

TITLE XXVII.

MISCELLANEOUS.

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 “ 3....CRANBERRIES, PRESERVATION OF.
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 “ 7....MILLS, HOW TAIL RACES OPENED, ETC.
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 “ 9....PROPRIETORS, POWERS OF OFFICERS.
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 “ 12....SURPLUS REVENUE.

CHAPTER I.

BIRTHS AND DEATHS, REGISTRY OF.

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| 1. Town clerk to provide book. | 5. Before whom proofs made. |
| 2. When and how registry made. | 6. Books evidence. |
| 3. How birth proved. | 7. Penalty on clerk for neglect. |
| 4. How death proved. | 8. False swearing, or entry. |

REV. 446.

An Act to register births and deaths, when required.

Passed May 27, 1799.

Town clerk
to provide a
book to re-
gister births
and deaths.

1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the clerk of every township shall provide, at the expense of the township, a book for the purpose of registering births and deaths, when required so to do, in the manner hereinafter mentioned.

Within what
time, and by
whom, appli-
cation may
be made for
registering a
birth or
death.

2. *And be it enacted,* That the parent or parents of every child hereafter born, and the executors or administrators, or next of kin in this state of every person who shall hereafter die, may, within three years after the birth of such child, or death of such person, apply to the clerk of the township, in which such birth or death shall have happened, to have the same registered according to the directions of this act; and on proof being made of such birth or death, within the said three years, in the manner hereinafter mentioned, the said clerk shall, and he is hereby required to enter in the said book the name of such child, the time and place

Mode of re-
gistering.

of his or her birth, and the name of his or her parent or parents, TIT. XXVII.
CHAP. 1. and in case of death, the name of the person who shall have departed this life, and the time and place of such person's death.

3. *And be it enacted*, That the proof of a birth shall be by a certificate, which shall contain the name of the child, and of his or her parent or parents, and the time and place of his or her birth, the truth of which certificate shall be sworn or affirmed to by the parents of such child, or one of them, or by some person present at the birth. Proof of
birth, how to
be made.

4. *And be it enacted*, That the proof of a death shall be by a certificate, which shall contain the name of the person deceased, and the time and place of his or her death, the truth of which certificate shall be sworn or affirmed to by a witness, who was present at the death of such person, or actually saw such person dead. Proof of
death, how
to be made.

5. *And be it enacted*, That every justice of the peace of the county, where such birth or death shall happen, is hereby authorized to administer the said oath or affirmation; and the said certificate, so sworn or affirmed to, shall be filed by the clerk of the township, whose fees shall be twelve cents for registering each birth or death, and six cents for filing each certificate. Before
whom to be
made.
Clerk's fees.

6. *And be it enacted*, That the said books or registers of births and deaths, and other books heretofore kept for the same purposes agreeably to law, shall be admitted in evidence in every court of this state. Books to be
evidence.

7. *And be it enacted*, That if the said clerk shall not, within two weeks after such application and certificate to him made and produced as aforesaid, and the fees aforesaid tendered to him, enter or register in the form and book aforesaid any such birth or death, he shall forfeit four dollars, to be recovered by action of debt, with costs, by any person who shall sue for the same. Penalty on
clerk for not
registering.

8. *And be it enacted*, That if any person shall wilfully, knowingly, and falsely swear or affirm to any certificate of such birth or death, or if any clerk shall wilfully and knowingly make in the said book a false entry of such birth or death, then the said person or clerk, so offending, shall be adjudged to be guilty of a misdemeanor, and, on conviction, shall be punished by fine or imprisonment, or both, or by fine or imprisonment at hard labour, or both, at the discretion of the court, the fine not to exceed eight hundred dollars, and the imprisonment not to exceed seven years. Punishment
for false
swearing
and false
entry.

9. Repealer.

TIT. XXVII.
CHAP. 3.

CHAPTER 2.

BOATS, WHERE STOWED AT CAPE ISLAND.

