

LEGISLATIVE HISTORY OF NJSA 40:62-83, 84, 85, and 87
(Water, water supply, and contracts therefor)

L. 1916, C. 84 - S156
McCran Committee on Municipal Corporations

February 8 - Introduced.
Bill was probably not amended during passage.
March 16 - Approved.

[This law is not part of NJSA 40:62-83 et seq. It created a commission which proposed A592 of 1917, which was later codified as NJSA 40:62-83 et seq.]

974.90 Report of the NJ Commission to Revise and Codify
M966 the Statutes of the State Relating to Cities and
1917 other Municipalities.

(Beginning on p. 151 of the proposed legislation are the proposed repealers which seem not to have been enacted.)

"Revision and Codification of Municipal Statutes"
(article from NJ Legislative Index, 1916, pp. 137-138 enclosed.)

L. 1917, C. 152 - A592
Oliphant Committee on the Judiciary

This general act provided for local self-government. Article XXXII deals with water supply; section 16 corresponds generally to NJSA 40:62-85.

March 12 - Introduced.
March 14 - Reported, 2nd reading, passed Assembly.
March 20 - Passed Senate.
March 27 - Approved.

This bill was probably amended in the Assembly and in the Senate. Copy of amendments were not bound in the bound volumes of the bills.

No statement.

See report listed under L. 1916, C. 84 - S156, in which there is printed a draft of the proposed legislation enacted by A592, L. 1917, C. 152.

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L. 1920, C. 63 §1, p. 113 - A269
George Committee on Municipal Corporations

February 24 - Introduced.
March 16 - Passed Assembly amended (enclosed).
March 24 - Passed Senate.
March 30 - Approved.

Statement enclosed.

No hearings or reports were located.

(This law amends L. 1917, C. 152, Art. XXXII, §16, p.438;
NJSA 40:62-85.)

L. 1922, C. 155, §1, p. 270 - A185
Lyons Committee on Towns & Townships.

February 26 - Introduced.
March 2 - Passed Assembly.
March 7 - Passed Senate, amended (enclosed)
March 8 - Senate amendment passed Assembly.
March 11 - Approved.

Statement enclosed.

No hearings or reports were located.

(This law is a supplement to L. 1917, C. 152 ; NJSA 40:62-83.)

L. 1899, C. 206 - S61
Barber Committee on Boroughs and Borough Commissions

February 6 - Introduced.
Amended twice during passage. (copies enclosed)
March 24 - Approved.

No statement.

No hearings or reports were located.

The text of this law is the same as section 16, Article XXXII,
L. 1917, C. 152. There is no repealer in the 1917 law.

JRM/ks

SENATE, No. 61.

STATE OF NEW JERSEY.

INTRODUCED FEBRUARY 6, 1899.

By Mr. BARBER.

Referred to the Committee on Boroughs and Borough Commissions.

AN ACT to authorize towns, townships and boroughs owning or controlling water works to supply dwellers in adjoining towns, townships and boroughs, or through which their mains may pass, with water.

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

1 1. It shall and may be legal for any board of water commissioners or
2 aqueduct or water company organized under the general laws of this state, or
3 specially chartered for the purpose of supplying any town, township or
4 borough with water, to supply dwellers in adjoining towns, townships and
5 boroughs, or through which their mains may pass, with water; and for that
6 purpose to lay its mains and water-pipes outside and beyond the corporate
7 limits of any such town, township or borough for the supplying of which with
8 water such company is organized or chartered, and along any road or street in
9 such adjoining town, township or borough; *provided, nevertheless,* that such
10 water shall be supplied to such dwellers upon the like or as favorable terms
11 and conditions as water shall be furnished to dwellers within such town, town-
12 ship or borough for the supplying of which with water such company shall
13 have been organized or chartered; *and provided, further,* the consent of the

14 municipal authorities of such adjoining town, township or borough having
15 within its bounds a company, shall be first had and obtained.

1 2. This act shall be deemed a public act and shall take effect immediately.

[REPRINT.]

SENATE, No. 61.

STATE OF NEW JERSEY.

INTRODUCED FEBRUARY 6, 1899.

By Mr. BARBER.

Referred to the Committee on Boroughs and Townships.

AN ACT to authorize towns, townships and boroughs owning or controlling water works to supply dwellers in towns, townships and boroughs, or through which their mains may pass, with water.

