

Compensation for services not to be allowed.

6. That no governor or director of any association organized under this act, shall receive, directly or indirectly, any salary or emoluments from such association, nor shall any compensation whatever be voted, allowed, or paid by the governors or directors thereof to any governor or director for services, either as governor or director, or in any other capacity.

Exemption from tax.

7. That the property and effects of any association organized under this act, and held for its purposes to an amount not exceeding five thousand dollars, shall not be liable to the imposition of any taxes.

Health, State Board of.

1. How constituted.
2. Duties of board.

3. Election of secretary. Duties of.

An act to establish a state board of health.

P. L. 1877, p. 220.

Approved March 9, 1877.

Board, how constituted.

1. That the governor shall appoint seven persons, who, together with the secretary of state and attorney-general as *ex-officio* members, shall constitute the board of health of the state of New Jersey; the persons so appointed shall hold their offices for seven years; *provided*, that the terms of office of the seven first appointed shall be so arranged that the term of one shall expire each year, and the vacancies so created, as well as all vacancies occurring otherwise shall be filled by the governor.

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Duties of the board.

2. That the board shall take cognizance of the interests of health and life among the citizens of this state; they shall make sanitary investigations and inquiries in respect to the people, the causes of disease, and especially of epidemics and the sources of mortality, and the effects of localities, employments, conditions and circumstances on the public health; and they shall gather such information in respect to these matters as they may deem proper for diffusion among the people; they shall also make inquiries and reports in reference to diseases affecting animals, and the methods of prevention; they shall appoint a chairman, who shall call meetings as often as every three months, or when requested to do so by three members of the board; they shall, in the month of December, make report to the governor of their investigations and opinions during the year ending December first, with such suggestions as they may deem necessary; *provided*, that the provisions of this act shall not apply to any city, borough or township in which there is a local board of health.

Report to be made to the governor.

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Election of secretary.

Expenses, how paid.

3. That the board shall elect a secretary from their own number who shall superintend the work prescribed in the law, as the board may require; the entire expense in prosecuting inquiries and securing the desired information shall not exceed one thousand dollars; and said amount shall be payable by the comptroller on account rendered, and signed by the president and secretary of the board and approved by the governor.

Infants.

I. PREVENTION OF CRUELTY TO CHILDREN.

1. Societies for prevention of cruelty to children, how organized.
2. Corporate powers.
3. May make complaint.
4. Members to have same powers as those of society for prevention of cruelty to animals.

5. Provisions of act extended.

II. ADOPTION OF CHILDREN.

6. Minors may be adopted.
7. Form of petition.
8. Circuit court to hear petition and examine parties.
9. Proceedings recorded in surrogate's office.

I. Prevention of cruelty to children.

An act for the incorporation of societies for the prevention of cruelty to children.

P. L. 1876, p. 161.

Approved April 18, 1876.

Societies, how formed and incorporated.

1. That any five or more persons of full age, a majority of whom shall be citizens of and residents within this state, who shall desire to associate themselves together for the purpose of preventing cruelty to children, may

make, sign and acknowledge before any person authorized to take the acknowledgment of deeds, in this state, and file in the office of the secretary of state, and also in the office of the clerk of the county in which the business of the society is to be conducted, a certificate in writing, in which shall be stated the name or title by which such society shall be known in law, the particular business and objects of such society, the number of trustees, directors or managers to manage the same, and the names of the trustees, directors or managers of the society for the first year of its existence; but such certificate shall not be filed unless the written consent and approbation of one of the justices of the supreme court of the district in which the place of business or principal office of such society shall be located, be indorsed on such certificate.

2. That upon filing the certificate as aforesaid, the person who shall have signed and acknowledged such certificate, and their associates and successors shall thereupon, by virtue of this act, be a body politic and corporate, by the name stated in such certificate, and as such shall have power:

Corporate powers.

I. To have perpetual succession by its corporate name.

Corporate name.

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

Sue and be sued.

III. To make and use a common seal, which may be affixed by making an impression directly on the paper, and alter the same at pleasure.

May make and use seal.

IV. To appoint such officers, managers and agents as the business of the corporation may require.

Officers, &c.

V. To make by-laws not inconsistent with the laws of the state or of the United States, for the management of its property and the regulation of its affairs.

By-laws.

