

Attorney-General and Public Prosecutor.

- |  |   |
|--|---|
| <ol style="list-style-type: none"> <li>1. Duties of attorney-general.</li> <li>2. Amended by section 4.</li> <li>3. Criminal business to be prosecuted by prosecutor of pleas.<br/>When attorney-general to prosecute.</li> <li>4. Salary of attorney-general.</li> <li>5. Salary in lieu of all other compensation.</li> <li>6. Repealer.</li> <li>7. Appointment of prosecutor of the pleas.</li> <li>8. Oath of prosecutors.</li> <li>9. Powers of prosecutor.</li> </ol> | <ol style="list-style-type: none"> <li>10. When court to appoint.</li> <li>11. Assistant prosecutor in certain counties.</li> <li>12. Repealer.</li> <li>13. Assistant prosecutors—how appointed.</li> <li>14. Repealer.</li> <li>15. Amended by section 17.</li> <li>16. Repealer.</li> <li>17. In certain counties prosecutor may appoint assistant.</li> <li>18. Office of assistant prosecutor abolished in certain counties.</li> <li>19. Repealer.</li> </ol> |
|--|---|

An act to define the duties and fix the salary of the attorney-general.

Approved February 24, 1854. P. L. 1854, p. 131.

1. That it shall be the duty of the attorney-general, when not incompatible with his other public duties, to be present at the seat of government during the session of the legislature, to give to the members of the senate and assembly, and to the executive, and all the officers of the state government, such legal information as they may from time to time request, examine and decide all cases submitted for his opinion by the state superintendent of common schools, attend in any county of the state for the trial of homicide cases, or other high crimes, on the written request of a justice of the supreme court, or of the board of chosen freeholders of any county, upon all applications for loans of the school fund to inspect the title papers, and determine the security offered, and attend generally to all matters in which the state is a party, or in which its rights and interests are involved.

2. [Amended by Sec. 4, *post.*]

3. That after the passage of this act, the criminal business of the state shall be prosecuted exclusively by the prosecutors of the pleas, except in counties where, for the time being, there may be no prosecutor, or where the prosecutor desires the aid of the attorney-general; and when the attorney-general prosecutes in a county having no prosecutor, he shall be entitled to the fees now fixed by law; and where he aids in the prosecution at the request of the prosecutor, he shall be entitled to one-half of the fees; and when the attorney-general attends the trial of any case at the request of a justice of the supreme court, or of the board of freeholders, as provided in the first section of this act, he shall be paid such sum for that special service as the justice of the supreme court of that judicial district shall certify and fix, to be paid by the collector of the county in which the cause is tried. (*a*)

Duties of attorney-general.

117-1  
A02-267b

117-1  
A04-150

Prosecutors of pleas to prosecute criminal business. When attorney-general to prosecute.

Supplement.

Approved March 31, 1882. P. L. 1882, p. 214.

4. SEC. 1. That the second section of the act entitled "An act to define the duties and fix the salary of the attorney-general," approved February twenty-fourth, one thousand eight hundred and fifty-four, be amended so as to read as follows:

[That the attorney-general shall receive an annual salary of seven thousand dollars, to be paid to him by the treasurer of this state in quarterly payments.]

5. SEC. 2. That the said salary shall be in lieu of all other compensation for services of every nature and kind whatsoever rendered in virtue of the office of attorney-general.

6. SEC. 3. That all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

Annual salary.

Salary to be in lieu of all other compensation, &c.

Repealer.

(*a*) Under section 100 of the criminal procedure act the prosecutor of the pleas has power, with the concurrence of the presiding judge of the court of oyer and terminer, to employ

associate counsel to assist in the trial of a homicide case. *Lindabury v. Freeholders of Ocean*, 18 Vr. 417.

Har. 49.

R. S. 882.

118-7  
S96-127Appointment of  
prosecutors of  
the pleas.118-7  
86V-287Oath of  
prosecutors.Powers of  
prosecutors.When court  
to appoint.**An act respecting prosecutors of the pleas of the state.**

Approved April 16, 1846.

**7. SEC. 1.** That there shall be appointed for each county some fit person, who shall be an attorney and counselor-at-law, (1) 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. (a)

**8. SEC. 2.** 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.

**9. SEC. 3.** 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.

**10. SEC. 4.** 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.

**Supplement.**

Approved March 23, 1883.

P. L. 1883, p. 153.

Assistant prosec-  
utor may be  
appointed in  
certain counties.

Salary.

Repealer.

