

## Chancery.

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| 1. Sections 57, 58, 59, 60, 61 and 62 of revised act amended in certain counties.<br>2. Proceedings in case of death of sheriff, &c. | 3. Chancellor may order surplus money paid to executor, &c., of deceased mortgagee.<br>4. Rooms to be provided for vice chancellor.<br>5. Vice chancellor may appoint sergeant-at-arms. |
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[By accident *Sec. 79* of the revised chancery act was printed on page 719 *ante*, as prepared by the revisers, instead of as amended and passed by the legislature; the section should read as follows:]

Fees for searches allowed.

79. That it shall be lawful in any action in the court of chancery, for the foreclosure of any mortgage, for the clerk to tax, as a part of the taxable costs, in favor of any party to said action; the expenses paid or incurred by said party in obtaining certificates of search in any of the courts or public offices of this state, against or in relation to the title of the mortgaged premises; *provided, however*, that the master of said court to whom it shall be referred to ascertain the amount due upon said mortgage, shall, in his report, also certify that, in his opinion, such certificates of search are necessary for the proper foreclosure of said mortgage. (See *Sec. 121*).

**A supplement to an act entitled "An act respecting the court of chancery," approved March twenty-seventh, eighteen hundred and seventy-four.**

P. L. 1876, p. 58.

Approved March 16, 1876.

Number of sections to be amended.

Sections amended in counties in which office of register exists.

1. That sections fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one and sixty-two of the act to which this is a supplement, and which now read as follows: (For said sections, see *CHANCERY*, p. 114 and 115), be and the same are hereby amended so that, in any county in which the office of register of deeds and mortgages now exists, or shall hereafter exist, the provisions of said sections relating to the clerk of the court of common pleas and county clerk, shall hereafter apply to such register and not to such clerk, and the provisions relating to the office of such clerk shall hereafter apply to the office of such register and not to the office of such clerk.

P. L. 1876, p. 84.

## Supplement.

Approved April 6, 1876.

Proceedings in case of death, &c., of sheriff or master.

2. **SEC. 1.** That the seventieth section of the act to which this act is a supplement, which is in the words following, to wit: (See *ante*, p. 116), be and the same is hereby amended so that the same shall read, and be in the words following, to wit: that when any sheriff, or other person, to whom any writ of execution issuing out of the court of chancery hath heretofore been directed and delivered or shall hereafter be directed and delivered, hath died or shall die, or hath or shall become disabled by law to discharge the duties of his office or appointment, or hath removed or shall remove out of the state and continue to reside thereout, without discharging the duties of his office or appointment in relation to the command of said warrant, then, or in either of said cases, it shall and may be lawful for the court, upon presenting a petition setting forth the facts above mentioned, and verified to the satisfaction of the court, and upon due notice being given to any party who has entered an appearance in the suit or in whose behalf the decree was made, to award and order another execution, to be directed to the sheriff of the proper county, or to one of the masters of said court, commanding him to proceed to discharge the exigencies of said writ in the same manner as such officer so dying, becoming disabled, or removing, as aforesaid, was commanded in and by said writ to do, and any proceeding had by such officer to whom such writ shall be directed and delivered, shall be as good, valid and effectual as if the said execution first issued had been originally directed to him; and such sheriff or master shall be entitled to the same fees for services done, and subject to the same suits, penalties, amercements and proceedings for neglect of duty as if the said execution had been originally directed and delivered to such sheriff or master.

**Supplement.**

Approved April 13, 1876.

P. L. 1876, p. 140.

3. SEC. 1. That the surplus money arising from the sale of mortgaged premises, in cases where the mortgagor, or person owning the mortgaged premises, shall be deceased at the time of sale, may, if in the opinion of the chancellor the same shall be expedient or necessary for the proper administration of the estate, be paid to the administrator or administrators, executor or executors, of said deceased, to be administered in the same manner as money arising from the sale of real estate made by administrators or executors; *provided*, said administrator or administrators, executor or executors, shall enter into bond as now required by law, upon their application for the sale of real estate.

Chancellor may order surplus moneys paid to executor, &c., of deceased mortgagor.

**Supplement.**

Approved March 1, 1877.

P. L. 1877, p. 37.

4. SEC. 1. That the clerk in chancery shall provide and furnish, at the expense of the state, a suitable room or rooms in the city of Newark, for the use of the vice-chancellor in the hearing of causes, and that the rent and expense thereof shall be ascertained and certified by the chancellor and paid by the treasurer of the state, and shall not exceed one thousand dollars per annum.

Rooms to be provided for vice-chancellor at Newark.

5. SEC. 2. That the vice-chancellor shall have power to appoint a suitable person to hold office during his pleasure, as sergeant-at-arms, whose duty it shall be to attend the courts or hearings held by the vice-chancellor when required, for which service he shall receive three dollars per day for each day he shall be in actual attendance upon said court, to be paid by the treasurer of the state upon the certificate of the vice-chancellor.

Appointment of sergeant-at-arms and per diem.

**Chosen Freeholders.**

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| 1. When board of freeholders may renew loan by issuing new bonds. | 5. Bonds may be issued for enlarging, &c., public buildings and bridges. |
| 2. Debt and interest to be paid by tax.                           | 6. Payment of such bonds to be provided by taxation.                     |
| 3. Ruling of director at large may be appealed from.              | 7. Counties to which act shall not apply.                                |
| 4. Resolution may be passed over veto.                            |  |

**An act authorizing the boards of chosen freeholders of the several counties of this state to renew bonds.**

Approved April 5, 1876.

P. L. 1876, p. 80.

1. That whenever any bonds heretofore issued for any loan made under the authority of law, by the board of chosen freeholders of any county of this state, shall hereafter become due, and no provision shall be made for the payment of the same, such board may renew the said loan or loans, by the issuing of the bonds of such corporation for the said loan, or any part thereof, which bonds shall be made payable at such time or times, not over thirty years from the date of issuing the same, but so issued that at least three and one-third per centum thereof shall become due and payable every year, and shall draw such rate of interest, not exceeding seven per centum per annum, and shall be issued in such sums as such board shall determine; and said bonds shall be executed by attaching the seal of such corporation, and be signed by the director of the board, and the clerk thereof, and countersigned by the collector of said county, and shall, except as hereinafter provided, have coupons attached for every half year's interest until due, which coupons shall be numbered to correspond with said bond, and signed by said collector; and where the said board judge best, said bonds, or any of them, may be registered, and made payable to the order of the purchaser, and shall thus be registered as provided by said board, and issued without coupons, and be transferable only in person, or by power of attorney, on the books to be provided by said board for that purpose, and all bonds issued under this act shall be numbered, and a register of the number, denomination, date of issuing,

When boards of chosen freeholders may renew loan or loans by issuing bonds, &c.