

to the sum of two dollars per ton per annum on all boats over five tons by custom house measurement, or to decrease the same to fifty cents per ton, and to decrease the tax on all boats under five tons custom house measurement to two dollars and fifty cents per annum, the vote to be by ballot; *provided, however*, that at the said annual meeting power shall be had to fix any sum between the figures specified in the above rates of tonnage as in the judgment of the meeting is deemed best.

Clerks.

An act concerning clerks of counties in this state.

P. L. 1876, p. 289.

Approved April 21, 1876.

County clerk empowered to appoint a deputy clerk.

Deputy clerk to take and subscribe oath.

Proviso.

1. That it shall be lawful for each of the clerks of the different counties of this state to appoint under his hand and seal an assistant in his office, to be known and denominated as his "deputy clerk," who shall hold office during the pleasure of the clerk, but no longer than the term for which said clerk shall be elected; such deputy clerk, before he enters upon the duties of such office, shall take and subscribe, before one of the judges of the court of common pleas, an oath of like form and character as that required to be taken by the said clerks; which appointment, with the certificate of the oath or affirmation endorsed thereupon, and attested by the said judge, shall be filed and always thereafter kept in the office of said clerk so making the appointment; and the "deputy clerk," as aforesaid, shall, during the absence or inability of the clerk, have the same powers and perform all the duties which are now or shall be imposed or conferred by law upon the different clerks of the counties respectively; *provided*, that no additional compensation shall be paid such deputy by the county.

Condemnation of Lands.

1. In all cases when owner of land taken may appeal to common pleas, such appeal hereafter to be made to circuit court.

2. When land so taken is encumbered, chancellor may order money accrued paid into court of chancery.

An act respecting the awards of commissioners in cases of land and real estate taken or condemned by law, and appeals therefrom.

P. L. 1877, p. 137.

Approved March 9, 1877.

In all cases when owners of land taken have appeal to common pleas, such appeal hereafter to be to circuit court.

1. That in all cases, when it is provided by any act of incorporation or law of this state, that any owner of real estate, land or materials taken in pursuance of such act or law, may appeal from the decision or judgment of commissioners appointed under such act or law to the court of common pleas in the county where the lands lie, such appeal hereafter may be taken by either party and shall be made to the circuit court of such county, reserving to either party the right of trial by jury in such court; and the decision of the said circuit court in the premises shall be binding and conclusive in the same manner as prescribed in the acts or laws aforesaid in cases of the decisions of the court of common pleas.

When lands so taken are encumbered, chancellor may order money awarded paid into court.

2. That whenever it shall appear to the chancellor that the lands taken pursuant to any law or act aforesaid are encumbered by any mortgage, judgment or other lien of any kind, the money awarded to the owner or owners of said lands may, by the order of the chancellor, be paid into the court of chancery, and shall there be distributed according to law, and written notice given to such owner or owners that such money has been so paid into court, shall have the same effect as if the money so awarded had been actually tendered to the owner or owners aforesaid.