

The Hammononton Item.

Devoted to the Interests of Hammononton.

VOL. V. NO. 26.

HAMMONTON, N. J., SATURDAY, JULY 8, 1876.

\$2.00 PER YEAR

LAWS OF NEW JERSEY.

CHAPTER CL.

An Act providing for state taxes on railroad and the mode of collection thereof.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That all railroad corporations and companies occupying or using railroads in this state, whether lessees or otherwise liable to be taxed as such by a general law taxing railroads for state purposes, shall pay an annual state tax upon the true value of said railroads, their equipment and appendages, as said read, at and after the rate of one half of one per centum upon such value, and the same to be paid notwithstanding any provisions in the charters of said corporations or companies or the laws under which said railroads are respectively occupied and used, fixing a different basis, mode or rate of taxation; provided, that whereas certain railroad companies, required to pay tax annually to the state, under the provisions of the act entitled "An act relative to transit duties," approved March fourth, eighteen hundred and sixty-nine, control certain other railroad within this state commonly called branch roads, by either owning or leasing them, or by owning a majority, in value, of their capital stock, or by owning or leasing either roads which own or lease them, which branch roads will be assessed under the provisions of this act, the tax paid by any such railroad company under the provisions of the said act of eighteen hundred and sixty-nine, shall be considered a full payment of all taxes hereafter to be assessed upon such branch roads under this act, so long as the amount paid by such railroad company under the provisions of said act of eighteen hundred and sixty-nine shall exceed the aggregate amount of the taxes assessed upon such branch roads under this act, and upon the tax upon such railroad company at the rate of one half of one per centum upon the costs of their work, including all their property in any description not otherwise taxed, as provided in said act of eighteen hundred and sixty-nine, or so long as this act shall remain in force.

2. And be it enacted, That on or before the first day of February in each year, the president, secretary or treasurer of every railroad corporation or company shall, on oath or affirmation, make return to the comptroller of this state of the true value of said railroad used by or belonging to said corporation or companies in this state respectively, specifying the items and the locality thereof, and further showing the true value of said property whereon said state tax is laid as aforesaid, specifying its particular items and their cost; the comptroller shall thereupon file said return in his office, and thereupon the state tax to be paid by said railroad corporation or company, under this act, shall be immediately due and payable with interest thereon from the first day of March at and after the rate of ten per centum per annum, and said tax and the interest thereon shall be and remain a lien on the franchises and property, real, personal and mixed, of said corporations or companies, and the lien of the state for said state taxes and interest shall be prior to all other liens of every nature and description on said franchises and property.

3. And be it enacted, That the comptroller, treasurer and commissioner of railroad taxation of the state shall constitute a board of railroad commissioners, and when any of the said railroad corporations or companies required by the second section of this act to make a return to the comptroller of the state as therein set forth, shall fail to make such return as therein required or shall make a return that the comptroller shall have reason to believe is untrue or insufficient, the said railroad commissioners shall forthwith proceed to estimate the true value of the railroad of such corporation or company, and the true value of the equipment and appendages of said railroad used by or belonging to said corporation, in this state, and shall also ascertain and state the amount of state tax due thereon at and after the rate of one-half of one per centum upon such true value; and such estimate of true value and the amount of the state tax thereon shall be certified to by them as follows: "We hereby certify that the above estimate of the true value of the railroad of (here insert the name of the corporation or company) and of the equipment and appendages, and the state tax due thereon for the year (here insert year, is just and true according to the best of our knowledge and belief;" they shall sign said certificate and file said estimate, statement and certificate in the office of the comptroller, and thereupon the state tax to be paid by said railroad corporation or company under this act shall be immediately due and payable with interest thereon from the first day of February at and after the rate of ten per centum per annum, and said tax and the interest thereon shall be and remain a lien on the franchises and property, real, personal and mixed, of said corporations or companies, and the lien of the state for said state taxes and interest shall be prior to all other liens of every nature and description on said franchises and property.

4. And be it enacted, That if any railroad corporation or company shall feel aggrieved by the action of said board of railroad commissioners, it shall have the right at any time within ten days after he shall have filed said estimate, statement and certificate in the office of the comptroller, to appeal therefrom, to a justice of the supreme court, whose duty it shall be to summarily hear and decide said appeal, upon depositions, or upon evidence taken by himself, and he may compel the attendance of witnesses before a supreme court commissioner or himself, and punish them as for a contempt upon their failure to appear or answer; and he shall control and regulate the proceedings upon said appeal so that he can decide said appeal within thirty days, unless he shall extend the time by certificate under his hand, which certificate he shall file with the clerk of the supreme court and state therein the time of such extension and the reason therefor; the decision of said justice upon said appeal shall be certified by him under his hand and filed with the comptroller; and if said justice shall reduce the amount of said state tax as certified to by said board, he shall state the amount of said reduction and the reasons therefor, and thereupon the comptroller shall give such railroad corporations or companies credit to the amount of the said reduction, but the amount of tax as fixed after such reduction shall be immediately due and payable and shall bear interest from the said first day of March at and after the rate of ten per centum per annum;