REV. 231. An Act to authorize the stowing of boats in the public road at Cape Island, in the lower precinct of the county of Cape May.

Passed February 23, 1796.

Preamble. WHEREAS the inhabitants of the county of Cape May have, by their petition to the legislature, set forth, that the public are put to great inconvenience for want of a landing place, whereon to stow or lay boats—therefore,

Boats may
be stowed in
the high-
way.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, it shall and may be lawful for any person or persons whatsoever, to stow their boat or boats in the highway or road, which now is, or which may hereafter be laid out at Cape Island, in the lower precinct of the county of Cape May, they at all times leaving two-thirds of the width of the said road open and clear; and that all boats, stowed as aforesaid, shall not be considered, or removed as a nuisance, any law or usage to the contrary notwithstanding; *provided nevertheless,* that this act shall not authorize any person or persons to stow any boat or boats more than twelve rods distant from the high water mark.

CHAPTER 3.

CRANBERRIES, PRESERVATION OF.

An Act for the preservation of cranberries.

HAR. 372.

1845.
PAMPH. 155.

Revision.....Approved April 10, 1846.

Penalty for
gathering on
unlocated
lands.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That if any person or persons shall take or gather from the vines, at any time after the first day of June, and before the fifth day of October, cranberries on the common or unlocated lands within this state, or on any lands not their own property, or for which they pay no tax, such person or persons shall forfeit and pay, for every such offence, the sum of six dollars, and also the further sum of four dollars for each and every bushel so taken or gathered, within the times aforesaid, to be sued for and recovered by action of debt, in any court where the same may be cognizable,

with costs of suit, to be applied, one half, if on the common or un-located lands, to and for the use of the county where the offence shall have been committed; or if on any of the located lands, one half to be paid to the owner or possessor of said lands, and the other half to the use of the person or persons who shall sue for and recover the same. TIT. XXVII.
CHAP. 4.

2. *And be it enacted*, That if any person shall take or gather, and carry away from the vines, at any time after the first day of June, and before the fifth day of October, any cranberries, within this state, on any land not the property of such person or persons, or for which they pay no tax, such person or persons so offending shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine, not exceeding ten dollars. Or on lands
not their
own.

CHAPTER 4.

DEATH OF ABSENTEES, WHEN PRESUMED.

An Act declaring when the death of persons absenting themselves shall be presumed. REV. 288.

Passed March 7, 1797.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That any person who shall remain beyond sea, or absent himself or herself from this state, or conceal himself or herself in this state, for seven years successively, shall be presumed to be dead, in any case wherein his or her death shall come in question, unless proof be made that he or she were alive within that time; but an estate recovered in any such case, if in a subsequent action or suit the person so presumed to be dead shall be proved to be living, shall be restored to him or her who shall have been evicted; and he or she may also demand and recover the rents and profits of the estate, during such time as he or she shall have been deprived thereof, with costs of suit. Absence of
seven years,
death pre-
sumed.

CHAPTER 5.

FRIENDS, PROPERTY OF SOCIETY OF.

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| <ul style="list-style-type: none"> 1. Separation not to affect rights of. 2. Mode of dividing personalty. " Same trusts continued. | | <ul style="list-style-type: none"> 3. Disposition of real estate. 4. Burial grounds, how held. 5. Of complainants and defendants. |
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1835-6.
PAMPH. 76.

An Act relative to the property of the unincorporated Society of Friends in this state.

Passed February 11, 1836.

Rights of Friends not to be affected by separation.

1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the rights, estates, property and privileges, of the members of the unincorporated society of Friends in this state, shall not be hurt, endamaged, or in any way affected by the division, secession or separation, which has occurred in the said society, and that the rights, estate, property and privileges of the members of the unincorporated Society of Friends, in this state, shall be held and enjoyed according to the constitution and laws of this state.

Mode of division of personal estate.

