

such duties, to be ascertained and certified by the chancellor, and to be paid by the treasurer of the state with said salary quarterly.

Supplement.

Approved April 9, 1875. P. L. 1875. p. 100.

121. SEC. 1. That section seventy-nine of the act entitled "An act respecting the court of chancery," approved March twenty-seventh, one thousand eight hundred and seventy-four, be amended by inserting after the words "provided however" and before the word "that," the following words: "that the person making such search shall certify on the same the amount of such expenses paid or incurred; and provided also."

Persons making search shall certify on same amount of expenses paid or incurred.

122. SEC. 2. That section one hundred and thirteen of the act entitled "An act respecting the court of chancery," approved March twenty-seventh, one thousand eight hundred and seventy-four, be amended by inserting after the word "sum" and before the word "as," the following words: "not less than one nor more than five per centum of the amount of such decree."

Chancellor may allow per centage on amount of decree as counsel fee.

Chosen Freeholders.

1. Incorporation and names of boards.
2. General powers.
3. Process, how served on.
4. May raise money, for what.
5. May adjourn from time to time.
6. Annual meeting fixed.
7. A director to be elected.
8. Clerk, compensation and duties.
9. Clerk to deliver papers, etc., to his successor.
10. Special meetings convened, where held.
11. Penalty for non-attendance.
12. How money assessed and raised.
13. How, when tax required to be raised at different times.
14. Appeal from assessment.
15. Proceedings against delinquents.
16. Proof of demand required.
17. How justice to proceed.
18. How process to be executed.
19. Election and bond of county collector.
20. Vacancy may be supplied.
21. Officers to account and remedy against.
22. Liability of county collector.
23. When taxes collected to be paid.
24. When township responsible for money lost.
25. Duty and liability of township collector and constable.
26. County collector to pay to order of corporation.
27. Penalty for neglect or refusal.
28. County collectors' fees.
29. Further duties of justices and constables.
30. Poor-houses.
31. By whom governed and regulated.
32. Poor, support and employment of.
33. Two counties may have one poor-house.
34. Jointly procure materials—
35. And apportion expense.
36. Compensation of chosen freeholders.
37. Term "township" construed.
38. Term of freeholders' office.
39. Lands, etc., vested in the board.
40. Less than quorum may adjourn.
41. Power to sell and convey.
42. When township may erect poor-house. Exempt from other poor tax.
43. Publication of annual statement.
44. What annual statement to embrace.
45. When clerk to cause statement to be published. Penalty for neglect.
46. Special meetings, how convened.

An act to incorporate the chosen freeholders in the respective counties of the state.

Approved April 16, 1846. R. S. 182.

1. The chosen freeholders of the several townships, precincts and wards in the respective counties of this state, and their successors, shall be and they are hereby constituted a body politic and corporate in law by the following names, that is to say: that the said freeholders in and for the county of Bergen, shall be styled and known by the name of "The board of chosen freeholders of the county of Bergen," (the corporate name of the freeholders in the other counties of the state is precisely the same, substituting in each case the name of the proper county.)

Incorporation and names of boards.

2. That the said boards of chosen freeholders in and for their respective counties, and their successors, shall be able and capable to acquire, purchase, receive, have and hold any lands, tenements, hereditaments, goods and chattels in trust to and for the use of their said counties respectively, (a)

Powers.

(a) The title to public bridges built by the county, is vested in the board of chosen freeholders, *Freeholders of Monmouth v. Red Bank Turnpike Co.*, 3 C. E. Gr. 91. But no action will lie against them for an injury arising from a defect in such bridge, *Freeholders of Sussex v. Strader*, 3

Harr. 108, ante, BRIDGES, § 1, note (a). Money raised illegally from tavern licenses does not belong to the board, *Freeholders of Essex v. Barber*, 2 Hal. 64. See *Evans v. City of Trenton*, 4 Zab. 764.

