

TITLE XXX.  
OFFICES AND OFFICERS.

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## CHAPTER 1.

## SENATORS OF THE UNITED STATES.

1. How appointed. | 2. How commissioned.

REV. 106. An Act to prescribe the manner of appointing senators of the United States, on the part of this state.

Revision....Approved April 10, 1846.

How appointed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That senators of the United States on the part

of this state, shall be appointed by the Senate and General Assembly of this state in joint meeting assembled; and in case a vacancy or vacancies shall happen, by death or otherwise, at any time during the sitting of the legislature, then and in such case, the vacancy or vacancies so happening shall be filled, during such sitting, by the Senate and Assembly of this state; and if a vacancy or vacancies, by the death of either or both of the said senators, or otherwise howsoever, shall happen during the recess of the legislature, then the governor of the state, or in case of his death, absence or other disqualification, the person administering the government for the time being, may make a temporary appointment or appointments until the next meeting of the legislature, which shall then fill such vacancy or vacancies.

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Vacancies  
filled.

2. *And be it enacted*, That every person who shall be elected a senator on the part of this state, shall be commissioned by the governor of this state, or the person administering the government for the time being, under the great seal of the state.

How commissioned.

## CHAPTER 2.

### PRESIDENT OF THE SENATE.

#### An Act respecting the powers and duties of the president of the Senate.

1845.

PAMPH. 45.

Approved February 14, 1845.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows* :

SEC. 1. The powers, privileges, duties, and remunerations, granted to or imposed upon the vice president of Council by law, at and immediately before the time when the present constitution of the state took effect, shall hereafter be exercised, enjoyed, and performed by the president of the Senate, so far as the same are not inconsistent with the present constitution; and all such powers or duties heretofore exercised or performed by the president of the Senate, are hereby ratified and confirmed, and shall have the same force and effect as if exercised or performed after the passage of this act.

President of  
Senate to ex-  
ercise pow-  
ers of vice  
president of  
Council.

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CHAPTER 3.

SECRETARY OF STATE, ETC.

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|---|---|
| <ul style="list-style-type: none"> <li>1. Bond required.</li> <li>2. Oath to be taken.</li> <li>3. Form of bond.</li> <li>4. Papers filed and recorded.</li> <li>5. Office kept in Trenton.</li> <li>6. Clerks to send abstracts of fines.</li> </ul> | <ul style="list-style-type: none"> <li>7. Treasurer's receipts entered, etc.</li> <li>" Invalid without endorsement.</li> <li>8. Of laws and resolutions.</li> <li>9. Of printing the same.</li> <li>10. Wills to be filed, etc.</li> <li>11. Fees for certain services.</li> </ul> |
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REV. 229, 501, An Act relative to the office of secretary of state and register of the pre-rogative court.  
727.

1838-9.  
PAMPH. 196.

Revision.....Approved April 17, 1846.

Bond re-quired.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passing of this act, every person who shall be appointed to the office of secretary of state and register of the prerogative court, shall, before he enters upon the execution of his said offices, or be admitted to take the oath or affirmation hereinafter appointed to be taken, for the due and faithful discharge of his said offices, before one or more of the justices of the supreme court, enter into bond to the state of New Jersey, with at least two good and sufficient sureties, being freeholders in the said state, jointly and severally, in the sum of five thousand dollars, to be approved of by the said justice or justices; which bond, with the condition thereof, shall be in the form hereinafter mentioned, and when so executed, shall be recorded in the office of the clerk of the supreme court, and being so recorded, shall be delivered by the said clerk to the treasurer of this state, to be by him kept among the public papers of his office.

Recorded.

Oath to be taken.

2. *And be it enacted*, That when the said secretary and register of the prerogative court hath given bond as aforesaid, he shall take and subscribe the following oath or affirmation, before any one of the justices of the supreme court:

I, A. B. do solemnly swear (or affirm) that I will well and truly, faithfully and impartially, execute the office of secretary of state of New Jersey, and register of the prerogative court of the same, agreeably to law, according to the best of my skill and understanding.

Which oath or affirmation, so as aforesaid subscribed, shall, by the justice of the supreme court administering the same, be delivered to the treasurer of this state, to be by him kept, together with the bond aforesaid, among the public papers of his office.

Form of bond.

3. *And be it enacted*, That the bond to be entered into as aforesaid, by the secretary and register, and his sureties, with the condition thereof, shall be in the form following, that is to say:

Know all men by these presents, that we, A. B., C. D. and E. F. of ——— are held and firmly bound unto the state of New Jersey, in the sum of five thousand dollars, to be paid unto the state of New Jersey, to the which payment, well and truly to be made and done, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals. Dated the ——— day of ——— in the year of our Lord ———

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The condition of the above obligation is such, that if the above bounden A. B. shall well and truly execute the office of secretary of state and register of the prerogative court of New Jersey, and in all things touching and concerning the said offices, shall well and truly, faithfully and impartially, execute and perform the same, as well with respect to all persons whatsoever concerned, as to the said state of New Jersey, and at the expiration of his said office, shall deliver all the books, records and papers remaining in the said offices, or appertaining thereto, to his successor in office, then the above obligation to be void, otherwise to remain in full force and virtue.

4. *And be it enacted*, That the said secretary of state and register of the prerogative court shall be and he hereby is directed and required, with all convenient speed, legibly and fairly to record all papers which shall come to his hands, and which it may appertain to his office to record, and also to file and deposit such papers in said offices, agreeably to law.

To record  
and file pa-  
pers.

5. *And be it enacted*, That the said secretary of state and register of the prerogative court shall reside and keep his office within the city of Trenton.

Keep office  
in Trenton.

6. *And be it enacted*, That the clerks of the pleas of the several counties of this state shall, within ten days after each session or term of the said courts, respectively make out a duplicate abstract from the minutes of all fines and amercements awarded, and the amount of all judgments entered on forfeited recognizances, payable into the treasury of the state, and transmit the same to the secretary of state on or before the first day of November, annually, in like manner, and under the same pains and penalties, as is directed to be made to the treasurer of the state, in and by the act entitled, "An act respecting the clerks of the courts of common pleas and general quarter sessions;" and the secretary is hereby required to open an account of the same against the treasurer, in the public books in his office.

Clerks to  
transmit du-  
plicate ab-  
stracts.

CH. 9.

7. *And be it enacted*, That all persons paying moneys into the treasury of this state, on any account whatsoever, shall, immediately on receiving the treasurer's receipt for the same, carry the

Enter re-  
ceipts, and  
make en-  
dorsement.

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- Without it,  
receipt inva-  
lid.
- Treasurer's  
duty.
- File all laws,  
etc.
- Give copies,  
which shall  
be evidence.
- Fees for.
- Furnish co-  
pies to prin-  
ter, etc.
- said receipt to the secretary of this state, to be by him entered in the public books in his office, in an account to be opened therein against the treasurer; and the said secretary is hereby required, on such receipt being offered to him for that purpose, without fee or reward, to enter the same accordingly, and to endorse thereon the time when, and the book and page where the same was entered, signing his name to the said endorsement; and no receipt from the treasurer shall hereafter be deemed valid in the settlement of accounts, or allowed to operate against the state, without such endorsement thereon; and that no one may plead ignorance of this law, the treasurer is hereby directed to cause a fair copy of the enacting clause of this section to be set up in some conspicuous part of his office, for the information of every one concerned.
8. *And be it enacted*, That on the passage of any bill into a law, or the adoption of any joint resolution, the same shall be delivered to the governor or person administering the government, who, in case he shall approve such bill or joint resolution, shall sign and deliver the same to the secretary of state, to be filed in his office, in such order that the laws of each and every sitting of the legislature shall be kept in separate bundles, and the year in which the same shall be passed shall be endorsed on each bundle, and not delivered to any person or persons whatsoever, but safely kept by the said secretary in his office, and not suffered to be taken or removed therefrom, on any pretence whatsoever; but the secretary of state shall give copies to such person or persons as shall make application for the same, which copies, when certified by said secretary, under his hand and seal, to be a true copy, shall be received in evidence in any court of this state, and be as good, effectual, and available in law as if the original was then and there produced and proved, for which service the secretary of state shall be entitled to receive, from the person making application for the same, eight cents per sheet, for each and every copy furnished, and for the filing each law ten cents, to be paid by the treasurer of the state.
9. *And be it enacted*, That the secretary of state shall cause a true copy of each and every law, so delivered to him, to be made, and within four weeks from the end of every sitting of the legislature, deliver the same to the person appointed to print the laws of the state; and it shall be the duty of the secretary of state to assist the printer who may be appointed as aforesaid, in comparing the proof sheets with the original laws, for which purpose the said printer is required to attend at the office of the secretary of state, with the proof sheets of all such laws as he may be appointed to print; and it shall also be the duty of the secretary to make marginal notes to said laws; and the said secretary shall be entitled to

receive, for copying said laws, and assisting in comparing the proof sheets, for each folio of said laws so copied and compared, counting one hundred words to a folio, the sum of eight cents, on a certificate, signed by the governor or person administering the government, stating that the service has been performed, and the sum due for the same.

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CHAP. 4.  
Fees for such  
services.

10. *And be it enacted*, That it shall be the duty of the register of the prerogative court to record the names of the testators of all wills which he may receive, in alphabetical order, and the year in which such wills were proved, in a book to be by him provided for that purpose, and to file the said wills in his office, the wills of each year and county to be put by themselves, and marked with the year and county, and in like manner to record the names of all intestates, inventories of whose estates he may receive, and to file the said inventories in manner aforesaid.

Record  
names of  
testators.  
File wills.

11. *And be it enacted*, That the secretary of state shall be entitled to receive, for the services hereinafter mentioned, the following fees: for filing every bond or other instrument of writing for incorporated bodies, or for persons in their private capacity, twelve cents, to be paid by the person requiring the same to be filed; filing every bond or instrument of writing of a public nature, twelve cents; and for recording deeds and other instruments of writing belonging to the state, and for copies of laws, instruments of writing or records, when applied for by the governor, attorney general or treasurer, for public purposes, the same fees as are directed by law to be paid by private persons, to be paid by the treasurer upon a certificate signed by the governor, and that for all other services required of him by law, and not otherwise compensated, he shall receive from the treasurer of this state the further sum of two hundred dollars yearly.

Fees for spe-  
cified ser-  
vices.

## CHAPTER 4.

### AUDITOR OF ACCOUNTS.

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|--------------------------------|--|-----------------------------|
| 1. Duties of auditor.          |  | 6. Auditor's oath.          |
| 2. Accounts endorsed.          |  | 7. Books, etc., where kept. |
| 3. To examine witnesses.       |  | 8. Compensation.            |
| 4. Advertise for proposals.    |  | 9. Treasurer's duty.        |
| 5. Keep account with treasury. |  |                             |

### An Act to provide for auditing the public accounts.

1846.  
PAMPH. 186.

Revision....Approved April 16, 1846.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the secretary of state, in performance

Duties of au-  
ditor.

TIT. XXX.  
CHAP. 4.

of the duties required of him by the constitution as auditor of the accounts of the treasurer, shall make and enter in a book to be kept for that purpose, a specification of the nature and amount of the ordinary sources of revenue, whence derived, and, from year to year, the amount of the last annual proceeds from each source, and also from all extra sources whatever, which book shall be produced and examined at the annual settlement of the treasurer's accounts; the secretary of state shall also audit and adjust all accounts for printing and for binding books done by authority of any public law or the legislature, and all other accounts and claims against the state which shall be by law directed to be paid out of the treasury, and not otherwise provided for.

Accounts against state to be endorsed by auditor.

2. *And be it enacted*, That all persons having accounts against the state, which by law are payable out of the treasury, unless otherwise provided, shall present the same to the secretary of state, as auditor, to be audited, who shall carefully examine the same, and, having ascertained the true amount due thereon, shall endorse in his own hand, at the foot of such account, the words "there is due on this account the sum of — (stating the amount in words), as audited and allowed by me," and shall date and sign the same as auditor, and make a record of the name of the person to whom such account is due, the amount allowed, and the date when audited, in a book to be by him kept for that purpose in his office, before he shall deliver the said account to the person presenting the same; and in the annual settlement of the treasurer's accounts, such accounts only shall be allowed as are so endorsed by said auditor, unless otherwise provided for by law.

Auditor may examine persons under oath.

3. *And be it enacted*, That the said auditor shall have full power and authority to examine, under oath or affirmation, any person or persons, whether party or witnesses, in relation to the truth and fairness of any such account so to be presented to him for examination and allowance as aforesaid.

To advertise proposals for fuel.

4. *And be it enacted*, That it shall be the duty of the said auditor, on or before the first day of October in each year, to advertise, for at least three weeks in one or more of the newspapers published in the city of Trenton, for proposals to supply the necessary fuel for the use of the legislature for the ensuing year, and to contract for the same upon the most advantageous terms that may be offered, which proposals shall be filed in his office, there to remain of record; and all accounts for articles so contracted for and furnished shall be by him, when presented, audited and allowed in the same manner as other accounts against the state are herein before directed to be audited and allowed.

5. *And be it enacted*, That the said auditor shall keep a regular

account with the treasurer, in a suitable book to be by him provided, in which he shall charge the treasurer with all moneys by him received, and credit him with all accounts paid, after having been authenticated according to law. TIT. XXX. CHAP. 5. Account to be kept with treasurer.

6. *And be it enacted*, That the said auditor, before he enters upon the duties required by this act, shall take an oath or affirmation before one of the justices of the supreme court, that he will well, faithfully, and impartially discharge all the duties required of him by law, and that he will not allow any claim, charge, or account against this state, unless satisfied that the same is justly due; which oath or affirmation shall be filed in the office of the treasurer, to be there preserved among the public papers of his office. Auditor to take oath.

7. *And be it enacted*, That all the books and papers belonging to the auditor's office shall hereafter be kept in the office of the secretary of state; and the said auditor shall be entitled to demand and receive, from persons making searches and obtaining extracts from any of the public books and papers in the auditor's office, the same fees as by law he is entitled to receive for like services in the office of secretary of state. Auditor's books to be kept in office of secretary of state.

8. *And be it enacted*, That the said auditor of accounts shall be entitled to receive for his services as such auditor, the sum of two hundred dollars, annually, to be paid by the treasurer, on the warrant of the governor or person administering the government. Compensation.

9. *And be it enacted*, That nothing in this act contained shall be construed to authorize the treasurer to pay any account, if he shall believe the same to be contrary to law, although the account may be audited and endorsed by the auditor. Proviso.

## CHAPTER 5.

### STATE TREASURER.

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| <ol style="list-style-type: none"> <li>1. To give bond.</li> <li>2. Oath of office.</li> <li>3. Condition of bond.</li> <li>4. To give another, if required.</li> <li>5. Proceedings in case of death, etc.</li> <li>6. Duties of treasurer.</li> <li>7. Report to legislature.</li> <li>8. When accounts closed.</li> </ol> | <ol style="list-style-type: none"> <li>9. Vacancy supplied.</li> <li>10. How long bond in force.</li> <li>11. How money deposited and drawn.</li> <li>12. Banks to be notified of election.</li> <li>13. Money carried to successor's account.</li> <li>14. Authority to make loans.</li> <li>15. To change investments.</li> <li>16. Annual statement of accounts.</li> </ol> |
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### An Act respecting the office of treasurer.

REV. 427, 547.  
 HAR. 12, 105,  
 143.  
 1837-8.  
 PAMPH. 72.  
 1846.  
 PAMPH. 188.

Revision....Approved April 17, 1846.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state shall, prior

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CHAP. 5.  
Treasurer to  
give bond.

to entering upon the duties of his office, take and subscribe an oath of office, and give bond, with sufficient sureties, to be approved of by the legislature, in the sum of fifty thousand dollars, payable to the state of New Jersey, with condition for the faithful performance of the duties of his office, and for the fidelity of the person or persons to be by him employed; which oath and bond shall be deposited in the office of the secretary of state.

Oath of office.

2. *And be it enacted*, That the said oath of office shall be in the following words, to wit:

I, ——— appointed treasurer of the state of New Jersey, do solemnly promise and swear, that I will, to the utmost of my knowledge and ability, well, honestly, and faithfully perform the duties of the office of treasurer of the said state; and that I will not, on any pretence or occasion, apply any money, securities, or stock, which shall come to my hands as belonging to the said state, to any private use or purpose. So help me God.

Which oath the president of the Senate or any of the justices of the supreme court is hereby empowered and required to administer.

Condition of bond.

3. *And be it enacted*, That the condition of the afore mentioned bond shall be in the words, or to the effect following, that is to say:

The condition of this obligation is such, that if the above bounden ——— shall, from time to time and at all times, render a just and true account to the legislature of the state of New Jersey, when by them thereunto required, of all the moneys, securities, stock, and other property of the said state which shall come to his hands or be committed to his charge, and deliver the moneys, securities, stock, and other property of the said state in his hands, together with all documents, instruments of writing, papers, and books belonging to or for the use of the said state, to his successor in office, and shall well, honestly, and faithfully perform all the duties of the office of treasurer of the said state, and shall answer for all improper appropriations, waste, embezzlements, or destruction of the said moneys, securities, stock, property, documents, instruments of writing, papers, or books, which shall be done or committed by any person or persons to be by him employed in the said office, then this obligation to be void, otherwise to be and remain in full force and virtue; which bond shall be executed before the president of the Senate or one of the justices of the supreme court of this state.

Legislature may require further bond.

4. *And be it enacted*, That the legislature, or either branch thereof, may, when they suspect the obligors in the said bond to be insufficient, require the treasurer to give another bond, with sureties, to be approved of as aforesaid.

5. *And be it enacted*, That if the said treasurer die, resign, be displaced, or cease to hold his office, then such treasurer, or, if he be dead, his heirs, executors, or administrators, shall fairly and regularly state the account, and deliver the moneys, securities, stock, property, instruments of writing, and books of the state, in his or their possession, to the succeeding treasurer, who shall make report thereon to the legislature; and the said report, if confirmed by the legislature, shall be a discharge of the said bond, which in such case shall be delivered to the said treasurer, or his heirs, executors, or administrators.

