

court may, upon petition presented by any person in interest, and upon ten days' notice in writing to such executor or administrator, appoint some other fit person to receive and administer such property as trustee, upon such security being given for the faithful discharge of his duties as to the said court shall seem proper.] [See Sec. 9, *ante.*]

Act to apply to cases wherein will has or shall be proved.

13. SEC. 2. That the aforesaid provisions of this act shall be held to apply as well to all cases where any will has already been proved as where it shall be proved; *provided, however,* that any such executor has not already received such personal property in his possession. [See Sec. 10, *ante.*]

Repealer.

14. SEC. 3. That all acts and parts of acts, general, special or local, inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately. [See Sec. 11, *ante.*]

An act to provide for the payment of contingent legacies, and to set apart sufficient lands, charged or to become chargeable therewith, and to discharge the residue.

Approved March 20, 1860.

P. L. 1860, p. 430.

Proceedings to set apart lands for the payment of contingent legacies.

15. SEC. 1. That wherever a legacy or legacies, payable on a contingency which shall not have happened, shall be, or may become chargeable, in law or equity, upon lands heretofore or hereafter to be devised, it shall be lawful for any person in possession of any part of said lands, to apply to any justice of the supreme court to have a sufficient portion or portions of said lands set apart for the payment of such contingent legacy or legacies; and the said justice shall be and he is hereby empowered, upon such notice to the parties in interest as is now required to be given in case of application for partition of real estate, to appoint three disinterested commissioners to set apart such sufficient portion of said lands; and said commissioners, having taken an oath or affirmation to perform their duties faithfully and impartially, shall, upon such notice to the parties in interest, as said justice shall direct, set apart by metes and bounds so much of the lands devised so charged, or which may become so chargeable, as will be sufficient for the payment of such legacy or legacies, when the same shall be payable, and make report of their action to said or any other justice of the supreme court; and if the said justice to whom such report shall be made, shall approve of the said report, the lands so set apart by said commissioner shall become charged or chargeable with such contingent legacy or legacies, and the residue of said lands shall thereupon be entirely discharged from all lien, charge or liability to be charged, claim or demand, or liability existing or thereafter to arise for or on account of said contingent legacy or legacies; and said application, appointment, notices, report, and order approving the same shall be filed and recorded in the clerk's office of the county where the lands lie, and shall be plenary evidence of the lien of said lands so set apart, and of the discharge of said residue of said lands. (1)

(1) See supplement to "An act concerning wills" (P. L. 1875, p. 95), *post.*

Legal Holidays.

1. Amended by section 6.
2. Amended by section 7.
3. Amended by section 8.
4. Amended by section 9.
5. Service of legal process on Saturday afternoons authorized.
6. Legal holidays specified. Provisions concerning commercial paper.
7. When any of said days specified fall on Sunday, next Monday to be holiday.
8. Act not to affect business of any person or corporation.
9. Repealer.
10. Cities may appropriate money for celebration of certain holidays.
11. Appropriation for Decoration day in townships, towns and boroughs.
12. Appropriation to be paid to grand army post.
13. Commercial paper falling due on Saturday to be payable on next business day.
14. Repealer.
15. Sales of land and personal property on Saturday authorized.
16. Repealer.

An act in relation to days of recreation and holidays, and fixing the days and parts of days so to be set apart and observed, and regulating the maturity of commercial paper with respect thereto.

Approved March 9, 1891. P. L. 1891, p. 83.

1. [Supplied by Sec. 6, *post.*]
2. [Supplied by Sec. 7, *post.*]
3. [Supplied by Sec. 8, *post.*]
4. [Supplied by Sec. 9, *post.*]

Supplement.

Approved March 28, 1892. P. L. 1892, p. 312.

5. SEC. 1. That nothing in said act to which this is a supplement shall be held or construed to make invalid the service of any writ of summons, or attachment, warrant, execution, venire, subpoena or other process issued out of any court of law or equity in this state, by any officer lawfully authorized and empowered to serve the same, on any Saturday between twelve o'clock noon and twelve o'clock midnight; and all writs of summons or attachment, warrant, execution, venire, subpoena or other process issued as aforesaid, heretofore served, or which may be hereafter served, by any officer as aforesaid, on any Saturday after twelve o'clock noon as aforesaid, shall be held to be legally served, provided the same shall be served, in all other respects, in the way and manner prescribed by law.

The service of all kinds of legal processes on Saturday afternoons authorized.