- and for such other uses as are or may be designated by law ; to sue or be sued, implead or be impleaded, to make and use a common seal, and the same to alter and renew at their pleasure, and to ordain, establish and put in execution such by-laws, ordinances and regulations, as shall seem necessary and convenient for the government of their respective corporations ; *provided*, the same are not contrary to the constitution or laws of this state.
- Proviso. 3. That when any suit shall be instituted against any of the said corporations, a copy of the summons, precept or such other legal process, as may be issued against the same, shall be left with the director of the board or clerk thereof, thirty days at least before the session of the court to which such process shall be returnable.
- Process, how served. 4. That it shall be the duty of every such corporation, at their stated and annual meeting or at any other meeting duly held for the purpose, to vote, grant and raise such sum or sums of money for the building, purchasing or repairing of poor-houses, jails, court-houses and bridges, the surveying and ascertaining the lines, the prosecuting and defending the rights, defraying the public and other necessary charges, and doing, fulfilling and executing all the legal purposes, objects, business and affairs of such county, as they or the major part of them shall deem adequate or proper ; all which moneys so raised, shall be applied, paid and expended under the direction and management of the said corporation.(a)
- May raise money. 5. That it shall and may be lawful for such corporation, at their annual or other legal meetings, to adjourn from time to time as they shall judge necessary.
- May adjourn. 6. That there shall be a stated meeting of every such corporation at the place of holding the court of common pleas in and for such county, at the hour of eleven in the forenoon of the second Wednesday in the month of May, annually.(b)
- Annual meeting. 7. That it shall and may be lawful for every such corporation to elect, annually, one of their own members to preside at their meetings, who shall be called the director of the board ; and in case of his absence or refusal to act, then such corporation shall proceed to the election of another.
- Director to be elected. 8. That the said corporation shall annually elect some fit person, being a freeholder and resident in the county and not a member of such corporation, for their clerk, who shall be entitled to the sum of one dollar and a half for every day he shall be employed in the duties of his office, and whose duty it shall be to keep the minutes and enter the orders and proceedings of the corporation in a book to be kept for the purpose, and who shall have the custody of the common seal, and the papers, deeds, writings, documents and books relating to the said corporation ; which clerk shall, before he enters upon the execution of his office, take and subscribe an oath or affirmation before the director of the board, who is hereby authorized to administer the same, that he will well and faithfully discharge all the duties appertaining to the said office.(c)
- Clerk, compensation and duties. 9. That upon the death or expiration of the office of clerk of any of the said corporations, the common seal, and all the minutes, papers, deeds, writings, documents and books of or belonging to such corporation, shall be delivered to the successor in office, on the oath or affirmation of the preceding clerk, or, in case of his death, on the oath or affirmation of his executors or administrators ; and if any such clerk, his executors or administrators, shall refuse or neglect to deliver the same, on oath or affirmation as aforesaid, being lawfully demanded, then every such person shall forfeit one hundred dollars, to be recovered with costs, by action of debt, in any court having cognizance of that sum, in the name and for the use of the said corporation.
- Oath. 9. That upon the death or expiration of the office of clerk of any of the said corporations, the common seal, and all the minutes, papers, deeds, writings, documents and books of or belonging to such corporation, shall be delivered to the successor in office, on the oath or affirmation of the preceding clerk, or, in case of his death, on the oath or affirmation of his executors or administrators ; and if any such clerk, his executors or administrators, shall refuse or neglect to deliver the same, on oath or affirmation as aforesaid, being lawfully demanded, then every such person shall forfeit one hundred dollars, to be recovered with costs, by action of debt, in any court having cognizance of that sum, in the name and for the use of the said corporation.
- Papers, etc., to be delivered to successor. 9. That upon the death or expiration of the office of clerk of any of the said corporations, the common seal, and all the minutes, papers, deeds, writings, documents and books of or belonging to such corporation, shall be delivered to the successor in office, on the oath or affirmation of the preceding clerk, or, in case of his death, on the oath or affirmation of his executors or administrators ; and if any such clerk, his executors or administrators, shall refuse or neglect to deliver the same, on oath or affirmation as aforesaid, being lawfully demanded, then every such person shall forfeit one hundred dollars, to be recovered with costs, by action of debt, in any court having cognizance of that sum, in the name and for the use of the said corporation.
- Penalty. 9. That upon the death or expiration of the office of clerk of any of the said corporations, the common seal, and all the minutes, papers, deeds, writings, documents and books of or belonging to such corporation, shall be delivered to the successor in office, on the oath or affirmation of the preceding clerk, or, in case of his death, on the oath or affirmation of his executors or administrators ; and if any such clerk, his executors or administrators, shall refuse or neglect to deliver the same, on oath or affirmation as aforesaid, being lawfully demanded, then every such person shall forfeit one hundred dollars, to be recovered with costs, by action of debt, in any court having cognizance of that sum, in the name and for the use of the said corporation.