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Proceedings  
in case of  
death, etc.,  
of treasurer.

6. *And be it enacted*, That it shall be the duty of the said treasurer to receive and keep the moneys of this state, to disburse the same agreeably to law, and to take receipts for all moneys which he shall pay; to keep accounts of the receipts and expenditures of the public money, and of all debts due to or from this state; to superintend the collection of the revenue; to direct prosecutions for delinquencies of officers of the revenue, and for debts that are or shall be due to this state; to make reports and give information to either branch of the legislature, in person or in writing, as he may be required, respecting all matters referred to him by the Senate or House of Assembly, or which shall appertain to his office, and generally to perform all such services relative to the finances as he shall be directed to perform.

Duties of  
treasurer.

7. *And be it enacted*, That it shall be the duty of the treasurer to state in books the account of moneys which he shall receive for taxes, impositions, debts, fines, penalties, forfeited estates, or on any other account for or in behalf of this state, and which he shall pay in pursuance of acts and resolutions of the legislature, in such a manner as that the net produce of the whole revenue, as well as of every branch thereof, and the amount of disbursements in payment of the several demands, may distinctly appear, and lay from time to time the same accounts, and all other his proceedings relative to his office, before the legislature.

Report to be  
made to the  
legislature.

8. *And be it enacted*, That it shall be the duty of the treasurer of the state for the time being, and he is hereby required to have his accounts ready for examination and settlement on the second Tuesday of January in every year, and that to this end he be and is hereby authorized to close his accounts for the year on the first day of January in every year hereafter.

Time for  
closing ac-  
counts.

9. *And be it enacted*, That in case any treasurer of this state shall, during the recess of the legislature, die, resign, or remove out of the state, or become disqualified to execute the duties of his office, it shall be the duty of the governor, or person administering the government, to appoint some fit person to execute the duties

Vacancy,  
how suppli-  
ed.

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CHAP. 5.

of treasurer, who shall continue in office until the next joint meeting of the legislature after the said appointment, and the person administering the government shall, by proclamation, give public notice of such appointment; and in such cases the treasurer so appointed shall, prior to entering upon the duties of his office, give bond, with sufficient sureties, to be approved of by the governor, or person administering the government, and a privy council, in the sum of fifty thousand dollars, in the manner and as prescribed by this act, and shall also take the oath of office, as in this act prescribed.

Bond to be  
in force un-  
til certificate  
of committee  
is filed.

10. *And be it enacted*, That the official bond of every person appointed to the office of treasurer of this state shall remain and continue in full force and effect against such treasurer and his sureties, until such person or his sureties shall procure and file in the office of the secretary of state a certificate, duly executed by the committee to be appointed to settle and audit the accounts of such person as treasurer, approved of by the legislature, expressing that the accounts of such person as treasurer, are regularly stated and balanced, and also that the balance of moneys, evidences of public stock, securities, and other effects, if any there be, are actually in the treasury or deposited in some bank as directed by law; which certificate, so procured and filed, shall be a discharge of the sureties in the said bond, but shall in no way affect or impair the legal liability of the treasurer.

Treasurer to  
deposit all  
moneys re-  
ceived in  
bank.

11. *And be it enacted*, That the treasurer is hereby directed and required to deposit all moneys which shall from time to time come into his hands as treasurer, in one or more of the chartered banks of this state, within three days after receiving the same, and the moneys so deposited shall be placed to his account as treasurer; and the treasurer shall always keep a bank book or books, in which shall only be entered his account of moneys deposited by him, or to his credit as treasurer, and moneys drawn from the banks in which he shall so make deposits, in which book or books shall be truly entered and stated every year, all his credits and debits up to the first day of the annual meeting of the legislature, and the balance struck and certified by the cashier of the bank; and shall exhibit such book or books, properly balanced and settled, on every settlement of his accounts, for examination and inspection; and that the treasurer shall not be authorized to draw any moneys so deposited by him, or to his credit, unless by check subscribed by him as treasurer, and countersigned by the secretary of state: and it shall be the duty of the secretary of state to keep an accurate account of all and every check or checks countersigned by him as secretary in a book for that purpose, and every year to

Checks to be  
countersign-  
ed by secre-  
tary of state.

lay the said book before such committee as shall be appointed to settle and audit the accounts of the treasurer. TIT. XXX. CHAP. 5.

12. *And be it enacted*, That after striking the balance, and certifying the same as aforesaid, it shall not be lawful for any bank to pay any checks or drafts of the treasurer, until they shall have been duly notified by the secretary of state of the election of a treasurer for the ensuing year, and that he hath given bond according to law; which notice it is hereby made the duty of the said secretary to give to all the chartered banks within this state immediately after such election as aforesaid. Secretary of state to notify banks of election of treasurer.

13. *And be it enacted*, That all moneys deposited as aforesaid by the treasurer, or to his credit, in any bank of this state, and standing to his credit at the expiration of his office, shall be carried to the account of his successor in office; and the banks shall transfer such accounts accordingly, upon producing to them a certificate from the secretary of state of the appointment of such successor in office. Moneys deposited by treasurer, to be carried to account of his successor.

14. *And be it enacted*, That it shall and may be lawful for the treasurer of this state, and it is hereby made his duty, to loan at the best rate of interest he can procure, not exceeding lawful interest, on the pledge of United States' stock, at a rate not above its par value, as collateral security, any surplus money in the treasury of this state not otherwise appropriated, nor already authorized to be invested by the trustees of the school fund, as the same shall from time to time accrue; and it shall be the duty of the treasurer to loan the same on such terms of credit as will enable him to receive the said moneys again, so as to meet the demands on the treasury. Treasurer authorized to make loans.

15. *And be it enacted*, That the treasurer of this state, under and by the direction of the trustees of the school fund, be, and he is hereby authorized to change the investment of the school fund, or any part thereof, by selling any of the stocks, the interest whereof is applied to the said fund, and investing the same in any of the public stocks of the United States. May change investments.

16. *And be it enacted*, That, in addition to the duties already prescribed by law, it shall be the duty of the treasurer of this state, as soon as his accounts shall be audited by the committee appointed for that purpose, to submit annually to the legislature a balance sheet, exhibiting the general items of expenditure; the amount of receipts, and the sources whence they have been received; the indebtedness of the state, if any, and how and where, and the interest paid for moneys borrowed; the amount of school fund, how invested, what part is available, and what unavailable, the interest receivable on the same; the amount of bank tax, and the sum Annual statement to be made.

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CHAP. 7.

applicable to common schools, and how disposed of, so as to give a correct and connected statement of the condition of the finances of the state; which statement shall be countersigned by the auditing committee.

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CHAPTER 6.

OF SUITS FOR MONEY DUE STATE.

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|------------------------|--|--------------------------------------|
| 1. Suits, how brought. |  | 2. Treasurer's and secretary's duty. |
|------------------------|--|--------------------------------------|

REV. 699.

An Act respecting suits for the recovery of moneys due to the state.

Passed February 28, 1820.

Style of ac-  
tion.

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 all suits and actions hereafter to be brought and instituted in the court of chancery or any court of record in this state, for the recovery of moneys for the use of this state, be brought and instituted in the name of the state of New Jersey, and not otherwise, any act of the legislature heretofore made to the contrary notwithstanding.

Duty of cer-  
tain officers.

2. *And be it enacted,* That it shall be the duty of the treasurer of this state, and of the secretary of this state, in cases appertaining to their respective offices, to commence suits in the name of the state of New Jersey in the supreme court, for the recovery of all sums of money now due, or which may hereafter become due to this state, and the same to prosecute to final judgment and execution, in the said supreme court, and in case of recovery of any sum of money in favour of the state, to recover costs.

3. Repealer.

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CHAPTER 7.

LIBRARY AND LIBRARIAN.

- |                                 |  |                                  |
|---------------------------------|--|----------------------------------|
| 1. Bond, and oath of office.    |  | 5. Annual appropriation for.     |
| 2. Who entitled to use library. |  | 6. Bills to be deposited in.     |
| 3. Rules and regulations.       |  | 7. Compensation to librarian     |
| 4. Account of books kept.       |  | 8. Committee to examine annually |

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An Act to regulate the state library.

1845.  
PAMPH. 226.

1846.  
PAMPH. 177.

Revision....Approved April 10, 1846.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That there shall be elected triennially, by the

Senate and General Assembly, in joint meeting, a state librarian, TIT. XXX. CHAP. 7. who shall hold his office for the term of three years and until a successor is chosen and qualified to serve; and said librarian shall, Librarian to give bond. before he enters upon the duties of his said office, enter into bond to the state of New Jersey, with two good and sufficient sureties, being freeholders in the said state, in the penal sum of one thousand dollars, to be approved by one of the justices of the supreme court, conditioned that if he shall well and truly execute the office of state librarian, and in all things touching and concerning said office, shall well and truly, faithfully and impartially, perform the same, as well with respect to all persons whatsoever concerned, as to the said state of New Jersey, and at the expiration of his said office shall deliver all the books, pamphlets, records and papers remaining in the said library, or appertaining thereto, to his successor in office, then the said obligation to be void, otherwise to be and remain in full force and virtue; and shall also take an oath or affirmation, before one Oath. of the said justices, that he will well, truly, faithfully, and impartially execute all the duties of state librarian agreeably to law, according to the best of his skill and understanding; which said bond and affidavit shall be filed in the office of secretary of state, there to remain of record.

2. *And be it enacted*, That the library shall be kept open, in the Persons entitled to use of library. state house, at all times during the session of the legislature and of the courts of this state, and of the United States, which sit at Trenton (Sundays excepted) in each day, from nine o'clock in the morning until six o'clock in the evening, and shall be for the use of the members of the legislature, the secretary and clerks of the respective houses, the officers of the executive department of the state government, judges of the district and circuit courts of the United States, district attorney, chancellor, judges of the supreme court and of the court of errors and appeals of this state, adjutant and quartermaster generals, attorneys of the supreme court, and all other persons who have been, or may be at any time entitled by law to the use of books from such library, when any of them shall be at the seat of government.

3. *And be it enacted*, That it is further made the duty of the Librarian to make rules, etc. librarian, with the advice and consent of the governor, treasurer, and secretary of state, or any two of them, to prescribe, from time to time, such rules and regulations for the government of the library as they shall think proper, and a copy of such rules shall at all times be set up in a conspicuous place in the library for inspection; and all fines and forfeitures accruing under and by virtue of such by-laws, shall be recoverable by action of debt, to be brought by the treasurer, before any court having jurisdiction of the amount,

TIT. XXX.  
CHAP. 7.

in the name of the state of New Jersey, for the use of the state library; and in all such trials, the librarian shall be a competent witness, and his entries, to be made as hereinafter directed, shall be prima facie evidence of the delivery of the book or books, and the date of such delivery.

To make entry of books loaned.

4. *And be it enacted*, That the librarian shall arrange the books in proper order, and preserve them from being injured by moths, moulding, or otherwise, as far as practicable; he shall keep proper books, in which he shall make an entry of all books taken out, designating the name of the person taking the same, and also of the books returned; he shall also keep an accurate catalogue of books belonging to the library, alphabetically arranged, and shall, in the month of January, annually, report to the legislature a full and complete statement of the condition of the library, naming the books lost and destroyed, if any there be, and the cost of such works, and the name or names of the individuals to whom they were charged, together with the fines assessed and collected under the rules and regulations to be prescribed as aforesaid; he shall also keep an account of the manner in which moneys appropriated for the improvement of the library shall be expended.

Annual expenditure for increase of library.

5. *And be it enacted*, That there shall be expended annually, by the librarian, under the direction of the governor, secretary of state, and treasurer, or any two of them, the sum of two hundred and fifty dollars for the increase of the state library; out of this fund he shall procure the binding of one copy of each volume of the laws and reports of other states and territories sent to this state, and also of ten copies of the laws and joint resolutions passed at each session of the legislature, ten copies of each of the journals of the Senate and General Assembly, five copies of the chancery reports, five copies of the supreme court reports, one copy of the bills of each house, and such other books as may require binding or rebinding.

Bills not passed to be deposited in library.

6. *And be it enacted*, That it shall be the duty of the secretary of the Senate and clerk of the General Assembly to deliver to the librarian, immediately after the final action of both houses, each and every bill and joint resolution lost upon its final passage; and at the close of each session, they shall also deliver to the librarian all bills laid on the table and unacted upon, together with those indefinitely postponed or postponed to the next sitting of the legislature.

Compensation to librarian.

7. *And be it enacted*, That the librarian shall be allowed for his services the sum of two dollars for every day he shall be employed during the session of the legislature and the sitting of the above mentioned courts (while in session as held in the state house), and

for all other duties he shall receive one dollar for each and every day necessarily employed; his account shall be audited by the secretary of state, and paid out of the treasury, upon warrants drawn by the president of the Senate or governor of this state for the time being.

TIT. XXX.  
CHAP. 8.

8. *And be it enacted*, That there shall be appointed annually, a joint committee of the legislature, whose duty it shall be to examine into the condition of the library, order any repairs that may be necessary, and recommend additions and improvements to the same, by exchange, purchase, or otherwise; they shall also report to the legislature the manner in which the money appropriated for the enlargement of the library has been expended, and whatever else they think proper to make the same useful.

a Committee  
to examine  
library.

CHAPTER 8.

CLERKS IN CHANCERY AND SUPREME COURT.

1. Oath to be taken.  
" Bond required.

2. Form of bond.  
3. Offices kept in Trenton.

An Act respecting the clerk in chancery and the clerk of the supreme court. REV. 521.

Revision.....Approved April 17, 1846.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every person who shall be appointed clerk in chancery or clerk of the supreme court, shall, before he enters upon the execution of his office, or be admitted to take the oath or affirmation prescribed by law to be taken, for the due and faithful discharge of his said office, if a clerk in chancery, before the chancellor for the time being, and if a clerk of the supreme court, before one of the justices of the supreme court, enter into bond to the state of New Jersey, with at least two good and sufficient sureties, being freeholders in said state, jointly and severally, in the sum of five thousand dollars, to be approved of by the said chancellor or the said justice of the supreme court; which bond, with the condition thereof, shall be in the form hereinafter mentioned; and when so executed, shall, together with the oath or affirmation of office, when subscribed, be recorded in the secretary of state's office, and filed in the same, to be by him kept among the public papers of his office.

Oath required.

Bond to be given.

2. *And be it enacted*, That the bond to be entered into as aforesaid, by the said clerk in chancery, or the said clerk of the supreme

Form of bond.

TIT. XXX.  
CHAP. 9.

court, and their sureties, with the condition thereof, shall be in the form following, that is to say :

Know all men by these presents, that we, A. B., C. D. and E. F. of ——— are held and firmly bound unto the state of New Jersey in the sum of five thousand dollars, money of the United States, to be paid unto the said state of New Jersey, to the which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals. Dated the ——— day of ——— in the year of our Lord one thousand eight hundred and ———

Condition.

The condition of this obligation is such, that if the above bounden A. B. shall well and truly execute the office of clerk in chancery or clerk of the supreme court (as the case may be) of the state of New Jersey, and in all things touching and concerning the said office, shall well and truly, faithfully and impartially, execute and perform the same, according to law, as well with respect to all persons concerned as to the said state of New Jersey, and at the expiration of his said office, shall deliver all moneys deposited in his office, together with the books, papers and records remaining in the same, or appertaining thereto, to his successor in office, then this obligation to be void, otherwise to be and remain in full force and virtue.

Offices,  
where kept.

3. *And be it enacted*, That the clerk in chancery and the clerk of the supreme court shall reside, and keep their offices within the city of Trenton.

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## CHAPTER 9.

### CLERKS OF COMMON PLEAS, ETC.

- |   |                                      |
|---|--------------------------------------|
| 1. Official oath and bond.              | 8. New clerk to give receipt.        |
| 2. Form of bond.                        | 9. Abstracts to be sent treasurer.   |
| 3. Books, etc., where kept.             | 10. Under what penalties.            |
| 4. Penalty for neglect.                 | 11. Treasurer to return delinquents. |
| 5. Sheriffs' bonds recorded.            | 12. Clerks not to practice law, etc. |
| 6. Record or transcript evidence.       | 13. Nor be justices of the peace.    |
| 7. Books, etc., delivered to successor. |                                      |

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REV. 451, 461, An Act respecting the clerks of the courts of common pleas and general  
503, 714. quarter sessions.  
MAR. 311.

Revision.....Approved April 17, 1846.

Oath to be  
taken and  
bond given.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every person who shall be elected clerk of the court of common pleas and general quarter sessions, for either

of the counties of this state, shall, before he enters on the execution of his office, or be admitted to take the oath or affirmation prescribed by law, enter into bond to the state of New Jersey, with at least two good and sufficient sureties, being freeholders of the county, and approved of by two of the judges of the court of common pleas of the county, jointly and severally, in the sum of five thousand dollars; which bond, with the condition thereof, shall be in the form hereinafter mentioned, and when so executed and approved of, shall, together with the oath or affirmation of office, duly taken and subscribed, be recorded in the secretary's office, and filed in the same, to be, by the secretary of state, kept among the public papers of his office; and in case any person appointed clerk, as aforesaid, before he shall enter into the security aforesaid, shall perform any of the duties required of him by law, in said office, he shall, for every such offence, forfeit and pay, for the use of this state, one hundred dollars, to be sued for and recovered by any one of the judges of the court of common pleas of the county in which the offence shall be committed, in an action of debt, with costs of suit, in the name of this state.

TIT. XXX.  
CHAP. 9.Recorded  
and filed.

Penalty.

2. *And be it enacted*, That the bond to be entered into, as aforesaid, by the said clerks and their sureties, with the condition thereof, shall be in the form following, that is to say :

Form of  
bond.

