

**An act respecting conveyances of lands made, and to be made
by wills.**

P. L. 1873, p. 129.

Approved April 3, 1873.

When probate to
be conclusive
evidence of
formal execution
of will.

36. SEC. 1. That the probate of the will of any person, resident in this state at the time of his or her decease, which has been or may hereafter be duly admitted to probate in this state, as to any real estate devised by said will, shall be conclusive evidence of the formal execution of said will (so far as the same appears by said probate), in any suit, action or proceeding not commenced within seven years from the time of such probate; *provided always*, that the time during which any person claiming as or under the heir of said testator, shall be under the age of twenty-one years, shall not be taken or computed as part of said period of seven years; *and provided further*, that nothing herein contained shall affect any suit, action or proceeding heretofore commenced and now pending.

Proviso.

**An act relative to the effect of jury trials in proceedings touching
the probate of wills.**

P. L. 1892, p. 28.

Approved February 24, 1892.

Reasons for
setting aside
verdict of a
jury touching
probate of a will.

37. SEC. 1. That the verdict of a jury in any proceeding touching the probate of a will, heretofore or hereafter rendered, shall be conclusive and final upon any issue of fact found by such jury, subject to be set aside only for such reasons as would justify the setting aside of verdicts in ordinary proceedings at common law: (a)

Repealer.

38. SEC. 2. That all acts or parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

(a) Notwithstanding the provisions of this act, the prerogative court will pass *de novo* upon the question whether the will shall be admitted to probate, and in so doing will review the entire

evidence adduced in the court below, and take additional proofs if in its discretion it shall appear proper to do so. *Standerson v. Standerson*, 7 Dick. 243.

Wrecks.

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| <ol style="list-style-type: none"> 1. Commissioners appointed. 2. Districts assigned. 3. Duty of commissioners. 4. Appeal, proceedings in case of. 5. Commissioners, when not to sell. 6. To make inventory. 7. Protection of ship and cargo. 8. Commissioners to take possession. When authorized to sell. 9. Stranded goods. Duty of finder of. 10. Punishment for stealing. 11. Commissioner punished for abuse. 12. Oath and compensation. | <ol style="list-style-type: none"> 13. False lights punished. 14. Adjusting compensation. 15. Duty of arbitrators. 16. Illegal compensation forbidden. 17. Penalty for taking any other. 18. Commissioner not to purchase. 19. Appropriation of moneys. 20. Appointment of commissioners of wrecks. 21. Bond. Annual report. 22. Compensation. 23. Repealer. |
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Rev. 716.

An act concerning wrecks.

Approved April 10, 1846.

R. S. 622.

Commissioners to
be appointed,
and give bond.

1. That it shall and may be lawful for the courts of common pleas, in the several counties of this state, bordering on the sea, bays and sounds, and they are hereby required, each and every year hereafter, and oftener if necessary, to appoint one or more discreet and fit person or persons, not a judge of the court so making the said appointment, commissioner or commissioners of wrecks, in their respective counties, who shall hold such appointment not less than one year, nor more than five years, at the discretion of said courts, and shall severally enter into bond to the state of New Jersey, with two or more good and sufficient sureties, to be approved of by said court, in any sum not less than five thousand dollars, nor more than twenty thousand dollars, for the faithful discharge of the duties of their said office, which bond shall be deposited in the office of the secretary of this state; and it shall be the duty of the clerks of said courts,

respectively, to make out a certificate, under the seal of said court, for each of the persons so appointed, of his appointment, and deliver the same to him; *provided*, that when any commissioner is appointed as aforesaid, for more than one year, and not exceeding five years, it shall not be necessary to renew his appointment or bond, until the time therein expressed shall have expired. [See Sec. 20, *post.*]

Proviso.

2. That the said courts of common pleas shall have authority, from time to time, to lay off and alter, at the discretion of the said courts, two or more districts on the sea, bays, sounds and rivers, adjoining their respective counties, and in such cases to appoint a commissioner in each and every district, who shall have the sole authority of commissioner of wrecks, in the district to which he shall be appointed, and give bond to the state as aforesaid.

