

**II. 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.

Hopewell  
deemed part 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.**

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| 1. To be one surrogate in each county. Power and authority of. | 6. When ordinary to appoint deputy surrogate.         |
| 2. Bond to be given. Oath.                                     | 7. Deputy to take oath and give bond.                 |
| 3. Books, &c., to be delivered to successor.                   | 8. Office of surrogate vacant for failure to qualify. |
| 4. Where books, &c., kept.                                     | 9. Surrogate may appoint deputy. Powers of, &c.       |
| 5. Penalty for neglect.  | 10. Compensation of deputy to be paid by surrogate.   |

**An act respecting surrogates.**

Rev. 525, 785.  
Har. 32.  
R. S. 827.  
Approved April 15, 1846.

**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.

Power limited.

**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:

Bond to be given.

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.

Oath.

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:

Filed.

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.

Form of bond.

**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

Books, &c., delivered to successor

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.

Penalty.

Where books,  
&c., kept.

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.

Penalty for  
neglect.

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.

#### Supplement.

Approved February 22, 1870.

P. L. 1870, p. 15.

Ordinary to  
appoint deputy  
surrogate in case  
of inability.

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 re-appoint in his stead.

Proviso.

Deputy surrogate  
to take oath and  
give bond.

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.

Office of surrogate  
vacant for  
failure to qualify.

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 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, Secs. 134 to 145. See, also, ASSIGNMENTS and EXECUTORS AND ADMINISTRATORS.]

Supplement.

Approved March 31, 1882. P. L. 1882, p. 234.

9. SEC. 1. That the surrogate of any county in this state may, in his discretion, from time to time, select and appoint some competent person as deputy surrogate, who shall hold his office during the pleasure of the surrogate of such county for the time being, and who shall, in the absence of the surrogate, have full power to perform all the duties of the office of surrogate, including the taking of oaths and affirmations, in as full a manner as the surrogate could perform such duties ; that before entering upon the duties of his appointment such deputy surrogate shall take and subscribe the following oath before one of the judges of the court of common pleas of said county :

Surrogates empowered to appoint deputy.

Powers of.

"I, \_\_\_\_\_, being appointed deputy surrogate by the surrogate of the county of \_\_\_\_\_, do solemnly swear (or affirm, as the case may be), that I will truly, faithfully and impartially execute the office of deputy surrogate of said county agreeably to law, according to the best of my skill and understanding, so help me God ;"

Form of oath to be taken.

Which oath or affirmation shall, by the judge before whom the same is taken, be delivered or safely transmitted to the secretary of state to be filed among the public papers of his office ; and such deputy surrogate may, if the surrogate appointing so demand, enter into a bond to such surrogate in such sum and with such sureties as such surrogate shall request, conditioned that such deputy surrogate shall well, truly, faithfully and impartially execute, perform and discharge the duties of his office, and that he will pay over and account for all moneys that shall come to his hands.

To be filed.

Deputy to enter into bond.

10. SEC. 2. That any deputy surrogate appointed under this act shall only be entitled to receive such compensation as may from time to time be agreed upon between him and the surrogate appointing him, and that nothing in this act contained shall be considered or construed as entitling such deputy surrogate to any fees or to any other compensation than that paid him by such surrogate under the agreement between them.

Compensation of deputy to be paid by surrogate.

Surveys.

I. SURVEYS OF LAND, &c.

1. Records, &c., of surveyor-general of western division, where to be kept.
2. President of council of proprietors may administer oath.
3. Deputy surveyors authorized to take depositions, &c.
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.

17. Board of managers, how constituted.
18. Appropriation.
19. Executed.
20. Board to be a committee of publication with authority to print reports.
21. Executed.
22. Appointment of state geologist.
23. Number of members of board increased.
24. Former supplement repealed.
25. Managers may appoint expert assistants for investigation of forests. Statement, what to contain.
26. Expenses shall be audited and paid.
27. Annual appropriation continued for five years.

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. Executed.
14. Amended by section 20.
15. Appointment of managers.
16. Limitation as to time of completing survey repealed.

III. ENTRY ON LANDS FOR PURPOSE OF SURVEYING.

28. Surveyors, &c., authorized to enter on lands to make surveys, &c.
29. In cases of actions in reference to titles, surveyors, &c., authorized to enter on lands to run doubtful or disputed lines and to locate monuments, &c.