(a) The board may pay all reasonable expenses incurred by a public officer in the arrest and prosecution of public offenders, although such expenses may not be taxable in any bill of costs, nor recoverable against the county by an action at law. Their power, however, over the county money is not unlimited, and an illegal appropriation may be set aside upon the complaint of a taxpayer, *Lewis v. Freeholders of Hudson*, 8 Vr. 254. If a pardon remit a fine, an action will not lie against the board to recover it, *Cook v. Freeholders of Middlesex*, 3 Dutch. 637.

(b) The term of office of chosen freeholders commences at the time of the organization of the board at their annual meeting on the second Wednesday in May, and continues until a like organization in the following year, *Matter of Highway*, 1 Harr. 91 ; except where charged by special enactment, *State, Feury v. Roe*, 6 Vr. 123.

(c) A clerk chosen by a quorum of the board duly elected is entitled to the possession of the books, seal, &c., of the board, *State, Feury v. Roe*, 6 Vr. 123.

10. That it shall be the duty of the director of the board, or in case of his absence, inability or death, then of the clerk thereof, on application in writing, subscribed by any three of the said chosen freeholders, and specifying the business, object and purpose of calling the said board, to convene special meetings of the said corporation, by writing under his hand, directed to the respective members thereof, and left at their respective places of abode, at least fourteen days prior to the day of meeting, mentioning therein the time and business, object or purpose of such meeting; *and further*, that all special meetings shall be held at the place of holding the annual stated meeting; and if any such director or clerk shall, on application as aforesaid, refuse or neglect to call or convene such special meeting of the said corporation, then he shall forfeit one hundred dollars, to be recovered, with costs, by action of debt, in any court having cognizance of the same, in the name and for the use of the said corporation. (See *Sec. 46*).

Special meetings convened.

Where held.

11. That if any of the members of the said corporation shall neglect or refuse to attend at the annual stated meeting, or at any special meeting as aforesaid of such corporation, then such member shall forfeit eight dollars, to be recovered with costs, by action of debt, in any court having cognizance of that sum, in the name and for the use of the said corporation.

Penalty for non-attendance.

12. That when any of the said corporations shall pass an order or grant, for the raising of any sum or sums of money for any purpose specified in this or any other act, it shall be the duty of such corporation to direct, in writing, the assessors of the respective townships in the said county, to assess the said sum or sums on the inhabitants and their estates, agreeably to the law for the time being for the raising of money by taxation for the use of the state; *and further*, that it shall be their duty also to direct, in writing, the time and place of the meeting of the said assessors, to adjust and ascertain the proportion of the said sum or sums to be levied on each township, and the time for collecting the same; which proportion, so adjusted and fixed, shall be assessed and collected by the respective assessors and collectors of the several townships in such county.

How money assessed and raised.

13. That when any of the said corporations shall at any time consider a tax, for any of the purposes specified in this or any other act, necessary to be raised at a time different from the state tax, then the said assessors and collectors shall perform the like duties, be allowed the like compensation for their services in the premises, be liable to the like fines and penalties, to be recovered by the same persons, and in like manner, and in all things be governed by the like regulations as are prescribed and enjoined in and by the law for the time being for the assessing, levying, and collecting money by taxation for the use of the state, except so far as relates to the time of assessing and collecting, which shall be ascertained in the manner mentioned in the section next preceding; and except also, that the fines and penalties shall, when recovered, be paid to the director of such corporation, and applied to such county uses and purposes as the said corporation shall direct; *provided always*, that when the said tax shall be ordered to be raised at the same time with the state tax, one-half of the usual fees, and no more, shall be allowed to the said assessor and collector.