Districts to be assigned.

3. That it shall be the duty of the commissioners appointed as aforesaid, on application to them made, by or in behalf of any owner, supercargo, master, or other person, having charge of any ship, or other vessel, or cargo, being stranded, or in danger of being stranded, or in distress, on or near the shores of their respective counties or districts, to call to his assistance and employ, as many men as shall be agreed on between the said commissioner and the said owner, supercargo, master or other person having charge of said vessel or cargo, to be useful and necessary, to assist in preserving the said vessel or cargo; which men so employed shall be under the direction of the master, owner, supercargo, consignee, insurer or agent, having the lawful care of said vessel and cargo, and the said commissioner, and all others, who shall at the request, or with the approbation of the master, owner, supercargo, consignee, insurer or agent, having the lawful care and charge of any vessel, stranded or in distress, assist in preserving such vessel or cargo, shall be paid a reasonable compensation for their labor and trouble in and about the same; and in default thereof, the ship, vessel and goods shall remain in custody of the commissioner until all reasonable charges shall be paid, or security given for that purpose, to the satisfaction of the parties; and in case the parties shall disagree touching the amount of the compensation to be paid to the commissioner, or other persons employed in saving such vessel or cargo, it shall be lawful for the master, owner, supercargo, or other person having the lawful care and charge of such vessel or cargo, to choose one indifferent person, being a freeholder, and also for the commissioner to choose one other indifferent person, being a freeholder, who shall adjust and ascertain the same, and in case they cannot agree, the two freeholders so chosen, shall appoint one other indifferent person, being a freeholder, to assist them in said adjustment; and the decision of any two of them shall be binding on all parties, unless the said commissioner, or the said master, owner, supercargo, or other person, having the lawful care or charge of, or interest in said vessel or cargo, shall, in fifteen days, appeal to the court of common pleas of the county where such vessel or cargo shall be saved, which court shall, at the next term, in a summary way, hear and determine said appeal, and render judgment accordingly.

Duty of commissioners.

Compensation.

Mode of adjusting the same.

Appeal.

4. That in case of an appeal, as provided by the next preceding section of this act, it shall be lawful for the master, owner, or supercargo, or other person or persons, legally entitled to the care and charge of the said vessel or cargo, to pay to the commissioner the sum awarded by said freeholders, whereupon the said commissioner shall restore the vessel or cargo to the said master, owner, supercargo, or other person having the lawful care or charge of the said vessel or cargo, but this payment shall not prejudice the right or interest of the owner of the vessel or cargo on said appeal; and *further*, in case the sum for such compensation shall be lessened by the judgment of the said court of common pleas the commissioners shall restore to the owner, or person or persons having the legal interest in said vessel or cargo, the difference between the award of the said freeholders and the judgment of the common pleas; and in case the judgment of the common pleas shall increase the said compensation, then the owners of the vessel or cargo shall be answerable for such increase, and judgment shall be

Proceedings in case of appeal.

rendered by the said court of common pleas against him, her or them for the same, and execution accordingly.

When commis-
sioners not to sell
ship or cargo.

5. That the commissioners aforesaid shall not take upon themselves any power or authority to sell, or any way dispose of the ship, vessel or cargo, or any part thereof, where there is any owner, supercargo, consignee, insurer, agent or master present, but in all things to aid and assist him or them as he or they may direct; and for such services, such commissioner or commissioners shall receive a reasonable compensation.

Commissioners
to make inven-
tory.

6. That every commissioner who shall aid and assist in saving any goods, or other property, shall, before the goods or other property is removed, make a true and perfect inventory of all the goods or other property that may be removed under his direction, which inventory shall describe the marks and numbers upon the respective packages or casks, the kind of goods or liquors that they contain, when that can be ascertained without unnecessarily breaking the packages, or injury to the goods, and the quantity as near as practicable, and shall sign his name thereto, which inventory he shall carefully transcribe into a book by him to be kept for that purpose; which book shall be subject to be inspected by the owner, supercargo, consignee, insurer or master, or other person or persons interested in said goods or property, and also be laid before the court of common pleas, by whom said commissioners shall be appointed, at the expiration of the said commission, and at such other time or times as the said court shall order or direct, for the inspection of said court.