2. *And be it enacted,* That the division, secession or separation now existing in the said unincorporated Society of Friends in this state, on conscientious grounds, where both parties profess to adhere to the faith, system of discipline, constitution and government of the said society, when in unity; the personal estate of whatever kind of the said society, held or possessed by said society, when in unity, or by any other person or persons, body politic or corporate, for or to its use, or in any way in trust for them, shall be divided between the parties, in such division, secession or separation, equally and ratably, in proportion to the number of members of the said society who have joined or attached themselves to either of the said parties, in such division, secession or separation, in the same manner as if they had been equal partners in the said personal estate; and in case the said members of the said society cannot, in such division, secession or separation, agree on the division of the said personal estate of the said society, by them possessed when in unity, that then, and in such case, it shall and may be lawful for any member or members of either party, for and in behalf of himself and themselves, and his and their associates in such division, secession or separation, to exhibit a bill in chancery against any member or members of the other party in such division, secession or separation, and their associates, for a division of such personal estate so held or possessed by the said society, when in unity, in the same manner as if they were partners; and thereupon the same proceedings may be had, and relief given, and decree made,

as in justice and equity, and according to the course and practice of the court of chancery, ought to be made; always having regard to the relative number of the members belonging to the said parties in such division, secession or separation, and the continuance and preservation of the same trusts, uses, and purposes, upon and for which such personal estate was theretofore held and possessed; and that the members of the said party in such division, secession or separation, to whom the same, or any part thereof, shall be decreed, shall hold the same upon the same trusts, and for the same uses and purposes, so far as regards the members of the said society, connected with them in the said division, secession or separation, as the same was held by the said society when in unity.

3. *And be it enacted*, That in case of any division, secession, or separation, now existing in the said unincorporated Society of Friends in this state, on conscientious grounds, where both parties profess to adhere to the faith, system of discipline, constitution and government of the said society when in unity, that then and in such case, the real estate, of whatsoever kind (except burial grounds) of the said society, held, possessed, or owned by the said society when in unity, or by any other person or persons, body politic or corporate, for or to its use, or in trust for them, shall be divided between the parties in such division, secession, or separation, equally and ratably in proportion to the number of members of the said society who have joined or attached themselves to either of the said parties in such division, secession or separation, in the same manner as if they were tenants in common of the said real estate; and in case the said members of the said society cannot, on such division, secession or separation, agree on the division or partition of the said real estate, so as aforesaid held, possessed, or owned by them when in unity, that then and in such case, it shall and may be lawful for any member or members of either party, for and in behalf of himself and themselves, and their associates, in such division, secession or separation, to exhibit his or their bill in the court of chancery, against any member or members of the other party in such division, secession or separation, and their associates, for a division or partition of such real estate so held, possessed, or owned by the said society when in unity, in the same manner as if the members of the said society were tenants in common of the said real estate; or in case that the said real estate is so circumstanced, that division or partition thereof cannot be made, without great prejudice to the owners, for a sale thereof, or a decree that the same may be held and owned by the one party, on their paying to the other, their proportion of the value thereof, to be ascertained according to the course and practice of the said court, as to the said court shall

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CHAP. 5.

Property to
be held on
same trusts
as formerly.

Disposition
of real estate.

TT. XXVII.
CHAP. 5.

appear equitable and just; and thereupon, the same proceedings may be had and relief given and decree made, as in justice and equity, and according to the course and practice of the court of chancery ought to be made, always having regard to the relative number of members belonging to said parties in such division, and the continuance and preservation of the same trusts, uses, and purposes upon, or for which such real estate was theretofore held, possessed, or owned; and the members of the party in such division, secession or separation, to whom the said real estate, or any part thereof, or the proceeds of the sale thereof, shall be decreed, shall hold, possess, and enjoy the same, upon the same trusts and the same uses and purposes, so far as regards the members of the said society connected with them in such division, secession or separation, as the same was held, possessed, or owned by the said society when in unity.

Burial
grounds to
be held in
common.

4. *And be it enacted*, That the burial ground or grounds of the said society when in unity, shall for ever remain free and common for the burial of the members of either party, and their descendants, the same as if no such division, secession or separation had been made.