5. And be it enacted, That whenever any railroad corporation or company has failed to pay its state taxes for ten days after the same has become due and payable under this act, it shall be the duty of the attorney general to forthwith apply to a justice of the supreme court for an order that the said state tax, as returned by such railroad corporation or company, or assessed by the board of railroad commissioners, or as revised by a justice of the supreme court, and the interest due on such tax and a reasonable sum to be certified by said justice to be paid for the expense of said proceedings, and said attorney general shall be made a record of the supreme court and judge entered for said tax, interest and reasonable sum, in the name of the state of New Jersey as plaintiff, and against said corporation or company as defendant, which order shall be made forthwith upon a certified copy from the comptroller of the estimate, statement and certificate on file in his office, and the certificate of the treasurer that said tax has not been paid; and also to apply for an order that execution forthwith issue, on said judgment, said execution to be directed to a special master of the court of chancery to be named by said justice in his order; and such an order may be applied for and granted ex parte, unless said justice order notice of such application to be given, and in all cases the proceedings shall be summary; and said execution the master to whom the same is directed shall set all the franchises and all the property, real, personal and mixed, of said corporation or company, or so much thereof as may be necessary to make the amount due on said tax judgment and the usual execution fees; such sale shall pass the absolute title to said franchises and property aforesaid sold thereunder, free and clear of all liens and incumbrances of every nature; such notice, advertisement and publication of such sale shall be given as shall be directed in and by the order of said justice, and no other notice, advertisement or publication shall be necessary, and said justice may make such further order or direction as he may deem proper to secure the rights of the state or of any corporation or company interested.

6. And be it enacted, That in case of any dispute between the state and any railroad corporation or company as to its liability under this act, or as to the extent of such liability, that it shall be lawful for the state treasurer to pay into the state treasury, any sum that it may admit to be due for state taxes, and such amount so paid shall be credited on the state tax as it shall be finally determined and fixed under this act; and the said credit shall be made by the comptroller, upon the certificate of the state treasurer, as to said payment, and no interest shall be charged upon the amount thus paid and credited.

7. And be it enacted, That for greater certainty it is hereby declared that this act shall not apply to or affect any county, municipal or local taxation whatever.

8. And be it enacted, That the comptroller, treasurer and commissioner of railroad taxation shall take and subscribe, and file in the office of the comptroller, the following oath or affirmation: "I do solemnly promise and swear or affirm that I will faithfully, impartially and justly perform all the duties imposed on me by this act to the best of my ability and understanding."

9. And be it enacted, That the railroad commissioners shall have power to administer oaths and affirmations to any person to ascertain any facts proper for them to know in order to enable them to properly perform the duties of their office, and they may require their statements to be sworn to, and require them to subscribe and swear thereto, and may ex parte apply for and obtain from any justice of the supreme court an order to compel any person to submit to such examination in reference to such matters; and such justice may punish any party as for a contempt who shall disobey any order made by said justice in the premises; and any person falsely swearing or affirming in reference to any matters inquired of by said board, or in any evidence given before any justice or supreme court commissioner under this act, shall be deemed guilty of perjury, and on conviction thereof shall be liable to all the penalties prescribed by law therefor.

10. And be it enacted, That if any corporation or company shall be in default under this act, in payment of the state tax aforesaid, any person having a mortgage or other lien on its franchises or property, may pay the state treasurer the amount of such state tax, and the interest due thereon, and receive from said treasurer a certificate of such payment, and such person shall thereupon be entitled to be repaid the amount of said tax, and interest thereon at the rate of ten per centum per annum out of the first proceeds of any sale of the franchises or property of said corporation or company, and such tax and ten per centum interest thereon shall continue a lien on the franchises and property of the corporation or company for the benefit of such mortgagee or lienor until paid by said corporation or company or from the sale of its franchises or property; if any proceedings have been taken by the attorney general to enforce the payment of said state tax and interest thereon, then such mortgagee or other lienor until paid by said corporation or company or from the sale of its franchises or property; if any proceedings have been taken by the attorney general to enforce the payment of said state tax and interest thereon, then such mortgagee or other lienor paying such tax and interest shall pay such additional amount as a justice of the supreme court shall certify to be proper and reasonable to pay for the cost and expense and services on the proceedings as far as they have progressed for the collection of said tax and interest thereon; upon the payment of said tax and the interest thereon and such additional amount, if any, all proceedings shall thereupon cease for the collection of said tax.

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

Approved April 13, 1876.

CHAPTER CII.

An Act to protect grave yards and burial plots owned by individuals and unincorporated associations.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That any person who shall unlawfully and willfully destroy, mutilate, deface, injure or remove any tomb, monument, gravestone, building, or other structure placed in or upon any graveyard or burial plot in this state, or shall unlawfully and willfully cut, bark, break, injure, remove, or destroy any tree, shrub, or plant therein, or shall willfully break, injure, deface, remove, or destroy the fence, hedge, or railing inclosing such graveyard or burial plot, shall be deemed guilty of a misdemeanor, and such offender shall also be liable in an action of trespass, to be brought by the owner or owners, to pay all such damages as have been occasioned by his or her said unlawful acts.

2. And be it enacted, That any person who shall bring any dog or dogs, goat or goats, within the limits of any graveyard or burying plot in this state, shall for every offence, upon conviction thereof before a justice of the peace of the county wherein said offence shall be committed, forfeit and pay the sum of two dollars for the use of the poor of the township or ward, and shall also be liable in an action of trespass at the suit of the owner or owners for all damages committed by said dog or dogs, goat or goats.

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

Approved April 13, 1876.

CHAPTER CIII.