Subject to
inspection.

Punishment for
entering or inter-
fering with vessel
unlawfully.

7. That if any person, other than those employed by a commissioner, shall enter, or endeavor to enter, on board of any ship or other vessel, stranded or in distress on or near the seashores of this state, or the bays or inlets thereof, without the leave of the master, owner, or other person having the care or charge of said vessel, or a lawful right thereto, or if any person shall molest the master, owner, or other person having the lawful care and custody of such vessel, in saving the same, or the cargo, or any part thereof, or shall willfully deface the marks of goods, being part of the cargo of such vessel, before they shall be inventoried by the commissioner as aforesaid, or some other person concerned in the care and preservation of such goods, such person shall forfeit and pay for every such offense the sum of one hundred dollars, to be recovered with costs, by action of debt, in any court having cognizance thereof, in the name of, and to the use and benefit of the owner of the ship, vessel, or goods, as the case may be; and in case of failure to pay such forfeiture immediately, or to give security to the satisfaction of the court before whom the conviction shall be had, to pay the same in twenty days, the said court shall immediately sentence the person so convicted, to imprisonment in the county jail, for any time not exceeding six calendar months; and further, in case any goods shall be found upon or in possession of any person, that shall have been stolen, or unlawfully carried off from any ship or other vessel in distress, or stranded as aforesaid, the person upon whom, or in whose possession such goods shall be found, shall on demand, deliver the same to the owner, supercargo, master, or commissioner, or to such other person as shall be authorized by the owner, supercargo, master, or commissioner, to receive the same, and shall be also liable to pay to the owner double the value of the said goods so found upon him or her, or in his or her possession, with costs, to be sued for and recovered in any court having cognizance thereof.

When commis-
sioner to take
possession of
vessel and cargo.

8. That should any vessel or other property, be cast on shore within the limits of any of the counties of this state, bordering on the sea, bays, sounds, rivers, creeks, or inlets, and no person present to claim the same as owner, supercargo, consignee, insurer, agent or master, the commissioner of this district, and in case of his death or absence, a commissioner of any district of said county, shall take possession thereof, and cause an inventory to be made, and recorded in manner prescribed by the sixth section of this act, after which it shall be the duty of said commissioner or commissioners to cause a true description of said goods, with the marks, numbers, and kinds, as far as can be ascertained, and a description of the

His duty.

vessel in which said goods shall be found, as fully as can be conveniently done, to be advertised in one or more of the public newspapers of this state, for the space of four weeks; and in case the value of said goods shall exceed the sum of five hundred dollars, then to advertise the same in one of the public newspapers in each of the cities of New York and Philadelphia, for the same length of time; and in case no person shall claim the same within one year from the time the same shall have been advertised, as aforesaid, the said commissioner or commissioners shall advertise the same for sale in two or more public places in the county where the said goods were stranded or found, not less than ten nor more than twenty days, and proceed to sell the same at public vendue or outcry, for the best price that can be obtained for the same, and after deducting all reasonable charges and expenses, to be ascertained and allowed by one of the judges of the court of common pleas of said county, and the compensation for his own labor and trouble, as hereinafter provided, the residue of the money arising on such sales, together with an account of sales, be transmitted by the commissioner or commissioners, to the treasurer of this state; and the said treasurer shall file the account of sales in his office, and keep an account of the money so received, for the benefit of the owner, in case he shall claim the same, which may be done by proving his property to the satisfaction of the commissioner or commissioners, who shall have sold the same, together with two of the justices of the peace of the county, who are hereby authorized to investigate the case, and to hear proof thereof; and in case they shall be satisfied in whom the property is, they shall certify the same under their hands and seals, to the treasurer of the state, who shall file the same in his office, and pay the money to whom it shall be so certified to be due, deducting therefrom one per centum for his trouble; and in case no person shall claim the same within two years from the date of the advertisement of the said goods, the same shall be for the use of the state; but in case the goods shall be perishable, they may be sold at any time, after being advertised in two or more public places in the county, not less than five days.

