conveyed

to said treasurer as fully and to the same extent as if said declaration of sale had been originally issued to any other person, having power to assign and convey his own interest therein, and had thereupon been assigned and conveyed to said transferee.

Certificate of transfer to be recorded.

3. *And be it enacted*, That it shall be the duty of the city clerk, at the time of attesting said certificate, to record the same or an abstract thereof in the margin of the record of the declaration of sale by said certificate transferred or assigned, and the said attestation and record of said certificate by the city clerk shall be deemed and taken as conclusive evidence of the consent and authority of the council to such transfer being made.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 31, 1869.

CHAPTER CVI.

A supplement to an act entitled "An act to incorporate the City of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Preamble. WHEREAS, Willow street, from Newark avenue to the Hackensack plank road, in the City of Hoboken, is undergoing improvement under and by virtue of an ordinance of the mayor and council of the City of Hoboken, passed for that purpose, and approved April fifteenth, eighteen hundred and sixty-nine; and, whereas, said improvement was divided into sections and separate contracts on each of said sections were awarded to several different contractors for making said improvements; and, whereas, the said improvements on some of the said sections are now completed and finished, while other sections of said improvements will not be completed for a long time to come; and, whereas, it is desirable that the lands the lands benefited by the said improvements along the said sections already completed, should be assessed for such benefits received and the money collected therefor for the purpose of paying the contractors for doing said work on said sections now completed; therefore,

Expenses how ascertained and assessed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the expenses of each of the sections of said improvement now completed shall be ascertained and assessed by three impartial commissioners not interested therein, who shall be appointed by said council from the freeholders resident in the city as soon as may be after the passage of this act, which commissioners shall examine into the whole matter and shall determine and report in writing to the

council what real estate ought to be assessed for such section of said improvement, and what proportion of such expenses shall be assessed to each separate parcel or lot of land, and shall accompany such report with a map containing each lot assessed and the name of the owner or owners thereof, which report and map shall be filed in the office of the city clerk, whereupon the said clerk shall cause to be inserted in the newspapers, as now required by law, for at least ten days, notice of the filing of said report, and that the council will meet at a time and place to be specified in said notice, to consider said assessment and receive and consider all objections thereto which may be presented in writing; at said day named in said notice, or at any time thereafter, the council may confirm said assessment, or if they refuse to confirm the same they may return the same to said commissioners for correction in any particulars named by said council; and said commissioners shall amend said report and map in the particulars named and report again to the council, and if said report and map be amended as directed, the council may thereafter, without any notice to any person, confirm said assessment or assessments, and upon said confirmation said assessment or assessments shall constitute a lien on the property assessed for the amount of such assessment or assessments, and shall be collected as assessments for improvements have been heretofore collected in said city.

Commissioners of assessment.

2. *And be it enacted*, That on each of the remaining sections of said Willow street improvement, commissioners of assessment may be appointed at any time after the passage of this act, which commissioners and the said council, shall proceed in all things to make and confirm assessments thereon as directed in the preceding section of this act.

Council may appoint surveyors to assist commissioners.

3. *And be it enacted*, That the council may, whenever they deem it advisable, appoint one or more city sur-

veyor or city surveyors to assist commissioners of assessments, appointed by said council, in making measurements and estimating quantities to enable the said commissioners to arrive at a just conclusion in the matters submitted to them, and that the fees and expenses of such surveyor or surveyors shall be added to the costs of such improvement or section of an improvement, and assessed upon the property benefited by such improvement or section thereof.

Sections of street improvements assessed, &c.

4. *And be it enacted*, That hereafter, whenever any street improvement in said city is contracted for by sections, commissioners of assessments may be appointed by said council on each section, and the costs of each section may be assessed upon the property benefited thereby, in proportion to the benefit received, as soon as such section is completed, notwithstanding the entire improvement may not be completed.

Assessments declared legal.

5. *And be it enacted*, That all assessments made by sections for any improvement in said city, which heretofore have been or hereafter may be confirmed by said council, shall not for that reason be considered invalid or illegal, but shall be legal, valid and binding to all intents and purposes.

Confirmation of assessments, &c.

6. *And be it enacted*, That in any case after the commissioners of assessments have filed their report and assessment map and notice thereof, and of the time and place when and where the council will meet to hear objections thereto as now required by law, at said day appointed for hearing the objections thereto, or at any time afterwards, the said council may confirm said assessment, or if they refuse to confirm the same they may return the same to said commissioners for correction in any particulars named by said council, and the said commissioners shall amend said report and map in the particulars named and report again to the council, and if said report and map be amended as directed, the

council may thereafter, without any notice to any person, confirm said assessments.

Time of appointing commissioners.

7. *And be it enacted*, That the council may appoint commissioners of assessment on any improvement, or any section of an improvement, immediately after the contract therefor is awarded; *provided*, said commissioners shall not make their assessments or report to the council until the improvement or section thereof on which they are appointed is completed.

Proviso.

Poll tax declared unlawful.

8. *And be it enacted*, That hereafter it shall not be lawful for the mayor and council of the city of Hoboken to cause to be assessed any poll tax upon the inhabitants of said city of Hoboken, to raise money to pay the principal or interest on any volunteer bounty bonds issued by said "The Mayor and Council of the City of Hoboken;" and that the mayor and council shall cause the real and personal estate in said city of Hoboken to be assessed at the full and actual value thereof, at such rate per dollar as will be sufficient to produce the sum required to be raised for such purposes.

Salary of corporation attorney.

9. *And be it enacted*, That the ordinance of the mayor and council of the city of Hoboken, fixing the salary of the corporation attorney of the city of Hoboken, passed June twenty-ninth and approved June thirtieth, eighteen hundred and sixty-nine, shall take effect from the said thirtieth day of June, and that the said corporation attorney shall be entitled to receive the salary in said ordinance mentioned, from the said thirtieth day of June last past until the end of his official term.

Repealed.

10. *And be it enacted*, That all acts and parts of acts inconsistent with this act be, and the same are hereby repealed.

11. *And be it enacted*, That this act shall take effect immediately,

Approved February 23, 1870.

CHAPTER CXLIV.

A further supplement to "An Act to incorporate the City of Hoboken, approved March twenty-eighth, eighteen hundred and fifty-five.

Rate of interest of certificates.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all improvement certificates hereafter issued by the said city of Hoboken shall draw interest at the rate of seven per centum per annum from the date of their issue.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 1, 1870.

CHAPTER CCCCLXXXIV.

A further supplement to "An act to incorporate the City of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Police commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the powers and duties connected with and incident to the police government and discipline of the City of Hoboken shall be as hereinafter specially provided, vested in and exercised by a board of police commissioners, officers of police, and such number of policemen as the said police commissioners may appoint, not exceeding the number of thirty-five.

Term of service to be determined by lot.

2. *And be it enacted*, That the said board of police commissioners shall consist of the mayor of said city of Hoboken, for the time being, August Bente, William H. Child, William P. Judge and John E. McWhorter; which said persons, other than the mayor, shall at their first meeting determine by lot which one of their number shall serve until the first Monday in May, eighteen hundred and seventy-one, which one for one year thereafter, which one for two years thereafter, and which one for three years thereafter, and the mayor of the said city, by and with the advice and consent of the common council shall thereafter fill all vacancies for any unexpired term, and appoint a member for a full term of four years within one month of the expiration of any member's term of office, and at the expiration of each term the full term succeeding shall be for four years, and the said commissioners shall receive no pay or compensation for their services.

Commissioners to take oath.

3. *And be it enacted*, That on or before the first Monday in May, eighteen hundred and seventy, each of the

said members of the said board, other than the mayor, shall take an oath, to be administered by the city clerk of the said City of Hoboken, to faithfully and impartially discharge and perform all the duties of such member of said board, which said affidavits shall be filed in the office of the said city clerk, upon the filing of which the said member or members snall be fully qualified to enter upon the duties of the said office, and the said board shall enter upon and discharge the duties of said board as vested by this act on and after the said first Monday of May, eighteen hundred and seventy.

General powers.

4. *And be it enacted*, That the said board of police commissioners shall have power to make such rules and regulations as to them may seem proper for the government of their own body, and for the government, direction and order of the police department of the said City of Hoboken.

Chief of police.

5. *And be it enacted*, That the said board of police commissioners shall hold meetings at least twice in every month, and shall promulgate all orders through the chief of police, who shall be appointed by the said board, and who shall be the executive head of the whole police force of the city, subject to the rules and regulations of the board.

Commissioners to aid the mayor, &c.

6. *And be it enacted*, That the said board of police commissioners shall at all times aid and assist the mayor and city council of the City of Hoboken in the execution of all laws and ordinances in force in said city.

Police not discharged for political reasons.

7. *And be it enacted*, That the present police organization of the City of Hoboken shall continue until altered by the board of police commissioners in accordance with the provisions of this act; that the officers and members of the police force shall hold their offices during good behavior, and no person shall be removed from said force for political reasons, or on any grounds save incapacity, non-rssidence or disobedience of the

rules and regulations of the department; the members of the force shall receive such compensation as shall be fixed by the said commissioners, and which shall not be diminished within one year after the same shall be determined upon.

Record of proceedings to be kept.

8. *And be it enacted*, That the commissioners shall keep a complete record of all their proceedings in a book or books provided for the purpose, which shall be taken and deemed as a public record, and they shall annually on or before the first day of May, submit a full report of their transactions, together with a financial statement to the common council of Hoboken, which report shall by them be ordered to be published in the same manner as the mayor's message and other public documents, and a copy shall be filed in the office of the city clerk.