A Supplement to an act entitled "An act to regulate and establish a uniform rate of charges for legal advertising in New Jersey," approved March twentieth, eighteen hundred and fifty-seven.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That the editor, proprietor or publisher of every newspaper in this state, shall print upon and publish with every advertisement required by law to be published in one or more newspapers in this state, a statement of the prices established by law for such advertisement, which price shall be the legal amount due for such advertisement for the whole length of time that the same is required by law to be published; and it shall not be lawful for the owner, editor, proprietor or publisher of any newspaper to charge or receive the price of such advertisement or any part thereof unless the said statement of the price of such advertisement shall be published as herein directed.

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

Approved April 13th, 1876.

CHAPTER CIV.

An Act to authorize the proprietor of any newspaper published in this state to change the name of such newspaper.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That any proprietor of any newspaper published in this state may apply to the circuit court of the state wherein such newspaper shall be published, for an order to authorize such applicant to assume and use another name for such newspaper; such application shall be by petition, which shall set forth the grounds of the application, and shall be verified by the affidavit of the applicant annexed thereto or endorsed thereon, and notice of such application shall be published at least once in each week for two weeks successively next preceding the time of such application, in some newspaper of said county.

2. And be it enacted, That if the court to which such application shall be made shall be satisfied by such petition so verified, or by affidavits presented, that there is no reasonable objection that such proprietor should be permitted to assume and use another name for such newspaper, such court shall make an order authorizing such proprietor to assume and use such other name for such newspaper, from and after some time, not less than five days, to be specified in such order.

3. And be it enacted, That within ten days after granting such order such proprietor shall cause a copy thereof to be published in a public newspaper printed in the county in which such newspaper shall be published; within twenty days from the granting of such order, such applicant shall cause such petition, affidavit or affidavits, order, and an affidavit of the publication of such order, to be filed in the county clerk's office of the county in which such newspaper shall be published, and within the same time such applicant shall cause a certified copy of such order to be filed with the secretary of state.

4. And be it enacted, That when the requirements of this act shall be complied with, such proprietor shall, from and after the day specified for that purpose in such order, assume and use the name which, by such order, he shall be authorized to assume and use for such newspaper, and such newspaper shall thereafter be known by the new name and by no other.

5. And be it enacted, That such newspaper, under such new name, shall have the same rights and privileges as if its name had not been changed, and where such newspaper, under its old name, had been lawfully designated as an official newspaper of any county, city, or other place, it shall continue to be such official newspaper under its new name, the same as if its name had not been changed; and all legal or other publications made or directed to be made under the order of any court, or of the state or any officer or department thereof, or any county, city or other municipality, or any board or officer thereof, and all sheriff's or master's sales, and all matters now required by law to be published, may be published, or the present publication thereof continued, in such newspaper, under its new name, with the same force and effect as if such publication had been made in said newspaper published under its old name; and said newspaper, published under its new name, shall be entitled to all official printing under any law of this state, or any resolution of the board of chosen freeholders of any county, or any ordinance or resolution of any city or other municipality, or any department, board or officer thereof, the same as if the name of said newspaper had not been changed.

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

Approved April 13, 1876.

CHAPTER CV.

A Further Supplement to the act entitled "An Act to encourage the improvement of real property in this State," (revision) approved March twenty-seventh, eighteen hundred and seventy-four.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That

all land improvement companies of this state now existing under any act of the legislature, or that are now or may hereafter be organized under the act to which this is a supplement, shall have and possess the power, when three-fourths of all the directors of such company shall vote therefor, to temporarily invest the proceeds of the sale of the real and personal property of said company and its accumulated surplus, in any public stock or bonds of the United States or of any state or municipal corporation, therein, and in any stock or bonds of any corporation created by or under the laws of the states of New Jersey, New York or Pennsylvania; and said land improvement companies, to enable them to make such investments as aforesaid, may, by a three-fourths vote of their directors, purchase, hold and sell any of said stocks or bonds, public or private, whenever they deem it for the best interests of the corporation so to do.

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

Approved April 13, 1876.

CHAPTER CVI.

An Act appointing Commissioners to locate the northern boundary line between the States of New York and New Jersey, and to replace or erect monuments therein.

Whereas, the state of New York passed an act May twenty-sixth, eighteen hundred and seventy-five, authorizing the regents of the university of the state of New York, in connection with the authorities of Pennsylvania and New Jersey, respectively, to replace any monuments which have become dilapidated or been removed on the boundary lines of those states, and it being suggested that there is uncertainty about the true location of the boundary line between the states of New York and New Jersey as defined in said act of September twenty-sixth, seventeen hundred and seventy-three; now, therefore,

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That the governor of this state be and he is hereby authorized to appoint three commissioners, with power on the part of this state, to meet any authorities of the state of New York who may be duly authorized, and with them to negotiate and agree upon the true location of said boundary line between the states of New York and New Jersey as defined in said act of September twenty-sixth, seventeen hundred and seventy-two, and also to replace any monuments which may have become dilapidated or been removed on said boundary line, or to erect new ones; which agreement shall be in writing, and signed and sealed by the authorities of the state of New York and by the commissioners of this state, but shall not take effect unless confirmed by the respective legislatures of the states of New York and New Jersey.

2. And be it enacted, That the governor is hereby authorized to fill any vacancies in said commission occasioned by death, resignation or otherwise.

3. And be it enacted, That the expenses of said commissioners shall be paid by the treasurer on the warrant of the comptroller, after being first approved by the governor.

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

Approved April 13, 1876.

CHAPTER CVII.