All persons
associated
as complain-
ants or de-
fendants
need not be
named.

5. *And be it enacted*, That the said complainant or complainants in any such bill of complaint, shall make his or their affirmation, to be annexed to the said bill of complaint, that the division, secession, or separation stated in the said bill, so far as respects the said complainant or complainants, was made on conscientious grounds, and not for the purpose of appropriating the real or personal estate of the said Society of Friends to any other trusts, uses or purposes than those originally intended in its creation, or to destroy the faith, constitution, system of discipline, and government of such association, but in truth and good faith for the causes set forth in such bill of complaint; and that it shall not be necessary to name all the parties associated with the complainants or defendants in the said bill, but that it shall be sufficient to designate them as the associates of the said respective parties, and that a copy of the subpoena issued in the said cause, shall be served upon the clerk of the said society or meeting with whom the defendant or defendants in said cause may be connected or acting, together with a copy of the said bill, at least ten days before the returning thereof, or left at his residence; and that any of the members of the said society may appear and defend the said suit; and if in the course of the said proceedings it should become expedient to ascertain the number of members of the said society connected with the said parties respectively, any member thereof shall be under the age of twenty-one years, such infant shall be counted with the party to which his or her father

How infants
are to be
counted in
case of divi-
sion.

belongs, if he is living, and if not, to that which his or her mother, ^{TIT. XXVII.} if living, belongs; and if she also be dead, with the party to which ^{CHAP. 6.} his or her guardian belongs.

CHAPTER 6.

INTERNAL NAVIGATION, IMPROVEMENT OF.

1. Tax on steamboat passengers.

2. Collector's duty.

An Act to create a fund for the improvement of internal navigation, and for other purposes. R.R.V. 657.

Passed February 11, 1819.

1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That ^{Passengers in steam-boats taxed.} from and after the first day of March next, there shall be levied on and collected from each and every passenger in each and every steamboat navigating waters within the jurisdiction of this state, and between this state and any other state where passengers in steamboats are taxed, at the rate of two cents, for each and every mile the said passengers are so conveyed within the jurisdiction of this state, and that during each month thereafter, in which such boat shall be employed for the conveyance of passengers, it shall be the duty of such captain or master to cause to be delivered to the collector of the county nearest to where such boat runs within this state, a return or account, sworn to before some officer authorized to administer oaths, the number of trips made by such boat during such month, and the whole number of passengers conveyed on board of such boats at each of the said trips, and pay to the said county collector the amount of such tax collected during the time mentioned in the said return, deducting five per cent thereof, as a compensation for making such return and collecting and paying over the said tax: *and further,* that in case of any neglect or refusal in making such return and collecting and paying over the tax, as directed in and by this act, the captain or master so neglecting or refusing shall forfeit and pay the sum of three hundred dollars, besides the amount of tax so directed to be collected and paid over, to be recovered in an action in the name of this state.

2. *And be it enacted,* That the tax to be collected in pursuance of this act, shall be paid over by the county collector where the same may be collected, to the treasurer of this state, to be appropriated, when necessary, for the improvement of internal navigation. ^{Duty of collector.}

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CHAP. 8.

tion, or for such other purpose as the legislature may direct : and the county collector performing the duties required by this act, shall be entitled to receive, from the treasurer of this state, one per cent on all moneys collected and paid over by virtue of this act.

CHAPTER 7.

MILLS, HOW TAIL RACES OPENED, ETC.

REV. 612. An Act to provide for the opening and clearing out of the tail races and natural streams of grist mills and other waterworks.

Passed February 12, 1817.

TIT. XXIV.
CH. 2.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the provisions of the act entitled, "An act to enable the owners of swamp or meadow ground to drain the same, and to repeal a law heretofore made for that purpose," passed the twenty-fourth of November, one thousand seven hundred and ninety-two, shall be extended to the clearing out, to their accustomed and natural depth, the tail races and natural watercourses of all grist mills or other waterworks now erected, or hereafter to be erected in this state, under the provisions and restrictions contained in the said act.