Payment of salaries.

9. *And be it enacted*, That in paying salaries a pay roll shall be made out by said board of police commissioners, and submitted to the common council, who shall order a warrant drawn on the city treasurer therefor, to the order of the president of said board of police commissioners, whose duty it shall be to pay the men according to said pay roll, and no moneys shall be drawn from the city treasury for the board of police commissioners, except by warrant ordered by the common council, in pursuance of a requisition by said board of police commissioners.

Police to have constabulary powers.

10. *And be it enacted*, That the members of the force are hereby invested with all the powers applicable to sheriffs and constables of the state, except to serve civil process; they shall also have all the powers conferred on the policemen of the city of Hoboken by the act to which this is a supplement; they shall also be exempt from duty as jurymen, and from military service during the time they shall remain members of said force.

Commissioners may make arrests.

11. *And be it enacted*, That each of said police com-

missioners shall have full power to arrest, without warrant, for breaches of the peace committed in their presence, and in every such case of arrest the person arrested shall be forthwith taken before a proper judicial officer to be dealt with according to law.

Mayor to be ex officio, a member of the board.

12. *And be it enacted*, That the mayor of the City of Hoboken, for the time being, shall always be ex-officio a member of the said board, and shall be presiding officer of the said board; and the city clerk of the said city shall be clerk of the said board; and the city physician shall be police surgeon of said city; and that said clerk and police surgeon to receive no extra pay or compensation for their services by virtue of this act.

Quorum.

13. *And be it enacted*, That a majority of all the members of the board shall constitute a quorum for the transaction of business, and no policeman shall be appointed or dismissed from the police force of the said city unless by the vote of the majority of the said board.

Collection of unpaid assessments.

14. *And be it enacted*, That the council of the city of Hoboken shall proceed to settle up the business and affairs of the commissioners appointed under "An Act to provide for the drainage of certain low lands lying in the city of Hoboken and the township of Weehawken," approved April fourteenth, eighteen hundred and sixty-six, and the various supplements thereto, and for that purpose shall be vested with all the rights and powers of the commissioners appointed under said act and its various supplements; and they shall receive and collect all unpaid assessments on property assessed by said commissioners; and the mayor and council of Hoboken may sue any of said commissioners and recover from them any sums of money illegally taken by them for fees or compensation for their services as commissioners; and the said council from the money received from the payments of assessments and otherwise

shall pay all the outstanding unpaid improvement certificates issued by said commissioners for work done by contractors, and also interest thereon from the date of said certificates at the rate of seven per centum per annum, and to pay such other legal indebtedness as may have been incurred by said commissioners; and said council shall have power to cancel all liens and assessments upon property imposed by said commissioners upon payment to said council or the city clerk of the said assessments on the said property.

Tax to be raised for special purposes.

15. *And be it enacted*, That the mayor and council of the City of Hoboken shall have power to raise by tax upon all the real and personal property in the City of Hoboken a sum of money not exceeding twenty thousand dollars, to pay the claim of Charles Devlin against the City of Hoboken, for construction of main sewer in Third street in said city, and said sum shall be inserted in the general tax ordinance of said city for the year eighteen hundred and seventy.

Repealed.

16. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed, and that this act shall be deemed a public act, and shall take effect immediately.

Approved March 17, 1870.

CHAPTER DXXXII.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Election of city assessor and collector.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter, and until otherwise provided by law, there shall be elected in and for said City of Hoboken, one city assessor and one collector of revenue, who shall be residents of said city, and who shall be elected at the same time, and in the same manner, and for the same term as the mayor and city clerk are elected.

Power and duties of assessor.

2. *And be it enacted*, That the city assessor elected under the provisions of this act shall be liable to the same penalties and shall have the same powers and shall perform the same duties as heretofore have been had and performed by the ward assessors in said city, and in addition thereto he shall have power to appoint and remove at pleasure as many assistant assessors as he may deem necessary ; *provided, nevertheless*, he shall pay such assistants by him appointed out of his own funds, and they shall have no claim against the said city for any compensation whatever ; *and provided, also*, that the said city assessor shall be responsible to the mayor and council of the City of Hoboken for the negligence or misdemeanor in office of all or any of his said assistants.

Proviso.

Proviso.

Oath of assessor.

3. *And be it enacted*, That the city assessor shall, before entering upon the duties of his office, 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 estate in

the City of Hoboken, in the county of Hudson, 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 I will make a true return of all such assessments to the county board of assessors, at their meeting by law required to be held.

Vote in county board.

4. *And be it enacted*, That in the county board of assessors at any meeting thereof, the assessors of the City of Hoboken shall, in determining any question, have one vote for each and every ward in the City of Hoboken.

Compensation.

5. *And it be enacted*, That the city assessor shall be entitled to have and receive a salary of two thousand five hundred dollars per annum, payable quarterly, and and no more, for the services required of him under and by virtue of this act.

Powers and duties of collector.

6. *And be it enacted*, That the collector of revenue of the City of Hoboken, elected under and by virtue of the provisions of this act, shall be liable to the same penalties, shall have all the powers, and shall do and perform all the duties heretofore had, done and performed by the collector of taxes, the collector of arrears of taxes, and the collector of assessments in the City of Hoboken ; and that all ordinances of "The Mayor and Council of the City of Hoboken," now in force, prescribing the duties or regulating the conduct of the said collector of taxes, collector of arrears of taxes, and collector of assessments, shall apply to and be binding upon the said collector of revenue until the same be altered or repealed.

Collector to make monthly reports.

7. *And be it enacted*, That in addition to his other duties it shall be the duty of the collector of revenue to countersign all warrants for the payment of money issued by the mayor and council of the City of Hoboken, and to keep an account in a book to be provided for that purpose, wherein each warrant shall be charged

to the particular fund upon which it is drawn, and on the first Monday of every month he shall send to the council a report in writing, showing the amount of appropriation and the amount of actual cash in the hands of the city treasurer belonging to each particular fund, and also the total amounts of warrants that have been drawn on each particular fund, and also the balance of each particular fund remaining unappropriated.

Collector to give bonds.

8. *And be it enacted*, That the collector of revenue shall, before he enters upon the duties of his office, give bonds to the city in its corporate name, in such sum and with such freehold security as the mayor and council may approve, conditioned for the true and faithful performance of the duties of said office.

Compensation.

9. *And be it enacted*, That the collector of revenue shall be entitled to have and receive a salary of two thousand five hundred dollars per annum, payable quarterly, and no more, for the services required of him under and by virtue of this act; except that he shall also receive an allowance of five per centum upon all arrears of poll taxes and taxes on personal property collected by him after the twentieth of December in each year.

Vacancy, how filled.

10. *And be it enacted*, That should there be at any time a vacancy in the office of assessor or collector of revenue, from disability or otherwise, the mayor shall have power to fill the vacancy until the next ensuing election; *provided*, that any person so appointed shall give bonds, and shall be subject to the same regulations and ordinances as would have applied to the person elected under this act.

Proviso.

Compensation of city physician.

11. *And be it enacted*, That the city physician shall be ex-officio the health warden of said city, and shall be entitled to receive a salary of one thousand dollars per annum, payable quarterly, which sum shall cover his compensation as city physician and health warden, and shall include the cost of furnishing all medicines

necessary for the use of poor patients; and he shall also be subject to such rules and regulations as the mayor and council may by ordinance prescribe.

May raise money and issue special improvement bonds.

12. *And be it enacted*, That for the purpose of improving, filling up, grading or widening streets, or making brick sewers in said city, on the application of a majority of the lots on the line of such improvement at any time after such improvements are, in accordance with law, directed to be made, the council shall have power to raise money for the purpose of paying for such improvement or improvements, and secure the payment of the same, with legal interest thereon, by issuing special bonds, to be signed by the mayor and sealed with the corporate seal of said city, attested by the city clerk; which improvement bond shall be made payable at a period of time not less than three nor more than ten years from the dete of their issue, which said bonds shall not carry the general credit of the said city, but shall be secured by a lien hereby created on the property to be assessed for any such improvement and on such property only.

Money borrowed not to exceed two-thirds of cost of improvement.

13. *And be it enacted*, That in raisihg money, as provided for in the preceding section of this act, the amount borrowed for any particular improvement shall not exceed two-thirds of the entire cost of such improvement when completed, and the assessments made for such improvement or improvements shall be paid by instalments, at such times and in such manner as the council shall, by resolution, direct; and such assessment or assessments shall remain a lien upon the lot or lots assessed, until the same is fully paid and satisfied; and that for the non-payment of any instalment, or for the non-payment of interest thereon at the time or times designated for such payment, any lot or lots may be sold in the same manner that lots are sold for the non-payment of an entire assessment.

Assessment to remain a lien.

Lots may be sold for non-payment of assessments.

Bonds, when to be issued.

14. *And be it enacted*, That the council shall not issue

bonds to raise money, as above provided, for special improvements unless petitioned so to do by the owners of the lots, who are to bear two-thirds of the expenses of such improvement; and the owner of any lot assessed, in case bonds have been issued to pay for such improvement, may pay the said assessment, or any part thereof, before the same becomes due; *provided*, the instalments so paid shall not be less than fifty dollars, except the last payment, which shall be the balance remaining unpaid; and when the assessment on any lot or lots is fully paid, such lot or lots shall be immediately relieved from all lien or encumbrance of the said assessment.

Proviso.

Assessments for improvements to bear interest.