Know all men by these presents, that we, A. B., C. D. and E. F., of the county of \_\_\_\_\_ are held and firmly bound unto the state of New Jersey in the sum of five thousand dollars, to be paid unto the state of New Jersey, to which payment well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents. Sealed with our seals. Dated the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and \_\_\_\_\_

The condition of this obligation is such, that if the above bounden A. B. shall well and truly execute the office of clerk of the court of common pleas and general quarter sessions for the county of \_\_\_\_\_ and in all things touching and concerning said office, shall well and truly, faithfully and impartially, execute and perform the same, according to law, as well with respect to all persons concerned as the state of New Jersey, and at the expiration of his said office, shall deliver to his successor in office all the books, papers, records, and writings remaining in the same, or appertaining thereto, then this obligation to be void, otherwise to be and remain in full force and virtue.

Condition.

3. *And be it enacted*, That in every county of this state, where an office hath been, or hereafter may be built, at the expense of any county in this state, of materials not liable to be destroyed by

Books, etc,  
where kept.

TIT. XXX.  
CHAP. 9.

fire, and the same is or shall be finished and completed, and be situated within half a mile of the court-house of the respective county, the clerks of the several counties, and their successors in office, shall, and they are hereby required to remove to the office so provided, all the books, records, and papers appertaining to the office of the respective clerk.

Penalty for  
neglect.

4. *And be it enacted*, That if any clerk of any county of this state shall neglect or refuse, for the space of ten days, to remove all the books, records and papers appertaining to his said office to the office which hath been or may be built and completed as aforesaid, every clerk so offending, shall forfeit and pay for each day he shall so neglect or refuse, after the expiration of the said ten days, the sum of ten dollars, to be sued for and recovered by the director of the board of chosen freeholders in the county where the delinquency shall happen, in his own name, to be applied, when recovered, to and for the use of the county.

Sheriffs'  
bonds to be  
recorded.

5. *And be it enacted*, That the clerks of the courts of common pleas and general quarter sessions, in the several counties of this state, shall and they are hereby required to enter of record, in a book to be kept by them for that purpose, all bonds given to the state of New Jersey by the sheriffs of their respective counties, who shall be hereafter elected, for the fulfilment of their respective duties, as required by the act entitled, "An act concerning sheriffs."

CH. 14.

Record or  
transcript  
evidence.

6. *And be it enacted*, That the record aforesaid of such bond, and a transcript of such record, certified to be a true transcript, by the said clerk in whose office the said record is kept, shall be received in evidence in any court of this state, and be as good, effectual and available in law as if the original bond were then and there produced and proved: *and further*, that the said clerk, for recording each bond, shall receive thirty cents, and no more, to be paid by the sheriff giving the same.

How books,  
etc., deliver-  
ed to succes-  
sor.

7. *And be it enacted*, That the said clerks, upon the expiration of their office, shall, in the presence of one of the judges of the court of common pleas of which they were clerks, respectively deliver to their successor in office the books, papers, records, writings and every document appertaining to said office, and it shall be the duty of the said judge to certify, under his hand and seal, such delivery; which certificate, together with the receipt from the successor in office, shall be transmitted, by said clerk, to the secretary of state, to be by him filed in his office; and in case such clerk shall die during his continuance in said office, it shall be the duty of his executors or administrators to deliver over, in like manner, to the successor in said office, all the books, papers, records, writings, and every document appertaining to said office, and transmit, in like

manner, the certificate of the judge and the receipt of the successor to the secretary of state, to be by him filed in his office. TIT. XXX.  
CHAP. 9.

8. *And be it enacted*, That every person who shall be elected to the clerkship of any court of common pleas, shall, on receiving the book or books in which any deeds or conveyances are recorded, sign and acknowledge a receipt for the same, before one of the judges of the said court, whose duty it shall be to deliver the said receipt to the secretary of state, to be by him filed in his office. New clerk to  
give receipt  
for them.

9. *And be it enacted*, That it shall be the duty of the clerk of every court of this state to make out, within ten days after the session or term of the said court, a true abstract from the minutes of all fines and ameracements awarded, and the amount of all judgments entered on forfeited recognizances for the use of the state during the said session or term, and to transmit the same to the treasurer of this state on or before the first day of November, annually; which abstract shall contain the names of the persons fined and amerced, and against whom judgment as aforesaid has been entered, and also the names of the sheriff and collector of the county for the time being. Abstracts to  
be sent to  
treasurer.

10. *And be it enacted*, That if any clerk shall refuse or neglect to transmit such abstract to the treasurer, at or before the time hereby appointed, he shall, for every offence, forfeit and pay one hundred dollars, to be recovered by action of debt, with costs, in the name of the secretary of state, for the use of the state. Penalty for  
neglect.

11. *And be it enacted*, That it shall be the duty of the treasurer, within two days after the first day of November, annually, to make out and return the name of every delinquent clerk to the secretary, who, upon receipt thereof, shall prosecute such clerk for the recovery of the said penalty. Treasurer to  
return delin-  
quents.

12. *And be it enacted*, That the clerks of the courts of common pleas, hereafter to be elected, shall not be allowed to practice or act as attorneys at law, in any of the counties of this state, in which they may be so elected; and if any clerk shall practice or act contrary to the prohibition aforesaid, for each offence he shall be liable to the penalty of fifty dollars, to be recovered in an action of debt, by any person who shall prosecute for the same, in any court where the same be cognizable, with costs of suit, and shall also be liable to be removed from office by impeachment. Clerks not to  
practice law.

13. *And be it enacted*, That it shall not be lawful for any clerk of any court of common pleas in this state, to hold or exercise the office of justice of the peace, any law of this state heretofore passed to the contrary notwithstanding. Nor hold of-  
fice of justice.

TIT. XXX.  
CHAP. 10.

CHAPTER 10.

OF RECORDING JUDGMENTS.

- |                                   |  |                              |
|-----------------------------------|--|------------------------------|
| 1. Judgments entered and indexed. |  | 2. How penalty appropriated. |
| 2. Penalty for neglect.           |  |                              |

HAR. 388. An Act respecting the recording of judgments in the courts of law.

Passed March 7, 1832.

Judgment to be entered and indexed within six months.

See TITLE XXXIV. CH. 1, § 77; and TITLE XXIII. CH. 3, § 7.

Proviso.

Clerk prosecuted for neglect, on official bond.

Money recovered to be paid to others performing service.

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 be the duty of the clerk of the supreme court, and of the clerks of the several and respective courts of common pleas in this state, to enter on record in a book, the proceedings and judgments, and to make a complete alphabetical index to the same, as required and directed by the seventy-sixth section of the act entitled, "An act to regulate the practice of the courts of law," passed the fourteenth of February, seventeen hundred and ninety-nine, within six months after the final judgment in every civil cause, in which by law such final judgment is required to be entered as aforesaid; and no clerk shall charge any fee therefor, until such service shall have been actually performed; *provided always,* that nothing herein contained shall affect the validity or legal effect of any such judgment, as shall not be recorded within the time herein limited.

2. *And be it enacted,* That if any clerk shall neglect or omit to perform the duty required of him by the said seventy-sixth section, within the time mentioned in the first section of this act, the judges of the court in which such neglect or omission shall have taken place, by order of said court, may give notice thereof to the attorney general of this state; and it shall be his duty, on receiving such notice, and that such duty remains unperformed, to proceed by action at law, upon the official bond of such defaulter, for the recovery of the penalty thereof, with costs; and when judgment shall be obtained upon any such bond, the court, where such judgment shall be recovered, shall direct so much money to be levied thereon by execution, as in other cases, as shall be sufficient to pay all the expenses of entering or recording the said proceedings and judgments which shall then remain unrecorded by the said clerk, and indexed as aforesaid; and which service, the judges of the court, when such default takes place, are hereby authorized and directed to have done and performed, and paid for out of the money so recovered as aforesaid; and if, after judgment obtained on any such bond, any other neglect or default shall take place, the court, in which such judgment shall have been obtained, shall direct

such further sum to be levied as aforesaid thereon, as shall be sufficient to pay the expense of recording all such proceedings and judgments as remain to be recorded by the said clerk, and of making such index as aforesaid, and which service the judges are hereby directed and authorized to have done and paid for as aforesaid, and so on, as often as any neglect or default shall take place; *provided*, that the sureties in any such official bond shall not be charged, by virtue of this act, beyond the penalty of such bond.

TIT. XXX.  
CHAP. 11.

3. Obsolete.

## CHAPTER 11.

### SURROGATES.

1. Power limited to county.
2. Official bond and oath.  
" Form of bond.

3. Books, etc., delivered to successor.
4. Where books, etc., kept.
5. Penalty for neglect.

### An Act respecting surrogates.

REV. 525, 765.

HAR. 32.

Revision....Approved April 15, 1846.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be but one surrogate elected in each county of this state, and the power and authority of the surrogate shall be limited to the county in which he is or shall be elected.

Power limited.

2. *And be it enacted*, That every surrogate, before he enters upon the execution of the duties of his office, shall enter into bond to the state of New Jersey, in the sum of two thousand dollars, with at least two good and sufficient securities, being freeholders of the county for which such surrogate is appointed, to be approved of by two of the judges of the court of common pleas of said county; which bond, with the condition thereof, shall be in the form hereinafter mentioned, and shall also take and subscribe the following oath, before one of the judges of the said court:

Bond to be given.

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

Which oath or affirmation shall, by the judge before whom the same is taken, be delivered or safely transmitted to the secretary of state, together with the bond aforesaid, to be filed among the public papers of his office; and the bond to be entered into as aforesaid, shall be in the following form:

Filed.

TIT. XXX.  
CHAP. 11.

Form of  
bond.

Know all men by these presents, that we \_\_\_\_\_ of the county of \_\_\_\_\_ in the state of New Jersey, are held and firmly bound unto the said state in the sum of two thousand dollars, to be paid to the said state, to which payment well and truly to be made and done, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and \_\_\_\_\_ The condition of this obligation is such, that if the above bounden \_\_\_\_\_ shall well and truly execute the office of surrogate of the county of \_\_\_\_\_ and in all things touching and concerning the said office, shall well and truly, faithfully and impartially, execute and perform the same according to law, as well with respect to all persons whatsoever concerned, as to the said state of New Jersey, and at the expiration of his said office, shall deliver the seal and all the books, records and papers remaining in said office, or appertaining thereto, to his successor in office, then the above obligation to be void, otherwise to be and remain in full force and virtue.

Books, etc.,  
delivered to  
successor.

3. *And be it enacted*, That upon the death, removal or expiration of the office of surrogate, the minutes, papers, writings, documents and books of and belonging to such office, shall be delivered to his successor in office, on oath or affirmation of the preceding surrogate, or in case of his death, on the oath or affirmation of his executors or administrators; and if such surrogate, or the executors or administrators of a deceased surrogate, shall refuse or neglect to deliver the same on oath or affirmation as aforesaid, being demanded by the successor in office, then every such person shall forfeit and pay five hundred dollars, to be recovered with costs, by action of debt, in the name of the county collector, for the use of the state.

Penalty.

Where  
books, etc.,  
kept.

4. *And be it enacted*, That in every county of this state, where an office hath been or hereafter shall be built or provided, of materials not liable to be destroyed by fire, for the use of the surrogate of said county, within half a mile of the court-house, the surrogate of such county shall be and he hereby is required, upon notice in writing for that purpose being given to him by the director of the board of chosen freeholders, to remove to the office so provided all the books, records and papers appertaining to the office of such surrogate.

Penalty for  
neglect.

5. *And be it enacted*, That if any surrogate shall neglect or refuse, for the space of thirty days after receiving notice as aforesaid, to remove all the books, records and papers appertaining to his said office, to the office which hath been or may be built or provided as aforesaid, every surrogate so offending shall forfeit and

pay for each day he shall so neglect or refuse, after the expiration of the said thirty days, the sum of ten dollars, to be sued for and recovered by the director of the board of chosen freeholders, in the county where the delinquency shall happen, in his own name, to be applied, when recovered, to and for the use of the county.

TIT. XXX.  
CHAP. 12.

## CHAPTER 12.

### JUSTICES OF THE PEACE.

- |                                    |                                     |
|------------------------------------|-------------------------------------|
| 1. How elected.                    | 10. Notice of vacancy and election. |
| 2. Number ascertained.             | 11. Bond to be given.               |
| 3. Officers of election.           | 12. How prosecuted.                 |
| 4. Vacancy supplied.               | 13. To be filed.                    |
| 5. Election, how conducted.        | 14. Penalty for acting before.      |
| 6. Statements of result made, etc. | 15. One ballot may be used.         |
| 7. How commissioned.               | 16. Jersey City and Newark.         |
| 8. Of elections for vacancies.     | 17. Compensation of officers.       |
| 9. Of resignations.                |                                     |

### An Act relative to justices of the peace.

Revision....Approved April 17, 1846. 1845.  
PAMPH. 75,  
226, 244, 264.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That justices of the peace shall be elected by ballot, at the annual meetings of the townships and wards in the several counties of this state. How elect-  
ed.

2. *And be it enacted*, That, in order to ascertain the number of justices of the peace which each township or ward may elect, at each annual meeting of the inhabitants thereof, the abstract of the last preceding census, as published by law, shall be conclusive evidence of the number of inhabitants in each township or ward. Number as-  
certained.

3. *And be it enacted*, That the judge of election elected at the previous town meeting, shall preside at, and conduct the election; and the lawful voters present at the opening of the poll shall elect viva voce, a person being a lawful voter in the township, to be clerk of such election. Officers of  
election.

4. *And be it enacted*, That in case of the neglect to serve, or the absence or other disability of the judge of election, or where no judge has been elected, the lawful voters present shall proceed to fill such vacancy in the manner provided in the foregoing section for the election of the clerk. Vacancy  
supplied.

5. *And be it enacted*, That the election for justices of the peace shall be opened at the same time, and conducted in the same manner, and be subject to the same rules, as elections for state or county officers are or shall be, and the same qualification of voters Manner of  
conducting  
election.

TIT. XXX.  
CHAP. 12.  
----- required as are required in the election of township officers; and the same duties shall devolve upon the judge of election and the clerk as are to be performed by the board of election and clerk in other elections; they shall take the same oath or affirmation, as far as applicable, be invested with the same powers, and be liable to the same penalties, and the result ascertained and stated in the same manner.

Statements  
of result. 6. *And be it enacted*, That two statements of the result of every election for justices of the peace shall be made, one of which the judge of election shall enclose and seal up, and deliver or safely transmit to the clerk of the county, who shall forthwith file the same in his office; and the other shall in like manner be delivered or transmitted to the secretary of state, within ten days after such election, who shall forthwith file the same in his office.

Commis-  
sioned. 7. *And be it enacted*, That the secretary of state shall exhibit the several statements of the results of such elections to the governor, who shall commission the persons elected for the county; their commissions shall bear date and take effect on the first day of May next after their election, and they shall hold their offices for five years, unless elected to fill a vacancy, then for the unexpired term only.

Where elec-  
tion for va-  
cancy. 8. *And be it enacted*, That if at any such election there be a vacancy or vacancies to be supplied, and a justice or justices to be elected for five years, it shall be necessary to designate on the ballot for which term the person voted for is intended, by adding, after the names of persons intended to supply vacancies, the words "in place of," and the name of the person or persons whose place is to be supplied; the statement of the result shall show which persons are elected to fill vacancies, and in whose place, and they shall be commissioned accordingly.

Resignations 9. *And be it enacted*, That when any justice of the peace shall be desirous of resigning his office, he shall send or deliver his resignation, in writing, to the governor or person administering the government, and shall deliver a copy of such resignation forthwith to the clerk of the township for which such justice shall have been commissioned, to be by him filed, and thereupon his said office shall be considered vacant.

Notice of  
vacancy, and  
election. 10. *And be it enacted*, That whenever a vacancy shall occur, by reason of the resignation, death, or removal of any justice of the peace, it shall be the duty of the clerk of the township forthwith to give notice thereof, in writing, to the township committee, who shall thereupon order a special town meeting to be convened for the purpose of supplying such vacancy, first giving at least twenty days notice thereof, by advertisements under their hands, to be set

up in five or more of the most public places in said township, specifying the purpose for which such town meeting is to be held, and the time and place of holding the same; and such election shall be held by the same persons, under the same regulations, and the result certified in the same manner, as in other cases of elections to fill vacancies in the office of justices of the peace; and the person elected shall be in like manner commissioned to fill such vacancy.

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11. *And be it enacted*, That every person hereafter elected to the office of justice of the peace in any of the counties of this state, shall give bond to the state of New Jersey in such sum as the judges of the court of common pleas of such county, or any three of them, may deem sufficient, not less than five hundred nor more than three thousand dollars, with good freehold security, to be approved by such judges, conditioned for the payment, on demand, to the person entitled or authorized to receive the same, of all moneys that may come into his hands as such justice of the peace during his continuance in office.

Bond required.

12. *And be it enacted*, That such bond shall be for the benefit of any person concerned or aggrieved; and the circuit court of the county may, from time to time, upon application in writing by any person concerned or aggrieved, order a prosecution of the bond to be conducted at the expense of the applicant.

How prosecuted.

13. *And be it enacted*, That such bond shall be filed in the office of the clerk of the proper county.

Filed.

14. *And be it enacted*, That if any justice of the peace shall enter upon the execution of his office before taking his official oaths and filing such bond, he shall forfeit, for each offence, the sum of one hundred dollars.

Penalty for acting before taking oath, etc.

15. *And be it enacted*, That townships and wards which now vote or shall hereafter vote by ballot at their annual town and ward meetings, shall, at the time they vote for justices of the peace, vote upon the same ballot for township officers, and upon such other questions as such townships and wards are or may be authorized or required by law to vote upon by ballot.

One ballot authorized.

16. *And be it enacted*, That all acts and parts of acts authorizing townships and wards to vote by ballot at their annual town and ward meetings, so far as the same are inconsistent with the provisions of this act, are hereby repealed; *provided*, that the election of justices of the peace in Jersey City shall be under the direction of the same board of election and clerk, and shall open and close at the same hours as are prescribed by "An act to incorporate Jersey City," passed the twenty-second day of February, eighteen hundred and thirty-eight; and that the election of justices of the peace in the several wards in the city of Newark, shall be

Election in Jersey City

and Newark

TIT. XXX.  
CHAP. 13.

under the direction of the same board of election and clerk, and shall open and close at the same hours as are prescribed relative to the annual ward elections, by "An act to incorporate the city of Newark," passed the twenty-ninth day of February, eighteen hundred and thirty-six, any thing in this section to the contrary notwithstanding; and the officers of said election shall be eligible to any office to be voted for at such election, except that of justice of the peace; but the statements of the result of the election for justices of the peace, shall be separate and distinct from the certificates of the result of the election as to the other officers voted for at such election.