A Further Supplement to an act entitled "An Act respecting the Court of Chancery," approved March twenty-seventh, eighteen hundred and seventy-four.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That the surplus money arising from the sale of mortgaged premises, in cases where the mortgagee or person owning the mortgaged premises, shall be deceased at the time of sale, may, if in the opinion of the chancellor the same shall be expedient or necessary for the proper administration of the estate, be paid to the administrator or administrators, executor or executors, of said deceased, to be administered in the same manner as money arising from the sale of real estate made by administrators or executors; provided, said administrator or administrators, executor or executors, shall enter into bond as now required by law, upon their application for the sale of real estate.

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

Approved April 13, 1876.

CHAPTER CVIII.

An Act to authorize cities to issue bonds to pay their floating debts.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That it shall be lawful for each and every city in this state whose charter or its supplements shall the amount of the bonded indebtedness of such city where it has not already issued bonds in the aggregate amount equal to the indebtedness allowed to be created by its charter and supplements thereto to issue additional bonds in the aggregate to such an amount as will be equal to the difference between the amount already issued and the amount of indebtedness allowed to be created by its charter, and supplements thereto to be executed in the manner provided by its charter, and dispose of and sell the same, and from the proceeds arising from the sale thereof pay its floating debt as far as the proceeds thereof shall be available.

2. And be it enacted, That in construing the meaning of the word debt or indebtedness in the charter of any city in this state, where it has reference to the amount of debt which any such city may create, it shall be understood to mean and include the floating as well as the bonded or funded debt of said city already incurred.

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

Approved April 13, 1876.

CHAPTER CIX.

An Act in respect to bonds guaranteed by cities.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That whenever the works of any gas or water company have been heretofore purchased by any city for the use of said city, and where said city has been heretofore liable, by contract or

otherwise, for the bonds issued by the company, then it shall be the duty of the mayor and treasurer of said city, upon demand being made, to stamp or write upon the face of such bonds the following certificate: "The principal and interest of this bond are guaranteed by the city of _____, the blank to be filled with the corporate name of said city, and the said mayor and treasurer shall sign the same in their official capacity and affix thereto the city seal."

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

Approved April 13, 1876.

CHAPTER CX.

A further Supplement to the act entitled "An act to provide additional accommodations for the insane of this state," approved March thirty-first, eighteen hundred and seventy-one.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That the board of managers of the New Jersey State Lunatic Asylum, and the board of managers of the State Asylum for the Insane at Morristown, New Jersey, be and they are hereby authorized, empowered and directed, by and with the consent of the governor of this state, and in the manner hereinafter provided, to make, adopt and enforce rules and regulations for the appointment and distribution to and between the said asylums of such insane persons as are now or may hereafter be sent to an asylum of this state by virtue of any law thereof, and for the removal of insane patients from either of the said asylums to the other, and from time to time to alter and repeal such rules and regulations as the public interest may require; and all rules and regulations so made, adopted and altered, and all repeaters, as aforesaid, shall have the force and effect of public statutes, and shall from time to time be published, as the said governor shall direct.

2. And be it enacted, That each rule or regulation, and each alteration or repeal of pre-existing rules or regulations, which shall be proposed to be made and adopted under the first section of this act, shall be submitted in writing to each of the boards of managers aforesaid, and if adopted by a majority of the whole number of each board shall then be submitted in writing to the governor of this state for his approval, and no rule or regulation, nor alteration or repeal of pre-existing rules or regulations shall take effect without the same is approved in writing by the said governor; in the event of a disagreement between the said boards respecting the adoption of any proposed rule or regulation, alteration or repeal aforesaid, the act proposed shall be submitted in writing to the governor who shall decide in writing the adoption or rejection or modification thereof, and shall communicate his decision to the said boards; all rules, regulations, alterations and repeals aforesaid, approved or decided by the governor as aforesaid shall be deposited in the office of the secretary of state, and certified copies thereof under the seal of said secretary shall be plenary proof thereof in all the courts of this state.

3. And be it enacted, That each insane patient who shall be removed to the State Asylum for the Insane, at Morristown, New Jersey, by virtue of the rules and regulations aforesaid, shall be there continued and treated, and until discharged according to law shall be there supported by the same committee, relative, person, county or other corporation chargeable by law with such support, at the time of such removal, in the same manner and to the same extent as if such patient had not been so removed, and the expense of removing any patient to either asylum, shall be paid by the party chargeable by law as aforesaid, with his or her support, upon the order of the steward of the asylum to which such patient shall be removed, countersigned by the superintendent thereof.

4. And be it enacted, That each insane patient admitted under said rules and regulations into the State Asylum for the Insane at Morristown, New Jersey, shall be supported there according to law by the committee, relative, person, county, or other corporation which would have been chargeable with the support of such patient if he or she had not been sent to an asylum, in the same manner and to the same extent as is now provided by law respecting insane patients in the New Jersey State Lunatic Asylum.

5. And be it enacted, That the managers may take and hold in trust for the state any grant or devise of land, or any donation or bequest of money or other personal property to be applied to the maintenance of insane persons or the general use of the said asylum.

6. And be it enacted, That said managers are hereby authorized to establish such laws as they may deem necessary and expedient for regulating the appointment of the officers hereinafter mentioned, and such other officers as they may find necessary, for fixing the conditions of admission, support and discharge of patients, and for conducting, in a proper manner, the affairs and business of the institution, and to ordain and enforce a suitable system of rules and regulations for the internal government of said asylum; and they shall fix the compensation of said officers, by and with the consent of the governor, which compensation shall be paid by the state treasurer, on the warrant of the comptroller.