15. *And be it enacted*, That the bonds to be issued to raise money for improvements as aforesaid, shall be sold by said city at a rate not less than ninety per centum of their par value, and the assessments for such improvements shall bear interest from thirty days after the confirmation thereof until paid, at the rate of eight per centum per annum for the first year, nine per centum per annum for the second year, ten per centum per annum for the third year, eleven per centum per annum for the fourth year, twelve per centum per annum for the fifth year, and fifteen per centum per annum for each succeeding year.

Improvements in certain streets to be included in this act.

16. *And be it enacted*, That the improvements in Second, Thirteenth and Ferry streets, and in such other streets as are now in process of improvement, shall be included in the provisions of the four preceding sections of this act.

Appointment and term of office of board of commissioners of assessments.

17. *And be it enacted*, That hereafter the mayor shall nominate and the council shall confirm a board of commissioners of assessments, which board shall consist of three commissioners, who shall be residents and freeholders of said city, who shall each take and subscribe an oath, honestly, faithfully and impartially, to discharge the duties of said office of commissioner of assessments, and who shall hold their office for one, two

and three years from the first Monday of May next; and the mayor shall, at the time of making such nominations, designate which shall hold office for the long, and which for the short term; and that whenever a vacancy in office shall occur by expiration of the term of office, or otherwise, such vacancy shall be filled by nomination by the mayor and confirmation by the council as aforesaid; *provided*, that every person appointed to fill a vacancy occurring otherwise than by expiration of term of office, shall hold office for the unexpired term only, and persons appointed to fill a vacancy occurring by expiration of term of office, shall hold office for three years thereafter; *and provided also*, that in case any one or more of the said board of commissioners shall be interested in any assessment, then the mayor and council shall, in such case, appoint some disinterested and impartial freeholder or freeholders, residing in said city, to serve with such board on such assessment in lieu of the commissioner or commissioners so interested; and that the compensation of said commissioners shall be determined by ordinance of the said council; which board of commissioners of assessments shall make all assessments hereafter to be made for improvements in said city in the manner directed in the act to which this is a supplement, and the several supplements thereto, except where commissioners of assessments for any improvement have already been appointed; and also excepting cases where an assessment is or shall be set aside by the judgment or order of the supreme court, in which case said court shall appoint commissioners to make a new assessment, as heretofore.

Vacancy, how filled.

Proviso.

Proviso.

Election and term of office of tax commissioners.

18. *And be it enacted*, That at the next charter election, and on each succeeding charter election, two persons shall be elected as tax commissioners in each ward of said city, who shall be freeholders and electors of the ward in which they are elected; and no ballot

shall contain more than one name for the office of tax commissioner ; and in case any ballot should contain more than one name for said office, the first name only shall be counted ; and the tax commissioners so elected in the various wards shall meet on the second Monday of May, of each year, at a place to be designated by the council, and shall constitute the board of tax commissioners ; they shall elect or appoint a chairman and secretary from their own numbers, and they, or a majority of their whole number, shall fix the amounts of money to be raised by taxation for the current year, for the following purposes, to wit : for the support of the fire department, the police, public schools, water department, repairing and cleaning streets, improving public grounds, lighting the streets and public buildings, erecting and keeping in repair such public buildings as may be needed for city purposes, militia, salaries of city officers, supporting the poor and for such other purposes as may be necessary to carry on the city government ; which sums so ordered to be raised by taxation shall be certified in writing, attested by the chairman and secretary of said board, and filed in the city clerk's office on or before the first of June next following the charter election, and the tax ordinance shall contain the amounts in said certificate specified and directed to be raised.

Power to fix amount of money to be raised for certain purposes.

19. *And be it enacted*, That the mayor and council of the City of Hoboken shall have power to pass, alter and repeal ordinances to take effect in said city for the following purposes : to provide for the removal of the surface water upon all lots in said city lying south of Eighth street and west of a line drawn one hundred feet west of the westerly line of Willow street, and for imposing an annual tax upon such lots at a rate not exceeding five dollars for each lot of twenty-five hundred square feet for the purpose of paying the expense thereof ; which tax shall be levied and collected at the

Mayor and council to pass ordinances.

same time and in the same manner, and under the same regulations as other taxes on real estate in said city, to declare certain limits within which any sunken lot or lots covered with stagnant water shall be deemed a nuisance ; and in case any lot or lots within the limits so declared by ordinance are not filled in to the actual grade of the street in front thereof, by the owner or owners thereof, within thirty days after the service of a copy of said ordinance on him, her or them, which notice shall be served personally on such owner or owners, if resident in said city, and if not resident in said city, by mailing a copy of said notice, directed to such owner or owners, at the post office nearest his, her or their abode, if the same can be ascertained, and in case the same cannot be ascertained, by fixing up a copy of said notice on such lot or lots ; that then it shall be lawful for the mayor and council, by resolution, to direct the street commissioners to cause all such lots to be filled in to the grade, with sound and wholesome material, who shall keep an accurate account of the cost and expense of filling each lot so filled in, and shall file a certified statement thereof, verified by oath or affirmation, in the city clerk's office, which shall be recorded by the city clerk in a book to be provided for that purpose, and the cost and expense of filling each lot shall constitute and remain a lien thereon from the time of filing said statement until the same is fully paid and satisfied ; and in case the same is not paid within one year from the time of filing said statement, such lot or lots may be sold for the shortest time that any person will take the same and pay for said filling, in the same manner as lands are or may be sold for the non-payment of assessments ; *provided*, that the owner or owners thereof may redeem the same at any term within two years, by paying the costs and expense of said filling, the costs of sale, and interest on the whole amount at the rate of fifteen per centum per annum.

Proviso.

Specifications for improving streets or constructing sewers to be published with notice.

20. *And be it enacted*, That the mayor and council shall hereafter, in advertising for proposals for the improvement of any street, or the construction of any sewer in said city, annex to said notice for proposals, and publish therewith, a full, true and correct copy of the specifications for such improvement.

Amendment.

21. *And be it enacted*, That section five of the "Supplement to an act to incorporate the City of Hoboken," approved March twenty-eighth, one thousand eight hundred and fifty-five, which supplement was approved April fourth, one thousand eight hundred and sixty-seven, be amended by adding at the end of the said section the following words: "*provided*, that such proceedings and such other matters and things as are required by the charter, or any supplement thereto, to be published, shall be published daily in one of the said newspapers."

Proviso.

Repealed.

22. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall be deemed a public act, and shall take effect immediately.

Approved April 6, 1871.

CHAPTER DLXXI.

A Further Supplement to an act entitled "An act to incorporate the City of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Power of council to raise money for certain purposes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of the City of Hoboken shall have power and they are hereby authorized to raise by general taxation, a sum of money not exceeding six thousand dollars, for the purpose of purchasing land and erecting a suitable brick building thereon, in that part of the City of Hoboken, known as the "Coster estate," for the use of hook and ladder company number two, of said city.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 6, 1871.

CHAPTER CXXIII.

An Act entitled "An Act to create a Board of Trustees of the Hoboken Cemetery."

Management of cemetery entrusted to trustees.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the care, management and control of the Hoboken cemetery at New Durham, in the county of Hudson, shall hereafter be vested in and confided to a board of trustees, who shall possess the same powers and perform the same duties as are now confided in the mayor and council of the city of Hoboken in respect to said cemetery, and such further powers, privileges and duties as are conferred upon them by this act.

Trustees, how elected, and their powers.

2. *And be it enacted*, That on the third Monday in March, eighteen hundred and sixty-eight, the lot owners in said cemetery shall meet at the office of the city inspectors in the City of Hoboken, for the purpose of electing six trustees, who, with the chairman of the council of the city, shall constitute the first board of trustees of said cemetery, and shall be known and styled "The Board of Trustees of the Hoboken Cemetery," and that they and their successors shall at all times hereafter exercise the powers and privileges, and perform the duties conferred by this act; they shall annually elect from among their number a chairman and secretary, and make such needful and proper rules and regulations for their own proceedings and deliberations, and hold meetings at such times and places as they may think proper, a majority of all said trustees, and no less number, to be a quorum for the transaction of business.

Shall determine by lot their terms of office.

3. *And be it enacted*, That at the first meeting of the trustees elected, and by this act the said six trustees shall determine by lot the length of term of their several offices, that one of the said trustees shall hold his office for one year, another shall hold his office for two years, another shall hold his office for three years, another shall hold his office for four years, another shall hold his office for five years, another for six years as may be determined by lot at such meeting, their said terms of office to continue until the first Monday in May in the years when their said terms are to expire; that at least one month before the expiration of the term of office of the trustee having the shortest term of office, and annually thereafter, the said trustees shall cause notice to be given by publishing the same in two of the newspapers printed in Hoboken, and by posting the same at the public entrance to said cemetery, of the election of a trustee to fill the place of that trustee whose term of office is about to expire, and thereupon an election of such trustee shall be had at such time and place as the said trustees may designate in said notice, and such trustee shall be elected annually by the lot owners in said cemetery, each lot owner to be entitled to one vote for each lot; *provided, however*, that no person shall be eligible to to be elected trustee under this act unless at the time of his election he shall be the owner in his own right of one or more lots in said cemetery, and in case of death or resignation of any trustee during his term of office, or of his ceasing to be the owner in his own right of a lot in said cemetery, the said trustees shall call a special election to fill the vacancy.

Proviso.

Deeds, how given.