An act to amend an act entitled "An act in relation to days of recreation and holidays, and fixing the days and parts of days so to be set apart and observed, and regulating the maturity of commercial paper with respect thereto."

Approved April 15, 1895. P. L. 1895, p. 779.

6. SEC. 1. That the following days and half days, namely, the first day of January, commonly called New Year's day; the twelfth day of February, called Lincoln's birthday; the twenty-second day of February, known as Washington's birthday; the thirtieth day of May, known as Decoration day; the fourth day of July, called Independence day; the first Monday of September, known as Labor day; the twenty-fifth day of December, known as Christmas day; any general election day in this state; every Saturday from twelve o'clock at noon until twelve o'clock at midnight, which is hereby designated a half holiday; and any day appointed or recommended by the governor of this state, or the president of the United States, as a day of thanksgiving, or fasting and prayer or other religious observance, shall, for all purposes whatever as regards the presenting for payment or acceptance, and of the protesting and giving notice of the dishonor of bills of exchange, bank checks and promissory notes, made after the passage of this act, be treated and considered as the first day of the week, commonly called Sunday, and as public holidays or half holidays; and all such bills, checks and notes otherwise presentable for acceptance or payment on any of said days shall be deemed to be payable and be presentable for acceptance or payment on the secular or business day next succeeding such holiday; but in the case of a half holiday shall be presentable for acceptance or payment at or before twelve o'clock noon of that day; *provided, however*, that for the purpose of protesting or otherwise holding liable any party to any bill of exchange, check or promissory note, and which shall not have been paid before twelve o'clock at noon on any Saturday, a demand of acceptance or payment thereof may be made and notice of protest or dishonor thereof may be given on the next succeeding secular or business day; *and provided further*, that when any person shall receive for collection any check, bill of exchange or promissory note, due and presentable for acceptance or payment on any Saturday, such person shall not be deemed guilty of any neglect or omission of duty, nor incur any liability in not presenting for payment or acceptance, or collect such check, bill of exchange or promissory note on that day;

Legal holidays specified.

Commercial paper made payable on day succeeding legal holidays.

Proviso

Proviso.

Proviso.

and provided further, that in construing this section every Saturday, unless a whole holiday as aforesaid, shall, until twelve o'clock noon, be deemed a secular or business day; and the days and half days aforesaid shall be considered as the first day of the week, commonly called Sunday and as public holidays or half holidays, for all purposes whatsoever as regards the transaction of business in the public offices of this state, or counties of this state, on all other days or half days, excepting Sundays, such offices shall be kept open for the transaction of business. (a)

When any of days specified fall on Sunday next Monday to be holiday.

7. SEC. 2. That whenever the first day of January, the twelfth day of February, the twenty-second day of February, the thirtieth day of May, the fourth day of July or the twenty-fifth day of December shall fall upon Sunday, the Monday next following shall be deemed a public holiday for all or any of the purposes aforesaid; provided, however, that in such cases all bills of exchange, checks and promissory notes, made after the passage of this act, which would otherwise be presentable for acceptance or payment on the said Monday, shall be deemed to be presentable for acceptance or payment on the secular or business day next succeeding such holiday.

Proviso.

Act not to affect business of any person or corporation.

8. SEC. 3. That the provisions of this act shall not be construed as interfering with any person or corporation transacting business in this state, either private or public, but every such person or corporation shall be permitted to conduct business on any holiday or half holiday herein designated, in the same manner as if this law had not been passed.

Repealer.

9. SEC. 4. 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 to take effect immediately.

An act authorizing the cities of this state to appropriate moneys for the celebration of the fourth of July, Washington's birthday and Decoration day.

P. L. 1880, p. 172.

Cities authorized to appropriate money for the celebration of certain holidays.

Approved March 10, 1880.

10. SEC. 1. That it shall be lawful for the common councils, boards of aldermen, boards of finance, or other governing bodies of any city in this state, in addition to the powers conferred upon them by their respective charters, to appropriate such sums of money as they may deem expedient for the celebration of fourth of July, Washington's birthday and Decoration day in each year.

Supplement.

Approved April 21, 1887.

P. L. 1887, p. 200.

Appropriation for Decoration day in townships, towns and boroughs.

11. SEC. 1. That the township committee, board of finance, or other governing body of any township, town or borough in this state having control of the finances of said township, town or borough, are hereby empowered to appropriate a sum not exceeding one hundred dollars for the observance of Decoration day.

Supplement.

Approved March 14, 1895.

P. L. 1895, p. 310.

Appropriation to be paid to grand army post.