CHAPTER 8.

PENSIONS TO INVALIDS, ETC.

REV. 514. An Act to regulate the payment of pensions to invalids and widows.

Passed November 24, 1802.

Affidavit to
be produced.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, no person or persons whatsoever, who are or shall be entitled to receive from the treasurer of this state, any money on account of warrants to widows or invalid pensioners, shall receive the same, except in cases of arrearages of pensions due at the time of the death of an invalid, or at the marriage or death of a widow, unless he or she produce to the said treasurer the affidavits of two reputable freeholders of the

county in which he or she resides, setting forth, that of their own knowledge, the person named in said warrant is at the time living, and if a widow, that to the best of their knowledge and belief, she is still the widow of the deceased person mentioned in the said warrant.

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CHAP. 9.

CHAPTER 9.

PROPRIETORS, POWERS OF OFFICERS.

1. President may administer oaths. | 2. Deputy surveyors take depositions.

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.

Passed January 13, 1830.

1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* 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 tem., to administer oaths or affirmations to witnesses, touching any dispute or controversy that may come before the said council of proprietors for their adjudications.

President of
council of
proprietors
may admin-
ister oaths.

2. *And be it enacted,* 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 tem., 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, wilfully, 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 wilful and corrupt perjury, then such person, so offending, shall be deemed and adjudged to be guilty of wilful 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.

Deputy sur-
veyors au-
thorized to
take deposi-
tions, etc.

False oath-
perjury.

TIT. XXVII.
CHAP. 10.

CHAPTER 10.

PROPRIETORS' RECORDS, HOW KEPT.

- | | |
|------------------------------|---------------------------|
| 1. Office in West Jersey. | 3. Under what penalty. |
| 2. Appropriation for. | 4. Office in East Jersey. |
| 3. Records to be kept there. | 5. Appropriation for. |

HAR. 109. 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.

Passed December 6, 1825.

W. Jersey
commission-
ers to build
office, etc.

1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That William Irick, Joshua Sharp, and Joshua S. Earle, or any two of them, be and they are hereby appointed commissioners, with the authority to purchase a convenient lot of land in the city of Burlington, the title whereof shall be vested in the state of New Jersey, and to erect thereon a building, of materials not liable to be destroyed by fire, of such dimensions as may be necessary for the safe keeping of the records of surveys and other instruments of writing, maps, and drafts belonging to the office of the surveyor general of the western division of this state.

Appropriation.

2. *And be it enacted,* That a sum not exceeding six hundred dollars, be and the same is hereby appropriated for the purpose of purchasing the said lot of land, and erecting thereon the building aforesaid, to be paid by the treasurer of this state, on warrant from the governor, out of any moneys in the treasury not otherwise appropriated.

Records, etc.
to be kept
therein.

3. *And be it enacted,* 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.

Commission-
ers for E.
Jersey, their
duty.

4. *And be it enacted,* That James Parker, Oliver W. Ogden, and Charles Carson, or any two of them, be and they are hereby appointed commissioners, with authority to purchase a convenient lot of land in Perth Amboy, in the county of Middlesex, the title

whereof shall be vested in the state of New Jersey, and to erect thereon a building, of materials not liable to be destroyed by fire, of such dimensions as may be necessary for the safe keeping of the records of surveys and other instruments of writing, maps, and drafts, belonging to the office of surveyor general of the eastern division of this state, at Perth Amboy.

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CHAP. 12.

5. *And be it enacted*, That the same appropriation, limitation, and restriction, as is set forth in the second and third sections of this act, be extended and enjoined upon the commissioners and surveyor general of the eastern division of this state, as is enjoined on the commissioners and surveyor general of the western division.

Appropriation.

CHAPTER 11.

SEAT OF GOVERNMENT.

An Act for fixing a permanent seat of government in this state, and for altering the place of the first meeting of the legislature after the annual elections.

REV. 108.