4. *And be it enacted*, That all deeds for any lots of ground in the said cemetery to be sold by the said trustees shall be signed as the same are now by the mayor of the City of Hoboken, attested by the city clerk under the corporate seal of the said city, and countersigned by the secretary of the said board of trustees, but the said trustees may enter into and make all needful and proper contracts for the adorning and improving the said grounds, and other purposes within

the scope and meaning of their powers and duties, in their name as trustees, and to enforce the same by action in the corporate name of the City of Hoboken, and all actions against said trustees for anything done or to be done by them within the scope and meaning of their powers and duties shall be brought against the City of Hoboken in its corporate name.

All moneys received and paid out by city treasurer.

5. *And be it enacted*, That all moneys received by said trustees shall be paid to the treasurer of the City of Hoboken, who shall in time pay all bills contracted by said trustees when countersigned by the president and secretary of said trustees, and the funds received by the said treasurer shall be placed to the credit of the cemetery fund, and shall not be used for any other purpose than the maintaining and supporting said cemetery.

Other than residents may purchase burial plats.

6. *And be it enacted*, That nothing in this act shall prevent the sale of burial lots or plats to persons other than residents of the City of Hoboken by the board of trustees, as they may deem advisable ; and they shall cause to be published in two of the newspapers published in Hoboken, once in each year, a detailed statement of their acts as such trustees.

Repealed.

7. *And be it enacted*, That all the provisions of the act entitled "A further supplement to an act entitled 'An act to incorporate the City of Hoboken,'" approved the twenty-eight day of March, eighteen hundred and fifty-five, which supplement was approved the eighth day of February, eighteen hundred and sixty-two, so far as the same provides for the care and management and control of the said cemetery grounds being placed and confided in the mayor and council of the City of Hoboken, and all other provisions of the said supplement inconsistent with the provisions of this act be and the same are hereby repealed.

8. *And be it enacted*, That this act shall be deemed a public act and take effect immediately.

Approved March 9, 1868.

FIRE DEPARTMENT.

An act to incorporate the Fire Deprtment of the Township of Hoboken, in the County of Hudson.

Style of incorporation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the male inhabitants of the Towhship of Hoboken, in the county of Hudson, between the ages of twenty-one and fifty-five years, be and are hereby created and declared to be a body politic and corporate, under the name and style of The Fire Department of the Township of Hoboken, in the County of Hudson.

Formation of fire companies authorized.

2. *And be it enacted*, That the said inhabitants shall have power at any time hereafter to form such and so many fire engines, hose, hook and ladder companies as they may deem desirable for the purpose of protecting the property of said township from damage or destruction by fire ; *provided*, not more than one fire engine company be formed to every three thousand inhabitants of said township, and that every such company be composed of not more than fifty men ; *and provided also*, not more than one hook and ladder or hose company be formed to every six thousand of said inhabitants, each to be composed of not more than twenty-five members.

Proviso.

Proviso.

Election of Trustees.

3. *And be it enacted*, That the legal voters of said township shall, on the second Monday in April next, at the annual town meetings of said township and annually thereafter elect, by plurality of votes, seven persons as trustees of the corporation hereby created, who shall hold their office for the term of one year and until others are chosen in their stead, and that the present trustees elected under an act entitled "An act to incorporate Hoboken Fire Company Number One," ap-

proved February twenty-eighth, one thousand eight hundred and forty-nine, shall be the trustees of this corporation until the first trustees are elected under this act, and the said trustees now elected or hereafter to be elected by a majority of their number, shall have power to grant, or annul, a certificate of membership of either of said fire engine, hook and ladder or hose companies, and that such certificate shall be necessary to constitute membership of any such company. No certificate shall be given at any time to honorary members.

Property vested in trustees.

4. *And be it enacted*, That the estate, both real and personal, now belonging to the corporation, created by the act in the last section referred to or hereafter to be acquired under this act, is hereby vested in said trustees and their successors in trust, always for the benefit of said corporation hereby created, the said trustees may, from time to time, make and enforce such by-laws and regulations for the acquisition, management and control in furtherance of the object of this corporation, as they shall deem expedient ; *provided*, the same are not inconsistent with the constitution and laws of the United States or of this State ; a majority of said trustees shall constitute a quorum for the transaction of business.

Proviso.

Tax may be raised.

5. *And be it enacted*, That the inhabitants of the Township of Hoboken aforesaid, be and they are hereby authorized at their annual town meeting, to vote for, assess and collect, in the same manner that the other taxes of said township are voted for, assessed and collected, any sum of money not exceeding twenty-five hundred dollars annually, which money, when collected, shall be paid over by the collector of said township to the chairman of said board of trustees, and take his receipt for the same, as a sufficient voucher, which money shall be solely and exclusively applied by the said trustees to the procuring, repairing, maintaining

and preserving the engines, engine house, cisterns or reservoirs of water, ladders, buckets, fire-hooks, and all necessary implements and machines, and to the purchase of real estate necessary for such houses and to such other incidental expenses as shall to the said trustees appear best calculated to secure the property of said inhabitants from injury or destruction by fire.

General powers.

6. *And be it enacted*, That the said corporation shall be capable of sueing and being sued, pleading and being impleaded, answering and being answered unto defending and being defended, in all courts of judicature whatsoever, and may have and use a common seal and have power to make and alter the same at pleasure, and by their common seal may make, enter into and execute any contract or agreement, touching and concerning the objects of said corporation.

Election of chief engineer.

7. *And be it enacted*, That duly constituted members of said departmet (of which the present members of said Hoboken Fire Company Number One, duly commissioned, shall be members during the continuance of their present commission) shall have power to elect, by plurality of votes, a chief engineer of said department, who shall hold his office for one year and until another shall have been chosen to succeed him, his election having first been confirmed by a majority of said trustees ; *provided*, he may be, at any time, be removed, if desired by two-thirds of said members, in which case, and upon the request of two-thirds of said members a new election shall be held to supply his place.

Proviso.

Vacancies.

8. *And be it enacted*, That vacancies in the said board of trustees, occasioned by death, removal or refusal to serve shall be filled by the remaining trustees.

Firemen exempting from jury duty.

9. *And be it enacted*, That all persons, during the period of their actual membership of either of the companies organized in and by said department, shall be exempt from serving as jurors in all courts of Hudson county, and also from all militia duty and military tax

in time of peace, and all persons having served as a member of said department for the period of ten years, and having received a certificate from said trustees of such service, shall be forever exempt from such duty and tax in said county.*

Former acts repealed.

10. *And be it enacted*, That said act entitled "An act to incorporate Hoboken Fire Company Number One," and an act entitled supplement to an act entitled "An act to divide the Township of North Bergen, in the County of Hudson, and to establish in said county a new township to be called the Township of Hoboken," approved March eighteenth, eighteen hundred and fifty-two, and all other acts or parts of acts inconsistent with this act be and the same are hereby repealed.

List of members to be filed.

11. *And be it enacted*, That the president of said trustees shall file a true and correct list of all the members of each fire company in said township, within twenty days after his election, in the office of the clerk of the county, under a penalty of one hundred dollars for neglect of such duty, and which said penalty may be recovered from such president in action of debt in the name of the Township of Hoboken for the benefit of said township.

12. *And be it enacted*, That this act shall go into effect immediately.

Approved March 15, 1854.

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* See Supplement, Approved March 4th, 1856.

CHAPTER LXIII.

A supplement to an act entitled "An act to incorporate the Fire Department of the Township of Hoboken, in the County of Hudson," approved March fifteenth, eighteen hundred and fifty-four.

Former act amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section nine of the act entitled "An act to incorporate the Fire Department of the Township of Hoboken, in the county of Hudson," approved March fifteenth, eighteen hundred and fifty-four, be and the same is hereby repealed, and that the following be inserted in its place as section nine of said act: "*And be it enacted*, That every person who, on the first day of May next, shall have been a fireman in the Township of Hoboken for the term of five years or more, and who shall serve as such two years thereafter, and every person who, on the first day of May next, shall have been such fireman for a less period of time than five years, and who for so long a time thereafter as shall make the whole term of service seven years, and every person who may become such fireman after the passage of this supplement, and shall serve as such for seven years thereafter, shall be exempted from serving as a juror in any of the courts of this state, and from all militia duty and military tax in time of peace; and all persons having served as a member of said department for the period of seven years, and having received a certificate from the council of the City of Hoboken of such service, shall be forever exempt from such militia duty and tax, except in case of war, invasion or insurrection.

2. *And be it enacted*, That so much of the act to

Part of former act repealed.

which this is a supplement as is inconsistent with the provisions of this act, be and the same is hereby repealed.

Approved March 4, 1856.

CHAPTER XXXI.

Part of former act repealed.

A further supplement to an act entitled "An act to incorporate the Fire Department of the Township of Hoboken, in the county of Hudson," approved March fifteenth, eighteen hundred and fifty-four.

City Council may authorize formation of fire companies, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section second of said act is hereby repealed.

2. *And be it enacted*, That the council of the City of Hoboken shall have the power to authorize the formation of so many fire engine, hose, and hook and ladder companies as they may deem desirable, for the purpose of protecting the property in said city from damage or destruction by fire ; *provided*, that no engine company shall be composed of more than fifty men, or hose or hook and ladder company of more than forty members.

Proviso.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 1, 1859.

CHAPTER LV.

An act to incorporate the Hoboken Fire Department Fund, for the benefit of all indigent and infirm firemen, of the City of Hoboken, and also their widows and orphans.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Mount, Joseph W. Stickler, Charles E. Bailliere, Charles T. Perry, J. Freeman Silke, Peter Ritter, junior, Peter J. Powless, John Cloyd and John W. Vanboskerck, be and they are hereby constituted and made a body politic and corporate in fact, name and law, by the name of "The

General powers.