12. SEC. 1. That the township committee, board of finance, or other governing body of any township, town or borough in this state having control of the finances of said township, town or borough, are hereby empowered to appropriate a sum not exceeding one hundred dollars for the observance of Decoration day, said appropriation to be paid by the disbursing officer of such municipality to the grand army post having jurisdiction over the territory of such township, town or borough.

(a) Depositions taken on a legal holiday, upon notice to, but against the objection of the opposing counsel, cannot be used. *Wilson v. Bayley*, 13 Vr. 132. A notice of a motion to be made before a court upon a general election day, "or as soon thereafter as the court can attend to the same," is a good notice for the next succeeding day. *White v. Rockefeller*, 16 Vr. 299. Where the last day for filing an answer falls on a legal holiday, filing it on the next day on which the clerk's office is open will be sufficient. *Fuchsweanger v. McCool*, 2 Stew. 151. The fact that a subpoena *ad respondendum* is returnable on a legal holiday is not ground for setting it aside. *Kinney v. Emery*, 10 Stew. 239. A subpoena to answer a bill to foreclose a mortgage was

inadvertently made returnable on Sunday. It was duly served more than ten days before the return day, and no answer filed or appearance entered. *Held*, that the return day could be amended so as to make it returnable on the following Monday, and a decree *pro confesso* be entered thereon. *McEvoy v. Trustees*, 11 Stew. 420. A summons will not be quashed, nor will its service be set aside, because it was issued, tested and served by the sheriff on a legal holiday. *Glenn v. Eddy*, 22 Vr. 255. An ordinance may lawfully be passed by a municipal body on Saturday afternoon. *Mueller v. Egg Harbor City*, 26 Vr. 245.

An act regulating the maturity of certain commercial paper.

Approved March 17, 1891.

P. L. 1891, p. 179.

13. SEC. 1. That all bills of exchange, drafts and promissory notes made after the passage of this act which would otherwise be payable on any Saturday, shall be deemed to be and shall be payable on the next succeeding secular or business day.

Commercial paper falling due on Saturday to be payable on next succeeding business day.

14. SEC. 2. That all acts or parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.

Repealer.

An act to legalize sales in certain cases.

Approved March 29, 1892.

P. L. 1892, p. 337.

WHEREAS, Custom and usage serves to draw the people of the agricultural districts to the chief towns in their respective counties on Saturday afternoons; and whereas, the rule established by custom in agricultural localities of holding public sales of real and personal property on Saturday has benefited both buyers and sellers, and conserved the public interest; therefore,

Preamble.

15. SEC. 1. That hereafter each and every sale of real and personal property made by any public officer, or by any citizen of this state on any Saturday, shall in all respects be as valid and legal as though such sale was made on any day on which it is now lawful to sell and transfer real estate, and that no such sale shall be void or illegal on account of it having been made on a Saturday.

Sales of land and personal property on Saturday authorized.

16. SEC. 2. That all acts or parts of acts, inconsistent or repugnant to the provision of this act, be and they are hereby repealed and abrogated in so far as they disagree or conflict with the provisions of this act.

Repealer.

Legislative Manual.

1. Legislative manual, what to be included therein.

4. Repealer.

2. Amended by section 5.

5. Copies of manual to be furnished to legislature. How paid for.

3. In case of change made in rules of legislature during session, copies to be furnished free of cost.

An act to provide for the publication of the manual of the legislature of New Jersey.

Approved April 16, 1884.

P. L. 1884, p. 185.

1. That the "manual of the legislature of New Jersey" shall be and is hereby declared to be the official hand-book and manual of the legislature of the state of New Jersey, and shall include in the contents of each volume the following: the constitution of the state of New Jersey; the rules of the senate, the rules of the house of assembly, the joint rules and orders of the senate and general assembly, a correct list of the members of the legislature of the session for which such volume is published, with their post-office addresses, a correct list of the several state officers, with the name of their office, their post-office address, the terms for which they are elected, and the date of the expiration of such terms; a correct list of the names of the chancellor, vice chancellors, chief justice and justices of the supreme court, the lay judges of the court of errors and appeals, their terms of office and the date of the expiration thereof; a correct list of the officers of each county, including the sheriff, coroners, county clerk, surrogate, county collector, register of deeds, law and lay judges, prosecutor of the pleas, with their several post-office addresses, terms of office and the date of the expiration of such terms; a list of the several state and county courts and the United States courts in and for this state, with the names of the judges, clerks, the place where held and the time of holding their several terms; the latest census of the state of New Jersey, taken

Legislative manual, what to be included therein.