Compensation of officers.

17. *And be it enacted*, That the judge of election, the clerk and secretary of state, shall receive the same compensation for services required by this act, as is now or may hereafter be provided by law for like services in elections for state or county officers.

CHAPTER 13.

PROSECUTORS OF THE PLEAS.

- |                          |                            |
|--------------------------|----------------------------|
| 1. Appointment and duty. | 3. Powers and fees.        |
| 2. Oath of office.       | 4. When court may appoint. |

HAR. 49.

An Act respecting prosecutors of the pleas of the state.

Revision....Approved April 16, 1846.

Appointment and duty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be appointed for each county some fit person, who shall be an attorney and counsellor at law, whose duty it shall be to prosecute the pleas of the state in such county, in the absence of the attorney general: *and further*, to do and perform such acts and things in behalf of the state, in and about such prosecutions, as the attorney general might or ought to do, if personally present.

Official oath.

2. *And be it enacted*, That every prosecutor of the pleas as aforesaid, before entering upon the duties of his office, shall take and subscribe, before the clerk of the county for which he has been appointed, or before one of the judges of the court of common pleas for such county, the following oath or affirmation, viz: I, \_\_\_\_\_ do solemnly promise and swear, (or affirm, as the case may be,) that I will faithfully, justly, and impartially execute the duties of prosecutor of the pleas of the state, in and for the county of \_\_\_\_\_ to the best of my abilities and understanding. So help me God.

3. *And be it enacted*, That the said prosecutors shall, severally, during the continuance of their appointments, be vested with the same powers, subject to the same penalties, and entitled to the same fees for services, in the absence of the attorney general, within their respective counties, as the attorney general is or shall by law be vested with, or subject or entitled to.

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Powers and fees.

4. *And be it enacted*, That in case of the absence of the attorney general and of the prosecutor as aforesaid, at any term of the court of oyer and terminer and general jail delivery, or general quarter sessions of the peace, in any county, it shall be lawful for such court to appoint some fit person to prosecute the pleas of the state during said term; who, on taking the oath or affirmation above prescribed, shall be vested, during the said term, with the powers of a prosecutor of the pleas, and be entitled to the same fees and subject to the same penalties.

When court may appoint.

## CHAPTER 14.

### SHERIFFS.

- |  |   |
|--|---|
| <ol style="list-style-type: none"> <li>1. Qualifications required.</li> <li>2. How to give bond.</li> <li>3. Form of official oath.</li> <li>4. Bond and oath filed.</li> <li>5. Certificate of judges.</li> <li>6. When authorized to act.</li> <li>7. Commission and official term.</li> <li>8. Until qualified, coroners to act.</li> <li>9. Sheriff not to act until qualified.</li> <li>10. When new election authorized.</li> <li>11. Bond, how prosecuted.</li> <li>12. Of suit and judgment on bond.</li> <li>13. To keep jail.</li> <li>14. Receive prisoners.</li> <li>15. Take bail bond.</li> <li>16. And assign it.</li> <li>17. Returns, how made.</li> <li>18. Duty as to prisoners in custody.</li> <li>19. Their privileges.</li> </ol> | <ol style="list-style-type: none"> <li>20. Keep debtors and criminals apart.</li> <li>21. Penalty for violating law.</li> <li>22. Amercement, and notice of.</li> <li>23. Elisors, their powers and fees.</li> <li>24. Liability for contempts.</li> <li>25. How prisoners detained.</li> <li>26. Liability, if not safely kept.</li> <li>27. So when process from chancery.</li> <li>28. Plea in action for escape.</li> <li>29. Duty where resistance made.</li> <li>30. Remand on habeas corpus.</li> <li>31. Writs turned over to successor.</li> <li>32. Not to act as justice.</li> <li>33. Death, removal, disability.</li> <li>34. When coroners to act.</li> <li>35. Death of sheriff after levy made.</li> <li>36. Sale authorized, made valid.</li> <li>37. Under-sheriff appointed, sworn.</li> <li>38. Not to act before.</li> </ol> |
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### An Act concerning sheriffs.

REV. 236, 303.

Revision....Approved April 16, 1846.

1845.  
PAMPH. 214.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person shall be sheriff of any county in this state, unless he shall have been an inhabitant and freeholder in such county for at least three years next preceding his election.

Qualifications required.

2. *And be it enacted*, That the judges of the courts of common pleas, in the several counties of this state, shall meet at the office

Judges to meet.

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CHAP. 14.

Sheriff to  
produce cer-  
tificate,

and give  
bond.

Form.

Condition.

Official oath.

of the clerk of the said court, in their respective counties, on the first Tuesday after the close of the annual or other election of the sheriff in the same county, on the penalty of eight dollars for each defaulter, to be sued for and recovered by the collector of the said county, and applied to the use of the same; at which time and place, the sheriff elect is hereby required and enjoined to attend, with the certificate of his election, and not less than five sufficient sureties, being freeholders and residents in the same county, to be approved of by the judges then met, or the major part of them, and then and there, before the said judges, with such approved sureties, shall enter into bond for the faithful execution of his office, in the sum of twenty thousand dollars; which bond shall be in the form following, to wit:

Know all men by these presents, that we, A. B., C. D., E. F., G. H., I. K. and L. M., all of the county of \_\_\_\_\_ are held and firmly bound to the state of New Jersey in the sum of twenty thousand dollars, to be paid to the said state; for which payment well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals. Dated this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_

The condition of the above obligation is such, that if the above bounden A. B. shall well and truly execute the office of sheriff of the county of \_\_\_\_\_ and in all things touching his said office shall well and truly, justly and faithfully, perform and execute the same, as well with respect to all persons concerned as to the state aforesaid, then this obligation to be void, or else to be and remain in full force and virtue.

Signed, sealed and delivered in the presence of, and approved by us,

A. B.  
C. D.  
E. F. &c. } Judges of the pleas in and for the county of \_\_\_\_\_

To the execution of which bond, the said judges, then present, shall be subscribing witnesses.

3. *And be it enacted*, That the said sheriff, after having entered into bond as aforesaid, shall take and subscribe, before the said judges, an oath or affirmation in the words following, to wit:

I do solemnly swear (or affirm), that I will well and truly serve the state of New Jersey in the office of sheriff of \_\_\_\_\_; that I will in no case knowingly use or exercise the office of sheriff illegally, corruptly or unjustly; that I will neither directly or indirectly, by any means or device, or under any colour or pretence whatsoever, accept, receive, take, use or enjoy, or consent to the

accepting, receiving, taking, using or enjoying, any fee or reward of or from any person or persons whomsoever, for summoning, empannelling or returning any inquest, jury or tales, other than such fees or reward as are or shall be allowed by law; that I will not, directly or indirectly, exact, demand or receive any manner of fee or reward from any person or persons, for serving, executing or returning any writ, precept, process or execution, or for performing any other service, act or duty in my said office, other than such fees or reward as are or shall be allowed for the same by law; that I will not neglect, refuse or delay to serve and return any writ, precept or execution, to me directed and delivered, and to make sale of property by me levied upon and seized by virtue of any writ or execution, for any gift, promise, reward or favour; that I will do no wrong to any person, for any gift, reward or promise, nor for favour or hatred; that I will do right to all persons in all things belonging to my office; that I will truly, faithfully and impartially, and with all convenient speed, summon, empannel and return, or cause to be summoned, empannelled and returned, good and lawful men for jurors, able and sufficient, and not suspected or procured, as is or shall be directed by law; that I will, to the utmost of my power, duly, faithfully and with all convenient speed, execute, or cause to be executed, all writs, process, precepts, and executions to me directed, and which shall come to my hands, and will faithfully and truly return the same, according to the best of my skill and understanding; and that I will truly and honestly, without fraud or deceit, do, execute and perform all services, acts and duties of my said office, according to the best of my judgment, skill and power.

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CHAP. 14.

4. *And be it enacted*, That the above oath or affirmation, in writing, subscribed as aforesaid, and attested by the said judges, or a major part of them, and the bond so as aforesaid executed by the said sheriff and his sureties, and approved of in the manner before prescribed, shall be filed and securely kept in the office of the clerk of the court of common pleas, in and for the same county.

Oath and  
bond filed.

5. *And be it enacted*, That the said judges, after having taken the bond and administered the oath or affirmation of office as aforesaid, shall deliver to the said sheriff a certificate thereof, under their hands and seals, directed to the governor of the state, in the form following:

Judges' cer-  
tificate.

This day personally appeared before us the subscribers, judges of the court of common pleas in and for the county of ——— A. B. and executed a bond to the state of New Jersey, with sufficient sureties, by us approved, for the faithful execution of the office of sheriff of the said county of ——— and subscribed the oath of

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CHAP. 14.

office in due form of law. Given under our hands and seals, the  
\_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_

To be sent  
to governor.

Which certificate shall be annexed to the certificate of election aforesaid, and by the said judges delivered to the sheriff, to be by him transmitted to the governor, in order to be commissioned; and the said judges, then present, shall, for their services aforesaid, be severally entitled to the sum of one dollar and fifty cents, which the collector of the county is hereby authorized and required to pay out of any public moneys he may have in his hands.

Fees.

Sheriff then  
authorized  
to act.

6. *And be it enacted*, That every sheriff shall, on the receipt of such certificate of his having given bond and taken the oath of office as aforesaid, be and he is hereby authorized to act in and execute his office of sheriff, before receiving his commission, for the space of one month, and no longer, as fully, to all intents and purposes, as he will be after he has received his commission.

Date of com-  
mission and  
expiration of  
office.

7. *And be it enacted*, That the commission of every sheriff and coroner elected at any annual election, shall bear date and take effect on the Wednesday after the first Tuesday succeeding such annual election, and his term of office shall expire on the first Tuesday after the next succeeding annual election.

Until sheriff  
qualified,  
coroners  
may act.

8. *And be it enacted*, That until the sheriff elect shall enter into bond and take the oath of office as aforesaid, the coroner or coroners last elected, shall serve and execute all writs and process directed to the said sheriff.

Sheriff not to  
act till quali-  
fied.

9. *And be it enacted*, That if any sheriff elect shall presume to execute the office of sheriff before he shall have given bond and taken the oath of office, agreeably to the directions of this act, then all such his acts and proceedings, done under colour of office, shall be absolutely void, and he shall, for such offence, be liable to be indicted for a misdemeanor, and, on conviction, fined in any sum not exceeding two thousand dollars.

When new  
election au-  
thorized.

10. *And be it enacted*, That if any sheriff elect shall neglect, refuse, or be unable to give bond with sureties as aforesaid, or shall neglect or refuse to take the oath of office, agreeably to the directions of this act, at the time herein limited, the said judges shall certify the same to the clerk of the court of common pleas, who is hereby authorized and required to advertise a new election for sheriff, in the manner prescribed by law.

Governor  
may order  
bond prose-  
cuted.

11. *And be it enacted*, That it shall and may be lawful for the governor, or person administering the government, upon application made in writing by any person, his legal representative or attorney, who may be aggrieved, or suppose himself to be aggrieved, by the neglect, default, malpractice, or misconduct of any sheriff in his office, to order a prosecution to be commenced upon the bond

given or to be given by such sheriff and his sureties, and to be carried into effect at the costs and charges of the applicant.

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CHAP. 14.

12. *And be it enacted*, That all suits upon bonds given by sheriffs and their sureties, in manner aforesaid, shall be instituted in the supreme court, and not elsewhere; and when judgment shall be obtained upon any such bond, the said court shall direct so much money to be levied on such judgment, as shall be sufficient to satisfy the party aggrieved for his debt or damages, with costs, to be paid to the said party; and if, after judgment obtained upon such bond, any other party aggrieved, by the neglect, default, malpractice or misconduct of such sheriff in his office, shall apply to the supreme court for relief, the said court shall direct such further sum to be levied thereon, as shall be sufficient to satisfy such party for his debt or damages, with costs, and so on, as often as application shall be made by parties aggrieved; *provided*, that the sureties in any sheriff's bond shall not be charged, by virtue of this act, beyond the sum contained in such bond.

Of suits and judgments on sheriffs' bonds.

Proviso.

13. *And be it enacted*, That the sheriff of each county in this state shall have the custody, rule, keeping, and charge of the jail or jails within such county, and of all prisoners in such jail or jails; and shall be responsible for the conduct of any keeper whom he shall appoint for the same.

To keep jail.

14. *And be it enacted*, That it shall be the duty of sheriffs and jailers to receive from constables and other officers, all persons who shall be apprehended by such constables or officers for offences against this state; and if any sheriff or jailer refuse to receive any such offenders, he shall be adjudged to be guilty of a misdemeanor, and, on conviction, shall be fined at the discretion of the court.

To receive prisoners.

Penalty.

15. *And be it enacted*, That every sheriff, under-sheriff, coroner, jailer and other officer, shall let out of prison all persons who are or shall be arrested by them, or any of them, or be in their or any of their custody, by virtue of any writ, process or warrant, in any personal action, or by reason of any indictment for trespass, upon reasonable sureties of competent persons, having sufficient within the counties where such persons shall be so let to bail, to appear at such day and place as the said writ, process, or warrant shall require, except such person or persons as are or shall be in custody or prison by condemnation, execution, surety of the peace, or special command of any court of justice; and that no sheriff, nor any of the officers or ministers aforesaid, shall take or make, or cause to be taken or made, any obligation for any cause aforesaid, or by colour of his or their office, of any person, or by any person who shall be in his or their custody or prison by course of law, but only to themselves respectively, and by the name of their office,

Who may be let out on giving bail.

Form and condition of bail bond.

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CHAP. 14.

and upon condition written, that the said prisoner shall appear at the day and place mentioned and contained in the said writ, process, or warrant; and if any sheriff or other officer, or minister aforesaid, return upon any person, that he hath taken the body, or that such person hath surrendered himself or herself, such sheriff or other officer or minister shall be chargeable to have the body of such person at the day of the return of the said writ, process, or warrant, in such form as he or they were before the making of this act.

Sheriff answerable for appearance of prisoner.

Shall assign bail bond.

16. *And be it enacted*, That if any person or persons have been or shall be arrested by any writ, bill, or process, issuing out of any court of record, at the suit of any person or persons, and the sheriff or other officer hath taken or shall take bail from such person or persons against whom such writ, bill, or process was or shall be taken out, the sheriff or other officer, at the request and costs of the plaintiff in such action or suit, or his lawful attorney, shall assign to the plaintiff in such action the bail bond or other security taken from such bail, by endorsing the same, and attesting it under his hand and seal, in the presence of two or more witnesses; and if the said bail bond, or assignment, or other security taken for bail, be forfeited, the plaintiff in such action, after such assignment made, may bring an action or suit thereupon in his own name; and the court in which the action is brought may, by rule or rules of the same court, give such relief to the plaintiff and defendant in the original action, and to the bail upon the said bond, or other security taken from such bail, as is agreeable to justice and reason; and that such rule or rules shall have the nature and effect of a defeasance of such bail bond or other security for bail.

Plaintiff may prosecute it.

Power of the court.

Returns, how made.

17. *And be it enacted*, That sheriffs and other officers, whose duty it is or shall be to make return of any writ or process, shall put their own names to the return of such writ or process, so that the court may know of whom they received such return; and any sheriff or other officer, who shall not sign such return, shall be amerced, and also answer damages to the party.

Duty of officers in regard to prisoners in custody.

18. *And be it enacted*, That no sheriff, under-sheriff, coroner, or other officer or minister, shall convey or carry, or cause to be conveyed or carried, any person or persons by him or them arrested, or being in his or their custody, by virtue or colour of any writ, process, or warrant, to any tavern, ale-house, or other public victualling or drinking-house, without the free and voluntary consent of the person or persons so arrested or in custody; nor charge any such person or persons with any sum of money for wine, brandy, rum, gin, spirits, ale, cider, beer, victuals, or any other liquor or things, whatsoever, except what he, she, or they shall call for, of

his, her, or their own free accord; nor shall cause or procure him, her, or them to call or pay for any such liquor, victuals, or things, except what he, she, or they shall particularly and freely ask for; nor shall demand, take, or receive, or cause to be demanded, taken, or received, directly or indirectly, any other or greater sum or sums of money than is or shall be by law allowed to be taken or demanded for such arrest, taking, detaining, or waiting, until the person or persons, so arrested or in custody, shall have given an appearance or bail, as the case may require, or agreed with the person or persons at whose suit or prosecution he, she, or they shall be taken or arrested, or until he, she, or they shall be sent to the proper jail of the county, or place where such arrest or taking shall be; nor shall exact or take any reward, gratuity, or money for keeping the person or persons so arrested or in custody out of jail or prison; nor shall take or receive any other or greater sum or sums for one or more night's lodging or day's diet, or other expenses, than what is or shall be allowed by law.

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CHAP. 14.

19. *And be it enacted*, That every sheriff, under-sheriff, jailer, keeper of any prison or jail, or other person or persons whomsoever, to whose custody or keeping any person or persons so arrested or taken shall be committed by virtue of any writ or process, or on any pretence whatsoever, shall permit and suffer him, her or them so arrested or taken, at his, her or their will and pleasure, to send for and have any victuals or necessary drink or food from what place and whom they please, and also to have and use such bedding, linen and other things as he, she or they shall think fit, without purloining or detaining the same, or any part thereof, or enforcing or requiring him, her or them to pay for the having or using thereof, or putting any manner of restraint or difficulty upon him, her or them in using thereof or relating thereto.

Privileges  
allowed pri-  
soners.

20. *And be it enacted*, That it shall not be lawful for any sheriff, jailer or keeper of any jail to confine or keep debtors and criminals together in the same room or chamber; but they shall be confined and kept separate and apart from each other in distinct rooms.