Trustees of the Hoboken Fire Department Fund," and by that name they and their successors shall have perpetual succession, power to sue and be sued, plead and be impleaded, answer and be answered unto, in all courts snd places whatsoever, to make and use a common seal, and the same to change at pleasure, and to purchase, take, have, hold, receive and enjoy any lands, tenements or hereditaments, in fee simple or otherwise, and any moneys, goods, chattels, legacies, donations, annuities, or other personal property, of what kind or quality soever, by gift, grant, devise, bequest, or otherwise, and the same to grant, convey, assign, séll or otherwise dispose of, for the purpose of the said corporation : *provided always*, that the principal sum of said estate shall at no time exceed in value the sum of ten thousand dollars, nor be applied to any other purpose than those for which this corporation is formed.

Proviso.

Objects of incorporation.

2. *And be it enacted*, That the object of such incorporation shall be to assist all such disabled and indigent firemen, their widows and orphans, as may, in the opinion of the board of trustees, require assistance, in conformity with the following provisions : all firemen being indigent and infirm, and all firemen who have been disabled, and shall become indigent and infirm, and all firemen having served the time prescribed by law as such, and shall resign thereafter, and having become indigent and infirm, and the widows and orphans of all such indigent and infirm firemen, shall be entitled to relief from the said corporation.

Board of trustees.

3. *And be it enacted*, That the board of trustees shall consist of three persons from each engine, hose and hook and ladder company of the City of Hoboken, together with the chief engineer of the fire department of Hoboken, two-thirds of whom shall constitute a board for the transaction of business ; and the said board shall have power to make and prescribe such by-laws, rules and regulations as to them shall seem needful for the purposes of the said corporation ; *provided*, there be a majority of the trustees present and agreeing thereto, and the same shall not be inconsistent with this act or the laws of this state.

Proviso.

Election of trustees.

4. *And be it enacted*, That the trustees from each company shall be elected by the members of such company ; and at the first election after the passage of this act, each company shall elect three trustees ; whom the board of trustees, at their first meeting after any such election, shall divide by lot into three equal classes, one of which shall go out of office at the expiration of the first year, another at the expiration of the second year, and another at the expiration of the third year ; and that at every election thereafter, the said companies shall respectively elect one person as trustee, who shall hold such office for three years ; and in case of death, resignation or disability of any trustee, a person shall be duly elected to fill the unexpired term, by the company he represented in said board.

Officers of association.

5. *And be it enacted*, That the board of trustees, at their first meeting in each year, shall, from among

their number, choose by ballot, a president, vice-president, secretary and treasurer, and in case of any vacancy in any of said offices, the said board of trustees shall have power to fill the same for the remainder of the current year.

Certificate of membership to be given to chief engineer.

6. *And be it enacted*, That the mayor and council of the City of Hoboken shall deliver to the chief engineer of the fire department of said city, all certificates of membership granted by them ; and the chief engineer shall countersign each certificate, upon the receipt of two dollars from the person entitled to the same, and no person shall be considered a member of the Hoboken fire department, until his certificate is countersigned as above ; and in case of any member being transferred from one company to another, he shall pay the chief engineer the sum of fifty cents ; *provided*, such transfer takes place within sixty days after leaving such company.

Proviso.

Moneys to be invested.

7. *And be it enacted*, That all moneys at any time received by the treasurer, shall be held by him, subject to be drawn upon by an order of the trustees, until the same shall amount to two hundred dollars, when one hundred dollars shall be invested by the board of trustees, as part of the permanent fund, in such manner as in their judgment may be most beneficial to the interests of the corporation.

Principal of fund not to be impaired.

8. *And be it enacted*, That the principal of the permanent fund shall not be used or impaired in granting the assistance contemplated by this act.

Treasurer to give bond.

9. *And be it enacted*, That the treasurer shall give good freehold security, approved by the board of trustees, in double the value of the money and securities belonging to the fund, before entering upon the duties of this office.

Property not to be taxed.

10. *And be it enacted*, That the property and effects of the said corporation, held or used for the purposes

designed by this act, shall not be subject to the imposition of any tax.

Part of former act repealed.

11. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed.

Limitation.

Proviso.

12. *And be it enacted*, That this act shall continue in force for thirty years ; *provided always*, that the senate and general Assembly may, at any time hereafter, amend, repeal, or modify this act, as they shall think proper,

Approved March 11, 1857.

CHAPTER CCLXIX.

A supplement to an act entitled "An act to incorporate the Hoboken Fire Department Fund, for the benefit of all indigent and infirm firemen of the City of Hoboken, and also their widows and orphans," approved March eleventh, one thousand eight hundred and fifty-seven.

Trustees shall have power to make by-laws, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of trustees, created by the act to which this act is a supplement, shall consist of two trustees from each engine, hose and hook and ladder company, and the exempt fire companies of the City of Hoboken, together with the chief engineer of the fire department, a majority of whom shall constitute a board for the transaction of business; and the said board of trustees shall have power to make and prescribe such by-laws, rules and regulations as to them shall seem necessary for the puposes of said corporations; *provided*, that a majority of the trustees agree thereto, and the same shall not be inconsistent with this act or the laws of this State.

Proviso.

Election and time of meeting of trustees.

2. *And be it enacted*, That two trustees from each of the companies before named shall be elected from among he members thereof at the regular monthly meeting of each company held next after the passage of this act; and it shall be the duty of the presiding officer and secretary of each company to send a certified copy of the result of said elections, signed by themselves as such officers, to the president of the present board of trustees, who shall, within thirty days after receiving said certificates of election, call said newly elected board of trustees together; and they shall, at their first meeting, proceed to divide said trustees into two equal

classes, one class to hold office for one year, and one class for two years, and annually thereafter, in the month of April, each company shall elect one trustee for the full term of two years; and in case of the death, resignation or disability of any trustee, a person shall be duly elected to fill the unexpired term of such trusthe by the company in which such vacancy occurred.

Amendment.

3. *And be it enacted*, That in the first section of the act to which this act is a supplement, the word "ten" shall be stricken out, and in lieu thereof, the words "twenty-five" be inserted.

Election of officers.

4. *And be it enacted*, That at the first meeting of said board, and annually thereafter, the trustees shall elect by ballot, from among their number, a president, vice president, secretary and treasurer, who shall hold their respective offices for one year, or until others are appointed in their places; and in case of any vacancy in any of said offices, the board of trustees shall have power to fill the same for the remainder of the current term.

Repealed.

5. *And be it enacted*, That sections three, four and five of the act to which this act is a supplement be, and the same are hereby repealed.

6. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

7. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1871.

ACTS RELATING

TO

Supplying the City of Hoboken with Water.

CHAPTER CLI.

AN ACT to amend an act entitled "An act to incorporate the City of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Mayor and council may contract for supply of water.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of the City of Hoboken, be and they are hereby authorized to contract for, or make any other arrangement with any person or corporation, for the introduction of pure and wholesome water into said city, for domestic or other purposes, and provide for the payment therefor, whenever the assent of two-thirds of the votes cast at any annual charter election shall be in favor of the same; *provided*, that no contract or other arrangement shall be so made at a higher rate than the established water rates paid by the citizens of Jersey City; all provisions in the charter of the City of Hoboken conflicting with the foregoing are hereby repealed.

Approved March 14, 1856.

CHAPTER CXCIX.

AN ACT to authorize the Water Commissioners of the City of Hoboken to contract for and introduce water into said city, and to provide for the payment thereof.

Repealed.

WHEREAS, under an act of the Legislature of this State, approved March twenty-fifth, eighteen hundred and fifty-two, entitled "An act to authorize the construction of works for supplying Jersey City and places adjacent with pure and wholesome water," and the supplements thereto, the works therein authorized have been constructed, and the inhabitants of Jersey City thereby supplied with water; and it being represented to this Legislature that the inhabitants of the City of Hoboken, which said city became incorporated by virtue of an act of the Legislature of this State, approved March twenty-eighth, eighteen hundred and fifty-five, entitled "An act to incorporate the City of Hoboken," are desirous of using water supplied as aforesaid within their corporate limits, and power is desired to enable the water commissioners of the City of Hoboken to make contracts with the water commissioners acting under the authority of the first named acts, to introduce water into the said City of Hoboken, for the use of the people thereof, and also desire the power to raise money necessary for the accomplishment of such purposes; now, therefore,

Board of water commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Edmund Charles, John M. Board, Charles Clinton, John Irelands, and Edgar Broadhead, and the chairman of the council of the City of Hoboken for the time being, shall constitute the

board of water commissioners of the City of Hoboken, and their successors in office, hereby are authorized and empowered to make and enter into such contracts, arrangements, and agreements, as in their discretion may be deemed advisable, and as may be agreed upon with the water commissioners for the time being holding office under the said act entitled "An act to authorize the construction of works for supplying Jersey City, and places adjacent, with pure and wholesome water," and the supplements thereto, to enable said commissioners to introduce water into the City of Hoboken, for the use of the inhabitants thereof.

Duties and powers of commissioners.

2. *And be it enacted*, That the said water commissioners of the City of Hoboken, and their successors in office, are authorized and empowered to make such rules and regulations as may be necessary and expedient with reference to the laying of pipe in streets, the mode of using water, and the terms upon which the same shall be used, the collection of water rents, and the enforcement of such collection; and to make all contracts, agreements and engagements as may be deemed expedient, with reference to the purchase of materials, the purchase or use of lands and premises, the doing of work, and the employment of engineers, clerks, and agents, as may be deemed advisable or proper to carry out the purposes and intents of this act; all lands and real estate which may be purchased, held or taken, under the provisions of this act, shall be taken in the name of the mayor and council of the City of Hoboken.

