

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.
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27. Annual appropriation continued for five years.

II. GEOLOGICAL SURVEY.

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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.

## I. Surveys of land, &amp;c.

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.

Har. 109.

R. S. 788.

Passed December 6, 1825.

[Secs. 1 and 2 executed and building erected.]

Records, &c., of  
surveyor-general  
of western  
division, where  
kept.

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.

Penalty.

[Secs. 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.

Har. 266.

R. S. 787.

Passed January 13, 1830.

President of  
council of pro-  
prieters may  
administer oaths.

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.

Deputy surveyors  
authorized to take  
depositions, &c.

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, willfully 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 willful and corrupt perjury, then such person so offending shall be deemed and adjudged to be guilty of willful 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.

False oath,  
perjury.

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.

R. S. 670.

Passed February 27, 1833.

Seals to be pro-  
vided for sur-  
veyors-general.

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,

Where deposited.

shall be deposited with him, and they shall be handed down to their respective successors in office.

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. That 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 surveys ; *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 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,

Preamble.

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.

Survey of state to be resumed.

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.

Appropriation.

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

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 this 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, *post.*]

Proviso.

**13. SEC. 6.** [Executed.]

**14. SEC. 7.** [Amended by Sec. 20, *post.*]

Managers.

**15. 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. Roebeling, 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, *post.*]

## Supplement.

Approved March 24, 1868.

P. L. 1868, p. 455.

Limitation as to time for completing survey repealed.

**16. 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.

## Supplement.

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

17. 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. [See Sec. 23, *post.*]

Board of managers, how constituted.

## Supplement.

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

18. 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.

## Supplement.

Approved May 2, 1885. P. L. 1885, p. 323.

19. SEC. 1. [Executed.]

## Supplement.

Approved March 7, 1888. P. L. 1888, p. 153.

20. SEC. 1. That section seven of said act [see Sec. 14, *ante*] be amended so as to read as follows:

[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; and should the general demand for its publications require, the said board is hereby authorized to furnish said publications at the cost of paper, printing and distribution, or to authorize agents duly appointed, to make sales on like terms; and any money which may be received from making sales shall be paid into the treasury of the state.]

Board to be a committee of publication, with authority to print reports, &amp;c.

## Supplement.

Approved May 12, 1890. P. L. 1890, p. 322.

21. SEC. 1. [Executed.]

22. SEC. 2. That whereas, the office of state geologist, formerly held by George H. Cook under this act, is now vacant, said office shall henceforth, from time to time, be filled by the appointment thereto of a competent person by the board of managers of the geological survey, who shall hold office during the pleasure of the board, such appointment to be subject to the approval of the governor; and the person so appointed state geologist, and his assistants, shall have the same authority and perform the same duties as if he had been named and appointed in this act, subject at all times to the direction of the board.

Appointment of state geologist.

## Supplement.

Approved April 24, 1894. P. L. 1894, p. 124.

23. SEC. 1. That the board of managers created by section four of said act are hereby authorized to increase the number of their members so that there shall be two members representing each congressional district as at present constituted, or as they may be hereafter established, besides the governor of the state who shall be president of the board; *provided*, that all members of the board now in office shall remain in office the same as if appointed under the present act, and shall represent the districts from which they were respectively appointed, and the board thus constituted shall have and exercise all the powers heretofore conferred by law upon the board of managers.

Number of members of board increased.

Proviso.

Former supplement repealed.

**24. SEC. 2.** That the further supplement to said act which was approved March twenty-third, one thousand eight hundred and ninety-two, and which is known as chapter one hundred and eighteen of the laws of the year one thousand eight hundred and ninety-two, be and the same is hereby repealed, and that this act shall take effect immediately.

Supplement.

Approved May 1, 1894.

P. L. 1894, p. 178.

Managers may appoint expert assistants for investigation of forests.

What statement shall include.

**25. SEC. 1.** That the state geologist, under the direction of the board of managers of the geological survey, and with the assistance of a competent botanist to be selected by said board for his expert knowledge of forestry and of the forest trees of this state, and such other expert assistance as may be required for the purpose, shall make an investigation to ascertain the extent, character and location of the wild lands in this state which are suited for permanent occupation by forests rather than by agriculture, and shall report the results of such investigation to the legislature, together with a statement of what part or parts of such lands would be suitable for a state forest reserve, and the advantages as regards the timber-supply, water-supply, scenery and climate of the state, which would accrue from the conservation of existing forests by the establishment of such reserve or otherwise; the investigation so to be made shall determine the extent to which forests of timber of commercial value now exist in the state, and include a study of the localities or areas which are specially adapted to the growth of designated kinds of timber of commercial value; it shall also include an examination as to the presence or absence of forest cover upon the slopes and summits of the more important water-sheds of the state, and a study of the effect of such conditions as now exist upon the maintenance of the streams therein and the regulation of the freshet-flow thereof; the report to the legislature shall state the arguments touching the beneficial effect upon climate and rainfall attributable to the presence of forest, and shall likewise present an outline of the policy and legislation of other states and countries for the preservation of forests and their regulation for public ends, so far as the same may be applicable to this state.