Debtors and  
criminals  
kept sepa-  
rate.

21. *And be it enacted*, That if any sheriff, under-sheriff, coroner, jailer or other officer or minister aforesaid, shall offend against the three clauses or sections immediately preceding, or any of them, or any part thereof, every such offender shall, besides being punished on conviction for a misdemeanor, forfeit and pay double damages to the party aggrieved, to be recovered, with costs, by action of debt, in any court having cognizance thereof.

Penalty for  
violating  
law.

22. *And be it enacted*, That if any sheriff or coroner shall neglect or refuse to execute any writ of execution to him directed, and which hath or shall come to his hands, or, where the execution shall

For what  
causes a-  
merced.

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Notice of  
amercement  
required.

Proviso.

Elisors ap-  
pointed.

Their pow-  
ers and fees.

Pleas may  
award at-  
tachment for  
contempt.

Prisoners to  
be actually  
detained in  
prison,

be by fieri facias, shall neglect to file a just and true inventory of the goods and chattels, lands and tenements, so taken in execution, unless such sheriff or coroner return that he hath levied to the value of the debt or damages and costs, or shall voluntarily or negligently omit, for the space of two months, rendering to the plaintiff or plaintiffs, his, her or their representative or attorney, the money which he shall have received from the sale of the estate, real and personal, of the defendant or otherwise, he shall be amerced in the value of the debt or damages and costs, to and for the use of the said plaintiff or plaintiffs; *provided*, that ten days notice in writing shall be given to such sheriff or coroner by the plaintiff or plaintiffs, his, her or their representative or attorney, before any motion shall be made for such amercement; which said amercement, so as aforesaid ordered by the court, shall have the force and effect of a judgment; whereupon execution, in the name and for the use of such plaintiff or plaintiffs, or his, her or their representative, may instantly, on motion in open court, and without any further proceedings, be awarded and issued against the goods and chattels, lands and tenements, of such sheriff or coroner so amerced as aforesaid; *provided*, that nothing in this act contained shall prevent the party injured from proceeding, at his election, against such sheriff or coroner by attachment according to law.

23. *And be it enacted*, That when an amercement, as aforesaid, has been obtained against any sheriff or coroner, it shall be lawful for the court, at the request of the plaintiff or plaintiffs, his, her or their attorney or legal representative, to appoint one or more elisor or elisors, to whom the execution upon such amercement shall be directed, and who, on accepting such appointment and receiving such execution, shall have as full power and authority to levy upon, seize and sell the estate, real and personal, of such sheriff or coroner, and make deed or deeds for the same, and in all things to execute the said writ of execution, as any sheriff might or could have by law in cases of execution to him directed, and shall be entitled and liable to the like fees and penalties.

24. *And be it enacted*, That the court of common pleas in and for the respective counties of this state, shall have the like power in cases of contempt and disobedience as aforesaid, to award attachments, and proceed thereupon against the sheriff or coroner of such county where the said court is held, as the supreme court now hath or hereafter shall have.

25. *And be it enacted*, That all prisoners, either upon contempt or mesne process, or in execution, who are or shall be committed to any prison, shall be actually detained within such prison until they shall be from thence discharged by due course of law; and if

at any time the keeper of any prison shall permit or suffer any prisoner committed to his custody, either upon contempt, or mesne process, or in execution, to go or be at large out of prison, except by virtue of some writ of habeas corpus or rule of court (which rule of court shall be granted only on motion made or petition read in open court), and except, also, when otherwise provided by law, every such going or being out of the said prison shall be adjudged and deemed, and is hereby declared to be an escape.

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unless legal-  
ly enlarged.

26. *And be it enacted*, That every person who, by virtue of any writ of execution against his body, for any debt recovered or acknowledged, or damages assessed, awarded or adjudged in any court of record, hath been or hereafter shall be taken or arrested by any sheriff or other officer, to whom any such writ hath been or shall be directed, and every person who hath been or shall be committed to the custody of any sheriff or other officer in execution for any such debt or damages, shall be safely kept in prison in close and secure custody, without bail or mainprise, except when otherwise provided by law, until he shall satisfy and pay such debt or damages; and if any such sheriff or other officer shall permit or suffer any such person so taken, arrested or committed, or hereafter to be taken, arrested or committed, to go out of prison or be at large, by bail, mainprise or otherwise, without the assent and agreement of the plaintiff, such sheriff or other officer shall thereby become answerable to the plaintiff for the debt or damages for which such person was or shall be taken, arrested or committed; and the plaintiff may recover the same, with costs, by action of debt against such sheriff or other officer.

Prisoners  
for debt, etc.,  
safely kept,

or sheriff li-  
able.

27. *And be it enacted*, That if any person is or shall be in custody of any sheriff or other officer, for not performing any decree of the court of chancery, whereby money is ordered or decreed to be paid, and shall escape from the said sheriff or other officer, then, and in every such case, the person or persons, his, her or their executors or administrators, to whom the money was to be paid by the said order or decree, shall have the same remedy against the said sheriff or other officer as if such person so escaping had been in custody upon an execution at law, and shall recover the money ordered or decreed to be paid to him, her or them, in and by such order or decree against such sheriff or other officer, with costs, in any action of debt or upon the case, to be brought against such sheriff or other officer in any court of record of this state.

So if in cus-  
tody on pro-  
cess from  
chancery.

28. *And be it enacted*, That no retaking on fresh pursuit shall be given in evidence on the trial of any issue in any action of escape against any sheriff, or keeper of any prison, unless the same be specially pleaded; nor shall any special plea be taken, received or

Retaking,  
etc., must be  
pleaded, and  
oath neces-  
sary.

TIT. XXX.  
CHAP. 14.

allowed, unless oath or affirmation be first made in writing by such sheriff, or keeper of such prison, against whom such action shall be brought, and filed with such plea, that the prisoner, for whose escape such action is brought, did, without his consent, privity or knowledge, make such escape; and if such affidavit shall at any time afterwards appear to be false, such sheriff or keeper of such prison shall, on conviction thereof, be adjudged to be guilty of a misdemeanor, and be punished by fine not exceeding fifteen hundred dollars.

Penalty.

Duty of sheriff, if resistance made.

29. *And be it enacted*, That when the sheriff, or any of his deputies, find that resistance will be made against any process of execution, the sheriff, laying aside all other business, and taking with him the power of the county, shall forthwith go in his proper person and execute the same; and if he find resistance, he shall certify to the court the names of the persons making such resistance, their aiders, assistants, favourers and procurers, so that they may be proceeded against according to law.

When prisoner to be remanded on return of habeas corpus.

30. *And be it enacted*, That if any person hath been, or shall be condemned in any court of record of this state, and hath been, or shall be, by virtue of such condemnation, committed to prison, there to remain until he or she make satisfaction to the party to whom he or she is or shall be condemned, and any writ or writs shall be granted, commanding the sheriff or keeper of the prison where such prisoner is held, to have the body of such prisoner, with the cause of his or her imprisonment, in the court of chancery or supreme court, or before the chancellor or any judge or justice of the supreme court, and it be returned upon the said writ or writs, that the said prisoner is condemned by judgment given against him or her, then, and in every such case, such prisoner shall be immediately remanded, and remain in prison according to law, until satisfaction be made for the sum adjudged.

Writs unexecuted to be turned over to successor.

31. *And be it enacted*, That every sheriff shall, at the expiration of his office, turn over, in writing under his hand and seal, all writs unexecuted to the succeeding sheriff, who shall execute and return the same.

Not to be justice of the peace.

32. *And be it enacted*, That no person shall exercise the office of a justice of the peace during the time that he holds and exercises the office of a sheriff; and that by acceptance of the latter office, his commission for the former shall be null and void.

Provision for death, removal, or disability.

33. *And be it enacted*, That where any sheriff, before the expiration of his term of office, shall die or remove out of the jurisdiction of the state, or otherwise become disabled by law to execute the office, it shall and may be lawful for any one or more of the judges of the court of common pleas of the county residing in the

neighbourhood of the said sheriff, and he or they are hereby en-  
 joined and required, where any such death, removal or other dis-  
 ability shall happen, as soon as may be after information or knowl-  
 edge of the happening of the same, to certify such death, removal  
 or other disability to the clerk of the court of common pleas, who  
 is hereby authorized and required to advertise a new election for  
 sheriff, in the manner prescribed by law; and the sheriff elected at  
 such special election, shall serve for the unexpired term, only, of the  
 sheriff in whose stead he is elected.

TIT. XXX.  
 CHAP. 14.

New elec-  
 tion.

34. *And be it enacted*, That where any sheriff, before the expi-  
 ration of his term of office, shall die or remove out of the juris-  
 diction of the state, or otherwise become disabled by law to exe-  
 cute the office, the coroners of the county, or either of them, shall  
 serve and execute all writs and process until another sheriff be  
 elected and qualified to act; and the coroners or coroner executing  
 such writs and process shall be answerable for the due execution  
 of the same during such interval, in like manner as the sheriff  
 would have been.

When coro-  
 ners to act.

Their liab-  
 ties.

35. *And be it enacted*, That where any sheriff or coroner, or  
 other person, to whom any writ of execution by fieri facias hath  
 heretofore been directed, or shall hereafter be directed, hath levied  
 or shall levy the same execution on the goods and chattels, or on  
 the lands and tenements of the party named therein, and such  
 sheriff, coroner or other person, hath died or shall die, or hath or  
 shall become disabled by law to discharge the duties of their re-  
 spective office or appointment, or hath removed or shall remove  
 himself or themselves out of the jurisdiction of the state, and con-  
 tinue to reside thereout, without discharging the duties of their  
 respective office or appointment, by a sale of the property or estate  
 so levied on, then, or in either of the said cases, it shall and may be  
 lawful for the court, in which judgment is or shall be had, to award  
 a special scire facias against the party named in such execution, or  
 the lawful representative of such party, according to the circum-  
 stances of the case, to show cause why the property or estate so  
 levied on should not be sold, or such part thereof as may be suffi-  
 cient to satisfy the whole or the residue of the moneys contained  
 in the said execution; and if the said scire facias be returned served,  
 or if no service thereof can be made, be published as prescribed by  
 law, and the said party shall not appear at the term to which such  
 scire facias shall be returned, and plead or show sufficient matter  
 to the contrary, the said court shall thereupon award a writ, to be  
 directed to the sheriff or coroner, for the time being, of the county  
 where the levy was made, commanding the said sheriff or coroner  
 to sell the property or estate so levied on, or so much thereof as

Death or dis-  
 ability of offi-  
 cer having  
 writ levied.

Special sci.  
 fa. to issue.

Writ award-  
 ed.

- TIT. XXX.  
CHAP. 14.
- Sale made. may be sufficient to satisfy the whole or the residue of the moneys due on the said execution; which sale the said sheriff or coroner is hereby authorized and required to make, in as full and ample manner, to all intents and purposes, as if the said execution had been originally directed to such sheriff or coroner, and shall be entitled to the same fees for services done, and liable to all the penalties and consequences of law for neglect of duty, as if the said execution had been originally directed to such sheriff or coroner.
- Fees.
- Such sale valid. 36. *And be it enacted*, That the sale to be made by such sheriff or coroner for the time being, in virtue of this act, of any estate, real or personal, and the conveyance to be made by such sheriff or coroner of any real estate so sold, shall be as good and effectual in the law, to all intents and purposes, as if the writ or writs of execution, on which such property or estate was levied, had been originally directed to such sheriff or coroner.
- Under-sheriff appointed and sworn. 37. *And be it enacted*, That the appointment of any under-sheriff, hereafter to be made, shall be by writing, under the hand and seal of the sheriff: *and further*, that every under-sheriff, before he intermeddles in such office, shall take and subscribe, before one of the judges of the court of common pleas of the county, an oath or affirmation, well and faithfully to execute the office of under-sheriff, according to the best of his skill and judgment; which appointment, with the certificate of the oath or affirmation thereupon endorsed, and attested by the said judge, shall be by such under-sheriff carefully filed, and securely kept in the office of the clerk of the court of common pleas in and for the same county; *provided*, that nothing in this section contained shall be construed to prevent the sheriff from removing his under-sheriff at pleasure.
- Appointment, etc., filed.
- Proviso.
- Not authorized to act before. 38. *And be it enacted*, That if any person shall proceed to execute the office of under-sheriff before he shall have received an appointment as aforesaid, and taken the oath or affirmation of office, and filed the same appointment and certificate of such oath or affirmation in the clerk's office as aforesaid, then all such his acts and proceedings, done under colour of office, shall be absolutely void.

## CHAPTER 15.

TIT. XXX.  
CHAP. 15.

## CORONERS.

- |  |  |
|--|--|
| <ol style="list-style-type: none"> <li>1. Coroners elected.</li> <li>2. Official oath.</li> <li>3. Return by one, good.</li> <li>4. Power to take inquests.</li> <li>5. When justice may act.</li> <li>6. Duty on information of death.</li> <li>7. Coroner's certificate.</li> <li>8. Duty where murder suspected.</li> <li>9. Constable to summon jury.</li> <li>10. Penalty on constable or juror.</li> </ol> | <ol style="list-style-type: none"> <li>11. Jurors sworn.</li> <li>12. Coroner's charge.</li> <li>13. Process for witnesses.</li> <li>14. Inquisitions to be returned.</li> <li>15. Further duties enjoined.</li> <li>16. Coroner's fees.</li> <li>17. Post mortem examinations.</li> <li>18. Oath on taxation of costs.</li> <li>19. Penalty for neglect of duty.</li> <li>20. Inquisitions not indented.</li> </ol> |
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## An Act respecting coroners.

REV. 231, 511,  
693.

Revision....Approved April 17, 1846.

HAR. 206.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be elected annually, in every county of this state, three coroners, who shall be inhabitants and freeholders of the said county. Coroners elected.

2. *And be it enacted*, That every person who shall be elected to the office of coroner, shall, before he enters upon the execution of his office, take the following oath or affirmation, to wit : I, ——— one of the coroners of the county of ——— do solemnly swear, or affirm, that I will well and truly serve the state of New Jersey in the office of coroner of the said county ; that I will, to the utmost of my power, faithfully and truly execute, or cause to be executed, all writs and precepts to me directed and which shall come to my hands, and will faithfully and truly return the same according to the best of my knowledge, skill, and judgment ; that I will in no case knowingly use or exercise the said office illegally, corruptly, or unjustly ; that I will neither directly nor indirectly, by any means or device, or under any colour or pretence whatsoever, accept, receive, take, use, or enjoy, or consent to the accepting, receiving, taking, using, or enjoying any fee or reward, of or from any person or persons whomsoever, for the summoning, empannelling, or returning of any inquest, jury, or tales, to or in any court for this state, or between party and party, other than such fees or reward as are or shall be allowed by law for the same ; and that I will not directly nor indirectly exact or demand any manner of fee or reward from any person or persons for serving, executing, or returning any writ, precept, process, execution, or inquisition, or for any other service in my said office, other than such fees or reward as are or shall be allowed for the same by law ; but that I will, in all things touching the duties of the said office, demean myself honestly, fairly, and impartially, according to the best of my knowledge, skill, and understanding. Oath of office

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CHAP. 15.

Return by  
one, good.

3. *And be it enacted*, That any return made and signed by any one of the coroners for the time being, in any of the counties of this state, to any writ, precept, process, or execution, which shall issue out of any court of record of this state, and be directed to the coroners of the said counties respectively, shall be as good and effectual in law, as if such return had been made and signed by all the coroners of the said county; but the act or return of any one or more of the coroners shall not prejudice or affect the rest.

Power to  
take inquests

4. *And be it enacted*, That every coroner shall have power, upon view of the body, to take inquests of deaths in prison, and of all violent, sudden, or casual deaths within his county, and the manner of such deaths.

When justice  
may act.

5. *And be it enacted*, That if it shall at any time hereafter so happen, that a coroner cannot be had in due time to take inquests of deaths in prison, or any violent, sudden, or casual deaths within his county, then and in such case, it shall be the duty of any justice of the peace in the county where such death may happen, or dead body be found, on notice thereof, to do all and every thing and things, in manner and form which is required of a coroner to do in the premises, and he shall be entitled to the same fees for his services, and subject to the same fine for neglect of the duties required of him in this law, any law, usage, or custom to the contrary notwithstanding.

Duty when  
informed of  
death.

6. *And be it enacted*, That it shall be the duty of every coroner, (or justice of the peace, in the absence of a coroner,) on being informed of the violent, sudden, or casual death of any person within his county, immediately to proceed and view the body, and make all proper inquiry respecting the cause and manner of the death; and if, from such inquiry, the said coroner or justice shall be satisfied that no person or persons has or have been guilty of causing or procuring the said death, and that there are no suspicious circumstances attending the same, he shall, without further proceedings therein, deliver the body to the friends thereof, (if any there be) for interment; but in case there are no friends who will take charge of, and bury it, and if the deceased shall not have left property sufficient to pay the expenses of the burial, then it shall be the duty of the said coroner or justice to bury the same.

Coroner's  
certificate.

7. *And be it enacted*, That in all cases where inquests are not taken, the coroner or justice shall make a certificate, under his hand and seal, of the following or similar import, to wit: "I, \_\_\_\_\_ one of the coroners (or justice of the peace, as the case may be,) of the county of \_\_\_\_\_ having notice of the death of \_\_\_\_\_ and having viewed the dead body of the said \_\_\_\_\_ and made inquiry respecting his (or her) death, do hereby certify, that I am satisfied

no guilt attaches to any person or persons by reason of the said death, and that an inquest is unnecessary." [And in cases where it shall have become necessary for the coroner or justice to bury the dead body, the certificate shall continue and say]: "That the said deceased has no friends who appear to take charge of, and bury his (or her) body, nor, as I can ascertain, has he or she left property sufficient, and within reach of the overseers of the poor, to defray the expenses thereof: I have therefore buried the same." Which certificate shall be filed with, and accompany the taxed bill of costs. TIT. XXX. CHAP. 15.