How, when tax required to be raised at different time.

14. That if any person shall think himself or herself aggrieved by any such assessment, he or she may appeal to the commissioners of appeal in and for the township or precinct, agreeably to the provisions for that purpose made in an act entitled, "An act concerning taxes."

Appeal from assessment.

15. That in case of non-payment of the assessment of any tax which shall be due at any time different from that fixed for the payment of the state tax aforesaid, for the space of twenty days after demand thereof, the collector of such township shall make out a list of the names of such delinquents, with the sums due from them respectively, thereto annexed, and forthwith deliver the same to some justice of the peace residing in such township, or if necessary, to any other justice of the peace of the said county, and shall, within one week after the expiration of the said twenty days, pay the taxes by him received to the collector of the county.

Proceedings against delinquents.

16. That it shall be the duty of the said justice of the peace, on receiving a list of the names of such delinquents mentioned in the preceding section, to administer an oath or affirmation to the said collector, that the moneys

Proof of demand required.

in the said list mentioned has been duly demanded, or due notice thereof given to or left at the usual place of abode of each delinquent, who may then reside in such township, and thereupon shall give to the collector a receipt for such list, certifying therein the names of such delinquents, and the sums at which they were respectively assessed; *and further*, that the said township collector shall not be charged by the county collector with the sums in such list contained, until he receive the same from the constable.

Duty of justice. 17. That when any list of the names of delinquents as aforesaid, shall be received by any justice of the peace for prosecution, it shall be the duty of such justice to proceed thereon in the manner prescribed by the then existing law for the recovery from the delinquents of taxes directed to be raised for the use of the state.

Duty of constable. 18. That it shall be the duty of every constable to execute every warrant, precept or other process to him directed and delivered against such delinquents, respectively, or their estates, in the manner prescribed in and by the law for the time being, in cases of the like kind, where taxes are to be raised for the use of the state.

County collector to be elected, and give bond. 19. That each of the said corporations shall, at their annual stated meetings, elect some fit person, being a freeholder and resident in such county, and not a member of such corporation, to the office of county collector, who shall, before he enters upon the execution of his office, give bond, with two sureties, being freeholders and residents in the county, to the said corporation, in such penal sum as they shall think proper, conditioned for the faithful performance of the duties of his said office as collector of such county according to law,^(a) and who shall continue in office, and exercise all the rights and discharge all the duties appertaining thereto, until his successor shall be lawfully elected and shall have given bond.⁽¹⁾⁽²⁾

Vacancy may be supplied. 20. That if the person so chosen to the office of county collector, shall die or remove out of the county, or become incapable of serving, or shall refuse to serve, or neglect or refuse to give such bond, as aforesaid, then it shall be lawful for the said corporation to elect another in his room.

Officers required to account, and may be sued. 21. That the said corporations shall be and they hereby are severally empowered, from time to time, and as they shall judge proper, to require all public officers in and for their respective counties and others, to render unto them a true account of all the moneys or other property, which they have heretofore received, or shall hereafter receive or be entrusted with, by virtue of this or any other act, for the use of the said corporations or their respective counties, and to institute at law or in equity, such suit or suits against such officers and persons or any of them, or their or any of their legal representatives, for such moneys or other property as aforesaid, or any part thereof, as shall be necessary or proper; *and further*, that the said corporations are hereby also severally empowered to require such officers and others, to render unto them, from time to time, a true account of all moneys or other property belonging to this state, which such officers or others have received or may receive, and for which they are responsible to and liable to be sued by the said state or its treasurer, or other person in behalf of the state; and also to institute such suit or suits as aforesaid, for the same, as they shall judge proper.