7. And be it enacted, That the superintendent shall be the chief executive officer of the said asylum; he shall have

(Continued on 8th page.)

the general superintendence of the buildings, grounds, and farm, with their furniture, fixtures and stock, and the direction and control of all persons therein, subject to the laws and regulations established by the managers; he shall daily ascertain the condition of the patients, and prescribe their treatment, in the manner prescribed in the by-laws; he shall appoint, with the approval of the managers, so many assistants and attendants as he may think proper and necessary for the economical and efficient performance of the business of the said asylum, and to prescribe their several duties and places, and to fix, with the managers' approval, their compensation, and to discharge any of them at his sole discretion; but in every case of discharge, he shall forthwith record the same, with the reasons, under an appropriate head in one of the books of the said asylum; he shall also have power to suspend, until the next monthly meeting of the managers, for good and sufficient cause, a resident officer; but in such case he shall give written notice of the fact, with its causes and circumstances, to one of the managers, whose duty thereupon shall be to call a special meeting of the board, to provide for the exigency; he shall also, from time to time, give such orders and instructions as he may judge best calculated to ensure good conduct, fidelity, and economy in every department of labor and expense; and he is authorized and enjoined to maintain salutary discipline among all who are employed by the institution, and to enforce strict compliance with such instructions, and uniform obedience to all the rules and regulations of the asylum; he shall cause full and fair accounts and records of all his doings, and of the entire business and operations of the institution, to be kept regularly from day to day, in books provided for that purpose, in the manner and to the extent prescribed in the by-laws; and he shall see that all such accounts and records are fully made up to the last day of October in each year, and that the principal facts and results, with his report thereon, be presented to the managers immediately thereafter; the assistant physician shall perform his duties, and be subject to the responsibility of the superintendent, in his sickness or absence.

8. And be it enacted, That the resident officers of the said asylum, and all attendants and assistants actually employed therein, during the time of such employment, shall be exempt from serving on juries, and, in time of peace, from all service in the militia; and the certificate of the superintendent shall be evidence of the fact of such employment.

9. And be it enacted, That the board of managers shall keep, in a bound book to be provided for that purpose, a fair and full record of all their doings; which shall be open at all times to the inspection of the governor of the state, and all persons whom he or either house of the legislature may appoint to examine the same.

10. And be it enacted, That the managers shall maintain an effective inspection of the said asylum, for which purpose one of them, or more, shall visit it at least once in every week; two or more at least once in every month; a majority at least once in every three months; and the whole board once a year, at the times and in the manner prescribed in the by-laws; in a book to be kept for that purpose, the visiting manager or managers shall note the date of each visit, the condition of the patients, with remarks of commendation or censure, and all the managers present shall sign the same; the general result of these inspections, with suitable hints, shall be inserted in an annual report, detailing the past year's operations and actual state of the asylum; which the managers shall make to the governor, on or before the fifteenth day of November in each year, to be by him presented to the legislature, accompanied with an annual report of the superintendent and treasurer.

11. And be it enacted, That it shall be the duty of the resident officers to admit any of the managers into every part of the said asylum, and to exhibit to him or them, on demand, all books, papers, accounts and writings belonging to the institution or pertaining to its business, management, discipline or government, also to furnish copies, abstracts, and reports, whenever required by the managers.

12. And be it enacted, That the treasurer shall have the custody of all moneys, bonds, notes, mortgages, and other securities and obligations belonging to the said asylum; he shall open an account at one or more banks, to be approved by the managers, in his own name, as treasurer of the asylum, and he shall deposit therein all moneys, immediately on receipt thereof, and shall draw for the same only for the uses of the asylum, and in the manner prescribed in the by-laws, upon the written order of the steward, specifying the object of the payment; he shall keep full and accurate accounts of receipts and payments, in the manner directed in the by-laws, and such other accounts as the managers may prescribe; he shall balance all the accounts on his books annually, on the last day of October, and make a statement of the balances thereon, and an abstract of the receipts and payments of the past year; which he shall, within two days thereafter, deliver to the auditing committee of the managers, who shall compare the same with his books and vouchers, and certify the correctness thereof, within the next three days, to the managers; he shall, further, render a quarterly statement of his receipts and payments, on the first Monday of February, May and August, in each year, to the auditing committee, who shall compare and verify the same as aforesaid, and report the results thereof, duly certified, to the managers, who shall cause the same to be recorded in one of the books of the asylum; he shall, further, render an account of the state of his books, and of the funds and other property in his custody, whenever required so to do by the managers.

13. And be it enacted, That the treasurer of the State Asylum for the Insane at Morristown, New Jersey, shall be vested with the same powers, rights and

authority which are now given by law to the overseers of the poor in any township or city of the state, so far as may be necessary for the indemnity and benefit of the said asylum, and for the purpose of compelling a relative, or committee, or guardian, to defray the expenses of a lunatic's support in the asylum, and reimburse actual disbursements for his necessary clothing and traveling expenses, according to the by-laws of the institution; also, for the purpose of coercing the payment of similar charges, when due from any county that is liable for the support of any lunatic in said asylum.