8. *And be it enacted*, That after a view and inquiry had, as aforesaid, if the said coroner or justice shall have reason to suspect that the person whose body he shall have been called to view, came to his or her death by murder or manslaughter, or by the contrivance, aiding, procuring, or other misconduct of any person or persons, then it shall be his duty forthwith to make out a precept, directed to any constable of the county where the dead body is found or lying, requiring him to summon a jury of good and lawful men of the same county, to appear before him at the time and place in such precept mentioned and contained; which precept shall be in form following:

— county, to wit: The State of New Jersey to any of the constables of the said county. Precept for jury.

You are required, immediately upon sight hereof, to summon twenty-four good and lawful men of the said county of — to be and appear before me, A. B., one of the coroners (or justices) of the county aforesaid, at — in the said county, on the — day of — at the hour of — in the —noon of the same day, then and there to inquire of, do and execute all such things as, on behalf of the state, shall be lawfully given them in charge touching the death of C. D. (or a person unknown, as the case is). And be you then there to certify what you shall have done in the premises: and further to do and execute what, in behalf of the said state, shall be then and there enjoined upon you. Given under my hand and seal, at — in the said county, the — day of — in the year of our Lord —

9. *And be it enacted*, That the constable to whom such precept shall be directed and delivered, shall forthwith execute the same, and shall repair to the place at the time mentioned therein, and make return of the precept, with his proceedings thereon, to the coroner who issued it. To be executed by constable.

10. *And be it enacted*, That it shall be the duty of the coroner or justice to certify and return every constable who shall neglect or refuse to execute the services and duties, or any of them, by this act prescribed, and every person who shall be summoned as a Penalty on constable or juror.

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CHAP. 15.

juror, as aforesaid, and shall not appear to the next court of general jail delivery, to be held in and for the county; which court, unless a reasonable excuse be offered, shall set such fine upon the constable or juror so offending as they shall think fit and reasonable, not exceeding fifty dollars.

Jury to be  
sworn.

11. *And be it enacted*, That the coroner or justice shall swear or affirm twelve or more of the jurors who shall appear, and shall administer to the foreman of the inquest an oath or affirmation, upon view of the body, in form following :

Form.

You, as foreman of this inquest, shall diligently inquire and true presentment make, on behalf of the state of New Jersey, how and in what manner C. D. (or a person unknown, as the case is,) here lying dead, came to his death, and of such other matters relating to the same, as shall be lawfully required of you, according to evidence.

And then shall swear or affirm, by three at a time, in order, the rest of the jurors, in form following :

Such oath or affirmation, (as the case may be,) as the foreman of this inquest hath taken on his part, you and every of you, shall well and truly observe and keep on your part.

Charged to  
inquire, etc.

12. *And be it enacted*, That when the jurors are sworn and affirmed as aforesaid, the coroner or justice shall give them a charge, upon their oath or affirmation, to declare of the death of the person, whether he or she died by murder, manslaughter, misadventure, misfortune, accident, or otherwise, and when and where, and by what means, and in what manner; and if by murder, who were principals and who were accessaries; and if by manslaughter, who were the perpetrators, and with what instrument the stroke or wound was in either case given, and so of all prevailing circumstances which may come by presumption; and if by misadventure, misfortune, accident, or otherwise, whether by the act of God or man, and whether by hurt, fall, stroke, drowning or in any other way, to inquire what persons were present at the death, from whence the deceased came, and who he or she was, and his or her parents, relatives, or neighbours, who were the finders of the body, whether killed in the same place where he or she was found, or if elsewhere, by whom and how he or she was brought from thence, and of all circumstances relating to the said death; and if he or she died in prison, whether by hard usage there or not, and if so, how and by whom; and if he or she put an end to his or her own life, then to inquire of the manner, means or instrument, and of all circumstances concerning it.

Process for  
witnesses.

13. *And be it enacted*, That it shall be lawful for every coroner or justice to issue process for witnesses, commanding them to

come before him to be examined, and to declare their knowledge concerning the matter in question; and the said coroner or justice shall administer to every witness an oath or affirmation, in form following:

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CHAP. 15.

You solemnly swear (or affirm), that the evidence which you shall give to this inquest, on behalf of the state, touching the death of C. D. (or a person unknown, as the case is,) shall be the truth, the whole truth, and nothing but the truth.

Oath.

14. *And be it enacted*, That all coroners and justices shall deliver their inquisitions to the next court of oyer and terminer and general jail delivery, in their respective counties; and the said court shall proceed thereupon against the offenders.

Inquisitions  
returned.

15. *And be it enacted*, That every coroner or justice, upon any inquisition before him found, whereby any person or persons shall be indicted of murder or manslaughter, or as accessory or accessories to the said crime of murder, either before or after the commission thereof, shall put in writing the effect of so much of the evidence given to the jury before him, as shall be material; and every such coroner or justice is hereby authorized and required to bind all such, by recognizance, as do declare any thing material to prove the said murder or manslaughter, or to prove any person or persons to be accessory or accessories, as aforesaid, to the said murder, to appear at the next court of oyer and terminer and general jail delivery, to be holden within the county where the trial thereof shall be, then and there to give evidence against such offender or offenders, at the time of his, her, or their trial, and shall certify, as well the same evidence, as such recognizance or recognizances in writing as he shall take, together with the inquisition or indictment before him taken and found, to the said court of oyer and terminer and general jail delivery, at or before the time of the trial of the party so indicted.

Further du-  
ties of coro-  
ner, etc.

16. *And be it enacted*, That the coroner or justice, for the view and inquiry as aforesaid, shall be entitled to receive two dollars, and for burying the dead body, where the same shall become necessary, agreeably to the sixth section of this act, five dollars; which shall be paid in the same manner as costs of taking inquests of death are paid.

Coroner's  
fees.

17. *And be it enacted*, That when the coroner or justice shall deem it necessary to have a post mortem examination made, it shall be duty of the said coroner or justice to call to his aid one or more licensed physicians or surgeons of this state, for the purpose of making such examination, for which service, upon a certificate thereof made by the said coroner or justice, it shall be the duty of the board of chosen freeholders of the county where the dead body

May direct  
post mortem  
examination.

Physician  
paid.

TIT. XXX. was found, to pay each of said physicians or surgeons a reasonable  
 CHAP. 16. compensation.

Oath on tax-  
 ation of costs

18. *And be it enacted*, That it shall be the duty of the clerks of the respective counties, before they proceed to tax bills of costs of inquests of death or bills of costs for the performance of the duties required by this act, to require of, and administer to all coroners or justices presenting such bills of costs for taxing, an oath or affirmation, that there are not included in the said bill or bills presented any item or items, except for services actually rendered or duties performed; and that the amount charged in the bill for jurors' and witnesses' services, has been paid to them, respectively; which oath, the said clerks are required to endorse on the back, or some other convenient part of the taxed bill of costs, and cause the said coroner or justice to subscribe the same, for which service the said clerk shall be entitled to receive twelve and a half cents.

Penalty for  
 neglect of  
 duty.

19. *And be it enacted*, That if any coroner or justice be remiss, and do not take inquisition as aforesaid, or do not certify as is before directed, or shall offend in any thing contrary to the true intent and meaning of this act, the court of oyer and terminer and general jail delivery of the county where such offence shall be committed, upon due proof thereof by examination before them, shall, for every such offence, set such fine upon the said coroner or justice as the said court shall think fit and reasonable, not exceeding five hundred dollars.

Inquisitions  
 not indented

20. *And be it enacted*, That inquisitions taken before coroners or justices, but not indented, shall have the same force and validity in law as if they had been indented.

## CHAPTER 16.

### CONSTABLES.

- |                                   |   |   |
|-----------------------------------|---|---|
| 1. Official band.                 | } | 6. Security may be required of prosecutor |
| 2. How obtained for prosecution.  |   | 7. Proceedings where constable absconds.  |
| 3. Where to be prosecuted.        |   | 8. Court may authorize suits.             |
| 4. When damages assessed by jury. |   | 9. Proceedings on death of constable.     |
| 5. Proceedings in suit.           |   | 10. Moneys received, how applied.         |

### An Act respecting constables.

REV. 644, 656.

1839-40.

PAMPH. 38.

1843-4.

PAMPH. 252.

Bond to be  
 given.

Revision.....Approved April 16, 1846.

1. **BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey, That every person who shall be elected or appointed to the office of constable, in any of the townships of this

state, shall, before he enters upon the execution of his office, repair to the township committee, and thereupon enter into a bond to the inhabitants of the township, in their corporate name and capacity, with one or more sureties, to be approved of by the said committee, in such sum as the said committee shall direct, conditioned for the true and faithful performance of all the duties of his said office as constable, in the following or like form:

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CHAP. 16.

Know all men by these presents, that we, A. B., C. D. and E. F., Form. all of the township of \_\_\_\_\_ in the county of \_\_\_\_\_ in the state of New Jersey, are held and firmly bound unto the inhabitants of the township of \_\_\_\_\_ in the county of \_\_\_\_\_ in the sum of \_\_\_\_\_ dollars, money of the United States, to be paid to the said inhabitants of the township of \_\_\_\_\_ in the county of \_\_\_\_\_ their successors or assigns, to which payment well and truly to be made, we bind ourselves, and each of us for himself in the whole, our and every of our heirs, executors and administrators, firmly by these presents. Sealed with our seals, and dated the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord, &c.

The condition of this obligation is, that whereas the above bound Condition. A. B. was, at the last annual town meeting of the township of \_\_\_\_\_ elected a constable of said township; now, therefore, if the said A. B. shall truly and faithfully perform all the duties enjoined on him as constable of said township, then the above obligation to be void, otherwise to be and remain in full force and virtue.

Signed, sealed and delivered in  
the presence of

A. B. [L. s.]

C. D. [L. s.]

E. F. [L. s.]

Which bond shall be delivered to the clerk of the township, who Recorded and filed. is hereby directed and required to record and file the same in his office.

2. *And be it enacted,* That if any person shall sustain loss by the neglect or default of any constable in the discharge of his official duties, whereby such bond shall become forfeited, and shall, by himself, his agent or attorney, make affidavit of such loss before any person authorized to administer the same, and shall tender such affidavit to the clerk of the township, city or borough having the custody of such bond, it shall be the duty of such clerk to file the said affidavit in his office, and thereupon forthwith to deliver to the person or persons making such affidavit, his, her or their agent or attorney, a certified copy of such bond, to the end that an action may be brought upon such bond. Clerk to give certified copy to applicant.

3. *And be it enacted,* That all suits or actions to be brought and prosecuted on constables' bonds, conditioned for the faithful Where bond prosecuted.

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performance of the duties of the office of constable, shall and may be brought and prosecuted in the supreme court or any of the circuit courts or courts of common pleas of this state, and the same shall be conducted and prosecuted in every respect, as suits on sheriffs' bonds are by law directed to be prosecuted; and the court before whom any judgment shall be obtained on any constable's bond as aforesaid, shall from time to time, upon due notice, assess the damages which shall have been sustained by any person or persons by reason of any neglect or default of the said constable in his official duties, and the said court shall and may award execution thereon, with costs; *provided*, the said assessment do not exceed the penalty of the said bond.

Damages as-  
sessed.

Proviso.

When by  
jury.

4. *And be it enacted*, That assessments of damages in and by this act directed to be made by the court shall be made by a jury, upon application of either party interested, any thing in this act to the contrary notwithstanding.

Proceedings  
in suit on  
bond.

5. *And be it enacted*, That the name of the person or persons for whose use the said bond shall be prosecuted, shall be endorsed upon the first process to be issued thereon, and shall also be mentioned and stated in the declaration in such suit; and if, in any such suit, the plaintiffs shall discontinue, be nonsuited or judgment pass against them, the said person or persons for whose use the said suit is brought and prosecuted, and not the said township, city or borough, shall be liable for costs; and it shall be the duty of the sheriff or other officer to whom any writ of execution issued upon such judgment shall be directed and delivered, to make and levy the amount of money required to be made and levied by the said writ of execution, upon and out of the property, real or personal, as may be required of the said person or persons for whose use the said suit is brought or prosecuted.

Prosecutor  
to give bond,  
if required.

6. *And be it enacted*, That the person or persons for whose use the said action shall be brought upon any such bond, shall, if required before issue joined, give bond to the defendants in the sum of one hundred dollars, with sufficient sureties, being freeholders and residents in this state, with condition to prosecute the said action with effect, and pay costs if the plaintiffs discontinue, be nonsuited or judgment pass against the plaintiffs; which bond shall be filed in the office of the clerk of the court in which such action shall be pending.

Relief of  
surety when  
constable  
absconds etc.

7. *And be it enacted*, That if any constable hath absconded or shall abscond, or become insolvent, or incapable of doing the duties of his said office, it shall be lawful for the court of common pleas of the county from which said constable hath absconded or shall abscond, or become insolvent, or incapable as aforesaid, on appli-

caution for that purpose, to authorize the surety or sureties of such constable for the time being to ask, demand, sue for and recover any moneys which said constable could or might lawfully demand, levy and receive by virtue of any process of execution or other process in his official capacity as constable, and also all moneys in the hands of any person or persons collected by said constable on any execution or process, and which at the time of his absconding or insolvency or incapacity as aforesaid, were not paid over to the plaintiff or person entitled to the same.

TIT. XXX.  
CHAP. 16.

8. *And be it enacted*, That where, by the absconding, insolvency or incapacity as aforesaid, of such constable, executions or process in his hands remain wholly or in part unexecuted, it shall be lawful for the said surety or sureties for the time being, authorized as aforesaid by the court of common pleas, to apply to any justice of the peace in the county where such judgment was rendered, and execution issued thereon, for a summons in debt on such judgment and execution, in the name of the plaintiff or plaintiffs in the original process against the defendant or defendants therein; and the said suit shall proceed as in other cases of summons in debt, the said surety or sureties always producing before the said justice a transcript of the judgment and the execution or executions issued thereon, and the defendant or defendants may plead payment or satisfaction of such judgment or execution, in part or whole, to such absconding, insolvent or incapable constable, or other lawful discharge; and in case of final judgment against the defendant or defendants, execution may be issued immediately for debt and costs, but if the judgment should be for the defendant or defendants, with costs, the said surety or sureties shall pay the same, and if recovered against the plaintiff or plaintiffs named in the record, they may recover the same over from the surety or sureties.

Court author-  
izing suits  
brought,

how to be  
proceeded  
in.

9. *And be it enacted*, That in case any constable shall die before settling up all executions that shall have come to his hands by virtue of his office, his executors or administrators shall and may have full power to collect and settle up any execution or process remaining unsettled at the time of his decease, in the same manner as the surety or sureties of constables in the preceding sections; and in case of the neglect or refusal of the said executors or administrators as aforesaid, the surety or sureties of the said deceased constable shall have the same power to collect and settle the said executions as mentioned in the preceding sections of this act.

On death of  
constables,  
business how  
settled.

10. *And be it enacted*, That all moneys which may be recovered or come to the hands of any surety or sureties, executor or executors, by virtue of this act or otherwise, in regard to the said absconding, insolvent, deceased or incapable constable, shall be held

Moneys re-  
ceived, how  
applied.

TIT. XXX. and appropriated by such surety or sureties, executor or adminis-  
CHAP. 17. trator, to the only proper use and benefit of the person or persons  
who may have lawful right thereto.

CHAPTER 17.

COMMISSIONERS OF DEEDS.

- |                                   |   |                               |
|-----------------------------------|---|-------------------------------|
| 1. Appointed in this state.       | } | 5. Appointed in other states. |
| 2. Commissioned, term, fees.      |   | 6. May be removed, fees.      |
| 3. Official oath.                 |   | 7. May administer oaths.      |
| 4. Certain acknowledgments valid. |   | 8. Oath of office, how taken. |

REV. 748, 792. An Act relative to commissioners for taking the acknowledgments and  
HAR. 158. proofs of deeds.

1836-7,  
PAMPH. 5.

Revision....Approved April 15, 1846.

1838-9.  
PAMPH. 143.

1842-3.  
PAMPH. 73.

1845.  
PAMPH. 36,  
244.

Commission-  
ers in this  
state appoint-  
ed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall and may be appointed by the Senate and General Assembly, in joint meeting, proper and fit persons for each of the counties of this state, to be styled and denominated commissioners for taking the acknowledgments and proofs of deeds; which commissioners shall have authority to take the acknowledgment or proof of any deed or conveyance of lands, tenements, or hereditaments, lying and being in this state, or of any mortgage, defeasible deed, or other conveyance in nature of a mortgage, or any other instrument of writing, executed under the hand and seal of the grantor of any lands, tenements, or hereditaments lying and being in this state, required by the laws of this state to be acknowledged or proved; and such acknowledgment or proof, taken or made in the manner directed by the laws of this state, and certified by the commissioner before whom the acknowledgment or proof shall be made, as by law required, shall have the same force and effect, and be as good and available in law, as if such acknowledgment or proof had been made before one of the justices of the supreme court of this state.

TIT. XXII.  
CH. 5.

To take ac-  
knowledg-  
ments, etc.

Commission-  
ed, term.

2. *And be it enacted*, That the commissioners appointed as aforesaid, shall be commissioned by the governor, and hold their offices for five years; but in case any commissioner shall remove out of the township in which he shall reside at the time of his appointment, his commission shall thereupon become void: *and further*, all commissioners appointed as aforesaid, may be removed from office by impeachment for malconduct during the time they shall hold the said office; and the said commissioners, and each and

May be im-  
peached.

every of them, are hereby authorized to demand and receive the same fees as are or shall be allowed by law for like services to other persons for taking the acknowledgment or proof of deeds; and that it shall not be lawful to appoint, for any county in this state, a greater number of commissioners as aforesaid, than two for each township in said county.

TIT. XXX.  
CHAP. 17.

Fees.—See  
469.

Number au-  
thorized.

3. *And be it enacted*, That every commissioner appointed as aforesaid, shall, within two months after notice of his appointment, and before he shall proceed to perform any duty required of him by law, take and subscribe an oath or affirmation before the clerk of the county for which he shall be appointed, well and faithfully to perform the duties required of him by law, as commissioner for taking the acknowledgment and proof of deeds.