**11. SEC. 1.** That in each county of this state having within its territorial limits a population exceeding one hundred and fifty thousand inhabitants, the board of chosen freeholders of such county shall, in addition to the salary now provided by law for said prosecutor, pay to an assistant prosecutor, who shall be appointed by said prosecutor, the further sum of twenty-five hundred dollars per annum for the services of such assistant prosecutor, and said salary shall be paid monthly to said assistant prosecutor by the county collector of said county; *provided*, that no more than one assistant shall be appointed in each of such counties.

**12. SEC. 2.** That all acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect immediately.

**Supplement.**

Approved February 9, 1886.

P. L. 1886, p. 17.

Assistant prosec-  
utors of the  
pleas, how  
appointed.

**13. SEC. 1.** That in each county of this state in which an assistant prosecutor is not already provided for by law, it shall be lawful for the prosecutor of the pleas thereof to appoint one assistant prosecutor, who, after having taken an oath or affirmation before the clerk of the common pleas of the county wherein he is appointed, to faithfully and justly perform the duties of the appointment to the best of his ability, shall hold said appointment during the pleasure and at the will of the prosecutor; and the services of such assistant shall be paid for by the prosecutor making the appointment, out of the salary or fees of the prosecutor.

(1) By supplement of April 1st, 1869 (P. L., p. 1161), an attorney-at-law may be appointed prosecutor of the pleas in Bergen county.

(a) The offices of attorney-general and prosecutor of the pleas cannot be held by the same person at one and the same time, and where a prosecutor of the pleas accepts the office of

attorney-general he thereby avoids the former office, without any formal resignation. *The State, Clawson v. Thompson, Spen. 689.*

14. SEC. 2. That all acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect immediately. Repealer.

## Supplement.

Passed March 16, 1891. P. L. 1891, p. 143.

15. SEC. 1. [Amended by Sec. 17, *post.*]

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

An act to amend an act entitled "A supplement to an act entitled 'A further supplement to an act entitled "An act respecting prosecutors of the pleas of the state," approved April sixteenth, one thousand eight hundred and forty-six,' approved February ninth, one thousand eight hundred and eighty-six," which said supplement was passed March sixteenth, eighteen hundred and ninety-one.

Passed May 25, 1894. P. L. 1894, p. 526.

17. SEC. 1. That section one of the act entitled "A supplement to an act entitled 'A further supplement to an act entitled "An act respecting prosecutors of the pleas of the state," approved April sixteenth, one thousand eight hundred and forty-six,' approved February ninth, one thousand eight hundred and eighty-six," be and the same is hereby amended so as to read as follows, to wit:

[That in each county of this state having a population of one hundred and fifty thousand inhabitants, and over, it shall be lawful for the prosecutor of the pleas thereof, with the assent of the governor, to appoint one assistant prosecutor, who, after having taken an oath or affirmation before the clerk of the court of common pleas of the county wherein he is appointed, to faithfully and justly perform the duties of the appointment to the best of his ability, shall hold said appointment unless removed by the prosecutor and governor; and the county collector of said county shall pay such assistant prosecutor for his services an annual salary of thirty-five hundred dollars in equal monthly payments out of the funds of said county; *provided*, that the federal or state census last taken before the appointment of such assistant prosecutor shall be the basis for the above classification.]

In certain counties prosecutor of pleas, with assent of governor may appoint assistant.

Assistant shall take oath.

Salary.

18. SEC. 2. That the office of assistant prosecutor of the pleas in counties of this state having a population of less than one hundred and fifty thousand inhabitants be and the same is hereby abolished.

Office of assistant prosecutor in certain counties abolished.

19. SEC. 3. That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately. Repealer.

Repealer.

## Banking.

## I. FORMATION OF BANKS, THEIR POWERS AND DISSOLUTION.

1. Who may associate to establish banks. Capital stock.
2. Certificate of association to be made and recorded. Location of office or place of business.
3. Certificate, evidence. Upon making and recording same, persons associating a body corporate. Legislature may dissolve.
4. Powers of associations.
5. Shares personalty, and how transferred. Restrictions on change of articles.
6. Capital may be increased.
7. Power to hold real estate.
8. Name.
9. Who shall sign notes.
10. Associations to possess powers of general act concerning corporations.
11. Change to national banks.
12. Compensation for stock, in case of change, to non-consenting stockholders. Proceedings in case of disagreement as to price.
13. Proceedings to apply to trustees, &c. Proceedings in case of absence or disability of owners.
14. Assets pass to the new bank.
15. Return of deposits of stock, on the bank ceasing business.
16. Notice of redemption of notes.
17. On dissolution by stockholders, state treasurer to re-assign property deposited.
18. Surrender of franchise, how made.

119-17  
S96-127b