14. And be it enacted, That said treasurer shall also have authority to recover, for the use of the said asylum, any and all sums which may be due upon any note or bond in his hands belonging to the asylum; also, any and all sums which may be charged and due, according to the by-laws of the asylum, for the support of any patient therein, or who may have been therein, or for actual disbursements made in his behalf for necessary clothing and traveling expenses, in an action to be brought in said treasurer's name, as treasurer of the State Asylum for the Insane, at Morristown, New Jersey, and which shall not abate, by his death or removal, against the individual, or county legally liable for the maintenance of said patient, and having neglected to pay the same, when demanded by the treasurer, in which action the declaration may be in a general indebitatus assumpsit, and judgment shall be rendered for such sum as shall be found due, with interest from the time of the demand made as aforesaid; said treasurer may also, upon the receipt of the money due upon any mortgage in his hands belonging to the asylum, execute a release, and acknowledge full satisfaction thereof, so that the same may be discharged of record.

15. And be it enacted, That the steward shall, under the direction of the superintendent, make all purchases for the said asylum, and preserve the original receipts thereof, and keep full and accurate accounts of the same, and copies of all orders drawn by himself upon the treasurer, he shall also, under like directions, make contracts, in the superintendent's name, with the attendants and assistants, and keep and settle their accounts; he shall also keep the account for the support of patients, and expenses incurred in their behalf, and furnish the treasurer every month with copies of such as fall due; he shall make quarterly abstracts of all his accounts to the last Monday of every January, April, July and October, for the treasurer and managers; he shall also be accountable for the careful keeping and economical use of all furniture, stores, and other articles provided for the asylum, and shall, annually, during the third week in October, make out and furnish the managers with a true and perfect inventory, verified by oath, of all the personal property belonging to the asylum, in and about the premises, with an appraisal thereof, made, under oath or affirmation, by himself and two suitable persons, whom the managers shall appoint for that purpose.

16. And be it enacted, That as soon as the said asylum shall be ready for the admission of patients the managers shall cause notice thereof to be published, and also to be sent to the clerk of every county from which lunatics are entitled to be admitted under said rules and regulations, who shall transmit a copy thereof to the overseer of the poor of each township in their respective county; a circular from the superintendent shall accompany such notice to each county clerk and overseer of the poor, designating different days for the counties, severally, to send to the asylum their respective quotas of patients, and giving all necessary directions respecting admission and support, according to the by-laws.

17. And be it enacted, That no person shall be admitted into said asylum, as a patient, except upon an order of some court or judge authorized to send patients, without lodging with the superintendent—first, a request, under the hand of the person by whose direction he is sent, stating his age and place of nativity, if known, his christian name and surname, place of residence, occupation, and degree of relationship or other circumstance of connection between him and the person requesting his admission; and second, a certificate dated within one month, under an oath, signed by a respectable physician, of the fact of his being insane; each person signing such request or certificate shall annex to his name his profession or occupation, and the township, county and state of his residence, unless these facts appear on the face of the document.

18. And be it enacted, That the superintendent shall make, in a book kept for the purpose, at the time of reception, a minute, with date, of the name, residence, office and occupation of the person by whom and by whose authority each insane person is brought to the said asylum, and have all the orders, warrants, requests, certificates, and other papers accompanying him, carefully filed, and forthwith copied into said book.

19. And be it enacted, That each county entitled to send lunatics to said asylum, under said rules and regulations, may at all times keep such number of patients, in just proportion with other counties, as the asylum can accommodate, which proportion shall be regulated by the managers; if any one or more of the counties should not send their full proportion, the vacancies may be allotted by the managers to other counties so entitled having patients whom they may desire to send.

20. And be it enacted, That whenever any pauper, chargeable in a county entitled to send patients to said asylum under said rules and regulation, may be insane, it shall be the duty of the overseer of the poor in the township wherein he resides, to make application in his behalf to any judge of the court of common pleas of the county; and said judge shall call one respectable physician, and fully investigate the facts of the case, and if satisfied, after such examination, that the disease is of such a nature as may be cured, he shall issue a provisional order to such overseer, which shall be effectual when approved as hereinafter provided,

requiring him without delay to take such insane pauper to said asylum, where he shall be kept and supported at the expense of the county in which is his residence, until he shall be restored to soundness of mind, if effected in three years; the judge, in such case, shall have power to compel the attendance of witnesses, and shall present the certificate of the physician, taken under oath, and other papers relating thereto, and a paper of the proceedings and decision, to the chosen freeholders, or freeholders, if there be but one by law or but one acting by reason of the death, sickness or other disability of the other, of the township where such lunatic is found, who shall examine the same, and if satisfied that said lunatic has a legal settlement in their county as defined by the act entitled "An act for the settlement and relief of the poor," approved April tenth, eighteen hundred and forty-six, and is entitled to the relief afforded by this act, shall endorse the word "approved," upon said certificate and proceedings, and shall sign their official names thereto; which said certificate and proceedings shall be filed with the clerk of the county, who shall forward to the superintendent of the asylum where such insane pauper is confined copies of said proceedings and certificates authenticated by the clerk under seal of the court, report the facts to the board of chosen freeholders, whose duty it shall be to raise the money requisite to meet the expenses of support, and as soon thereafter as practicable pay it to the treasurer of the asylum; but if said freeholders shall not be satisfied as aforesaid, they shall endorse on said certificate and proceedings the words "not approved," and shall sign their official names thereto, and the same shall then be filed with the clerk of the board of chosen freeholders, and said lunatic shall not be admitted to the said asylum at the expense of the said county.