Stranded goods
advertised and
sold.

Charges deducted
and balance paid.

9. That when any person or persons shall find any stranded goods or other property, on or near the sea or bay, shores, or in any inlet, river, creek, or sound in this state, above the value of twenty dollars, and no owner appearing to claim the same, he, she, or they shall forthwith give information thereof to the nearest commissioner of the county; or in case the county shall be divided into districts, then to the commissioner of the district in which such goods or property shall be found, for which he, she, or they shall be allowed all reasonable charges or expenses, to be ascertained by said commissioners, and paid out of the product of the sales of such goods or other property; *and further*, should any person, finding stranded goods or other property, conceal the same, or convert them to his or her own use, or fail, within four days, to give information to the commissioner as before directed, he or she shall pay to the said commissioner, double the value of such goods or other property, to be recovered, with costs, by the said commissioner, in an action of debt, in his own name, in any court having cognizance thereof, for the use of the state, out of which said commissioner is hereby directed to pay to the owner of such stranded goods or other property, all the damage the said owner shall sustain by reason of such concealment, conversion, or failing to give information, in case the said owner appear and prove his property in one year from the time such judgment of recovery shall be rendered.

Duty of the finder
of stranded goods.

Punishment for
concealing.

10. That if any person shall steal or embezzle any stranded goods or other property, or conceal the same, knowing them to have been stolen or embezzled, such person shall forfeit and pay to the owner or commissioner, whichever shall first sue for the same, double the value of the goods or other property so stolen or embezzled, or found in his or her possession, he or she knowing the same to have been stolen or embezzled, to be recovered in any court having cognizance thereof; and the person so stealing, embezzling, or concealing the same, knowing the same to have been stolen or embezzled, shall moreover be liable to be prosecuted, convicted and pun-

Punishment for
stealing or
embezzling.

ished, on the part of this state, as in other cases of theft, or receiving stolen goods, knowing them to have been stolen.

Commissioner
punished for
abuse of trust.

11. That in case any commissioner, appointed as aforesaid, either by fraud, connivance or willful neglect, shall abuse the trust reposed in him by this act, he shall, on conviction thereof, forfeit and pay double damages to the party aggrieved by such fraud, connivance or willful neglect, to be recovered with costs, by action on the case, in any court having cognizance thereof, and shall thereafter be rendered incapable of acting or being again appointed a commissioner under this act; *and further*, in case any person, as aforesaid, shall refuse or neglect to give the assistance required by this act for the saving any vessel or cargo, he shall forfeit and pay the sum of five dollars, to be recovered, with costs, by any commissioner of the county, or in case the county where the offense shall be committed shall be divided into districts, then by the commissioner of the district in which the offense shall be committed, in an action of debt, before any justice of the peace of the county where such offense shall be committed, to and for the use of the state.

Fine for refusing
to assist.

12. That every commissioner appointed under this act, shall, before he enters on the duties of his office, take and subscribe the following oath or affirmation.

Commissioner's
oath.

I, A. B., do solemnly swear (or affirm) that I will truly and faithfully perform and discharge the duties of a commissioner of wrecks for the district in which I am appointed, in the county of ———, agreeably to law, to the best of my skill and abilities. So help me God.

Compensation
when no owner
appears.

And further, in case of stranded or wrecked property coming into the bounds of any commissioner, where no owner shall appear to claim the same, the said commissioner shall receive a reasonable compensation for his trouble, to be ascertained and allowed by the court of common pleas by whom the said commissioner hath been or shall be appointed, which compensation, so ascertained and allowed, shall be retained by the said commissioner out of the product of the sale of said goods, before the same shall be paid to the treasurer, as aforesaid.

Putting up false
lights punished.

13. That if any person shall put up false lights, in order to bring any vessel into danger, or willfully do any act or thing tending to the immediate loss of such vessel, whereby such vessel shall be lost or destroyed, then every person so offending, shall be deemed guilty of a misdemeanor, and on conviction thereof by due course of law, be punished by fine not exceeding one thousand dollars, or by imprisonment in solitary confinement not exceeding three years, or both, at the discretion of the court before whom such conviction shall be had.