Expenses shall be audited and paid.

**26. SEC. 2.** That the expense of making such investigation and report, shall, when duly audited by the board of managers and approved by the governor and comptroller, be paid out of any funds in the treasury not otherwise appropriated, and shall be limited to five thousand dollars.

Supplement.

Approved March 22, 1895.

P. L. 1895, p. 606.

Annual appropriation continued for five years.

**27. SEC. 1.** That the annual appropriation of eight thousand dollars per annum for the completion of the geological survey of this state, made in the supplement to this act, which was approved May twelfth, one thousand eight hundred and ninety, be further continued for five years.

**III. Entry on lands for purpose of surveying.**

An act to enable surveyors and their assistants to enter upon lands for the purpose of surveying in certain cases.

P. L. 1887, p. 212.

Surveyors, &c., authorized to enter on lands to make surveys, &c.

Approved April 21, 1887.

**28. SEC. 1.** That in any proceeding to lay out, alter, vacate or open a public road or street, or to determine which of the proprietors or possessors of the lands adjacent to any highway have narrowed or encroached on the same, and in any proceeding under the act entitled "An act to enable the owners of swamp or meadow ground to drain the same," approved November twenty-fourth, one thousand seven hundred and ninety-two, and the several supplements thereto, and in any other proceedings touching a public improvement, it shall be lawful for any practical surveyor or surveyors,

with the necessary assistants, employed by any person or persons interested in such proceedings, to enter on the lands adjacent to such highways or street, or the lands to be drained under the provisions of said act, or other lands for the purpose of making the necessary survey, doing as little damage as possible to the owner or owners of said lands.

29. SEC. 2. That in all cases where an action has been commenced in any court of this state, wherein the title to lands, tenements, hereditaments or other real estate may come in question, the practical surveyor or surveyors, with the necessary assistants, employed by any of the parties to said action shall, and they are hereby authorized to, enter upon such lands or real estate, or other lands, for the purpose of running doubtful or disputed lines and locating or searching for monuments, and ascertaining and deciding the location of the lines and monuments of any survey, doing as little damage as possible to the owner or owners of said land; *provided*, that an order of the court before which action or suit shall be pending be first made directing such entry and survey.

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

Proviso.

## Taxes and Assessments.

### I. TAX ACT OF APRIL 14TH, 1846, WITH SUPPLEMENTS.

1. Lists of taxable property to be made out.
2. Penalty for refusing to account, &c.
3. Amended by section 175.
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. Amended by sections 196 and 206.
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. Amended by section 153.
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, &c.
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. Repealed by section 92.
46. On refusal to pay, how collected.
47. Commissioners of appeal to meet.
48. Assessor to attend.
49. Commissioners to decide.
50. To give a transcript to appellant.
51. May subpoena witnesses.
52. Amended by section 136.
53. Who to pay costs.
54. Penalty on commissioners for neglect of duty.
55. Construction of terms in act.
56. Collector to assess persons omitted.
57. Commissioners of appeals to hear complaints of omitted or insufficient assessments.
58. Assessment of life insurance companies.
59. Repealer.
60. Bounty poll tax not to be assessed against honorably-discharged soldiers.
61. Poll tax to be assessed.
62. Valuation and rate of taxation.
63. Term "real estate," what to include.
64. Personal estate, what to include.
65. Amended by section 200.
66. Where taxes to be assessed.
67. Property held in a representative capacity, where assessed.
68. Duty of assessor in making assessment.
69. Secretary of state to prepare schedule of taxable property.
70. Duplicate, how to be made out.
71. Person assessed as trustee, &c., to be assessed as such.
72. Annual meeting of board of assessors.
73. Amended by section 140.
74. Penalty for neglect of duty on part of assessor.
75. Private corporations, how assessed. Exceptions.
76. Repealed by section 101.
77. Duties of officers of corporations.
78. Form of oath to be administered by assessor, &c.
79. Foreign corporations, how assessed.
80. Deductions for debts, when to be made.
81. Duty of collector.
82. Commissioners of appeals to issue subpoenas.
83. Real estate of corporations assessed and deducted from capital stock.
84. Dog tax.
85. First payment to be made to county collector.
86. Penalty for embezzlement or loaning tax moneys.
87. Interest to be paid by delinquents.
88. Notice of assessment to be printed or in writing.
89. Amended by section 117.
90. Compensation of assessors and collectors.
91. Penalty for false swearing.
92. Repealer.
93. Revision of assessment by town committee or council.
94. Assessment, when to be completed.
95. Assessors to attend meeting of town committee.
96. Committee may adjourn from time to time.
97. Any member may issue subpoenas.
98. Act not to affect incorporated towns.
99. *Alias* tax warrant, when and to whom to issue.
100. Proceedings in case of neglect to return tax warrant.
101. Bank stock, where and how assessed.