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

1 1. It shall and may be legal for any board of water commissioners of any
2 town, township or borough owning or controlling water works, to supply
3 dwellers in towns, townships and boroughs, or through which their mains
4 may pass, with water; and for that purpose to lay its mains and water-pipes
5 along any road or street in such town, township or borough; *provided, never-*
6 *theless,* that such water shall be supplied to such dwellers upon the like or as
7 favorable terms and conditions as water shall be furnished to dwellers within
8 such town, township or borough for the supplying of which with water such
9 company shall have been organized or chartered; *and provided further,* the
10 consent of the municipal authorities of such adjoining town, township or bor-
11 ough having within its bounds a company, shall be first had and obtained.

1 2. This act shall be deemed a public act and shall take effect immediately.

[SECOND REPRINT.]

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2 town, township or borough owning or controlling water works, to supply
3 dwellers in towns, townships and boroughs, or through which their mains
4 may pass, with water; and for that purpose to lay its mains and water-pipes
5 along any road or street in such town, township or borough; *provided, never-*
6 *theless,* that such water shall be supplied to such dwellers upon the like or as
7 favorable terms and conditions as water shall be furnished to dwellers within
8 such town, township or borough for the supplying of which with water such
9 water works shall have been organized or established; *and provided further,*
10 the consent of the municipal authorities of the town, township or borough to
11 be supplied with water shall be first had and obtained.

1 2. This act shall be deemed a public act and shall take effect immediately.

SENATE, No. 156

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 8, 1916.

By Mr. McCRAN.

Referred to Committee on Municipal Corporations.

AN ACT to provide for the appointment of a commission to revise and codify the statutes of this State relating to cities and other municipalities and to prepare bills delegating additional powers thereto.

1 WHEREAS, At each session of the Legislature numerous bills are introduced relating
2 to cities and other municipalities which, though general in form, are special in
3 application; and

4 WHEREAS, The time given to the consideration of such bills is one of the main causes
5 in prolonging the sessions of the Legislature, and the enactment of such laws
6 has encumbered the statute books, causing confusion and uncertainty as to the
7 actual state of the law relating to cities and other municipalities; and

8 WHEREAS, The revision and codification of the present laws relating to cities and
9 other municipalities, and the delegation of more power to cities and other
10 municipalities without sweeping away those fundamental principles and policies
11 generally accepted and recognized throughout this State as wise and beneficent,
12 would remove much of the present confusion and uncertainty and would shorten
13 the session of the Legislature; therefore,

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

1 1. The Governor is hereby authorized to appoint a commission consisting of
2 three persons to revise and codify the statutes of this State relating to cities and

3 other municipalities and to prepare and report such bill or bills for consideration
4 of the Legislature providing for the delegation of such power to the cities and other
5 municipalities of this State as will accomplish the objects set forth in the preambles
6 hereto. The members of the said commission shall be counsellors-at-law who are
7 or who have been counsel, attorney or solicitor of municipalities of this State. The
8 said commission may appoint a secretary and the Governor may fill any vacancy in
9 said commission occurring for any cause.

1 2. Each of said commissioners shall receive for his services the sum of two thou-
2 sand five hundred dollars, payable in equal monthly installments by the Treasurer of the
3 State. Any expense necessarily incurred by the commission shall, when approved by
4 the Governor, be paid by the Treasurer on the warrant of the Comptroller out of any
5 funds specially appropriated for that purpose.

1 3. The commissioners shall perform the work assigned them as speedily as
2 practicable and submit the bill or bills prepared by them, together with such sugges-
3 tions as may be deemed expedient, to the next Legislature.

1 4. This act shall take effect immediately.

ASSEMBLY, No 269

(P. L. 1917, Chapter 152.)

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 24, 1920.

By Mr. GEORGE.

Referred to Committee on Municipal Corporations.

AN ACT to amend an act entitled "An act concerning municipalities," approved March twenty-seventh, one thousand nine hundred and seventeen.