Official oath.

4. *And be it enacted*, That all acknowledgments and proofs of deeds, mortgages, and other instruments of writing, heretofore taken before any commissioner duly appointed, who has taken and subscribed an oath or affirmation well and faithfully to perform the duties required of him by law as such commissioner, before any person duly authorized to administer an oath, other than the clerk of the county, shall be taken and deemed to be as valid and effectual in law as if said commissioner had taken and subscribed the same before the clerk of the county for which he was appointed.

What ac-  
knowledg-  
ments, etc.,  
valid.

5. *And be it enacted*, That the governor of this state, by and with the advice and consent of the Senate, be and he hereby is authorized to name, appoint, and commission five commissioners in the state of New York, three in each of the other states of the United States, and one or more in such of the several territories of the United States, and the District of Columbia, as he may deem expedient, and where such appointments shall not be incompatible with the laws of such state, territory, or district where such commissioner shall reside; which commissioner shall have authority in case either of the parties reside in the state, territory, or district in which such commissioner is appointed, to take the acknowledgment or proof of any deed or conveyance, mortgage, defeasible deed, or other conveyance in nature of mortgage, of any lands, tenements, or hereditaments lying and being in this state, or any other instrument of writing, under hand and seal, required by the laws of this state to be acknowledged or proved; and such acknowledgment or proof taken or made in the manner directed by the laws of this state, and certified by the commissioner before whom the same shall be made, as by law required, shall have the same force and effect and be as good and available in law, for all purposes, as if such acknowledgment or proof had been made before one of the justices of the supreme court of this state.

Commission-  
ers in other  
states, etc.

Their autho-  
rity.

Acts valid.

TIT. XXX.  
CHAP. 18.

May be re-  
moved, etc.

Fees.—See  
469.

May admin-  
ister oaths.

6. *And be it enacted*, That any commissioner appointed under the preceding section of this act, may be removed from office at the will and pleasure of the governor; and in case any such commissioner shall remove out of the state, territory or district in which he shall reside at the time of his appointment, his commission shall thereupon become void; and the said commissioners, and every of them, are hereby authorized to demand and receive the same fees, and none other, as are or shall be allowed by law for like services to other persons for the taking the acknowledgment or proof of deeds in this state.

7. *And be it enacted*, That every commissioner appointed by virtue of the fifth section of this act, shall have full power and authority to administer an oath or affirmation to any person who shall be willing and desirous to make such oath or affirmation before him, to hold to bail, or in or concerning any cause depending or to be brought in any of the courts of this state; and every affidavit or affirmation made before such commissioner, shall, and is hereby declared to be as good and effectual to all intents and purposes, as if made before an officer resident in this state, and competent to take the same.

Official oath.

8. *And be it enacted*, That every commissioner appointed under the fifth section of this act, before he shall proceed to perform any duty under and by virtue of this law, shall take and subscribe an oath or affirmation before the mayor or other chief magistrate of the city in which the said commissioner shall reside, or before a judge of the supreme or superior court of the state where the said commissioner shall be resident, well and faithfully to execute and perform all the duties of such commissioner, under and by virtue of the laws of the state of New Jersey; which said oath or affirmation shall be filed in the office of the secretary of this state.

## CHAPTER 18.

### COMMISSIONERS OF BAIL.

- |  |  |  |
|--|--|--|
| 1. Commissioners, recognizances, etc.  |  | 3. Commissioners may administer oaths.       |
| 2. Court to make rules for justifying. |  | 4. May take recognizances, etc., in circuit. |

REV. 135, 538.  
1837-8.  
PAMPH. 137.

An Act authorizing the justices of the supreme court to appoint commissioners to take special bail, and to administer oaths and affirmations.

Revision....Approved April 16, 1846.

Commission-  
ers appoint-  
ed.

1. **BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey, That the justices of the supreme court, or

any two of them, of whom the chief justice shall be one, shall and may commission and empower, under the seal of the said court, from time to time, such and so many persons as they shall think fit and necessary in the several counties of this state, to take and receive such recognizance or recognizances of bail, as any person or persons shall be willing or desirous to acknowledge or make in any action or suit in the said court, in such manner and form as the justices of the supreme court have used to take the same; which said recognizance or recognizances of bail and bailpiece, shall be transmitted to the office of the clerk of the said court, within the time allowed by law for putting in special bail; and the said clerk shall file and docket the same, upon payment of such fees as now are or hereafter shall be allowed for such services; which recognizance or recognizances of bail and bailpiece so taken and transmitted, shall be of like effect as if the same were taken de bene esse, before any of the justices of the said court; and for the taking of every such recognizance of bail and bailpiece, the said commissioners shall receive twenty-eight cents, and no more.

TIT. XXX.  
CHAP. 18.

Duty.

Recogniz-  
ance, etc.,  
sent clerk.

Effect of.

Fees.

2. *And be it enacted*, That the said supreme court shall make such rules and orders for the justifying such bail, and making the same absolute, as to the said court shall seem meet, so as the cognizor or cognizors of such bail be not compelled to appear in person in the said court to justify; but the same may be determined by affidavit or affidavits duly taken before the said commissioners, who are hereby respectively empowered and required to take the same, and also to examine the sureties on oath or affirmation touching the value of their respective estates.

Court to  
make rules-  
for justifying  
such bail.

3. *And be it enacted*, That every commissioner appointed by virtue of this act, shall have full power and authority to administer an oath or affirmation to any person who shall be willing and desirous to make such oath or affirmation before him, in or concerning any cause or causes in the said supreme court; and every affidavit made before such commissioners, shall be as good and effectual to all intents and purposes, as if the same were made before a justice of the supreme court.

May admin-  
ister oaths.

4. *And be it enacted*, That every person empowered to take recognizances of bail, and administer oaths or affirmations in any cause in the supreme court, shall, ex officio, have the same power in relation to the several circuit courts of this state.

Power ex-  
tended.

TIT. XXX.  
CHAP. 20.

CHAPTER 19.

APPOINTMENT OF OFFICERS.

- |                                   |  |                                     |
|-----------------------------------|--|-------------------------------------|
| 1. Appointments in joint meeting. |  | 3. Directors of Canal and Railroad. |
| 2. Masters in chancery.           |  | 4. Vacancies, how filled.           |

An Act to prescribe and declare the mode of appointing certain officers.

1845.  
PAMPH. 161.

Revision....Approved April 16, 1846.

1846.  
PAMPH. 188.

Appoint-  
ments in  
joint meet-  
ing.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all officers which, before and at the time when the present constitution of the state went into effect, were directed to be appointed by the Council and General Assembly, in joint meeting, and whose appointment is not otherwise specifically provided for by the present constitution, may be appointed by the Senate and General Assembly, in joint meeting.

Masters in  
chancery.

2. *And be it enacted*, That the power of appointing masters in chancery shall continue in the chancellor, and be exercised by him as heretofore.

Directors of  
D. & R. Ca-  
nal and C. &  
A. R. R. Co's.

3. *And be it enacted*, That the directors, on behalf of the state, of the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies, shall be appointed annually, by the Senate and General Assembly, in joint meeting, and commissioned by the governor, or person administering the government; and the term of office of every such director shall commence on the first day of April next after his appointment.

By whom  
vacancies to  
be filled.

4. *And be it enacted*, That if a vacancy, from any cause, should occur when the legislature is not in session, in the office of director so appointed, it shall be the duty of the governor, or person administering the government, to appoint a person to fill such vacancy until the next joint meeting of the legislature.

CHAPTER 20.

OF STATE DIRECTORS.

- |                            |  |                        |
|----------------------------|--|------------------------|
| 1. Not to be stockholders. |  | 3. Not to take office. |
| 2. To make report.         |  | 4. Official oath.      |

1846.  
PAMPH. 157.

An Act prescribing the duties of the directors, on behalf of the state, of the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies.

Approved April 16, 1846.

Directors not  
to be stock-  
holders.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person shall be eligible to be

appointed a director, on behalf of the state, of the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies, who shall be a stockholder in either of them; and if any such director shall, either directly or indirectly, become a stockholder during the time for which he was appointed, his office shall immediately be considered vacant.

TIT. XXX.  
CHAP. 20.

2. *And be it enacted*, That it shall be the duty of said directors, annually, on or before the thirty-first day of December, to report to the governor, in writing, a complete statement of the affairs of the said companies during the past year, and all such matters concerning their management, transactions, and business, as may be supposed to affect the interests of the state; and also, a statement of the number of passengers transported on said road or roads, over which line of said road or roads transported, the amount of passage money paid to the company by such passengers, and the amount of the transit duty accruing to the state therefor; also, the number of tons of goods, wares, and merchandise transported thereon, on what line or branch of said road transported, the amount of freight paid the company therefor, and the amount of the transit duties accruing to the state on said goods, wares, and merchandise; and also, a similar statement respecting the transportation of passengers, coal, goods, wares, and merchandise, and the transit duty thereon, on the Delaware and Raritan canal; all of which statements shall be, by the governor, laid before the legislature, at the next meeting thereof.

To make annual report.

3. *And be it enacted*, That it shall not be lawful for any such director to receive from said companies, or either of them, any office or employment of any kind.

Not to receive office from companies.

4. *And be it enacted*, That before any person so appointed a director shall enter on the duties of his office, he shall file in the office of the secretary of state an oath or affirmation, which he shall have taken and subscribed before some person duly authorized to administer the same, in which oath or affirmation he shall declare that he will not (during the time for which he was appointed such director) either directly or indirectly own stock in either of said companies; will faithfully and diligently perform the duties imposed by this act, without fear or favour; and that he will not receive from said companies, or either of them, any office or employment of any kind.

To take oath.

TIT. XXX.  
CHAP. 21.

CHAPTER 21.

OF OFFICES, COMMISSIONS, AND RESIGNATIONS.

- |                                     |  |                               |
|-------------------------------------|--|-------------------------------|
| 1. Residence and duty of officers.  |  | 3. Resignations, how made.    |
| 2. Duty of secretary of state.      |  | 4. What offices incompatible. |
| " Commissions issued under penalty. |  | 5. Justices of supreme court. |

Rev. 52, 208,  
605.

An Act relative to offices, commissions, and resignations.

Revision....Approved April 16, 1846.

Residence  
and duty of  
officers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That each and every person holding or who shall hereafter hold any office in this state, under the authority thereof, shall reside within this state and execute such office; and also, that every person holding an office, the authority and duties of which relate to a county only, shall reside within such county; and if any person holding or who shall hereafter hold any office as aforesaid, shall at any time presume to let, farm out or transfer such office, or any part thereof, to any person or persons whatsoever, he shall for such offence forfeit the sum of fifteen hundred dollars, to be recovered with full costs of suit, by any person who will sue for the same, one half to the prosecutor, and the other half to the treasurer, for the use of the state.

Penalty.

Commission  
to be issued  
under pen-  
alty.

2. *And be it enacted*, That if the secretary of state shall at any time neglect or refuse to issue a commission to any person elected or appointed to any office within this state, requiring a commission from the governor, or shall take fees for any commission, where by law he is not entitled to fees, or, where he is entitled to fees, shall take more than by law he is entitled to take, he shall for every such offence forfeit the sum of one hundred and fifty dollars, to be recovered, with costs of suit, by any person who will sue for the same, one half to the prosecutor, and the other half to the treasurer, for the use of the state.

Resignations  
how made.

3. *And be it enacted*, That in every case in which any officer holding an office under the appointment of the joint meeting, shall be desirous of resigning such office, the resignation shall be made during the sitting of the legislature by such officer, in writing under his hand, addressed to the joint meeting; and all other state and county officers desirous of resigning, shall send their resignations in writing, to the governor or person administering the government; which resignations shall be filed in the office of the secretary of state; and that no resignation made in any other way or pretended to be made, shall be valid.

Offices in-  
compatible.

4. *And be it enacted*, That if any person holding a civil commission or an appointment to an office within this state, and under

the authority thereof, shall hereafter be elected to represent this state in the Senate or House of Representatives in the congress of the United States, and shall accept of the appointment or take his seat agreeably thereto, the commission or appointment of such person, under the authority of this state, within the same, shall be and the same is hereby declared to be vacated and void.

TIT. XXX.  
CHAP. 22.

5. *And be it enacted*, That it shall not be lawful for any justice of the supreme court of this state, hereafter to accept of any office or appointment in any body corporate or politic within this state; and in case any of the said justices of the supreme court, now or hereafter being, shall accept of any such office or appointment, such acceptance shall be deemed an abdication and resignation of said office of justice of the supreme court of this state, and his salary shall immediately cease; *provided nevertheless*, that nothing in this act shall prevent any of the justices of the supreme court from accepting and exercising any office or appointment in any body corporate for the promotion of ecclesiastical, religious or literary purposes.

Justices of  
supreme  
court not to  
take office.

Proviso.

## CHAPTER 22.

### OF SALARIES.

- |   |  |  |
|---|--|--|
| <ol style="list-style-type: none"> <li>1. Certain salaries fixed.</li> <li>2. When to commence.</li> <li>3. Pay of members of the legislature.</li> <li>4. Pay for extra sessions.</li> </ol> |  | <ol style="list-style-type: none"> <li>5. How members paid.</li> <li>6. Pay of secretary and clerk.</li> <li>7. Sergeant-at-arms and doorkeeper.</li> <li>8. Engrossing clerks.</li> </ol> |
|---|--|--|

An Act to provide for the support of the government of this state, and to fix the salaries of public officers. 1845.  
PAMPH. 238.

Approved April 4, 1845.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows* :

SEC. 1. The several hereinafter named public officers of this state, for the time being, shall, respectively, be entitled to receive the annual salaries hereinafter mentioned, that is to say:

Salaries of  
certain offi-  
cers.

The governor of this state, at the rate of eighteen hundred dollars by the year.

Governor.  
1845, p. 241.

The chancellor, at the rate of eighteen hundred dollars by the year.

Chancellor.

The chief justice of the supreme court, at the rate of fifteen hundred dollars by the year.

Chief justice.

Each of the associate justices of the supreme court, at the rate of fourteen hundred dollars by the year.

Justices.

TIT. XXX.  
CHAP. 23.

The treasurer, at the rate of one thousand dollars by the year.

Treasurer.  
Reporters.

The law reporter and chancery reporter, at the rate of two hundred dollars, each, by the year.

Attorney  
general.

The attorney general, at the rate of eighty dollars by the year.

Quartermas-  
ter general.

The quartermaster general, at the rate of one hundred dollars by the year.

Adjutant  
general.

The adjutant general, at the rate of one hundred dollars by the year.

Salaries,  
how paid.

All of which salaries shall be paid, quarterly, to the several officers before mentioned, their executors, administrators, or assigns, on warrants produced to the treasurer, signed by the governor or president of the Senate, for the salaries of the said officers, other than the governor, and signed by the president of the Senate, or the speaker of the House of Assembly, for the salary of the governor : and the salary of the treasurer may be retained by him, in quarterly payments, on such warrants of the governor or president of the Senate ; and in case any of the said officers shall be removed from office, by death or otherwise, the salary of such officer shall cease and determine on such removal.

SEC. 2. The said salaries shall commence as follows, that is to say :

Time of com-  
mencement  
of salaries.

For the governor, on and from the third Tuesday of January next ensuing his election by the people.

For the other officers herein before mentioned, from the dates of their respective commissions ; but the salaries of such of the said officers as were appointed previous to the adoption of the present constitution, shall commence from the time of the falling due of the last quarterly or yearly payment due to such officers, respectively, under the " Act for the support of the government of this state," passed the eighth day of November, eighteen hundred and forty-three.

PAMPH. 9.

Pay of mem-  
bers of legis-  
lature.

SEC. 3. The president of the Senate and the speaker of the House of Assembly shall, each, be entitled to receive the sum of four dollars, and each member of the Senate and Assembly shall be entitled to receive three dollars, for each of the first forty days, from the commencement of the session, they have attended, or shall attend, the sitting of their respective houses ; and the president of the Senate and the speaker of the House of Assembly shall, each, be entitled to receive two dollars, and each member of the Senate and Assembly shall be entitled to receive one dollar and fifty cents, for every day of such attendance for the remainder of such session, after the first forty days ; they shall also be allowed, once in each sitting, the sum of one dollar for every ten miles they have travelled, or shall travel, in going to and returning from their place of meeting, by the most usual route.

Constitution,  
§ 4.

SEC. 4. When the legislature shall be convened in extra session by the governor, the president of the Senate, the speaker of the House of Assembly, and each member of the Senate and Assembly, shall be entitled to receive, for every day of their attendance at such session, the sums allowed to them, respectively, by the preceding section for the first forty days of the ordinary session, and also such mileage as aforesaid.

TIT. XXX.  
CHAP. 22.

Extra sessions.

SEC. 5. The sum due to each member of the Senate and General Assembly, as aforesaid, shall be paid to him by the treasurer, upon a certificate, to be produced to the treasurer, expressing the sum due and the number of days and miles, signed by the president of the Senate for the members of the Senate, and by the speaker of the House of Assembly, or by any two members named by him, for the members of the Assembly; when the session for which such sums shall become due shall be an extra session, called by the governor, the same shall be set forth in such certificate.

Members of legislature, how paid.

SEC. 6. There shall be allowed to the secretary of the Senate and to the clerk of the House of Assembly the sum of three dollars and fifty cents, each, for every day they shall attend the sitting of such house, whether convened in ordinary or extra session; and the sum of eight cents, by the sheet, of one hundred words, for entering the minutes of the Senate and the General Assembly, respectively, and of the joint meeting, in the respective journals, and eight cents, by the sheet, for the respective copies thereof, for the printers; the amount due to them, respectively, shall be paid by the treasurer, on a certificate, produced to him, expressing the sum due, the number of days, and the number of sheets in the journal, signed by the president of the Senate, for the secretary of the Senate, and by the speaker of the House of Assembly, for the clerk of the House of Assembly.

Pay of secretary of Senate and clerk of Assembly.