Water commissioners may issue bonds.

3. *And be it enacted*, That the water commissioners of the City of Hoboken, for the purpose of enabling them to defray all the costs and expenses that may be incurred under the provisions of this act, shall have authority to issue, in the corporate name of the mayor and council of the City of Hoboken, notes, bonds, scrip or certificates of debt, to be denominated on the face,

"Hoboken City Water Scrip," to an amount in the whole not exceeding sixty thousand dollars, bearing an interest not exceeding seven per cent. per annum, and the said interest shall be payable semi-annually, and the principal of said debt shall be payable at periods not less than ten, or more than twenty years from date; and the said commissioners may sell the same at public or private sale, at such times as the proceeds thereof may be required for the purpose of carrying out the objects of this act, or may pledge the same at the same rate of interest, if deemed necessary or advisable, which said notes, bonds, scrip, or certificates of debt, shall not be sold for less than the par value thereof, which said notes, bonds, scrip, or certificates of debt, shall be signed by the mayor of said city, and sealed with the corporate seal, and countersigned by said commissioners, or a majority of them, and a record of all such notes, bonds, scrip, or certificates of debt, shall be kept by the said commissioners, and copies of such record shall be made and delivered to the treasurer of the City of Hoboken, and the said corporation, and all the real estate within the corporate limits of the said city, and all chattels belonging to any person or persons, or corporation, residing or being within the said city, shall be made liable for the principal and interest due, or to become due on such notes, bonds, scrip, or certificates of debt.

Mayor and council authorizeed to raise money by tax.

4. *And be it enacted*, That the said the mayor and council of the City of Hoboken are, in addition to the powers contained in their charter, hereby authorized and empowered to raise by tax, in such mode or manner as is now prescribed by their charter, such additional sum or sums as may be deemed necessary or advisable, to pay the principal or interest of said notes, bonds, scrip, or certificates of debt, and such additional tax shall be so assessed as to be known and designated as a water tax, distinct from other taxes, and all moneys

received by the commissioners shall be deposited by them in some bank or banks of good credit, in the state of New Jersey, or the City of New York, and be made payable to the joint order of the president, and at least two other members of the board.

Terms of office of commissioners.

5. *And be it enacted*, That the above named commissioners, and the chairman of the board of councilmen of the City of Hoboken, for the time being, shall constitute the first board of water commissioners, and the said commissioners shall elect annually one of their number to be president of the board, and shall determine, by lot or ortherwise, the terms during which the five of the number, other than the chairman of the board of councilmen, shall hold their offices, and these shall be as follows: one of them shall remain in office one year, one two years, one three years, one four years, and one five years, all to be computed from the first day of May next ensuing, and the chairman of the board of councilcilmen, for the time being, shall, ex officio, be one of said board.

Annual election of commissioners.

6. *And be it enacted*, That at the charter election to be held in said City of Hoboken, in the year eighteen hundred and fifty-eight, and every year thereafter, there shall be elected one commissioner, who shall hold his office for five years next ensuing such election, and any vacancy that shall occur in said board of commissioners, by death, resignation, or otherwise, shall be filled by the council of the said City of Hoboken; but the person or persons so appointed to fill such vacancy, shall only hold his or their office until the next charter election, and each commissioner, except the chairman of the board of councilmen, who are appointed by this act, or who shall be elected or appointed under the provisions of this act, before entering upon the duties of his office, shall give a bond for ten thousand dollars, with two good and sufficient sureties, to the mayor and council of the City of Hoboken, and to be approved by

said mayor and council, for the faithful performance of their duties as such commissioners; *and be it further enacted*, that no councilman of the said City of Hoboken shall be eligible as a water commissioner, when holding office, except the chairman of the board as aforesaid.

Commissioners not to receive compensation.

7. *And be it enacted*, That the said commissioners shall not be entitled to take or receive any compensation for their services; but there shall be paid such and all reasonable travelling expenses, incurred while employed upon the works, which shall be paid out of any moneys raised and appropriated for the construction of the water works of the City of Hoboken.

Commissioners may be removed from office.

8. *And be it enacted*, That the mayor and council of the City of Hoboken, shall at any time remove any commissioner, provided it shall satisfactorily appear, after reasonable notice to the parties, and hearing the causes of complaint and answers thereto, if any shall be offered, that the commissioner whose removal is sought, has been guilty of such mal-administration, or such neglect of the duties of his office, that his removal will be right and proper, and two-thirds of all the members elected to the said council shall concur in such removal.

No water to be used except by contract with commissioners.

9. *And be it enacted*, That the said water introduced and supplied by virtue of the said act, entitled an act to authorize the construction of works for supplying Jersey City and places adjacent with pure and wholesome water, and the supplements thereto, shall not be taken or used by the mayor and council of the City of Hoboken, or their officers or agents, except by express contract with the said commissioners, acting under the authority of the said first mentioned act.

Part of former act repealed.

10. *And be it enacted*, That all such parts of the act entitled "an act to incorporate the City of Hoboken, approved March twenty-eighth, eighteen hundred and

fifty-five, as are inconsistent with the provisions of this act, are hereby repealed.

Public act.

11. *And be it enacted*, That this act is a public act and shall take effect immediately.

Approved March 20, 1857.

CHAPTER CXLVIII.

Supplement to an act entitled "An act to authorize the Water Commisssioners of Hoboken to contract for and introduce water into said city, and provide for the payment thereof," approved March twentieth, eighteen hundred and fifty-seven.

Assessment of water rents.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the water commissioners of the City of Hoboken, shall from time to time fix a sum to be assessed annually upon all vacant lots, and lots with buildings thereon, in which Passaic water is not taken, and also upon lots or buildings where the water is taken, if the same are situated upon any road, street, avenue, lane, alley or court in the City of Hoboken, through or in which pipes for distributing the water are laid ; which prices and sums so fixed and assessed shall be denominated water rents, of the time of payment of which the commissioners shall give at least thirty days' public notice, by advertisement in a newspaper printed in Hoboken and also the penalties to be incurred for delaying the payments beyond the time so fixed ; and the said water rents and penalties shall, until paid, be liens upon the property charged therewith, and on and after the twentieth day of December, in each year, the water commissioners shall deliver to the mayor and council of said city a certified account of all the water rents and penalties remaining unpaid at that date, and the council shall order the same to be delivered into the hands of the collector of the arrears of taxes of said city, who shall charge interest thereon, at the rate of twelve per cent. per annum, and five per cent, for collections, and is empowered to proceed in the collection of the said rents and

penalties in the manner and form prescribed by the charter of the City of Hoboken, for the collection of the arrears of taxes, and the amount of such arrears and interest, when collected, shall be paid to the treasurer of the said water commissioners, by the said collector of arrears ; and the said collector of arrears, on the first day of May succeeding the time when the certified list of the rents and penalties, remaining unpaid, shall have been delivered to him by the said council, shall deliver to the city clerk a certified copy of all rents and penalties remaining unpaid at that date, together with the interest and expenses due thereon ; and the council of said city shall praceed to advertise and sell the lands and premises liable to such rents and penalties in the manner and under the same terms and conditions as prescribed in section forty-eight of the charter of said city ; and in the event of the purchase of any lands or tenements by the treasurer of said city on behalf of the city, then the said treasurer shall immediately pay over to the treasurer of the water commissioners the amount of rents and penalties for which the same may be sold ; all moneys received by payments or sales by the said collector of arrears, shall be by him paid over to the treasurer of the water commissioners.

Part of former act annulled.

2. *And be it enacted*, That the words, "and all chattels," where they occur in section third of said act, are hereby annulled and shall be taken to be of no effect in the collection of the interest of the water bonds of said city.

Commissioners authorized to prosecute, &c.

3. *And be it enacted*, That the said commissioners may prosecute or defend any action or process of law, or in equity, by the name of the water commissioners of Hoboken, against any persons for money due for the water, for the breach of any contract, express or implied, touching the execution or management of the works or the distribution of the water, or of any promise or contract, made to or with them, and also for any injury or trespass or nuisance done or suffered to the water courses, pipes, machinery, or other apparatus belonging to or connected with any part of the works, or for any improper use or waste of the water.

Penalty for injuring works.

4. *And be it enacted*, That if any person or persons shall maliciously or wilfully divert the water, or any portion thereof from the said works, or shall corrupt or render the same impure, any pipe, machinery or other property used or required for procuring or distributing the water, such person or persons and their aiders and abettors shall forfeit to the said commissioners, to be recovered in an action of trespass, triple the amount of damages which shall appear on trial to have been sustained, and all such acts are hereby declared to be misdemeanors, and the parties found guilty thereof may be further punished by fine not exceeding one hundred dollars, or by imprisonment not exceeding six months, or both at the discretion of the court, and nothing in this act or the act to which this is an amendment, shall be construed to exclude any inhabitant of the City of Hoboken from being a witness in any prosecution authorized by this act.

Annual report to be made.

5. *And be it enacted*, That the commissioners shall on the first Tuesday in May of every year make a report to the mayor and council of the condition of the works under their charge, accompanied by a statement of their receipts and expenditure on account of the same ; they shall also publish the same in the newspaper published in the City of Hoboken, having the largest *bona fide* circulation of said city.

Part of former act repealed.

6. *And be it enacted*, That the powers conferred upon the mayor and council under the eighth section of the act to which this is a supplement, be and the same are hereby repealed, vested in and may be exercised by any justice of the supreme court at chambers, who, for conducting and determining the proceedings, shall be

paid by the treasurer, out of the contingent fund of said city, a reasonable compensation.