(a) A *mandamus* may issue to compel the board to accept the official bond of a person, who has been declared by the county canvassers duly elected as collector, and the determination of such canvassers is conclusive on such an application, but would not be on a *quo warranto*, *State, Stokes v. Freeholders of Camden*, 6 *Vr.* 217. A *mandamus* to a township committee to compel them to accept the bond of a constable, was refused, where there was a doubt as to his election, *Prickett's Case*, *Spen.* 134. Where a collector has received public money, those who were bound for him at the time it came into his hands, are responsible until he duly disburse or pay it over, *Freeholders of Warren v. Wilson*, 1 *Harr.* 110. The collector is liable for interest upon money remaining in his hands after a reasonable time for paying

it over, *Board of Burlington v. Fennimore*, *Coxe* 242. He has no discretion in the payment of school money; nor can he set off any claims of his own or of the county, *State, Herder v. Collector of Hunterdon*, 7 *Vr.* 363. He has the power to receive payment of any debt due to the board, but not to give away a security, or cancel it without payment. He has not the right to deposit the funds of the county in any bank which he may select, without the approval of the board, *Freeholders of Middlesex v. Thomas*, 5 *C. E. Gr.* 39. A settlement made with the collector by a committee of the board appointed to examine his accounts, is not final against the county, *Board of Burlington v. Fennimore*, *Coxe* 190.

(1) In Camden county County Collector elected by electors of county for term of three years, (P. L. 1858, p. 437); same in Ocean county, (P. L. 1873, p. 420).

(2) Freeholders of Essex county authorized to elect a County Auditor, (P. L. 1875, p. 460); Freeholders of Monmouth county authorized to appoint Auditor, (P. L. 1873, p. 376).

22. That if any county collector shall neglect or refuse to account as aforesaid, to and with such corporation, when thereunto lawfully required, he shall, for every such neglect or refusal, forfeit three hundred dollars, to be recovered with costs, by action of debt, in any court having jurisdiction of that sum, by and in the name of such corporation, and the same when recovered, shall be appropriated to such county uses and purposes as the said corporation shall direct; and the said county collector shall also be liable to be prosecuted in the manner prescribed in the section next preceding.

Liability of county collector.

23. That it shall be the duty of every constable to pay the tax money, which he shall raise from every delinquent on any warrant, precept or other process to him directed for that purpose, to the collector of the township, within eight days after he shall have made the same; and further, that it shall be the duty of said collector to pay such tax money, so by him received from the said constable, to the county collector, within two weeks after receiving the same.

When taxes collected to be paid

24. That if the collector of any township shall squander, waste, embezzle or become insolvent and unable to pay any tax moneys, or other moneys or property belonging to the said corporation or their respective counties, and by him received, then the said township, for which such collector was chosen or appointed, shall be liable for and make good such deficiency or loss, by adding the same to the quota of such township in the next assessment to be made therein by the authority of the corporation of such county, and which the assessor of such township is hereby required to assess, under the like penalties as are hereinbefore referred to for neglect of duty.

When township responsible for money lost.

25. That the collector and constable of every township is hereby directed to render a true account to the inhabitants of such township, at their annual or other meeting, of all moneys which he shall receive on any assessment to be made in such township, by the authority of the corporation of such county; and if there be any overplus money remaining in his hands, he shall pay the same to such person or persons as may be appointed to receive the same by the inhabitants of such township, who at their annual meeting, shall appropriate it to such township uses as they shall think proper to direct; and in case such collector or constable shall not so account and pay as aforesaid, then the inhabitants of the said township are hereby empowered to prosecute him for the same.

Duty and liability of township collector and constable.

26. That the collector of the county shall, from time to time, pay the money by him received, in pursuance of any assessment made by the corporation of such county, to the order of the corporation, signed by the director for the time being.

County collector to pay to order.

27. That if any county collector shall neglect or refuse to pay such tax or other moneys by him received as aforesaid, to the order of such corporation, or shall neglect or refuse to perform any of the duties enjoined on him by law, where taxes are to be assessed, levied, raised and collected by the authority of the corporation of the said county, he shall, for every such offence, forfeit and pay three hundred dollars, to be recovered, with costs, by action of debt, in any court of record having cognizance of that sum, by the corporation of the same county, to be applied, on recovery, to such county uses as they shall direct.

Penalty for neglect or refusal.