21. And be it enacted, That when a person residing in a county entitled to send lunatics to said asylum under said rules and regulations, and in indigent circumstances, not a pauper, becomes insane, application may be made in his behalf to any judge of the court of common pleas of the county where he resides; and said judge shall call a respectable physician and other credible witnesses, and fully investigate the facts of the case, and either with or without the verdict of a jury, at their discretion shall decide the case as to his insanity and indigence; and if the said judge make a certificate that satisfactory proof has been adduced, showing him to be insane, and his estate insufficient to support him and his family, or if he has no family, himself, under the visitation of insanity, on such certificate, authenticated by the county clerk, under the seal of the court, he shall be admitted into said asylum, and supported there, at the expense of said county, until he shall be restored to soundness of mind, if effected in three years; the said judge in such case shall have requisite power to compel the attendance of witnesses and jurors, and shall file the certificate of the physician, taken under oath, and other papers relating thereto, with a report of his proceedings and decision, with the clerk of the county, and report the fact to the board of chosen freeholders, whose duty it shall be to raise the money requisite to meet the expenses of support, and as soon thereafter as practicable, pay it to treasurer of the asylum; provided, however, that if such investigation be made without summoning a jury therein, the said certificate and proceedings shall be presented to the freeholder or freeholders of the township where such lunatic is found, who shall examine and proceed thereon in all respects and with the same force and effect as is provided in that behalf in the last preceding section of this act, and the clerk of said county shall, if said freeholders approve said certificate and proceedings, report the facts to the board of freeholders, whose duty it shall then be to provide for the expenses of the support of said lunatic and to pay the amount as soon as practicable to the treasurer of said asylum.

22. And be it enacted, That when an insane person residing in a county entitled to send lunatics to said asylum under said rules and regulations, and in indigent circumstances, shall have been sent to said asylum by his friends, who have paid him his therefor six months, the superintendent shall certify that he is a fit patient, and likely to be benefited by remaining in the institution; the chosen freeholders of the county of his residence are authorized and required, upon an application, under oath in his behalf, to raise a sum of money sufficient to defray the expenses of his remaining there a year, and pay the same to the treasurer of said asylum; and they shall repeat the same for two succeeding years, upon like application, and the production of a new certificate each year, of like import, from the superintendent.

23. And be it enacted, That no person shall be admitted into said asylum for a shorter period than six months, except in special cases provided for in the by-laws.

24. And be it enacted, That the managers may authorize the superintendent to admit, under special agreements, whenever there are vacancies in said asylum, such cases as may seek admission.

25. And be it enacted, That all town and county officers sending a patient to said asylum shall, before sending him, see that he is in a state of perfect bodily cleanliness and is comfortably clothed, and provided with suitable changes of raiment, as prescribed in the by-laws.

26. And be it enacted, That when a

person shall have escaped indictment, or have been acquitted of a criminal charge upon trial, on the ground of insanity, upon the plea pleaded of insanity or otherwise, the court, being satisfied by the jury or otherwise of the fact, shall carefully inquire and ascertain whether his sanity in any degree continues, and if it does, shall order him in safe custody, and to be sent to the asylum, prescribed by the rules and regulations aforesaid; the county from which he is sent shall defray all his expenses while there, and of sending him back, if returned; but the county may recover the amount so paid from his own estate if he has any, or from any relative or county that would have been bound to provide for and maintain him elsewhere.

27. And be it enacted, That if any person in confinement, under indictment or for want of bail for good behavior, or for keeping the peace or appearing as a witness, or in consequence of any summary conviction, or by order of any justice, or under any other than civil process, shall appear to be insane, the judge of the circuit court of the county where he is confined shall institute a careful investigation, call a respectable physician and other credible witnesses, invite the prosecutor of the pleas to aid in the examination, and if he shall deem it necessary, call a jury, and for that purpose is fully empowered to compel the attendance of witnesses and jurors; and if it be satisfactorily proved that he is insane, said judge may discharge him from imprisonment, and order his safe custody and removal to the asylum, prescribed by the rules and regulations aforesaid, where he shall remain until restored to his right mind; and then, if the said judge shall have so directed, the superintendent shall inform the said judge and the county clerk and prosecutor of the pleas thereof, whereupon he shall be removed to prison, and criminal proceedings be resumed, or otherwise discharged; the provisions of the last preceding section, requiring the county to defray the expenses of a patient sent to the asylum, shall be equally applicable to similar expenses arising under this section and the one next following.

28. And be it enacted, That persons charged with misdemeanors, and acquitted on the ground of insanity, may be kept in custody and sent to the asylum, prescribed by said rules and regulations, in the same way as persons charged with crimes.

29. And be it enacted, That the price to be paid for keeping any person in indigent circumstances in the asylum, exclusive of clothing, shall be annually fixed by the managers, and shall not exceed three dollars and fifty cents per week; but the managers may reduce the price, if they think proper, in behalf of one indigent patient from each county, if admitted within six months of the first attack of the disease, for one year, unless sooner cured.

30. And be it enacted, That every insane person supported in said asylum shall be personally liable for his maintenance therein, and all necessary expenses incurred by the institution in his behalf; and the committee, relative or county that would have been bound by law to provide for and support him, if he had not been sent to the asylum, shall be liable to pay the expenses of his clothing and maintenance in the asylum, and actual necessary expenses to and from the same.

