

effect and be entitled to be considered and counted the same as any consents obtained, given and filed after the passage of this act. (a)

Act shall not apply to previous grants after work has commenced.

165. SEC. 2. That the provisions of this act shall not apply to any case in which a location has heretofore been granted, and the work of construction commenced, as provided for under any existing law; and all applications pending shall be proceeded with in conformity with the provisions of this act.

An act relating to street railways.

Approved February 19, 1895.

P. L. 1895, p. 92.

Company may change gauge of tracks.

166. SEC. 1. That it shall be lawful for any street railway company which now uses the tracks of another street railway company as a part of its route to change the gauge or width of its tracks to conform to the gauge or width of the tracks of the company whose tracks it so uses as a part of its route.

(a) See *Stillwell v. Atlantic Highlands, &c., Ry. Co.*, 18 N. J. L. J. 809. *Bowman v. Caldwell*, 18 N. J. L. J. 313.

Sureties.

An act to enable the surety upon the bond of any trustee, committee, guardian, assignee, receiver, executor or administrator to require his principal to account and give a new bond and permit the making of an order to discharge such security from liability for the future acts of such principal and regulating the procedure thereupon.

Approved May 8, 1894.

P. L. 1894, p. 222.

Surety upon bond of any trustee, &c., may require his principal to account and give a new bond, and may be discharged from liability of future acts.

1. That from and after the passage of this act, the surety, or the representative of any surety, upon the bond of any trustee, committee, guardian, assignee, receiver, executor or administrator, may apply, by petition to the court wherein said bond is directed to be filed or which may have jurisdiction of such trustee, committee, guardian, assignee, receiver, executor or administrator, praying to be relieved from further liability as such surety for the acts or omissions of the trustee, committee, guardian, assignee, receiver, executor or administrator, which may occur after the date of the order relieving such surety to be granted as herein provided for and to require such trustee, committee, guardian, assignee, receiver, executor or administrator to show cause why he should not account and said surety be relieved from such future liability as aforesaid and said principal be required to give a new bond; and thereupon, upon filing of said petition, said court shall issue such order returnable at such time and place and to be served in such manner as said court shall direct and may restrain such trustee, committee, guardian, assignee, receiver, executor or administrator from acting except in such manner as it may direct to preserve the trust estate; and upon the return of such order to show cause if the principal in the bond account in due form of law and file a new bond duly approved then said court must make an order releasing said surety filing the petition as aforesaid, from liability upon the bond for any subsequent act or default of the principal; and in default of said principal thus accounting and filing such new bond said court must make an order directing such trustee, committee, guardian, assignee, receiver, executor or administrator to account in due form of law and that if the trust fund or estate shall be found or made good and paid over or properly secured such surety shall be discharged from any and all further liability as such for the subsequent acts or omissions of the trustee, committee, guardian, assignee, receiver, executor or administrator after the date of such surety being so relieved or discharged and discharging such trustee, committee, guardian, assignee, receiver, executor or administrator.