28. That the county collectors of the several counties of this state shall be entitled to receive two cents, and no more, for each dollar of all taxes and other moneys which they shall receive and pay to the order of such corporation; but in case the board of chosen freeholders of any of the counties in this state are of opinion that the fees named in this section are too high, they are hereby authorized to fix the fees of the county collector for receiving and paying county money at a less rate; provided, the same be so fixed before the election of any county collector to be affected thereby.(1)

County collector's fees.

29. That the justices of the peace and constables shall severally perform the like duties, be allowed the like compensation for their services in the

Further duties of justices and constables.

(1) Salary of County Collector in Passaic county fixed at \$1,200 per annum, (P. L. 1871, p. 260); in Mercer county salary of County Collector shall not exceed \$1,500 per annum, (P. L. 1873, p. 757); in Ocean county salary of County Collector fixed at \$500, (P. L. 1873, p. 420); in Monmouth county, fixed at \$1,200, (P. L. 1873, p. 376); in Camden county, fixed at \$1,000. (P. L. 1874, p. 473).

Fines and penalties to whom paid.	premises, be liable to the like fines and penalties, to be recovered by the same persons, and in like manner, and in all things be governed by the like regulations, as are prescribed and enjoined in and by the law for the time being for the assessing, levying and collecting money by taxation for the use of the state, except so far as is herein otherwise directed, and except also, that the fines and penalties shall, in cases of assessments made by authority of the corporation of any county, be paid, when recovered, to the director of such corporation, and applied to such county uses and purposes as the said corporation shall direct.
Poor-house.	30. That it shall and may be lawful for the board of chosen freeholders of every county in this state, if they shall deem it necessary, to purchase or build a poor house, at such place in the county as the said corporation shall appoint.
By whom governed and regulated.	31. That the said poor house, when built or purchased, shall be under the direction, superintendence and government of the said corporation, who are hereby authorized to appoint such officers, hire such servants, and to make such regulations, ordinances and by-laws respecting the same, as they shall, from time to time, deem necessary or convenient.
Poor employed there.	32. That the poor of the county shall be sent to and kept in such poor house, when built or purchased agreeably to law, at the charge and expense of the county; and the said corporation are hereby empowered to procure such articles, materials and things for their employment, and to put them to such work as they or the officers by them appointed shall, from time to time, direct; and the money necessary to be expended for the purposes specified in this and the preceding section shall be granted and raised by the order of the said corporation, in the like manner as money for other county purposes is directed to be granted, assessed, collected and raised by virtue of this act.
Money, how raised.	33. <i>And whereas</i> , it may be convenient and economical for two or more counties to unite in building or purchasing a poor house— <i>be it therefore enacted</i> , that the boards of chosen freeholders of any two or more counties are hereby authorized to join in building or purchasing a poor house in common for the said counties, at such place as they shall agree upon, and which, when built or purchased, shall be under the joint direction, superintendence and government of the said corporations, whose duty it shall be to elect such officers, hire such servants, and make such regulations, ordinances and by-laws respecting the same, as they shall, from time to time, deem necessary or convenient.
Two counties may have one poor-house.	
May manage it jointly.	
Jointly procure materials, etc:	34. That the said corporations, so uniting in building or purchasing the poor house last mentioned, are hereby empowered to procure such articles, materials and things for the employment of the poor that may be sent to and kept therein, and to put them to such work and service as they or the officers by them appointed shall think proper to direct.
Expenses to be apportioned.	35. That the moneys necessary to be expended for building, purchasing or repairing the said poor house, maintaining the poor therein, procuring articles, materials and things for their employment, compensating the said officers and servants, and for other incidental expenses, shall be adjusted and apportioned by the said corporations between their respective counties in equal moieties, or by the rates of tax which each shall be assessed to pay for the support of government, or in such other proportion as the said corporations shall deem just and proper; and the sum so ascertained and agreed upon to be paid by each county, shall be granted and raised by the order of the corporation of such county, in the same manner as money for other county purposes is directed to be granted, assessed, collected and raised by virtue of this act.
Compensation of chosen freeholders. [P. L. 1867, p. 960].	36. That each of the members of the respective boards of chosen freeholders shall have and receive, out of the moneys raised by order of such boards, [two] dollars for each day he shall be necessarily employed in discharging the duties enjoined on him by this act.(1)
"Township," how construed.	37. That the term "township," made use of in this act, shall be understood to comprehend precinct and ward.

