

**THE ACTS OF THE LEGISLATURE OF THE
STATE OF NEW JERSEY UNDER WHICH
THE ESSEX COUNTY PARK COMMISSION
IS ORGANIZED AND THE DECISIONS
SUSTAINING THEIR CONSTITUTIONALITY**

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The Acts of the Legislature of the State of New Jersey Under which the Essex County Park Commission is Organized and the decisions sustaining their constitutionality by Various

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VARIOUS

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The Essex County Park Commission
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1903

CHAPTER CLVI.

LAWS 1894.

An Act to establish boards of county park commissioners and to define their powers and duties.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,*

1. That in any county with more than two hundred thousand population, it shall be lawful for the justice of the supreme court presiding in the courts of such county to appoint five persons, to be known as the ——— county park commissioners, who shall hold their office for two years from the date of their appointment, and shall serve without compensation; and if vacancies happen by filled by such justice and the persons appointed filled by such justice, and the persons appointed to supply such vacancies shall be appointed for the unexpired terms only; said commissioners shall consider the advisability of laying out ample open spaces for the use of the public in such county, and shall have authority to make maps and plans for such spaces and to collect such other information in relation thereto as the said board may deem expedient, and shall, as soon as conveniently may be within the term aforesaid, make a report in writing of a comprehensive plan for laying out, acquiring and maintaining such open spaces.

Justice of Supreme Court shall appoint.

Commissioners shall have no compensation. Vacancies shall be filled for unexpired terms only. Duties of Commissioners.

2. That said commissioners may employ such assistants as they may deem necessary and may expend such sums therefor and in the discharge of their duties, including the actual travel-

May employ assistants. Traveling expenses may be paid. Expenditures shall be certified to.

Board of Chosen
Freeholders.

ing expenses of said members, as they may deem expedient, not exceeding, however, the sum of ten thousand dollars; and such expenditures shall, from time to time, be certified by said board to the said justice of the supreme court, who, if satisfied of the correctness thereof, shall order the payment of the same by the board of chosen freeholders of such county, who shall order the county collector to pay the same out of the funds appropriated or to be appropriated for the maintenance of highways and bridges in such county or of any unexpended balance.

3. That this act shall take effect immediately.
sembly of the State of New Jersey,

Approved May 8, 1894.

CHAPTER XCI.

LAWS 1895.

An Act to establish public parks in certain counties in this state, and to regulate the same.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey.*

1. That in any county of this state containing a population of more than two hundred thousand it shall be the duty of the justice of the supreme court presiding in the courts of such county, as hereinafter provided, to appoint five persons a board of commissioners to be known as "the --- county park commission" (inserting the name of the county in and for which such commissioners are appointed); the commissioners first appointed under the provisions of this act in any county shall hold office respectively for the term of one, two, three, four and five years, as indicated and fixed in the order of appointment, and all such commissioners, after the first appointment, shall be so appointed for the full term of five years; vacancies in the said board happening by resignation or otherwise shall be filled by such justice, and the persons appointed to fill such vacancies shall be appointed for the unexpired term only; such persons so appointed, when duly qualified, constituting such board of park commissioners, and their successors, are hereby created a body politic, with power to sue and be sued, to use a common seal and to make by-laws; the members of any such board shall serve without compensation; their necessary expenses shall be allowed and paid, and no person employed by the said board shall be a member thereof; before entering upon the duties of his office, each of the

Justice of Supreme Court shall appoint Commissioners.

Justice shall fill vacancies.

Board constituted a body politic.

No compensation allowed.

Employees shall not be members.