VI. To contract and be contracted with.

Make contracts.

VII. To take and hold by gift, purchase, grant, devise or bequest any property, real or personal, and the same to dispose of at pleasure; but such corporation shall not, in its corporate capacity, hold real estate, the yearly income derived from which shall exceed the sum of twenty-five thousand dollars.

May have and hold real and personal estate.

VIII. To exercise any corporate powers necessary to the exercise of the powers above enumerated and given.

General powers.

3. That any society so incorporated may prefer a complaint, before any court or magistrate having jurisdiction, for the violation of any law relating to or affecting children, and may aid in bringing the facts before such court or magistrate in any proceeding taken.

Society may make complaint.

4. That all magistrates, constables, sheriffs and officers of police shall, as occasion may require, aid the society so incorporated, its officers, members and agents in the enforcement of all laws which now are or may hereafter be enacted relating to or affecting children, and that, for the purpose of bringing offenders against such laws to justice, the like powers shall be and are hereby given to the members, officers and agents of any such incorporated society as are given by law to the members, officers and agents of the society for the prevention of cruelty to animals.

May have like powers as are given to members, &c., of the society for the prevention of cruelty to animals.

5. That the provisions of this act shall not extend or apply to any association or individuals who shall, in the certificate filed as hereinbefore provided, use or specify a name or style the same or substantially the same as that of any previously incorporated society in this state.

Provisions of act when not to extend.

II. Adoption of children.

An act providing for the adoption of children.

Approved March 9, 1877. P. L. 1877, p. 123.

6. Sec. 1. That from and after the passage of this act it shall and may be lawful for any person not married, or any husband with his wife's consent, or any wife with her husband's consent, or any husband and wife jointly, to petition the circuit court or the orphans' court of the county wherein he, she, or they may reside for permission to adopt any minor child or children; and also to petition for a change of name of such child or children; *provided*, that if such child or children be of the age of fourteen years or over the written consent of such child or children to

May adopt minor child or children and petition for change of name of child adopted.

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such adoption, duly acknowledged, must be obtained and presented with the petition; and also the written consent of the parent or parents if living and not hopelessly intemperate or insane; if both parents should be dead, or unknown, or hopelessly intemperate or insane, or shall have abandoned the child or children sought to be adopted, then and in such case the written consent acknowledged as aforesaid must be obtained from the legal guardian of such child or children; and if there be no legal guardian, then such consent must be obtained from some discreet and suitable person appointed by the court to be the next friend of such child or children sought to be adopted.

Form of petition.

7. SEC. 2. That such petition shall specify the name, age and place of residence of the petitioner or petitioners and of the child or children, and the name or names by which the child or children shall be known; whether such child or children be possessed of any property and the full description of the property, if any; whether such child or children has or have either father or mother or both living; in case he, she or they are alive then the name or names and place of residence of such father and mother must be given, unless proven to be unknown to the petitioner or petitioners; the person or persons petitioning as aforesaid shall be at least fifteen years older than the child or children sought to be adopted, and the petition shall be duly verified according to law.

Court to hear petition and examine parties in interest.

8. SEC. 3. That upon the presentation of such petition to the court the same shall be ordered filed with the clerk of said court, and the court shall appoint a day for the hearing of said petition and the examination under oath of the parties in interest, not less than ten nor more than thirty days from the filing of the petition; and it shall be at the option of the court to adjourn the hearing of said petition or the examination of the parties in interest from time to time, as the nature of the case may require; and if it shall be necessary under the provisions of this act that a discreet and suitable person shall be appointed as next friend to the child or children sought to be adopted, then and in that case the court shall order a notice of the petition and of the time and place when and where the appointment of next friend will be made, to be published in two newspapers circulating in the county where said court is located, once a week for three weeks successively; and at the time and place so assigned, and upon due proof of the publication of such notice, the court shall make such appointment, and shall thereupon assign a day for the hearing of said petition and examination of the parties in interest, not less than ten nor more than thirty days from the time of appointing the next friend; and upon the day so appointed, the court shall proceed to a full hearing of the petition and the examination of the parties in interest, under oath, with the right, as aforesaid, of adjourning the hearing and examination from time to time as the nature of the case may require; and if the court from the testimony shall be of the opinion that the facts stated in the petition are true, and if upon examination the court is satisfied that the petitioner or petitioners is or are of good moral character and of reputable standing in the community and of ability to properly maintain and educate the child or children sought to be adopted, having reference to the degree and condition in life of the child's or children's parents, and furthermore that the best interests of the child or children would be promoted by such adoption, then and in such a case the court shall make a decree reciting the facts at length and the name or names by which the child or children shall thereafter be known, declaring and adjudging that from the date of such decree the rights, duties, privileges and relations theretofore existing between the child or children and his or their parent or parents shall be in all respects at an end, excepting the right of inheritance; and further, that the rights, duties, privileges and relations between the child or children and his, her or their parent or parents by adoption shall thenceforth in all respects be the same, including the right of inheritance, as if the child or children had been born to such adopted parent or parents in lawful wedlock, except only as otherwise provided in this act.