(1) Compensation of Freeholders in Camden county, (P. L. 1858, p. 437); in Hudson county, (P. L. 1875, p. 324).

38. That the powers and authorities granted to the several boards of chosen freeholders in the several counties within this state, shall be considered to continue in each and every board, until the organization of the new board at their annual meeting on the second Wednesday of May; the election of new members to the contrary notwithstanding.

Powers and authorities continued until their successors organized.

39. That the lands, tenements and hereditaments which have been granted, conveyed or vested to, or in the board of justices and chosen freeholders of any county, or any person or persons for the use of such county, shall be and remain vested in the board of chosen freeholders of the said county, and shall be, remain and enure to and for the use and benefit of such county, in the same manner and according to such estate, title and interest as the said board of justices and chosen freeholders or other person or persons had therein.

Estate to vest in board.

40. That in case a sufficient number of chosen freeholders of a county, to constitute a board, shall not attend at the time and place of the annual or other legal meeting of the board of chosen freeholders, it shall be lawful for the attending members to adjourn the meeting of the board to such time as they shall think proper.

Less than quorum may adjourn.

41. That the boards of chosen freeholders in the several counties of this state, and their successors in office, shall have full power and authority to sell and convey any lands, tenements, hereditaments, goods and chattels, holden or hereafter to be holden by them for their respective counties, they appropriating the proceeds of such sale or conveyance to the legal use of such county.

Power to sell and convey.

42. That when the board of chosen freeholders of any county shall, at their annual meeting, refuse to go into the measure of building or purchasing a poor-house according to the provisions of this act, in case the said board shall be requested so to do by the chosen freeholders of any township or townships of said county, the said chosen freeholders being authorized by a vote of the town meeting of the township or townships from which they shall be chosen, to make such request, the said refusal shall be entered on the minutes of the said board, whereupon such township or townships, so by their chosen freeholders making such request, may then proceed to build or purchase a poor-house according to the directions of the act entitled "An act for the settlement and relief of the poor," and every such township or townships, after they have built or purchased such poor-house, or have commenced building the same, shall not be liable to pay or contribute in any manner whatsoever, towards building or purchasing any poor-house that may afterwards be directed to be built or purchased by the board of chosen freeholders of such county, nor to the support of the poor of the county, unless by and with the consent of a majority of the inhabitants of said township or townships, manifested by a public vote at an annual town meeting, nor unless the board of chosen freeholders shall pay to such township or townships the full value of all the lands, buildings and improvements which may by them have been built, purchased or otherwise provided for the purposes aforesaid, and in which case it shall be lawful for the overseers of the poor of such township or townships, under their hands and seals, to make a deed or deeds of conveyance, to the boards of chosen freeholders for all such lands, tenements, hereditaments and real estate, so paid for as aforesaid; and further, that the provisions in this section contained, shall extend to and include every township that hath heretofore built or purchased a poor-house, with the lands on which the buildings and improvements shall have been erected.

When township may build poor-house.

And be exempt from assessments for other poor.

So where they have already built.

43. That it shall be the duty of the several boards of chosen freeholders in this state, in each and every year, within sixty days after their annual meeting, to cause to be made out and published in one or more newspapers, circulated in their respective counties, a full and complete account of all their expenditures for the preceding year. (See Sec. 44, 45).

Annual statement published.

Supplement.

Approved April 6, 1865.

P. L. 1865, p. 955.

44. SEC. 1. The account required to be published by the forty-third section of the act to which this is a supplement shall embrace a detailed statement of all the expenditures of said boards for the preceding year,

What annual statement to embrace.

including every description of expenditure by items, the amount claimed and the amount allowed in each instance, for what purpose, by whom ordered, and to whom paid; also, a full statement of all moneys paid on account of matters incident to the war, for bounties to volunteers, substitutes, or drafted men, and to whom paid, including discounts or commissions allowed to any person or corporation for negotiating the sale of bonds, notes, or other obligations issued by said boards.