31. And be it enacted, That the expenses of clothing and maintenance, in said asylum, of a patient who has been received upon the order of any court or judge, shall be paid by the county from which he was sent to the asylum; the county collector of said county is authorized and directed to pay to the treasurer of the asylum the bills for such clothing and maintenance, as they shall become due and payable, according to the by-laws of the asylum, upon the order of the steward, countersigned by the superintendent; and the chosen freeholders of the said county shall annually levy and raise the amount of such bills, and such further sum as will probably cover all similar bills for one year in advance; said county, however, shall have the right to require every individual or county that is legally liable for the support of such patient, to reimburse the amount of said bills, with interest, from the day of paying the same.

32. And be it enacted, That whenever the managers shall order a patient removed from the said asylum to the county whence he came, the collector of said county shall audit and pay the actual and reasonable expenses of such removal; but if any person be legally liable for the support of such patient, the amount of such expenses may be recovered, for the use of the county, by said collector; if such collector neglect or refuse to pay such expenses on demand, the treasurer of the asylum may pay the same, and charge the amount to said county, and the county collector shall pay the same with interest; and the chosen freeholders of said county shall levy and raise the amount, as other county charges.

33. And be it enacted, That every township or county paying for the support of a lunatic in said asylum, or for his expenses in going to or from the same, shall have the like rights and remedies to recover the amounts of such payments, with interest from the time of paying such bill, as if such expenses had been incurred for the support of the same, at other places under existing laws.

34. And be it enacted, That none of the provisions of this act shall restrain or abridge the power and authority of the court of chancery over the persons and property of the insane.

35. And be it enacted, That the said managers, upon the superintendent's certificate of a complete recovery, may discharge any patients, except those under a criminal charge, or liable to be removed to prison; and they may send back to the poorhouse of the county or township whence he came, any person admitted as "dangerous," who has been two years in said asylum, upon the superintendent's certificate that he is harmless, and will probably continue so, and not likely to be improved by further treatment in the said asylum; or when the asylum is full, upon a like certificate that he is manifestly incurable, and can probably be

rendered comfortable at the poorhouse, they may also discharge and deliver any patient, except one under criminal charge as aforesaid, to his relatives or friends, who will undertake, with good and approved sureties, for his peaceable behavior, safe custody, and comfortable maintenance without further public charge.

36. And be it enacted, That a patient of the criminal class may be discharged by order of one of the justices of the supreme court, if upon due investigation, shall appear safe, legal and right to make such order.

37. And be it enacted, That no patient shall be discharged without suitable clothing, and if it cannot be otherwise obtained, the steward shall, upon the order of two managers furnish it; also money, not exceeding ten dollars, to defray his necessary expenses, until he reaches home.

38. And be it enacted, That the managers of the State Asylum for the Insane, at Morristown, New Jersey, shall receive no compensation for their services, but they shall receive their actual traveling expenses; to be paid by the state treasurer, on the warrant of the auditor, on the rendering of their accounts; no court, judge, clerk or other officer shall receive any compensation for any services performed under this act.

39. And be it enacted, That all purchases for the use of said asylum shall be made for cash, and not on credit or time; every voucher shall be taken duly filled up at the time it is taken, accompanying every abstract of vouchers for money paid; there shall be proof, on oath that the voucher was filled up and the money paid therefor, at the time the voucher was taken; and the managers shall make all needful rules to enforce the provisions of this section.

40. And be it enacted, That the terms "lunatic" and "insane," as used in this act, include every species of insanity, and extend to all deranged persons, and to all of unsound minds, other than idiots; the words "asylum" and "institution" mean State Asylum for the Insane, at Morristown, New Jersey; a word denoting the singular number is to include one or many; and every word importing the masculine gender only, may extend to and include females.

41. And be it enacted, That there shall be paid from the state treasury, in quarterly payments, and upon the warrants of the comptroller, to the treasurer of the said asylum, the sum of one dollar per week toward the maintenance and keep of each indigent patient in said asylum, being the same amount now allowed by law to the State Lunatic Asylum at Trenton for the same purpose.

42. And be it enacted, That if the judge to whom application shall be made on behalf of any insane pauper shall be satisfied upon the examination of the case, made in the manner prescribed by the twenty third section of this act, that such insane pauper cannot be provided for by the overseers of the poor of the township, or at the poor house of the township or county upon which he is chargeable, with comfort and without danger or prejudice to himself or others, the said judge shall order the said pauper to be removed to the said asylum, to be kept and supported in the manner and for the time in the said section mentioned.

43. And be it enacted, That if the board of chosen freeholders of the county upon which any insane patient may be chargeable, shall, at any regular or special meeting, request that such patient be continued at the said asylum for a period of time beyond the three years mentioned in this act, the said patient shall be kept and supported at said asylum for such period of time, at the expense of the said county, to be raised and paid in the manner prescribed by the said act, provided, that the said board of chosen freeholders may at any time revoke the said request; and further, that such patient may be discharged or sent back to the overseers of the poor, or to the poor house of the township or county whence he came, in the manner and for the reasons mentioned in the thirty eighth section of this act.

44. And be it enacted, That when any patient shall be removed from one of the said state asylums to the other, under the rules and regulations heretofore authorized and directed, it shall be the duty of the superintendent of the asylum from which he is removed, to deliver to the superintendent of the asylum to which he is removed, the official documents and papers under the authority of which the said patient was received and under which he is detained, and the said documents and papers shall be as full and ample authority for detaining such patient in the asylum to which he is removed, as if such patient had not been so removed, as if such patient had not been so removed.

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

Approved April 13, 1876.

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