Proceedings in case of the appointment of a next friend to the child or children sought to be adopted.

Court to make a decree.

Proceedings, etc., to be recorded and kept in the surrogate's office.

9. SEC. 4. That the petition, decree, testimony and proceedings shall be recorded at length in a book kept for that purpose and properly indexed; said book shall become part and parcel of the records of the surrogate's

office of the county where said court is located, and the surrogate for recording the same shall receive the same fees as for the recording of a will; *provided, however*, if the said proceedings shall have been begun in the circuit court, and the decree made by said circuit court, then and in that case the petition, decree, testimony and proceedings shall be recorded at length and in manner and form as aforesaid, in the clerk's office of the county wherein said circuit court is located; and upon the entry of such decree of adoption the parents of the child, if living, shall be divested of all legal rights and obligations due from them to the child or children, or from the child or children to them; and the child or children shall be free from all legal obligations of obedience or otherwise to the parents; and the adopting parent or parents of the child or children shall be invested with every legal right in respect to obedience and maintenance on the part of the child or children as if said child or children had been born to them in lawful wedlock; and the child or children shall be invested with every legal right, privilege, obligation and relation in respect to education, maintenance and the rights of inheritance to real estate, or to the distribution in personal estate on the death of such adopting parent or parents as if born to them in lawful wedlock; *provided always*, and said child or children shall not be capable of taking property expressly limited to the heirs of the body of the adopting parent or parents, nor property coming from the collateral kindred of such adopting parent or parents by right of representation; *and provided also*, that on the death of the adopting parent or parents and the subsequent death of the child or children so adopted, without issue, the property of such adopting deceased parent or parents shall descend to and be distributed among the next of kin of said parent or parents and not to the next of kin of adopted child or children; *and provided also*, that if such adopting parent or parents shall have other child or children, theirs by birth, then and in that case the adopted child or children shall share the inheritance with the child or children born to the adopting parent or parents, in which case, he, she or they shall respectively inherit from and through each other as if all had been children of the same parents born in lawful wedlock.

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Insurance Companies.

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| 1. When companies may be restrained by injunction from transacting business. | 4. Receiver of life company may re-insure. |
| 2. When mutual companies of other states admitted to this. | 5. Receiver to file annual statement. |
| 3. Contracts for re-insurance prohibited without consent of secretary of state. | 6. Foreign companies to transact no business in this state until authorized. |
| | 7. Penalty for violation. |

A supplement to an act entitled "An act to provide for the incorporation and regulation of insurance companies," approved April ninth, eighteen hundred and seventy-five.

Approved March 8, 1877. P. L. 1877, p. 100.

1. That whenever the secretary of state, as the result of examination as authorized by the act to which this is a supplement, shall ascertain that the assets of any fire insurance company organized under the laws of this state, after charging it with an amount requisite for the re-insurance of all its outstanding risks and with its other proper liabilities, excepting capital stock paid in, amount to less than three-fourths of such capital, if it be a joint stock capital company, or in the case of mutual companies, if the assets, less unsettled claims and other actual liabilities, amount to less than three-fourths of the sum requisite for re-insurance, or in the case of any life, or other than fire insurance company, that the assets are not sufficient to re-insure its outstanding risks and discharge its total actual liabilities, or is of opinion that any such fire, life or other insurance company is insolvent by the standard hereby fixed, or that its condition is such as to render its continuance of business hazardous to the public or

Proceedings may be had in chancery for injunction restraining company from transacting further business or transferring its assets.