Passed November 25, 1790.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Trenton, in the county of Hunterdon, shall henceforth be considered as the seat of the government of this state, and that the first meeting of the legislature, after the next, and every future annual election of the members thereof, shall be at Trenton, in the county of Hunterdon.

Seat of government at Trenton.

CHAPTER 12.

SURPLUS REVENUE.

1. How apportioned and paid.
2. Freeholders may loan.

3. Allowance for services, etc.
4. How invested, in certain cases.

SUPPLEMENT.

1. Interests of Mercer secured.
2. Share to be deposited with treasurer.
3. And paid to county.
4. Rights vested in county.

5. Apportionment, etc.
6. Interest paid townships.
7. When act takes effect.
- " Hopewell deemed part of Mercer.

An Act making provisions for the deposit and distribution of so much of the surplus revenue of the United States as now is or may hereafter be apportioned to and received by this state.

1836-7.
PAMPH. 432.

Passed March 10, 1837.

1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That

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CHAP. 12.

Surplus re-
venue ap-
portioned
among the
counties.

Proviso.

List to be
filed.

Faith of
counties to
be pledged
for its safe
keeping.

To be paid to
the collect-
ors of the
counties.

as soon as the governor, treasurer, and speaker of the House of Assembly of this state, and the survivors or survivor of them, and their successors in office, and the survivors or survivor of them, shall receive, or may have received in deposit, any portion of the surplus revenue of the general government, which fell to the share of this state on the first day of January last, and which may fall to the share of this state at any time or times hereafter, they shall apportion the same among the several counties of this state, in the ratio of the state tax paid by the several counties into the treasury of the state during the past year; *provided*, that the counties of Passaic and Atlantic, erected by an act entitled, "An act to erect parts of the counties of Essex and Bergen into a new county, to be called the county of Passaic, and the eastern part of the county of Gloucester into a separate county, to be called the county of Atlantic," passed February seventh, one thousand eight hundred and thirty-seven, shall be, and they are hereby entitled to receive, in like manner and upon the like conditions, their share or proportion, respectively, of the surplus revenue aforesaid, according to the said ratio of apportionments; and that the counties of Essex, Bergen, and Gloucester shall abate from their respective apportionments, in proportion to the sums apportioned to the said new counties which have been set off from their respective districts, a true list of which apportionment shall be made out, and filed by the governor, treasurer, and speaker of the House of Assembly in the office of the treasurer of this state, whose duty it shall be forthwith to notify in writing the collectors of the several counties of this state of the sum apportioned to each county respectively; and the respective boards of chosen freeholders of the several counties are hereby authorized and empowered to pledge the faith of their respective counties for the safe keeping and repayment thereof; and the governor, treasurer, and speaker of the House of Assembly of this state shall deliver the same to the collectors of the several counties, or other competent authority authorized by the board of chosen freeholders of such county, on receiving certificates of deposit therefor, signed by the director of the respective boards of chosen freeholders, in such form as may be prescribed by the governor, treasurer, and speaker of the House of Assembly of this state, or the survivors or survivor of them, which certificate shall express the usual and legal obligations and pledged faith of the county for the safe keeping and repayment thereof; and shall pledge the faith of the county receiving the same, to pay the said money, and every part thereof, from time to time, whenever the same shall be required for the purpose of being refunded into the treasury of the United States, according to the provisions

of an act of congress to regulate the public deposits, passed the TIT. XXVII.
CHAP. 12. twenty-third day of June, A. D. eighteen hundred and thirty-six, or whenever in the opinion of the legislature the interest of the state may require its return; *provided however*, that in case any board of Proviso. chosen freeholders of any county in this state shall neglect or refuse, for the space of three months after such board shall be notified to repay the same, according to the provisions contained in this section, that then it shall and may be lawful for the legislature of this state to cause the sum received by such county, or any part thereof, that may remain unpaid, to be assessed, levied, and collected as other taxes for county and township purposes are or may be by law assessed, levied, and collected in such county; and it shall be the duty of the assessors, collectors, and other officers of such county to perform all the duties required by law in assessing, levying, and collecting such taxes, and when received to pay the same forthwith to the treasurer of this state.