When clerk to cause statement to be published.

Penalty.

45. SEC. 2. It shall be the duty of the clerk of the board to make out and cause such annual statement to be published in the newspapers printed in the county, within thirty days after the annual meeting of the board, and for every neglect so to do such clerk shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine not exceeding fifty dollars.(1)(2)

Supplement.

Approved March 31, 1875.

P. L. 1875, p. 44.

Special meetings, how convened.

46. SEC. 1. That whenever it shall be necessary to convene a special meeting of any board of chosen freeholders of this state, as is directed by the tenth section of the act to which this is a supplement, it shall and may be lawful for the clerk of said corporation, upon receiving notice in writing as required by said tenth section of said original act, to do so by writing under his hand, directed to the respective members of said board and mailed to the post office nearest to the respective places of abode, which said mailing done by said clerk as aforesaid, shall be at least ten days prior to the day of meeting.

(1) In Camden county annual statement to be published in pamphlet form, (P. L. 1874, p. 174; Hudson county, (1874, p. 244); Middlesex county, (P. L. 1875, p. 308).

(2) Supplement of April 6, 1865, not to apply to Gloucester county, (P. L. 1874, p. 255); Sec. 2 of supplement of 1866, repealed as to Union county, (P. L. 1870, p. 451).

Clams and Oysters.

1. Beds not to be raked at certain times.
2. Penalty for using dredges. Proviso.
3. Justices of the peace to issue warrants, etc.
4. Penalty for offering oysters for sale at certain seasons.
5. Penalty for gathering oysters for lime.
6. Vessels not to carry dredge.
7. Non-residents not to gather oysters, clams, etc.
8. Actions under this act, how commenced.
9. Offenders, how proceeded against.
10. Penalty for resisting officers.
11. Owners of marsh, etc., may plant clams, oysters, etc.
12. Penalty for breaking down fences, etc.
13. Oysters, how taken in Navesink river.
14. Owners of flats between Great and Little Eggharbor rivers may plant oysters.
15. Penalty for taking oysters without permission.
16. Owners of lands along Newark bay, etc., may plant clams, oysters, etc. Proviso.
17. Penalty for taking oysters within certain limits without permission.
18. Setting up stakes may be omitted in certain cases.
19. Time for taking oysters in certain counties.
20. Old shells not to be removed from natural beds.
21. Penalty for selling clams under certain size taken in Atlantic county.
22. Non-residents of State not to gather oysters, etc. Penalty.
23. Additional penalty for violating section 12.
24. Time for taking and vending oysters extended in Cape May county. Proviso.
25. Owners of marsh and meadow land may plant clams and oysters.
26. Penalty for violation of act.
27. Oysters not to be taken out of natural beds in counties of Burlington, Atlantic and Ocean, between May and October, only by daylight.
28. Owners of flats and coves along tidewater in Burlington county may plant oysters.
29. Penalty for taking oysters or clams so planted without permission.
30. Construction of the words "dredge or instruments so called."
31. Penalties for using rake or other instrument in waters of Burlington county.
32. Assessments on vessels engaged in catching, planting and growing oysters in Maurice River Cove and Delaware bay.
33. Special officer, how appointed, duties and salary.
34. Special officer to have power to arrest all persons violating this act.
35. Penalty for refusing to assist officer in performance of his duties.
36. Collector appointed. Duties.
37. Collector to give bonds and record licenses.
38. Captains of vessels shall take oath.
39. Proceeds of sale to be paid to the collector.
40. Persons growing oysters to meet and organize.
41. Repealed.
42. Vessels and boats licensed to be numbered.
43. Certain oyster beds not to be occupied except for the growth of natural oysters.
44. Assessments on vessels catching, planting and growing oysters in Maurice River Cove and Delaware bay.
45. Penalty for catching oysters for planting during certain periods.
46. Time and place of holding annual meeting provided for in section 40.
47. Proceedings in case of application by inhabitants and residents of this state.
48. Clerk of court to give certificate to applicant.
49. Collector to issue license on filing of certificate by applicant.