Board shall choose its own officers and employees, and fix their duties and compensation.

members of said board shall take and subscribe an oath or affirmation, faithfully and impartially to perform the duties of his office, which oath or affirmation shall be filed in the office of the clerk of the county wherein the board of which he is a member is appointed; every such board shall annually choose from among its members a president, vice-president and treasurer, and appoint a clerk or secretary and such other officers and employees as it may deem necessary to carry out the purposes of this act; it may also determine the duties and compensation of such appointees and remove them at pleasure, and make all reasonable rules and regulations respecting the same; every such board shall have a suitable office, where its maps, plans, documents, records and accounts shall be kept, subject to public inspection, at such times and under such reasonable regulations as the board may determine.

Power to maintain parks, and acquire land for same.

2. [Amended by Chapter LI, Acts 1899, to read as follows:] That every such board shall have power to acquire, maintain and make available to the inhabitants of the county wherein it is appointed, and to the public, parks and open spaces for public resort and recreation, and shall have power to locate within the limits of said county such public parks and places, and for these purposes shall have power to take in fee or otherwise, by purchase, gift, devise or eminent domain, lands and rights in lands for public parks and open spaces within said county; deeds of conveyance therefor shall be made to the said board by its corporate name, and it shall be the duty of such board to preserve and care for, lay out and improve any such parks and places, and to make rules for the use and government of the same; such board shall have power also to connect any road, park or public open space with any other

Duty of Board.

May connect with other parks or public roads.

park or public open space, and also with any city or municipality of the said county by a suitable roadway or boulevard, and for such purpose shall have power to exercise any of the rights and powers granted by this act in the manner herein prescribed, and also to take or acquire in fee or otherwise. In the corporate name of the said board for the benefit of the said county, by purchase, gift, devise or eminent domain, any lands or rights in land, and easements or interests in lands within the said county, although the lands so taken, or any part thereof, be already a street or way, and to construct and maintain along, across and upon and over the same, or any other land acquired by the said board under this act, roadways, parkways or boulevards, and to grade and improve the same, to regulate the width thereon of sidewalks, roadways, service ways, bridle paths, bicycle paths or roads, to plant within the same trees and shrubbery, to construct such sidewalks, roadways, service ways, bridle paths, bicycle paths or roads, to pave the same, or any part thereof, in such manner and of such material as said board may deem advisable, which said grading, construction and improvement may proceed simultaneously, or from time to time, and in and upon such parts or sections of said parkways or boulevards, as may be determined and prescribed by said board from time to time; such board also shall have power and authority to determine and to prescribe in the case of any new parkway or boulevard laid out and opened by such board, the lines for the frontage of any and all buildings to be located on the lands fronting on such new parkway or boulevard; *provided, however,* that the concurrence of the common council or other body having authority over highways shall be necessary

Build and maintain roads, etc.

Proviso.

to take or appropriate any portion of an existing street or road.

Proceedings
before purchase
or condem-
nation.

3. That the said board, before proceeding to purchase or condemn lands for a public park or place, shall determine upon the location and quantity of land to be included in any park or place, and cause a survey thereof to be made and a map showing the lands to be embraced therein, which map shall be kept by the said commissioners in their office, and the boundary lines of every such park or place shall be recorded in a book to be kept for that purpose by said board; and before laying out and opening any roadway, parkway or boulevard, they shall cause a survey of the same to be made and a map thereof to be filed in their office, showing the termini of the said roadway, parkway or boulevard, including the courses and distances, the names of the several owners or reputed owners of land through which the same will pass, so far as the same can be ascertained, and the streets or roads which may be included therein; *provided, however,* that the said board shall not be obliged to disclose such locations, surveys or maps to public inspection until it has taken proceedings to condemn lands or rights in lands necessary therefor.

Proviso.

Proceedings to
condemn lands.

4. That when the said board shall deem it proper to acquire lands or rights in lands for any public park or place which they have located, as herein provided, and the said board or its agents duly authorized cannot agree with the owner or owners of such lands and rights in lands, as to the price and terms of the purchase thereof, or when by the legal incapacity or absence of such owner or owners, no agreement can be made for the purchase thereof, a description in writing of the lands or rights in lands so desired, with the name or names of the occupants, if any there be,