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

1 1. Section sixteen of Article XXXII of the act of which this act is an amend-
2 ment, be and the same hereby is amended to read as follows:

3 16. It shall and may be lawful for any municipality owning or controlling water
4 works, to supply dwellers and other consumers of water in other municipalities
5 through which their mains may pass, with water; and for that purpose to lay its
6 mains and water pipes in or under any street, road, avenue, alley or public place in
7 such other municipality; *provided, nevertheless*, that such water shall be supplied to
8 such dwellers and other consumers of water in other municipalities upon the like or
9 as favorable terms and conditions as water shall be furnished to dwellers within
10 such municipality for the supplying of which with water such water works shall
11 have been organized or established; *and provided, further*, the consent of the mu-
12 nicipal authorities of such other municipality to the supplying of its dwellers
13 or other consumers of water with water shall be first had and obtained[.], except that
14 such consent other than for the use of streets, roads, avenues, alleys, or public places
15 shall not be necessary in any case where any municipality or any person or corpo-

16 ration from which such municipality acquired water works or water pipe lines may
17 have heretofore agreed or may hereafter agree as a consideration for the acquisition
18 of a right of way through lands located in such other municipality to furnish water
19 to the person or corporations granting or conveying such right of way.

1 2. This act shall take effect immediately, and all acts and parts of acts incon-
2 sistent herewith are hereby repealed.

STATEMENT.

The purpose of this bill is to authorize municipalities desiring to run pipe lines from their sources of supply to obtain rights of way by or through the payment in water instead of money.

[OFFICIAL COPY REPRINT.]
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18 sideration for the acquisition of a right of way through lands located in such
19 other municipality to furnish water to the person or corporations granting or con-
20 veying such right of way.

1 2. This act shall take effect immediately, and all acts and parts of acts incon-
2 sistent herewith are hereby repealed.

A 185 (1922)

2

STATEMENT.

The object of this bill is to broaden and amplify the power of municipalities to make special contracts for the sale of water and ratify and confirm any contracts which may have been heretofore made, some doubt having arisen as to the validity of long-term contracts.



SENATE AMENDMENT TO
ASSEMBLY, NO. 185

STATE OF NEW JERSEY

1 Amend paragraph two, line five, by adding the following: *provided*, that this act
2 shall not apply to any contract or contracts that are now in course of litigation, and
3 shall not be pleaded in bar of any action now pending at law or in equity involving
4 water contracts between any municipality and any person, firm or corporation.”

