

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.
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7. In case of death, &c., of surveyor general, register of board may certify copies of surveys.

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9. Appropriation.
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11. Board of managers and their duties.
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13. Committee on publication.
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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

been sworn or affirmed to before any court of law in this state, would have amounted to wilful and corrupt perjury, then such person, so offending, shall be deemed and adjudged to be guilty of wilful and corrupt perjury, and on conviction thereof, shall be punished accordingly; and the officer administering such oath or affirmation, shall cause the name of the witness, and the purpose for which he was so sworn or affirmed, to be entered on the journals of said council of proprietors.

An act to provide a more easy mode of proving surveys of land in this state, and for other purposes. P. L. 1833, p. 215.

Passed February 27, 1833. R. S. 670.

4. SEC. 1. That there shall be a seal for the surveyor general of the western division of this state, and also a seal for the surveyor general of the eastern division of this state, provided by the governor at the expense of the state, to be by him devised; and a description of each seal, in writing, deposited and recorded in the office of the secretary of this state, shall there remain as public records thereof; and the said seal for the surveyor general of the western division of this state, shall be deposited with him, and the said seal for the surveyor general of the eastern division, shall be deposited with him, and they shall be handed down to their respective successors in office.

Seals to be provided for surveyors general.

Where deposited.

5. SEC. 2. That copies of all surveys and other writings of record, in either the office of the surveyor general of the western or eastern division of this state, if certified to be true copies, under the hand and seal of the surveyor general, in whose office the same may be of record, shall be esteemed and taken for true copies thereof, and as such may be read in evidence in any court of law or equity in this state, where the same would be admissible if proved to be true copies, according to the existing laws of evidence, any law, usage or custom to the contrary notwithstanding.

Copies of surveys certified to be evidence.

6. SEC. 3. That the aforesaid surveyors general and their successors in office, shall be respectively entitled to demand and receive the following fees for services rendered by either of them in their respective offices, and no more, that is to say: for each certificate under seal, fifty cents; for every search for any record or paper, twelve and a half cents; for copies of any record or other writing, twelve and a half cents for every sheet of one hundred words.

Fees.

Supplement.

Approved February 28, 1867. P. L. 1867, p. 123.

7. SEC. 1. In case of the death, absence or other disability of the surveyor general of either division of the state of New Jersey, that the register of the board of proprietors of either division aforesaid, shall be duly authorized to certify copies of all surveys and other writings of record of either division of this state, and such copies so certified, shall be esteemed and taken for true copies thereof, and as such may be read in evidence in any court of law or equity in this state, where the same would be admissible if proved to be true copies according to the existing law of evidence, any law, usage or custom, to the contrary notwithstanding.(1)

In case of death, &c., of surveyor general, register of board may certify copies of surveys.

II. Geological survey.

An act to complete the geological survey of the state.

Approved March 30, 1864. P. L. 1864, p. 591.

WHEREAS, The senate and general assembly of the state, by an act passed March second, eighteen hundred and fifty-four, authorized a geological survey of the state to be made, which survey was subsequently suspended by the state; and whereas, the state agricultural society, under the authority granted to it by the act of February twenty-fifth, eighteen hundred and sixty-three, has shown a laudable zeal in continuing the said survey; and whereas, it appears by the report of Robert C. Bacot and Jacob Herbert (committee of the legislature), made March eleventh, eighteen hundred and fifty-seven, that of the former appropriations made by the state, there was, at that date, an unexpended balance, amounting to eight thousand ninety-seven dollars and thirty-one cents, which balance

Preamble.

(1) See Sec. 10 and 11 of the act for running the partition line between East and West Jersey, passed in 1719. R. S. 19.

still remains to the credit of that account; *and whereas*, it is the duty of the state to develop and render available to the fullest extent, the facts relative to its great natural resources, as also of its agricultural, mining, mechanical and other industrial interests; therefore,

Survey of state to be resumed.

8. SEC. 1. That the duty of completing the said survey, be and is hereby resumed by the state, said survey to be completed within a period not to exceed four years, and at an expense not to exceed the sum of twenty thousand dollars, aside from the cost of publication, and all laws conferring on the state agricultural society authority to continue the survey, or transferring to it the state property used by the survey, be and the same are hereby repealed.

Appropriation.

9. SEC. 2. That the sum of twenty thousand dollars of which the unexpended balance of former appropriations shall be part, be and is hereby appropriated to carry out the provisions of this act.

State geologist.

10. SEC. 3. That the appointment of George H. Cook, by the state agricultural society, is approved of, and that the said George H. Cook is hereby appointed state geologist, with authority to receive from the state agricultural society, the state property used by the survey, and employ, control and use the same; to employ such assistant or assistants as shall seem to him necessary for the proper prosecution of the survey, and it shall and may be lawful for the said George H. Cook, and the person or persons employed by him, to enter without molestation upon any lands in this state, which he or they may deem necessary to further the object of the said survey, and it shall be the duty of the state geologist, on or before the first day of January of each year, to furnish to the president of a board of managers (hereinafter to be created) a detailed statement of his expenditures with the vouchers therefor, and also a report of his operations for the preceding year.

Board of managers, and their duties.