2. *And be it enacted*, That the boards of chosen freeholders of the several counties in this state, or any person or persons duly authorized by them, be and they are hereby authorized to loan, and reloan, within this state, giving a preference to the citizens of their respective counties, all such sums of money that may be received by virtue of this act, upon bond and mortgage or other good and sufficient security, as to them shall seem safe and proper, and to sue for and recover the same, with the interest due thereon, in their corporate name, and apportion and pay the interest to the several townships, in the ratio contained in the first section of this act, and for the benefit of said township, or the inhabitants thereof.

3. *And be it enacted*, That the members of the several boards of chosen freeholders, the collectors of the several counties, and such other person or persons as may be aiding in the service of receiving or loaning out said surplus, or any part thereof, shall not be paid any other than a per diem allowance, which in no case shall exceed what is usually allowed to the members of the board of chosen freeholders for other services per day; and that if any county collector, chosen freeholder of any of the counties, or other officer Penalty for embezzling. who may have in charge any of the said surplus money under the provisions of this act, and shall embezzle or pervert the same, or any part thereof, to any purpose not plainly indicated by this act, such county collector, chosen freeholder, or other officer, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding five years, or both, at the discretion of the court in which such conviction may be had; *provided*, that the several boards of chosen freeholders shall publish annually, in one or Annual statement of loans to be published.

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CHAP. 12.

more newspapers printed in their respective counties, and if no newspaper be printed in such county, then in a newspaper or newspapers printed in the next adjacent county, a detailed statement of the manner in which such loans have been made, the nature of the securities received, and the rates of interest, together with the amount of all the costs and charges for receiving, loaning, reloaning, and management of the same.

How to be
invested in
certain con-
tingencies.

4. *And be it enacted*, That if the board of chosen freeholders of any county or counties of this state shall neglect or refuse for the space of sixty days after notice is given to the county collector, as provided for in the first section of this act, or the board of chosen freeholders of such county or counties neglect or refuse to pledge the faith of such county or counties for the safe keeping and repayment thereof, or to give such certificate or certificates of deposit therefor as is required in the first section, it shall be the duty of the governor, speaker of the House of Assembly, and treasurer of this state, or their successors in office, or the survivor or survivors of them, to cause the share or shares apportioned to such county or counties as neglect or refuse to accept the same upon the terms and conditions mentioned in this act, the same shall be loaned out within this state on bond and mortgage or other good and sufficient security, the interest received thereon to be for the benefit of such county or counties, and the principal at the risk of such counties.

1838-9.
PAMPH. 157.

A supplement to an act entitled, "An act making provisions for the deposit and distribution of so much of the surplus revenue of the United States, as now is or may hereafter be apportioned to and received by this state," passed the tenth day of March, eighteen hundred and thirty-seven.

Passed March 7, 1839.

Interest of
Mercer not
impaired.

1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the right and interest of those parts of the former counties of Hunterdon, Burlington, Middlesex, and Somerset, now included within the bounds of the county of Mercer, in and to such portions of the surplus revenue of the general government, as have been, or may be paid to the said counties, respectively, under the provisions of the act to which this is a supplement, and all interest money which has accrued, or may accrue thereon, shall not be deemed to be in any wise lessened or impaired by the act erecting said county of Mercer, and the supplement thereto, but shall be as good and effectual in law, as if said territory had never been separated from the counties of Hunterdon, Burlington, Middlesex, and Somerset, respectively.