SEC. 7. There shall be allowed to the sergeant-at-arms of the Senate, or to any person or persons acting in that capacity, and to the doorkeeper of the House of Assembly for the time being, the sum of two dollars for each day's attendance on the sitting of the respective houses; and the like sum to the sergeant-at-arms of the House of Assembly, or any person or persons acting in that capacity, whenever any person or persons, other than the doorkeeper, are appointed by said house to act in that capacity; and the sergeant-at-arms of the Senate and the doorkeeper of the House of Assembly shall be allowed seventy-five cents a day, each, for the compensation of an assistant, to be employed by them; which sums shall be paid to such officers, respectively, on a certificate, to be produced to the treasurer, expressing the sum due and the number of days of attendance, signed by the president of the Senate and the speaker of the House of Assembly, respectively.

Pay of sergeant-at-arms and doorkeeper.

TIT. XXX.  
CHAP. 23.  
Engrossing  
clerk.

SEC. 8. There shall be paid to the engrossing clerk or clerks of the Senate and the General Assembly, who shall engross the bills of said houses, respectively, at the rate of eight cents by the sheet of one hundred words, on a certificate, to be produced to the treasurer, expressing the number of sheets and the amount, signed by the president of the Senate and the speaker of the General Assembly, respectively.

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## CHAPTER 23.

FRAUDS BY PUBLIC OFFICERS.

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### An Act to prevent frauds by public officers.

Revision....Approved April 10, 1846.

1843-4.  
PAMPH. 232.

Conveyances by persons who have embezzled public property void.

Liens void.

Proviso.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passing of this act, all conveyances and transfers of property, whether real or personal, made by any person holding, or who has held any office of trust and profit under the authority of this state, and who, while such officer, embezzled any of the money, property or securities committed to his keeping, with intent to defraud the state, or any county thereof, any city, borough, township, body corporate, or any person or persons, or fraudulently disposed of the same, and all mortgages and liens by judgments confessed, or other liens upon said property voluntarily given by such officer, whether upon valuable consideration or not, shall be deemed, as against this state, to be fraudulent and void in law; *provided*, that nothing in this act contained shall be taken to affect the rights of a bona fide purchaser, mortgagee or judgment creditor for valuable consideration, without notice that said officer has so embezzled or made such fraudulent disposition of money, property or securities committed to his keeping as aforesaid.

## CHAPTER 24.

TIT. XXX.  
CHAP. 24.

## OFFICIAL SEALS.

1. Seals, and where deposited.  
2. What to be seals of.

3. Instruments so sealed valid.

## An Act relating to official seals.

REV. 613.

Revision....Approved April 17, 1846.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the seal of the prerogative court now in use, shall be continued to be used until otherwise provided, and shall be deposited in the office of the clerk of said court, in the custody of the said clerk; that the seal of the secretary of state now in use, shall be continued to be used until otherwise provided, and shall be deposited in the office of the secretary of state, in the custody of the said secretary; that the seal of the court of chancery now in use, shall be continued to be used until otherwise provided, and shall be deposited in the office of the clerk of the court of chancery, in the custody of the clerk of said court; that the seal of the supreme court of judicature of this state now in use, shall be continued to be used until otherwise provided, and shall be deposited in the office of the clerk of said court, in the custody of said clerk; that the seals of the clerks of the respective counties in this state now in use, shall be continued to be used until otherwise provided, and shall be deposited in the offices of the respective clerks, and in the custody of said clerks respectively; and that the seals of the surrogates of the respective counties in this state now in use, shall be continued to be used until otherwise provided, and shall be deposited in the offices of the surrogates of the respective counties, and in the custody of the said surrogates respectively.

2. *And be it enacted*, That the seal of the secretary of state shall be also the seal of the court of impeachment, and of the court of errors and appeals; the seals of the clerks of the respective counties shall be also the seals of the circuit courts, the courts of common pleas, the courts of oyer and terminer and general jail delivery, and the courts of quarter sessions of the said counties respectively; and that the seals of the surrogates of the respective counties shall be also the seals of the orphans' courts of said counties respectively.

3. *And be it enacted*, That all commissions, writs, process and other proceedings and instruments of writing, certificates and exemplifications, which require to be sealed by any of the aforesaid officers, or attested by the seal of any of the aforesaid courts, shall be held valid and effectual when sealed with the seal of such officers or such courts as aforesaid.

CHAPTER 25.

OATHS AND AFFIRMATIONS.

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| <ol style="list-style-type: none"> <li>1. Oath of allegiance, form of.</li> <li>2. Who to take it.</li> <li>3. Official oath of governor.</li> <li>4. Of judges of errors and appeals.<br/>" Chancellor, and judges of other courts.</li> <li>5. Clerks and register.</li> <li>6. Counsellors, attorneys, etc.</li> <li>7. General form of oath.</li> <li>8. Who to administer to governor.</li> <li>9. Legislators.</li> <li>10. Chancellor, judges, etc.</li> <li>11. Judges of pleas and others.</li> <li>12. Names enrolled and filed.</li> <li>13. By whom administered, if clerk absent.</li> <li>14. Oath of clerk of pleas.</li> </ol> | <ol style="list-style-type: none"> <li>15. Penalty on clerk for neglect.</li> <li>16. Duty of courts.</li> <li>17. Who to administer oath of allegiance.</li> <li>18. And so, though official not required.</li> <li>19. Penalty on jurors for refusal.</li> <li>20. Officers to qualify in two months.</li> <li>21. So of justices of the peace.</li> <li>22. Swearing with uplifted hand.</li> <li>23. Such oath good.</li> <li>24. What oaths thus taken.</li> <li>25. And if false, declared perjury.</li> <li>26. Affirmations and declarations.</li> <li>27. Who may administer.</li> <li>28. Allowed, in what cases.</li> <li>29. If false, declared perjury.</li> </ol> |
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An Act prescribing certain oaths.

REV. 429, 440.

1845.

PAMPH. 220.

Revision....Approved April 17, 1846.

Oath of alle-  
giance.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every person who is or shall be required by law to give assurance of fidelity and attachment to the government of this state, shall take the following oath :

I, ——— do sincerely profess and swear, that I do and will bear true faith and allegiance to the government established in this state, under the authority of the people. So help me God.

Who to take  
it.

2. *And be it enacted*, That the governor for the time being of this state, and every person who shall be appointed or elected to any office, legislative, executive or judicial, under the authority of this state, or to any office in the militia thereof, and every counsellor, solicitor and attorney at law, shall, before he enters upon the execution of his trust, office or duty, take and subscribe the foregoing oath of allegiance.

Official oaths  
of,

3. *And be it enacted*, That every person who shall be elected governor of this state, or who shall at any time administer the government thereof, shall, before he enters upon the execution of his said office, take and subscribe the following oath, to wit:

Governor.

I, ——— elected governor of the state of New Jersey, do solemnly promise and swear, that I will diligently, faithfully and to the best of my knowledge, execute the said office in conformity with the powers delegated to me; and that I will to the utmost of my skill and ability, promote the peace and prosperity, and maintain the lawful rights of the said state. So held me God.

Judges, etc.

4. *And be it enacted*, That the members of the court of errors and appeals in the last resort in all causes, the chancellor, the judges of the supreme court, and the judges of the inferior court of

common pleas, and orphans' court, shall, before they enter upon the execution of their respective offices, take and subscribe the following oath, to wit: TIT. XXX.  
CHAP. 25.

I, —— do solemnly promise and swear, that I will administer justice without respect to persons, and faithfully and impartially perform all the duties incumbent on me as —— according to the best of my abilities and understanding, agreeably to the constitution and laws of the state of New Jersey. So help me God.

5. *And be it enacted*, That every person who shall be chosen or <sup>Clerks, etc.</sup> appointed to the office of register or clerk of any judicial court of this state, shall, before he enters upon the execution of his office, take and subscribe the following oath, to wit:

I, —— being appointed register (or clerk, as the case may be,) of the —— do solemnly promise and swear, that I will truly and faithfully enter and record all the orders, decrees, judgments and proceedings of the said court; that I will justly and honestly keep the records, parchments, papers, writings and books to me committed, and to be committed, by virtue of my said office; and that I will faithfully and impartially perform all the duties of the said office, according to the best of my abilities and understanding. So help me God.

6. *And be it enacted*, That every counsellor, solicitor or attorney <sup>Counsellors, etc.</sup> at law, shall, before he be permitted to practice in any court of this state, take and subscribe in open court, the following oath, to wit:

I, —— do solemnly promise and swear, that I will faithfully and honestly demean myself in the practice of an attorney (or of a counsellor or solicitor, as the case may be,) and will execute my office according to the best of my abilities and understanding. So help me God.

7. *And be it enacted*, That where the form of an official oath is <sup>General form.</sup> not or shall not be specially prescribed, then one shall be taken in the following words, to wit:

I, —— do solemnly promise and swear, that I will faithfully, impartially and justly perform all the duties of the office of —— according to the best of my abilities and understanding. So help me God.

8. *And be it enacted*, That any member of the Senate shall be and hereby is authorized to administer the oaths of office and allegiance to the person who shall be elected governor of this state; which oaths shall be administered in Senate, if the legislature be in session. <sup>Who to administer to governor.</sup>

9. *And be it enacted*, That any member of the Senate or of the General Assembly shall be and hereby is empowered to administer the oath of allegiance to his fellow members of the same house. <sup>Legislators.</sup>

- TIT. XXX.  
CHAP. 25.
- Chancellor  
and others.
- Judges of  
pleas and  
others.
- Names en-  
rolled and  
filed.
- When judges  
of pleas to  
administer  
certain oaths.
- To adminis-  
ter oaths to  
clerk.
- Penalty for  
neglect of  
clerk.
- Duty of  
courts.
10. *And be it enacted*, That the supreme court and each judge thereof, shall be and hereby is authorized to administer the oath of office and of allegiance to any person who shall be appointed to the office of chancellor, or secretary, or attorney general of the state, or judge or clerk of the said supreme court.
11. *And be it enacted*, That it shall be the duty of the clerk for the time being, of the inferior court of common pleas of each county in this state, and of none other, to administer the oaths of office and allegiance to every person who shall be chosen or appointed a judge of the said court, or elected a justice of the peace, sheriff or coroner in and for the said county.
12. *And be it enacted*, That it shall be the duty of the said clerk to enroll the name of every person to whom he shall administer the said oaths, together with the time of administering the same, on paper or parchment, to be by him for that purpose kept and filed in his office, and to transmit, within twenty days after administering said oath, the name of such person so sworn in, and the time when, to the secretary of state, to be by him filed in his office.
13. *And be it enacted*, That if the clerk of the court of common pleas be absent, removed or dead, then it shall and may be lawful for any judge of the said court to administer the oaths of office and allegiance to the persons, or any of them, required to take the same in and by the eleventh section of this act; and the said judge shall report the name of the person to whom the said oaths were administered, and the date thereof, to the said clerk or his successor, who shall enroll the same and transmit a copy of such enrollment to the secretary of state, as is directed by the section next preceding.
14. *And be it enacted*, That any judge of the inferior court of common pleas shall be and hereby is authorized to administer the oaths of office and allegiance to the person who shall be elected or appointed clerk of the said court; and it shall thereupon be the duty of the said clerk to enroll his own name and the time of his being sworn into office, and transmit, as aforesaid, a copy of such enrollment to the secretary of state, for the purpose above mentioned.
15. *And be it enacted*, That if the clerk of any inferior court of common pleas shall neglect or refuse to perform, in due time, any service or duty enjoined on him by this act, he shall, for every such offence, forfeit thirty dollars, to be recovered by action of debt, with costs, by any person who will sue for the same.
16. *And be it enacted*, That it shall be the duty of any court of judicature of this state to administer the oath of allegiance to such person as shall be by law required to take the same in the said court.

17. *And be it enacted*, That it shall be lawful for every court, TIT. XXX.  
CHAP. 25. body corporate, judge, justice of the peace or other person or persons, before whom it is or shall be incumbent for any person, Who to ad-  
minister  
oath of alle-  
giance, who shall be elected or appointed to office, to take his official oath, to administer at the same time the oath of allegiance to such person, if he is or shall be by law required to take the same.

18. *And be it enacted*, That where the oath of allegiance is or shall be required by law, without any official or other oath, then it and so where  
no official  
oath requir-  
ed. shall be lawful for any judge of the inferior court of common pleas, or any justice of the peace, in and for his proper county, to administer the same, unless it is or shall be otherwise directed by this or any other act: *and further*, the said judge and justice are hereby respectively empowered and required to administer the oath of allegiance to any person who shall apply to take the same.

19. *And be it enacted*, That if any grand or petit juror, who hath not already taken and subscribed the oath of allegiance to this state, shall refuse, if required by the court, to take and subscribe the oath of allegiance prescribed by this act, in any court to which he shall be summoned, he shall, for every such offence, be fined by the said court in any sum not less than eight, nor more than thirty dollars; and the clerk of the said court shall deliver a certified list of the name of the juror and the fine awarded, to the sheriff of the county, who shall thereupon levy and make the same, by distress and sale of such juror's goods, with costs.

20. *And be it enacted*, That if any person, who shall be elected to any office by the Senate and Assembly in joint meeting, shall neglect or refuse to qualify into such office, for and during the space of two months after being informed of his election by any member of the Senate or Assembly for the county in which he resides, or by the clerk of the court of common pleas of such county, his said election shall thenceforth be void. What officers  
must qualify  
in two  
months.

21. *And be it enacted*, That if any justice of the peace, elected or to be elected under the present constitution, shall neglect or refuse to qualify into office for the period of two months after the date of his commission, his said election shall thenceforth be void. When jus-  
tice of the  
peace must  
be sworn.

22. *And be it enacted*, That every person who shall be permitted or required to take an oath in any case, where by law an oath is allowed or required, may take the same with the ceremony of lifting up the hand and swearing by the ever living God, instead of that of touching and kissing the book of the gospels; and every person who is or shall be empowered and required to tender and administer an oath in the usual form, shall be and hereby is empowered and required, on request of the party to be sworn, to administer the same in the manner herein before prescribed. Swearing  
with uplifted  
hand.

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CHAP. 25.

Declared  
good.

23. *And be it enacted*, That an oath, which shall be administered and taken agreeably to the mode prescribed in the preceding section of this act, shall be as good and effectual as if the same had been administered and taken in the usual form of laying the hand on and kissing the gospels.

What oaths  
may be thus  
taken;

24. *And be it enacted*, That in all cases where, by any act of the legislature of this state now in force or hereafter to be made, an oath is or shall be allowed or required, the same shall, on the request of the party to be sworn, be taken with the ceremony of holding up the hand and swearing by the ever living God, instead of that of touching and kissing the book of the gospels, although no provision for that purpose is or shall be made in such act.

and if false,  
declared per-  
jury.

25. *And be it enacted*, That if the person, who shall take such oath and swear as aforesaid with the uplifted hand and by the ever living God, shall falsely, wilfully, and corruptly swear or depose any matter or thing which, if the same had been sworn or deposed in the usual form, 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.

Affirmation  
and declara-  
tion legal-  
ized.

26. *And be it enacted*, That every person, who shall be permitted or required to take an oath in any case, where by law an oath is allowed or required, and who shall allege that he or she is conscientiously scrupulous of taking an oath, shall, instead of the form of an oath, be permitted to make his or her solemn affirmation or declaration; and if such person shall choose to affirm, it shall be in the words following, to wit:

Affirmation.

I, —— do solemnly, sincerely, and truly declare and affirm:

But if such person shall choose to declare, it shall be in the words following, to wit:

Declaration.

I, —— do declare, in the presence of Almighty God, the witness of the truth of what I say:

Either of which forms shall be as good and effectual in law, as an oath taken in the usual form, in which affirmation or declaration, the words "So help me God," at the close of the usual oath, shall be omitted.

Who may  
administer.

27. *And be it enacted*, That every person, who is or shall be empowered and required to tender and administer an oath in the usual form, shall be and hereby is empowered and required to tender and administer the affirmation or declaration aforesaid, when requested to that purpose by any such scrupulous person as aforesaid.

And allowed  
in all cases  
of consci-  
ence.

28. *And be it enacted*, That in all cases where, by any act of the legislature of this state now in force, or hereafter to be made, an

oath is or shall be allowed or required, the affirmation or declaration, in the form above prescribed, of any such scrupulous person as aforesaid, shall be allowed and taken instead of an oath in the usual form, although no provision for that purpose is or shall be made in such act.

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CHAP. 26.

29. *And be it enacted*, That if any person, who shall make such affirmation or declaration, shall falsely, wilfully, and corruptly affirm or declare any matter or thing which, if the same had been sworn or deposed in the usual form, 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 being convicted thereof, shall be punished accordingly.

False affirmation, etc., perjury.

## CHAPTER 26.

### WHO MAY ADMINISTER OATHS, ETC.

1. Persons authorized to administer. | 2. False oaths declared perjury.

### An Act relative to oaths and affidavits.

1838-9.  
PAMPH. 42.

Passed February 14, 1839.

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 all oaths, affirmations, and affidavits required to be made or taken, by any statute of this state, or necessary or proper to be made, taken, or used in any court of this state, or for any lawful purpose whatever, shall and may be made and taken by and before the chancellor, or any judge of a court of record of this state, or any master in chancery, or any justice of the peace of this state, or any mayor, recorder, or alderman of any city or borough of this state, or any commissioner for taking bail and affidavits in the supreme court of this state; *provided*, that nothing herein contained shall apply to the official oath or affirmation required to be made or taken by any of the officers of this state, nor to any oath, affirmation, or affidavit required to be made and taken in open court, nor to cases where it shall be necessary for the party making or procuring such oath, affirmation, or affidavit, to give notice to any person interested, of the taking of such oath, affidavit, or affirmation.

Before whom affidavits, etc., may be made.

Proviso.

2. *And be it enacted*, That if any person shall wilfully and corruptly swear or affirm falsely, in or by any oath, affirmation, or affidavit made or taken in pursuance of this act, such person shall be deemed guilty of perjury, and punished accordingly.

False oaths, etc., perjury.