Purchaser of land.....H. B. 323	Slot machines.....H. B. 207	Tenement house.S. B. 3—H. B. 112-314-682-533-534
Purchasing commission.....S. B. 2	Smoke nuisance.....S. B. 199	Testator.....H. B. 242
Race hatred.....H. B. 201	Social clubs.....H. B. 304-366	Toll roads and bridges.....S. J. R. 3
Railroads.....H. B. 321-358-507-554	Soldiers' and sailors' monument.H. B. 53	Torrens system.....H. B. 96—S. B. 87
Railroad crossings.H. B. 296—S. B. 62-253	South Orange, village and township.H. B. 380-381	Towns.....S. B. 83-211-376—H. B. 438
Railroad passes.....H. B. 121-438	South River, borough of.....H. B. 185	Township committeemen.....H. B. 319
Real estate agents.....H. B. 454-462	Space in documents.....H. B. 41	Townships..S. B. 47-176-215-218—H. B. 327-479
Recorders.S.B. 102—H.B. 426-496-538-590	Sparrow.....H. B. 527	Trading stamps.....H. B. 592
Recorder in boroughs.....H. B. 244	Special officers.....H. B. 110-197	Transfer to voters.....H. B. 54
Recorders courts.....H. B. 221-435	Special police officers.....H. B. 229	Tri-township Poorhouse.....H. B. 155
Recording fees.....H. B. 41	State-aided vocational schools. S. B. 119-120-121	Trial, time for.....H. B. 45
Recording instrument.....H. B. 196	State Board of Examiners.....H. B. 473	Trolley cars.....H. B. 149
Records of births and deaths.H. B. 502	State Board of Taxes and Assessment.S. B. 61	Truant officers.....H. B. 173
Redemption of land sold for taxes. H. B. 172	State Fire Marshal.....H. B. 215	Trust companies.....H. B. 250
Reed Bird.....H. B. 22	State Highway.....S. B. 126—H. B. 424	Trustees.....H. B. 97
Regiment of colored citizens.....H. B. 186	State Home.....S. B. 117—H. B. 547	Tuberculosis.S. B. 123-197—H. B. 425-476-493
Register of deeds.....S. B. 95	State Institutions.....S. B. 526	Tunnel commission.....S. B. 222
Requisitions.....S. B. 36	State Museum.....S. B. 147	Turnverens.....H. B. 297
Riot.....H. B. 201	State Normal School, additional.S. B. 69—H. B. 184-226-236-243-443	Type in documents.....H. B. 41
Riparian lands.S. B. 13-56—H. B. 556-557-560	State Patrol System.....S. B. 228	Unassessed taxes.....H. B. 257
Riverside, township of.....S. B. 134	State Road Commissioner.....H. B. 257	Unpaid taxes.....H. B. 102-329-403
Road improvement.S. B. 4-106-212—H. B. 26-175-271-490-532—A. J. R. 8	State Road Department.S. B. 87-89—H. B. 193-200	Vaccination in schools.H. B. 125-152-178-
Road inspectors.....H. B. 228	State Treasurer.....H. B. 154-431	Valley Forge Commission.....S. J. R. 4
Roads.S. B. 12-87-88-172-228-253—H. B. 170-199-200	State Water Supply.....S. B. 139	Vehicles.....S. B. 63-247
Rural credits.....A. J. R. 4	Storage Warehouse.....H. B. 161	Verdict.....H. B. 93
Salary for work performed.....H. B. 188	Street Commissioner.....H. B. 307-409-430	Veterans.....H. B. 540
Sale of land by city.....H. B. 212	Street Crossing.....S. B. 37—H. B. 83	Village.....S. B. 83
Sales of land.....H. B. 6-25	Street Grade.....S. B. 83	Wages.....H. B. 73
Sales of merchandise.....H. B. 176-444	Street improvements.S. B. 152-212—H. B. 164-351-360-361-369	Waiting rooms.....H. B. 43
Salt marsh lands.....S. B. 146	Street railway cars.....H. B. 67-149	Waitress.....H. B. 50
Saponin.....H. B. 404	Street railway companies.S. B. 139—H. B. 43-374-402	Warehouse.....H. B. 399
Savings in schools.....H. B. 30	Streets.....H. B. 214-234	Water mains.....S. B. 151
Scaffolding.....H. B. 288	Strikes.....H. B. 500-559	Water purveyor.....H. B. 308
Schools.H. B. 30-246-392-453—S. B. 211	Struck juries.....H. B. 92	Water rate.....H. B. 163
School buildings.....H. B. 279	Sunday, acts on.S. B. 185-186—H. B. 411-430-431	Water rent lien.....H. B. 231
School districts.....H. B. 202-262-408—A. J. R. 9	Superintendent of soldiers burials.H. B. 61	Water supply.....H. B. 574
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Sewers.S. B. 47-86—H. B. 53-135-224-272-352-363-390-484-485-523-536	Tax lists.....S. B. 110—H. B. 499	Widow.....S. B. 96-143
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Sheriff's officers.....H. B. 158-456		Witness.....H. B. 153
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Signature, copy of.....H. B. 210		Woodbridge, township.....H. B. 469
Sinking fund.H. B. 14-16-367-539—S. B. 190		Workmen's compensation.S. B. 25-26-28-29-31—H. B. 451-505
		Writ of attachment.....H. B. 169

REVISION AND CODIFICATION OF MUNICIPAL STATUTES

McCran's Bill to Classify Statutes Relating to Municipalities Passes Senate

Senator McCran has introduced in the Senate an act to provide for the appointment of a commission to revise and codify the statutes of this State relating to cities and other municipalities and to prepare bills delegating additional powers (S. B. No. 156). This bill has already passed the Senate and is awaiting action by the House of Assembly.

Senator McCran, in speaking for his bill, said that the legislature each year necessarily wastes a great part of its time with the consideration of special municipal bills which should be covered by general laws. Under the present scheme a municipality must ask the legislature for specific power to perform each duty, however insignificant, which has not been granted it by statutes. There are a large number of these powers which have quite general application, and which should, therefore, be conferred by a general law upon all or a class of municipalities. There would not then be the necessity for each municipality year after year to ask for little privileges which have long since been granted to other municipalities.

Thus it is that the legislature has gone on passing special and general laws pertaining to municipalities, and granting petty powers, until at the present time the compiled statutes of 1910 and the session

laws since that date contain 2,417 (1,417 and 1,000, respectively), pages of municipal laws. This mass of statutes has not been clarified, classified or codified. In their accumulation they have become so involved and tangled that at the present time about 10 per cent. of the court decisions are directed toward and are an attempt to define them. These 2,417 pages, the Senator maintains, can be so classified and by making them have a general rather than specific application, can be so rewritten as to cover not over 510 pages at the most.

