

state; and that if any further instalment or portion of the said surplus revenue shall at any time hereafter be received by this state, a ratable and just share or part thereof, in proportion to the sums or amounts mentioned in the said statements, shall be deducted from the shares or portions of the said counties of Hunterdon, Burlington, Middlesex, and Somerset, respectively, and shall be paid by the proper officers of this state, to the board of chosen freeholders of the said county of Mercer, in the same manner, in all respects, as the like payments shall be made to the boards of chosen freeholders of the other counties in this state.

Interest to be paid.

10. SEC. 6. That it shall be the duty of the board of chosen freeholders of the several counties of this state, at their annual meeting in each and every year, to apportion and pay the interest of so much of the surplus revenue as shall then be and remain on deposit with the said counties respectively, to and among the several townships therein, in the ratio of the county taxes paid by them during the preceding year.

Hopewell deemed part of Mercer.

11. SEC. 7. That this act shall go into effect immediately after the passage thereof, and that in the execution and performance thereof, the township of Hopewell shall be deemed and taken to be a part of the county of Mercer.

[For similar provisions in reference to Hudson county, see P. L. 1840, p. 65, and in reference to Camden county, see P. L. 1844, p. 237, and in reference to Ocean county, see P. L. 1850, p. 73].

Surrogates.

- | | |
|----------------------------------------------------------------|-----------------------------------------------|
| 1. To be one surrogate in each county. Power and authority of. | 4. Where books, etc., kept. |
| 2. Bond to be given. Oath. | 5. Penalty for neglect. |
| 3. Books, etc., to be delivered to successor. | 6. When ordinary to appoint deputy surrogate. |
| | 7. Deputy to take oath and give bond. |

Rev. 525, 785.

An act respecting surrogates.

Approved April 15, 1846.

Harr. 32.

R. S. 827.

Power limited.

1. That there shall be but one surrogate elected in each county of this state, and the power and authority of the surrogate shall be limited to the county in which he is or shall be elected.

Bond to be given.

2. That every surrogate, before he enters upon the execution of the duties of his office, shall enter into bond to the state of New Jersey, in the sum of two thousand dollars, with at least two good and sufficient securities, being freeholders of the county for which such surrogate is appointed, to be approved of by two of the judges of the court of common pleas of said county; which bond, with the condition thereof, shall be in the form hereinafter mentioned, and shall also take and subscribe the following oath, before one of the judges of the said court:

Oath.

I, _____ being appointed surrogate of the county of _____ do solemnly swear, (or affirm, as the case may be), that I will well, truly, faithfully and impartially execute the office of surrogate of the said county, agreeably to law, according to the best of my skill and understanding. So help me God.

Filed.

Which oath or affirmation shall, by the judge before whom the same is taken, be delivered or safely transmitted to the secretary of state, together with the bond aforesaid, to be filed among the public papers of his office; and the bond to be entered into as aforesaid, shall be in the following form:

Form of bond.

Know all men by these presents, that we _____, of the county of _____, in the state of New Jersey, are held and firmly bound unto the said state in the sum of two thousand dollars, to be paid to the said state, to which payment well and truly to be made and done, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated the _____ day of _____, in the year of our Lord one thousand eight hundred and _____. The condition of this obligation is such, that if the above bounden _____ shall

well and truly execute the office of surrogate of the county of ———, and in all things touching and concerning the said office, shall well and truly, faithfully and impartially, execute and perform the same according to law, as well with respect to all persons whatsoever concerned, as to the said state of New Jersey, and at the expiration of his said office, shall deliver the seal and all the books, records and papers remaining in said office, or appertaining thereto, to his successor in office, then the above obligation to be void, otherwise to be and remain in full force and virtue.

3. That upon the death, removal or expiration of the office of surrogate, the minutes, papers, writings, documents and books of and belonging to such office, shall be delivered to his successor in office, on oath or affirmation of the preceding surrogate, or in case of his death, on the oath or affirmation of his executors or administrators; and if such surrogate, or the executors or administrators of a deceased surrogate, shall refuse or neglect to deliver the same on oath or affirmation as aforesaid, being demanded by the successor in office, then every such person shall forfeit and pay five hundred dollars, to be recovered with costs, by action of debt, in the name of the county collector, for the use of the state.

Books, etc., delivered to successor.

Penalty.

4. That in every county of this state, where an office hath been or hereafter shall be built or provided, of materials not liable to be destroyed by fire, for the use of the surrogate of said county, within half a mile of the court house, the surrogate of such county shall be and he hereby is required, upon notice in writing for that purpose being given to him by the director of the board of chosen freeholders, to remove to the office so provided all the books, records and papers appertaining to the office of such surrogate.

Where books, etc., kept.

5. That if any surrogate shall neglect or refuse, for the space of thirty days after receiving notice as aforesaid, to remove all the books, records and papers appertaining to his said office, to the office which hath been or may be built or provided as aforesaid, every surrogate so offending shall forfeit and pay, for each day he shall so neglect or refuse, after the expiration of the said thirty days, the sum of ten dollars, to be sued for and recovered by the director of the board of chosen freeholders, in the county where the delinquency shall happen, in his own name, to be applied, when recovered, to and for the use of the county.