Who not eligible
to adjust com-
pensation.

14. That no person who shall be related within the third degree, according to the rules of the common law, to any person or persons claiming compensation for saving or assisting to save any vessel or cargo, or any part thereof, as before provided by this act, or any person having himself received compensation for saving any vessel or cargo, within three years next preceding, shall be considered as indifferent between the parties, or eligible to adjust and ascertain the compensation for saving or assisting to save any vessel or cargo, as hereinbefore provided.

Arbitrators to
award money.

15. That from and after the passing of this act, when any person or persons shall assist in preserving a vessel, or cargo of any vessel, wrecked or in distress, and arbitrators shall be chosen to adjust and ascertain the amount of compensation for such services, it shall be the duty of said arbitrators to award the amount to be paid said salvors in money, and not to award any part of said cargo or vessel.

Commissioner
restricted to his
legal compensa-
tion.

16. That it shall not be lawful for any commissioner, appointed under this act, to engage directly or indirectly in the saving of any vessel or cargo as aforesaid, for his own private benefit and interest; but that he shall pay over to the salvors, the whole amount allowed or awarded to them in money as aforesaid; and that said commissioner shall receive no other compensation, interest, or reward for his services, than such as is provided for in this act.

17. That if any commissioner shall be convicted of exacting any agreement or reward for his own personal benefit or interest, he shall be removed from, and thereafter be rendered incapable of holding said office. Penalty for taking any other.

18. That no commissioner of wrecks in this state, shall be engaged directly or indirectly, in the purchase of any stranded or wrecked vessel or goods; and all goods so sold, shall be openly exposed to public view, in such parcels as shall be deemed most likely to cause the articles thus sold to bring the best price. Commissioner not to purchase.

19. That all moneys now in the treasury of this state, or which shall hereafter come into said treasury, arising from the proceeds of wrecked or stranded goods, or other property, shall, on the expiration of the time allowed by this act, to the owner to claim the same, and the same being unclaimed, be as soon as can conveniently be done, paid over to the trustees of the school fund, to be by them invested in some stock, in the same manner as other moneys are invested by them; and the interest, arising on the moneys so invested, shall enure and be received by the treasurer, for the benefit of the fund for the support of free schools, and be credited and accounted for accordingly. When moneys paid to school fund.

Supplement.

Approved March 14, 1856.

P. L. 1856, p. 253.

20. SEC. 1. That from and after the passage of this act, the appointment of the several commissioners of wrecks of this state shall be made by the judges of the court of common pleas of the respective counties in which the districts are now located, or a majority of such judges are hereby authorized to make appointments of commissioners of wrecks in and for the respective districts within their respective counties; *provided always*, that no such appointment shall be valid without the approval of the presiding judge of the court in which such appointment is to be made, and said commissioners shall continue in office five years. Appointment of commissioners of wrecks.

21. SEC. 2. That before any commissioner of wrecks shall enter upon, or in any wise attempt to discharge the duties of his office, he shall enter into bond with sureties, to be approved by the court in which he is appointed, in the sum of not less than five thousand, nor more than twenty thousand dollars, at the discretion of the court, and each of the said commissioners shall make a report in writing annually, and file the same with the secretary of state, containing a full statement of the number of lives lost, and of the names of the masters and vessels wrecked, and in what manner the cargo was disposed of. Term of office.

22. SEC. 3. That the said commissioners of wrecks, hereafter to be appointed, shall be allowed the sum of four dollars for each day necessarily employed in the duties of such offices, and to each boatman there shall be allowed not to exceed three dollars for each day, and four dollars per day for the use of a surf-boat, to be paid by the owners of the vessel or cargo, their agents, consignees, the board of underwriters, or others claiming the property saved. Board of commissioners.

23. SEC. 4. That so much of the act to which this is a supplement as is inconsistent with the provisions of this supplement, be and the same is hereby repealed. Annual report.

Compensation to commissioners and boatmen.

Repealer.