Another very significant argument brought out was that it would enable the legislators to greatly shorten the session. The Senator says that in 1915, 32 per cent. of all statutes passed, and about 50 per cent. of all bills introduced, related to municipalities. These are matters, which he says, should be taken care of through general statutes.

Commission to be Appointed

The Governor is authorized to appoint a commission, consisting of three, to revise and codify the statutes of New Jersey relating to municipalities. They are also charged, by the bill, with the duty of preparing and reporting to the legislature bills designed to confer and provide for the delegation of

such-powers to the municipalities, as will accomplish the object of this bill.

The members of the commission are to be Counsellors-at-law who are, or who have been counsel, attorney or solicitor of municipalities of this State.

Each commissioner shall receive for his services the sum of \$2,500 payable in equal monthly installments by the Treasurer.

Senator McCran precludes the more essential part of his bill by three arguments framed in the form of resolution, namely:

"1. At each session of the Legislature numerous bills are introduced relating to cities and other municipalities which though general in form, are special in application; and

"2. The time given to the consideration of such bills is one of the main causes in prolonging the ses-

sions of the Legislature and the enactment of such laws has encumbered the statute books, causing confusion and uncertainty as to the actual state of the law relating to cities and other municipalities; and

"3. The revision and codification of the present laws relating to cities and other municipalities, and the delegation of more power to cities and other municipalities without sweeping away those fundamental principles and policies generally accepted and recognized throughout this State as wise and beneficent, would remove much of the present confusion and uncertainty and would shorten the session of the Legislature."

The commissioners are asked to submit the bill or bills prepared by them to accomplish the objects here set forth, at the next session of the legislature.

ABATEMENT AND INJUNCTION

Owner of Property Made Party to the Action

The first paragraph of Assembly Bill No. 337 states that "Every building or place used for the purpose of lewdness, assignation or prostitution or wherein or upon which acts of lewdness, assignation or prostitution are permitted or occur, is hereby declared to be a nuisance, which shall be abated as hereinafter provided."

This is a method of getting rid of prostitution, which is now being employed in some twenty-three states.

The act empowers and authorizes the prosecutor of the pleas, or any resident of the county to maintain an action in the Court of Chancery to abate and prevent any such nuisance, and to enjoin perpetually the use of the property for any such purpose.

"The action shall be commenced by filing a verified bill of complaint and the issue of the subpoena. All proceedings in such action shall be in accordance with the usual practice in the Court of Chancery." The action shall be brought in the name of the said prosecutor or the said resident, and it shall be unnecessary to allege or prove personal or special damage.

Not only the admission and finding of guilt will be proof of the existence of such nuisance, but also evidence as to the general reputation of the property in question or of the persons in occupation thereof, shall be received in evidence.

If the existence of the nuisance complained of is established "to the satisfaction of the court," the court shall issue an injunction enjoining perpetually the use of the place for said nuisance, and its use for any other purpose, for a period of one year. This injunction shall also direct the removal and sale of all movable property used in the maintenance of the nuisance, such as furniture, musical instruments, etc., the proceeds of which shall be applied:

First—To the fees and costs of such removal and sale.

Second—To the allowances and costs of closing and keeping closed such building or place.

Third—To the payment of plaintiffs' costs and allowances. Any balance shall be paid into the poor fund of the municipality in which such building or place is located.

Is such proceeds, however, are inadequate to meet the fees, costs and allowances mentioned, then the building or place itself shall be sold and these charges met from the proceeds thereof. Any balance however, in this event shall be paid to the owner of the property sold.

In the event that the court finds that the action was "instituted without reasonable cause, then the usual costs shall be levied against the complainant resident."

The act further provides that where the owner of the property satisfies the court that he will immediately abate the nuisance complained of, files a bond in the full value of the property guaranteeing the fulfilment of this abatement, and pays all the costs, fees and allowances which are a lien on the building or place, then the court "if satisfied of his good faith" may return to him his property.

The bill also provides that where a tenant maintains a nuisance, the lease of such tenant shall be thereby annulled, and the right of reentry shall rest with the owner without notice or process of law.

Finally the proposed measure provides suitable penalties for "any violation or disobedience of any injunction or order expressly provided for by this act." It also states that nothing contained in the act nor any proceedings or order in accordance therewith, shall interfere with the operations of the criminal law of the State "but that the powers and rights hereby created shall be held in addition thereto."