Penalty for neglect.

Supplement.

Approved February 22, 1870. P. L. 1870, p. 15.

6. SEC. 1. That whenever the surrogate of any county heretofore or hereafter elected and qualified shall be incapacitated by reason of mental derangement or illness of any kind to perform the duties of his office, or whenever any surrogate heretofore or hereafter elected shall be unable to qualify by reason of such mental derangement or illness, the surrogate general may, on being satisfied of such incapacity or inability, appoint under the seal of his office a competent person as deputy surrogate, who shall, upon being qualified as mentioned in the next succeeding section, have full power to perform all the duties of the office of surrogate, including the taking of oaths and affirmations, and to be the clerk or register of the orphans' court in as full a manner as the surrogate could perform such duties, and act as clerk aforesaid, which appointment shall continue until the surrogate general shall be satisfied that the surrogate has recovered from such incapacity, or become able to qualify in his office, and shall have so qualified, or until the governor, by reason of vacancy, shall have appointed a surrogate, who shall have duly qualified, or until a surrogate is lawfully elected and qualified; and provided, that if the deputy surrogate shall resign during such incapacity or inability, the surrogate general may reappoint in his stead.

Ordinary to appoint deputy surrogate in case of inability.

Proviso.

7. SEC. 2. That before entering upon the duties of his appointment, the said deputy surrogate shall take an oath and give bond to the like effect as provided by law for the surrogate, and upon becoming so qualified, shall for the performance of the duties of the office of surrogate and as clerk aforesaid, be entitled to the fees that the surrogate is entitled to receive as surrogate and as clerk of the orphans' court.

Deputy surrogate to take oath and give bond.

8. SEC. 3. That if any surrogate elected as aforesaid, shall by reason of the inability aforesaid, fail to qualify within thirty days from the end of the preceding term, that it shall then be the duty of the governor to

Office of surrogate vacant for failure to qualify.

consider the office as vacant, and to fill such vacancy according to the constitution, unless he shall be satisfied that such inability is only temporary and will likely be removed in such time as he may deem reasonable.

[For duties of surrogate, see ORPHANS COURT, *Sec.* 134-145. See also, ASSIGNMENTS and EXECUTORS and ADMINISTRATORS].

Surveys.

I. SURVEYS OF LAND, ETC.

1. Records of surveyor generals, where to be kept.
2. President of council of proprietors may administer oath.
3. Deputy surveyors authorized to take depositions, etc.
4. Seals to be provided for surveyors general.
5. Copies of surveys certified to be evidence.
6. Fees.
7. In case of death, &c., of surveyor general, register of board may certify copies of surveys.

II. GEOLOGICAL SURVEY.

8. Survey of state to be resumed.
9. Appropriation.
10. State Geologist.
11. Board of managers and their duties.
12. Moneys, how paid state geologist.
13. Committee on publication.
14. Appointment of managers.
15. Limitation as to time of completing survey repealed.
16. Board of managers, how constituted.
17. Appropriation.

I. Surveys of land, etc.

An act to provide for the safe keeping of the records in the surveyor general's office of the eastern and western divisions of this state.

Harr. 109.

R. S. 788.

Records, etc., to be kept therein.

Passed December 6, 1825.

[SEC. 1 and 2 executed and building erected].

Penalty.

1. SEC. 3. That as soon as the said building shall be completed, and notice thereof in writing given by the said commissioners, or any of them, to the surveyor general of the said western division, it shall be the duty of the said surveyor general to remove to the said building all the books of record and papers belonging and appertaining to the office of surveyor general of the said division, and to keep the same therein; and if the said surveyor general shall neglect or refuse, for the space of thirty days after notice as aforesaid, to remove to the said building all the books of record and papers belonging and appertaining to his said office, he shall forfeit and pay, for each and every day he shall so neglect or refuse, the sum of fifty dollars, to be sued for and recovered by the treasurer of this state for the time being, for the use of the state.

[SEC. 4 and 5 executed and building erected, and third section made applicable to surveyor general of eastern division].

An act to authorize the president of the council of proprietors in West Jersey to administer oaths and affirmations to witnesses in certain cases.

Harr. 266.

R. S. 787.

President of council of proprietors may administer oaths.

Deputy surveyors authorized to take depositions, etc.

False oath, perjury.

Passed January 13, 1830.

2. SEC. 1. That it shall and may be lawful for the president of the council of proprietors, or, in his absence, the vice president or president *pro tempore*, to administer oaths or affirmations to witnesses, touching any dispute or controversy that may come before the said council of proprietors for their adjudications.

3. SEC. 2. That it shall and may be lawful for deputy surveyors to take depositions or affirmations of citations being duly served, as also, in relation to corner lines and boundaries of land, wherein they are called to survey or resurvey, which depositions or affirmations they are hereby authorized to administer; and the oaths and affirmations so as aforesaid authorized to be administered by the president of said council, vice president or president *pro tempore*, or deputy surveyors, shall have the same force and effect as if they had been taken before a justice of the peace of the proper county; and if any person, so as aforesaid taking an oath or affirmation before any of the officers aforesaid, shall falsely, wilfully and corruptly swear or affirm to any matter or thing which, if the same had