2. *And be it enacted*, That the boards of chosen freeholders of the several counties of Hunterdon, Burlington, Middlesex, and Somerset shall, at or before their next annual meetings, ascertain and state in writing, the shares of such portions of said surplus revenue as have heretofore been paid to those counties respectively, upon which those parts of the county of Mercer which were formerly included in their respective counties, if then composing separate and distinct townships in those counties, would have been entitled to receive the interest in proportion to the amount of taxable property and ratables therein, according to the assessment made next before the payment of said surplus to the said counties, and shall, within thirty days thereafter, deliver such statement to the treasurer of this state, and shall within the time aforesaid, pay to the said treasurer the interest which shall then have accrued on the said shares, and shall also, within the time aforesaid, pay to said treasurer the principal of said shares, or deliver to said treasurer the bonds and mortgages or other securities by them respectively taken and received to secure the repayment of such shares, or other good and sufficient securities for the same amount, deducting therefrom a just proportion of all costs and expenses incurred in the receiving, loaning, and management of said surplus, and having first duly assigned the same to the board of chosen freeholders of the county of Mercer.

3. *And be it enacted*, That as soon thereafter as the board of chosen freeholders of the said county of Mercer shall pledge the faith of the said county for the repayment of the amount of the said shares, and shall make, execute, and deliver to the treasurer of this state, a certificate of deposit for the amount of such shares, according to the provisions of the first section of the act to which this is a supplement, and in the form heretofore prescribed and used (which the said board of chosen freeholders are hereby authorized and empowered to do), it shall be the duty of the said treasurer to pay and deliver to the said board of chosen freeholders of the county of Mercer, or to such person or persons as they shall appoint to receive the same, all the moneys, bonds, and mortgages, and other securities, so as aforesaid paid and delivered to him, and also, to endorse upon the certificates of deposit heretofore given and executed by the boards of chosen freeholders of the said counties of Hunterdon, Burlington, Middlesex, and Somerset, respectively, acknowledgments of the receipts of so much of the principal of the said surplus, as shall have been paid or delivered to him, in the manner aforesaid, by the boards of chosen freeholders of those counties, respectively; which acknowledgments shall for ever thereafter release and discharge the said boards and their respective

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Share of
Mercer to be
paid to treasurer.

Bonds, etc.,
delivered
over by the
treasurer.

TIT. XXVII. counties from all liability for or on account of the sums or amounts,
 CHAP. 12. the receipts whereof shall be so acknowledged.

Right and title vested. 4. *And be it enacted*, That the board of chosen freeholders of the county of Mercer shall, by virtue of the said assignments, possess and be vested with the same right, title, interest, and right of action in and upon the bonds and mortgages and other securities, so assigned to them, as the boards of chosen freeholders of the said counties of Hunterdon, Burlington, Middlesex, and Somerset, respectively, possessed or were vested with, before the assignment thereof; and shall have and hold the same, for the like uses and purposes, and subject to the same liabilities and conditions, in all respects, as are prescribed in the act to which this is a supplement.

Apportionment, etc. 5. *And be it enacted*, That the board of chosen freeholders of the said county of Mercer, in the management of the principal of the said surplus, and in the apportionment and payment of the interest that has accrued or may accrue thereon, shall be governed and regulated by the statements mentioned in the first section of this act, which shall be filed by the treasurer of this state; and that if any further instalment or portion of the said surplus revenue shall at any time hereafter be received by this state, a ratable and just share or part thereof, in proportion to the sums or amounts mentioned in the said statements, shall be deducted from the shares or portions of the said counties of Hunterdon, Burlington, Middlesex, and Somerset, respectively, and shall be paid by the proper officers of this state, to the board of chosen freeholders of the said county of Mercer, in the same manner, in all respects, as the like payments shall be made to the boards of chosen freeholders of the other counties in this state.

Interest to be paid. 6. *And be it enacted*, That it shall be the duty of the board of chosen freeholders of the several counties of this state, at their annual meeting in each and every year, to apportion and pay the interest of so much of the surplus revenue as shall then be and remain on deposit with the said counties respectively, to and among the several townships therein, in the ratio of the county taxes paid by them during the preceding year.

Hopewell deemed part of Mercer. 7. *And be it enacted*, 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.

For similar provisions in reference to Hudson county, see Pamphlet laws, 1839-40, page 65, and in reference to Camden county, see Pamphlet laws, 1843-4, page 237.