Public act.

7. *And be it enacted*, That this act shall be taken to be a public act and take effect immediately.

Approved March 16, 1859.

CHAPTER CCXCII.

A Supplement to "An act to authorize the Water Commissioners of the City of Hoboken to contract for and introduce water into said city, and to provide for the payment thereof," approved March twentieth, eighteen hundred and fifty-seven.

Publication of proceedings and statement of receipts and expenditures.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said board of water commissioners are hereby required to cause to be published the proceedings at their several meetings as they take place; and at the expiration of each and every financial year they shall cause to be made out a full and detailed statement of all the receipts and expenditures for the year last past, and after attesting the same by their authorized clerk, cause the same to be published; said publication of proceedings and annual statement to be made in the newspapers published in said City of Hoboken, now designated to publish the laws of this state.

Register of board of water commissioners.

2. *And be it enacted*, That at the annual charter election to be held in said City of Hoboken in the year eighteen hundred and sixty-eight, and every third year thereafter, there shall be elected a register for said board of water commissioners of the City of Hoboken, who shall hold his office for three years next ensuing such election, and any vacancy that shall occur in said office shall be filled by the said water commissioners, but the person so appointed to fill such vacancy shall only hold his office until the next charter election, when an election shall be held to fill said office for the unexpired term thereof, and hereafter the said board of water commissioners shall have no power to appoint any person to fill said office of register, except in case of

Proviso. vacancy as above; *provided however*, that said register so elected shall be subject to the rules and regulations of the board of water commissioners and be removable by said board for cause by them deemed sufficient.

Register shall give bond. 3. *And be it enacted*, That the said register hereafter to be elected shall give a bond with two good and sufficient sureties to the City of Hoboken in its corporate name, in the sum of ten thousand dollars, for the faithful performance of his duties.

Repealed. 4. *And be it enacted*, That all acts and parts of acts inconsistent herewith be, and the same are hereby repealed, and this act shall be deemed a public act, and take effect immediately.

Approved April 2, 1868.

CHAPTER LXXXVIII.

A further supplement to an act entitled "An act to authorize the Water Commissioners of Hoboken to contract for and introduce water into said city and provided for the payment thereof," approved March twentieth, eighteen hundred and fifty-seven.

May issue bonds and certificates of indebtedness to an increased amount. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That to enable the Water Commissioners of the City of Hoboken to defray the expenses which may be incurred in extending their water pipes throughout the city, the notes, bonds, scrip or certificates of debt, which they are authorized to issue by the provisions of the third section of the act to which this is a supplement, may be extended to an amount in the whole not exceeding one hundred thousand dollars.

Proceedings published. 2. *And be it enacted*, That the proceedings of the several meetings of the board of water commissioners shall be published only in the newspaper published in the City of Hoboken having the largest bona fide circulation in said city.

Annual assessment of water rents. 3. *And be it enacted*, That the annual assessments of water rents provided for by the first section of the supplement of the act to which this is a supplement, approved March first, eighteen hundred and fiifty-nine, shall be extended to all lots and buildings where the water is taken by private pipes, whether the same are situated upon any road, street, avenue, lane, alley or court in the City of Hoboken, through or in which pipes for distributing the water are laid or not.

Repealed. 4. *And be it enacted*, That this act shall take effect immediately, and that all acts or parts of acts inconsistent herewith be and the same are hereby repealed.

Approved March 2, 1869.

CHAPTER XLVI.

A further supplement to an act entitled "An act to authorize the Water Commissioners of Hoboken to contract for and introduce water into said city and provide for the payment thereof," approved March twentieth, eighteen hundred and fifty-seven.

Repealed. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the words "which said notes, bonds, scrip, or certificates of debt, shall not be sold for less than the par value thereof," in the third section of the act to which this is a supplement, be stricken out of said section ; *provided*, that whenever the said commissioners shall sell any of the said notes, bonds, scrip or certificates of debt for less than the par value thereof, they shall first advertise the time and place of such sale in a newspaper printed and published in the City of Hoboken for at least one week next before said sale and in such case the same shall be disposed of by sealed proposals or at public sale, to the highest bidder.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 15, 1870.

CHAPTER CCCCXII.

An act to provide for the drainage of certain low lands lying in the City of Hoboken and the Township of Weehawken.

Preamble. WHEREAS, the council of the City of Hoboken for the purposes of this act have named as commissioners William W. Shippen, John M. Board and Newman A. Wood and the Town Committee of the Township of Weehawken have named as commissioners Joshua J. Benson and Ebenezer Flynt ; therefore,

Names of commissioners. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William W. Shippen, John M. Board and Newman A. Wood, of the City of Hoboken, and Joshua J. Benson ane Ebenezer Flynt, of the Township of Weehawken, be and they are hereby appointed commissioners to drain certain low lands lying in the City of Hoboken and the Township of Weehawken ; that the term of office of each of said commissioners shall continue for five years from the date of the passage of this act, and the Council of the City of Hoboken and the town committee of the Township of Weehawken shall have power at any time for cause, to remove any commissioners from office, and whenever any commissioner hereby or hereafter to be appointed shall remove from said city or township, he shall cease to act as commissioner and his office shall be deemed to be vacant ; any vacancy in the commission, no matter from what cause occuring shall be filled by the council of the City of Hoboken, if the vacancy occurs in the commissioners from said city and by the town committee of the Township of Weehawken, if the vacancy occur from said township.

Corporate name.

2. *And be it enacted*, That the said commissioners shall be and they are hereby empowered to use a common seal and shall be known by the name of "Commismissioners to drain certain low lands lying in the City of Hoboken and the Township of Weehawken," and in that name may sue and be sued, implead and be impleaded in any court of competent jurisdiction, and said commissioners shall have power to reclaim and drain any of the low lands lying in the City of Hoboken and Township of Weehawken, said improvement to be done as nearly as practicable, in accordance with two certain maps made by Robert C. Bacot of Jersey City and Levi W. Post of Hudson City, dated 1st February, 1866, one for sewerage and one for grades of the lands known as the lands of the estate of John G. Coster, deceased in the City of Hoboken, which said maps are hereby established and confirmed together with the monuments shown thereon; *provided*, the same shall be filed by the owners thereof in the office of the clerk of the City of Hoboken, and said commission shall have power to construct, maintain, manage and use all dykes, dams, tide banks, ditches, drains, sluices, sluice gates, engines, pumps, and all other works, structures and machinery necessary, useful or convenient to reclaim and drain said low lands or any part thereof; they shall also have power to employ a competent surveyor and engineer and such other agents and officers as they may deem necessary, make or cause a map or maps to be made of said low lands or any part thereof, file the same in the office of the clerk of the City of Hoboken, cause descriptions and specifications of the work or any part thereof to be prepared, advertise for proposals to perform said work or any part thereof and contract with any person for the performance of said work or any part thereof, issue improvement certificates in payment therefor, payable at such time or times as they may therein designate, take

bonds wish sufficient sureties from any officer, agent or contractor employed by said commission for the faithful performance of any duty or work entrusted to them, and generally to do every act and thing necessary to complete and maintain a proper drainage of said low lands or any part thereof; and three of said commissioners may exercise any of the powers or perform any of the duties hereinbefore, or which may be hereafter delegates to or enjoined under said commission.

Commissioners to make assessments.

3. *And be it enacted*, That said commissioners after making the contract provided for in the preceding section, and after draining of said lands or any part thereof shall have been completed according to said contract, shall assess upon the said lands so drained and upon all the lands in said city and township benefited thereby and upon any corporation benefited thereby, a just proportion of the expenses of said commission, and shall cause the same to be collected by such officer and in such manner as they shall determine; and said commissioners may, if they deem it advisable, file in the clerk's office of the City of Hoboken an assessment map showing all the lands assessed for said improvement, the owners thereof if the same, as near as can be ascertained, and the amount of assessment on each plot of land as shown on said map.

Assessments to be a lien on lands.

4. *And be it enacted*, That the said commissioners within one month after the draining of said lands or any part thereof shall have been completed according to said contract, shall file a list of their unpaid assessments on said lands in the office of the clerk of the City of Hoboken, and said assessments shall thereupon become a lien on said lands until paid, notwithstanding any devise, descent, alienation, mortgage or other encumbrance thereof; and said lien shall have precedence of all other liens on said lands, tenements or real estate, and on forclosure of any mortgage on said lands or sale of said lands under any judgment, the said un-

paid assessment thereon shall be first paid out of the proceeds of sale ; in default of payment for the space of two months thereafter, said lands, after four weeks' advertisement in a public newspaper in the City of Hoboken, shall be sold at public sale for the shortest term of years, by said commissioners, to any person or persons who will pay the amount of said assessment or the balance thereof remaining unpaid, and interest thereon at the rate of twelve per centum per annum from the date of filing said list of unpaid assessment in the said city clerk's office ; and the expenses of said sale ; *provided*, any of said lands so sold may be redeemedf rom such sale by the owner or owners thereof within two years after the sale, by paying to the clerk of the City of Hoboken for the benefit of the purchaser thereof, the sum paid by the said purchaser at said sale, with interest thereon at the rate of fifteen per centum per annum, and said commissioners, under the hand of their president and the seal of said commission, immediately after said payment shall file with the clerk of said City of Hoboken, a certificate stating that the said assessment has been paid, and directing it to be cancelled by said clerk, and thereupon on receiving said certificate said clerk shall file the same in his office and mark said assessment paid and cancelled ; if any of said lands are not so redeemed as aforesaid within two years from the date of the sale thereof, then the said commissioners under the hand of their president, attested by the seal of said commission, shall execute leases to the purchasers, their heirs and assigns, at their request, of said unredeemed lands for the number of years for which the same shall have been sold as aforesaid, and said lease shall be acknowledge or proved so as to entitle it to be recorded ; and the said purchasers shall by virtue thereof lawfully hold, use, enjoy and possess such lands so sold during the full term for which said

sale shall have been made ; the sale of lands, tenements and hereditaments hereinbefore referred to or any portion thereof may be adjourned, postponed or continued, from time to time, or suspended, as the said commissioners may direct.