11. SEC. 4. That to promote the objects which this act has in view, there shall be a board of managers of the same, to consist of eleven members, one of whom shall be the governor of the state, who also shall be president of the board, and two members from each of the five congressional districts of the state, and the state geologist shall make his annual report to the president, who shall appoint from the members of the board, a committee to examine the annual accounts of expenditure, and the president shall submit the same and all matters pertaining to the survey at the first following session of the legislature, and it shall be lawful for the president and board of managers, or a majority of them, to make yearly agreements with the state geologist as to his own and the salaries of his assistant or assistants, but such temporary assistance as may be needed, the purchase of the necessary implements and materials, the means necessary for transportation and all other incidental expenses shall be under the control of the state geologist, and it shall be the duty of the members of the board, in addition to those already specified, to furnish from time to time, to the state geologist, any and all information which will contribute to the more full and complete development of the facts relating to the agricultural, mining, mechanical and other industrial interests of the state.

Moneys how paid state geologist.

12. SEC. 5. That the governor of the state is hereby authorized, by his draft in favor of the state geologist, to draw on the treasurer of the state for such sum or sums of money as may be called for by the state geologist; *provided*, the several sums so called for shall not in any one year exceed the one-fourth part of the appropriation made in section two of this act, to wit: twenty thousand dollars. (See *Sec.* 18).

Proviso.

[SEC. 6 executed].

Committee of publication.

13. SEC. 7. That the board created by this act, shall be a committee of publication, with authority to print and publish the annual and final reports of the state geologist, and also to direct the distribution of suites of the geological, mineralogical and other specimens collected in the survey, to such literary, scientific and other institutions, as will best conduce to the interests of the citizens of the state.

Managers.

14. SEC. 8. That the following named persons are hereby appointed and shall constitute the board of managers of the geological survey of the state, viz: President, Joel Parker; managers, David Potter, of Cumberland, Andrew K. Hay, of Camden, in the first district; William Parry, of

Burlington, John A. Roebing, of Mercer, in the second district; Isaac R. Cornell, of Somerset, Henry Aitkin, of Union, in the third district; Abraham S. Hewitt, of Passaic, Andrew B. Cobb, of Morris, in the fourth district; William M. Force, of Essex, J. R. Wortendyke, of Hudson, in the fifth district; and power is hereby given to the said board, or a majority of them, to fill any vacancies which may occur. (See *Sec. 17*).

Supplement.

Approved March 24, 1868. P. L. 1868, p. 455.

15. *Sec. 1.* That so much of the act to which this is a supplement, as directs and requires the geological survey of this state to be completed within a period not to exceed four years, be and the same is hereby repealed.

So much of act as requires survey to be completed in four years, repealed.

Supplement.

Approved April 9, 1875. P. L. 1875, p. 94.

16. *Sec. 1.* That the board of managers authorized by section four of said act are hereby authorized to increase the number of their members from eleven to fifteen, one of whom shall be the governor of the state, who shall be president of the board, and two members from each of the seven congressional districts of the state; and the powers and duties of the board thus constituted shall be the same as defined in the act to which this is a supplement.

Board of managers, how constituted.

Supplement.

Approved March 30, 1876. P. L. 1876, p. 68.

17. *Sec. 1.* That for the purpose of completing said survey, an annual appropriation of eight thousand dollars be and is hereby made and continued for the period of five years; and that the treasurer of this state, upon the warrant of the comptroller, be and is hereby authorized to pay such bills as may be audited and approved by the board of managers in favor of the state geologist.

Amount of appropriation for completing survey.

Taxes.**I. GENERAL TAX LAW.**

1. Lists of taxable property to be made out.
2. Penalty for refusing to account, etc.
3. Assessors to fix quota.
4. Abstracts made out.
5. Duplicate furnished.
6. How assessment made.
7. Penalty on assessor for neglect.
8. Appeal.
9. Majority of assessors may act.
10. Township collector to advertise.
11. To demand tax.
12. And return delinquents to justice.
13. Justice to administer oath and give receipt.
14. Penalty on collector for neglect.
15. Liability of assessor and collector for deficiency.
16. Fees of assessor and collector.
17. Time to govern assessments for state.
18. Justice to issue tax warrants.
19. Fees of justice and constable.
20. Penalty on justice for neglect.
21. Tax warrants to be returned.
22. Penalty on constable for neglect.
23. Liability of constable.
24. Money to be paid county collector.
25. Township collector may be sued.
26. Tax paid to treasurer.
27. Fee of county collector.
28. Liability of county collector to collect penalty.
29. And to a suit for tax money unpaid.
30. Liability of township for money embezzled.
31. Liability of county for the same.

32. Deficiency of tax assessed next year.
33. Tenants liable for tax.
34. Of tax on unimproved or untenanted land.
35. Of collecting tax by sale of timber, etc.
36. Notice of sale. Advertisement.
37. Purchaser may enter within two months.
38. But not after, under penalty.
39. Officers to account to township committee.
40. Warrant may be taken from one and given to another constable.
41. How lands of defaulting officer may be sold.
42. If deficiency ca. sa. to issue.
43. Sheriff liable to forfeiture.
44. And so for failure to execute execution.
45. On refusal to pay, how collected.
46. Commissioners of appeal to meet.
47. Assessor to attend.
48. Commissioners to decide.
49. To give a transcript to appellant.
50. May subpoena witnesses.
51. Compensation.
52. Who to pay costs.
53. Penalty on commissioners for neglect of duty.
54. Construction of terms in act.

II. SUPPLEMENTS.

55. Collector to assess persons omitted.
56. Commissioners of appeals to hear complaints of omitted or insufficient assessments.
57. Assessment of life insurance companies.
58. Repealer.
59. Bounty poll tax not to be assessed against honorably discharged soldiers.