Commissioners may survey and explore.

5. *And be it enacted*, That it shall be lawful for the said commissioners, their agents, engineers, superintendents, or others in their employ, to enter upon all lands or waters for the purpose of exploring, surveying, leveling and laying out the route or routes of such dykes, dams, tide banks, ditches and drains as shall be found necessary, and of locating the same, and to do and erect all necessary works, structures, buildings and appendages thereof, doing no unnecessary injury to private or other property ; and when the route or routes of such dykes, dams, tide banks, ditches, drains and the location of sluices, and other necessary works and structures shall have been determined upon, and a survey of such route or routes, location or locations deposited in the office of the clerk of the City of Hoboken, then it shall be lawful for the said commissioners, by any of its officers, agents, engineers, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, have and use, occupy and excavate any such lands, and to erect embankments and all other necessary works and structures, and to do all other things which may be suitable or necessary for the drainage of said lands, subject to such compensation as is hereinafter provided ; *provided always*, that the payment or the tender of the payment of all damages for the occupancy of the lands through or upon which said dykes, dams, tide banks, ditches, drains, sluices and other works or structures may be laid out or located, be made before the said commissioners, or any person under their direction or in their employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying

Proviso.

out said dykes, dams, tide banks, sluices, ditches, drains, and other works or structures unless the consent of the owner or owners of such land be first had and obtained.

Proceedings when commissioner and owners cannot agree.

6. *And be it enacted*, That if the said commissioners or its officers, or its agents, cannot agree with the owner or owners of such required land for the use and purchase thereof, or if by reason of the legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the land so required for the use of said company in the construction of said dykes, dams, tide banks, sluices, ditches, drains, and other works and structures, shall be given in writing, under the oaths or affirmation of some engineer or proper agent of said company, and also the name or names of the occupant or occupants, if known, and their residence, if the same can be ascertained, to any justice of the supreme court, who shall cause the said commissioners to give notice thereof to the persons interested, if known and in this state, or if unknown and out of this state, to make publication thereof as he shall direct, for any term not less than one week and not more than one month, and to assign a particular time and place for the appointment of the commissioners mentioned, at which time, upon satisfactory evidence to him of the service, or publication of service, or publication of such notice aforesaid, he shall appoint three disinterested commissioners to assess the price or value of said land, who shall be sworn or affirmed before the said justice faithfully to execute the duties of such appointment, and after like notice to both parties of the time and place, shall meet, view the premises and hear the parties and evidence, if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such decision and award, together with a description of the said land and the quantity taken, by whom owned and how situate and bounded, in

writing, under their hands and seals, or under the hands and seals of any two of them, to the justice who appointed them, to be by him returned and filed in the office of the clerk of the county wherein said lands lie, together with all the papers before him relating thereto, there to be kept as a public record, and copies taken if required by either party; and if either party shall feel aggrieved by the decision and award of the said commissioners, the party so aggrieved may appeal to the circuit court at the next term after such decision and award by proceeding in the form of petition to the said court, with five days' notice in writing to the opposite party of such appeal, which proceeding shall vest in the said circuit court full right and power to hear and adjudge the same, and if required they shall award a venire, in proper form, for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of the said lands and all damages sustained, and if the said jury be demanded by the said commissioners, and they shall find a greater sum than the said commissioners, then judgment shall be given against said commissioners; but if the said jury shall be demanded by the owner or owners, and shall find the same or a less sum than the commissioners awarded, then costs shall be paid by the owner or owners and shall be deducted out of the said sum awarded by the said commissioners, or execution issue therefor, as may be directed by the said court; and upon payment or tender of the sum so found by the said commissioners, or by the jury, with costs, if any, the said commissioners shall be deemed to be seized and possessed in fee simple of such lands and real estate appraised as aforesaid; but such application shall not prevent the said commissioners from taking the said land upon the filing of the aforesaid report, the value or damages being first paid, or upon a refusal to receive same upon a tender thereof, or (the owner or owners

thereof being unknown or out of the state or under legal disability) the same being first paid into the court of chancery.

May borrow money.

7. *And be it enacted*, That said commissioners shall have power to borrow money and issue bonds in payment therefor, bearing interest at the rate of seven per centum per annum, and said bonds shall be paid out of any moneys collected by the said commissioners under this act; the said bonds shall be signed by the president and sealed with the seal of said commission, and shall be payable at such time or times as said commission may deem proper.

Commissioners to make oath.

8. *And be it enacted*, That no commissioner shall enter on the duties of his appointment until after he shall have taken and subscribed an oath faithfully and impartially to perform the duties required of him by this act; and the clerk of the City of Hoboken is hereby required to record said oath, and also record or file, as requsted, all maps, certificates and papers relating to the improvement specified in this act prescribed to him for that purpose by either of said commissioners, and he shall ednorse a certificate of such recording or filing on such maps, certificates and papers.

Duties of treasurer.

9. *And be it enacted*, That the said commissioners shall designate one of their number as president, and one as treasurer of said commission, and all moneys collected by said commission, or any of its officers or agents, shall be paid to said treasurer, who shall, before entering upon the duties of his office as treasurer, give bonds in the penal sum of ten thousand dollars for the faithful performance of his duties, and he shall not pay out any money unless upon the written order of two of said commissioners, of whom the president shall be one.

10. *And be it enacted*, That this act shall be deemed to be a public act and take effect immediately.

Approved April 4, 1866.

CHAPTER CCCC.

A supplement to an act to provide for the drainage of certain lowlands lying in the city of Hoboken, and the township of Weehawken, approved April fourth, eighteen hundred and sixty-six.

Section one of original act amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this is a supplement, be and the same is hereby amended by increasing the number of commissioners named therein to nine, four of whom shall be residents of the lowlands included in said originai act, and lying in the city of Hoboken, and that the following persons be and they are hereby appointed said additional commissioners, namely, John M. Leicht, Jacob Duryea, Warren Conklin and Joseph Thomas; and said commissioners shall hold their office for the time specified in said section, and be subject to all the provisions of the act to which this is a supplement, and any vacancy in their number shall be supplied in the manner prescribed therein.

Names of additional commissioners.

Work to be done by contract.

2. *And be it enacted*, That all work done by said commissioners shall be by contract, and the contracts shall in all cases be awarded to the lowest bidder, on his giving proper security for the performance thereof.

Repealed.

3. *And be it enacted*, That all acts and parts of acts inconsistent herewith, be and the same are hereby repealed, and this act shall be deemed a public act, and take effect immediately.

Approved April 9, 1867.

CHAPTER DXLIV.

A Further Supplement to an act entitled "An act to provide for the drainage of certain lowlands lying in the city of Hoboken and the township of Weehawken.

Preamble. WHEREAS, in carrying out the intention of said act, the board of commissieners are forced to keep an outlet for the water across the lands of the Morris and Essex Railroad Company, and the building of the proper drain boxes can only be done from time to time as the said lands may be filled in by said railroad company, and no contract can be made with any other parties for building the same; and an arrangement having been agreed upon between the said commissioners and the Morris and Essex Railroad Company, securing the right of discharge for said water and the building of said drain boxes and maintenance of sluices upon fair and equitable terms; therefore,

Agreement made valid. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the agreement entered into between the said board of commissioners and the Morris and Essex Railroad Company is hereby validated, and made as effectual to all intents and purposes as if the same had been made under the provisions of the act to which this is a supplement.

Repealed. 2. *And be it enacted*, That all acts and parts of acts inconsistent herewith, be, and the same are hereby repealed, and this act shall be deemed a public act, and take effect immediately.

Approved April 21, 1868.

CHAPTER DLXIII.

A Supplement to an act entitled "An act to provide for the drainage of certain low lands lying in the City of Hoboken, and the township of Weehawken," approved April fourth, eighteen hundred and sixty-six.

Restraining Commissioners. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners appointed under and by virtue of the act to which this is a supplement, and the several supplements thereto, shall not have power to make any further improvements or contracts for improvements on the said low lands lying in the City of Hoboken and the township of Weehawken.

Commissioners to close up business. 2. *And be it enacted*, That said commissioners shall proceed to settle up the business and affairs of said commissioners and shall complete such settlement on or before the first day of January, eighteen hundred and seventy.

Make a repor to council. 3. *And be it enacted*, That it shall be the duty of said commissioners to make a report in writing to the council of the City of Hoboken showing what work has been done by said commissioners, the cost thereof, also of all moneys received by said commissioners, and how the same has been expended, also showing the indebtedness of said commissioners and to whom they are indebted, which report shall be filed with the city clerk of the City of Hoboken in his office on or before the first day of May next after the passage of this act.

4. *And be it enacted*, That said commissioners shall not have power to do any act or thing except to settle up the affairs of said commissioners pursuant to the act to which this is a supplement.

5. *And be it enacted*, That this act shall take effect immediately.

Approved April 2, 1869.

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