

to commit offenses against society before employment or the means of living can be procured may be removed; to enable the warden to pay to the convicts such sums as they are by law to receive on their discharge, the sum of two thousand dollars shall be paid to him each year by the treasurer on the warrant of the comptroller; and if said sum shall be exhausted at any time during the year, the treasurer may, on the warrant of the comptroller, make an additional payment of such sum as the warden may think requisite for such purposes, and any portion of this deposit not expended shall be paid over to the treasurer by the warden each year, on or before the thirty-first day of October, at which time the warden shall furnish to the comptroller a detailed statement of the moneys expended for this purpose during the fiscal year.

33. That every officer who shall be appointed in pursuance of the provisions of this act shall take and file in the office of the secretary of state, within fifteen days after his appointment, the constitutional oath of office, and the several officers appointed shall respectively give bonds to the warden in such penalty and with such sureties as the board of managers shall approve, conditioned for the faithful performance of their duties as required by law.

Officers shall qualify and give bond.

34. That at the expiration of the term of the present board of managers and each succeeding period of three years thereafter, there shall be appointed by the governor of this state, by and with the advice and consent of the senate, six competent persons as a board of managers for the "New Jersey state reformatory," who shall hold office for a term of three years, and until their successors shall have been confirmed by the senate and duly qualified; that no more than three of such managers shall belong to the same political party.

On expiration of term of present board of managers, governor shall appoint successors.

35. That the managers appointed under the provisions of this act shall be subject to removal for sufficient reasons presented in the same manner as is now provided for in the law regulating the removal of the managing authorities of the New Jersey state prison.

Managers may be removed for cause.

36. That this act shall be deemed and construed a public act and shall take effect immediately, and all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Repealer.

State Treasury.

I. TREASURER.

1. Treasurer to give bond.
2. Oath of office.
3. Condition of bond.
4. Legislature may require further bond.
5. Proceedings in case of death of treasurer.
6. Duties of treasurer.
7. Report to be made to legislature.
8. Time for closing accounts.
9. Vacancy, how supplied.
10. Bond, how long in force.
11. Treasurer to deposit all moneys in bank.
12. Secretary of state to notify banks of treasurer's election.
13. Money carried to successor's account.
14. Authority to make loans.
15. May change investments.
16. Annual statement.
17. How long bond in full force.
18. May appoint clerk.
19. National banks included in term chartered banks.
20. Amount of bond.
21. Deputy state treasurer, oath, bond and duties.
22. Expenses of department not increased.
23. State treasurer to sell personal property forfeited to state.
24. State treasurer to sell perishable state property. Claim to be established within one year. How to be sold.
25. Claims and interest barred.

II. COMPTROLLER.

26. Appointment of comptroller by governor.
27. Oath to be taken and bond given.
28. Salary.
29. Comptroller may administer oaths and examine and audit accounts.
30. To superintend collection of revenue.
31. To countersign and register checks.
32. May draw in favor of treasurer for money due.
33. Assessors to transmit abstracts.
34. Board of freeholders, &c., to transmit statements.
35. Abstracts of clerks of pleas to be made to comptroller.
36. To be trustee of school fund, &c., *ex officio*.
37. To be bank commissioner.
38. To advertise for proposals for fuel.
39. To examine bank-books of treasurer.
40. To make annual report.
41. Accounts of treasurer to be examined by joint committee, &c.
42. Repealer.
43. When act to take effect. Proviso.
44. Appointment of comptroller to be by joint meeting. Vacancy, how filled.
45. Treasurer to report receipt of all moneys for audit and registry.
46. Sheriffs and prosecutors to pay over moneys received.
47. Clerks of courts to make abstracts of fines, &c.

- 48. Judge must indorse taxed bill of costs.
- 49. Comptroller to advertise for stationery for opening of session of legislature
- 50. Financial statements of municipalities to be furnished to comptroller.
- 51. Duty of comptroller to furnish blanks.
- 52. Penalty for neglect or refusal to transmit statements.
- 53. Repealer.
- 54. Deputy comptroller, how appointed, oath of office, bond and duties.
- 55. Expenses not to be increased.

III. COMMISSIONERS OF THE SINKING FUND.

- 56. Superseded by section 91.
- 57. Bond to be given. Oath.
- 58. What moneys to be paid over to them.
- 59. May invest funds.
- 60. Accounts to be kept. Report.
- 61. Appropriation.
- 62. In case of death, vacancy, how supplied.
- 63. Treasurer to pay over money of sinking fund.
- 64. Salary.
- 65. Commissioners may employ assistance.
- 66. Interest, how to be applied.
- 67. To furnish comptroller amount of income.
- 68. Repealer.
- 69. Commissioners incorporated.
- 70. Funds to be held in trust.
- 71. Salary of commissioners.
- 72. Authorized to buy in property on foreclosure.
- 73. May sell with approval of governor.
- 74. Property heretofore bought in, how conveyed.
- 75. Commissioners may take real estate in satisfaction of mortgage.
- 76. May sell and convey real estate so taken.
- 77. May rent or lease real estate until sale.
- 78. Repealer.
- 79. Moneys received, how appropriated and applied.

- 80. Sufficient of principal to be collected each year to meet payments.
- 81. Excess in commissioners' hands, how invested.
- 82. Not to be invested on mortgage securities.
- 83. Detailed statement to be made in annual report.
- 84. Repealer.
- 85. Commissioners directed to sell real estate.
- 86. Real estate acquired under foreclosure to be sold.
- 87. Amended by section 90.
- 88. Foreclosure proceedings, when to be commenced.
- 89. Repealer.
- 90. May loan purchasers of state property two-thirds of purchase money.
- 91. Office of sinking fund commissioner abolished.
- 92. Office vested in state treasurer.
- 93. State treasurer to perform duties of commissioners and keep "sinking fund account."
- 94. When act to take effect.

IV. MISCELLANEOUS ACTS.

- 95. Suits for recovery of money due state.
- 96. Duty of certain officers.
- 97. Assessments upon private acts.
- 98. Prohibition as to enrolling repealed.
- 99. If assessment not paid by time specified, act void.
- 100. Lien of state upon lands may be settled by courts.
- 101. Proceedings when priority of lien of state questioned.
- 102. Time limited for payment of state assessment extended.
- 103. Forfeiture of charter for non-payment of assessment remitted.
- 104. Upon payment of assessment, charters declared valid.
- 105. Proceedings had under charter validated.
- 106. Act not to apply to certain corporations.
- 107. No money to be drawn from the treasury until explicitly appropriated.
- 108. Certain appropriations heretofore made not to be available until hereafter specifically appropriated.

Rev. 427, 547.

Har. 12, 105, 143.

P. L. 1838, p. 72.
" 1846, p. 188.

R. S. 813.

Treasurer to give bond.

Oath of office.

Condition of bond.

I. Treasurer.

An act respecting the office of treasurer.

Approved April 17, 1846.

1. That the treasurer of this state shall, prior 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, (a) 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.

2. 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 pretense 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.

3. 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-bonder _____ 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

(a) This clause is merely directory. See *ads. Stat.*, 9 Vr. 324. 12 Vr. 394.

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. (a)

4. 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.

Legislature may require further bond.

5. 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.

Proceedings in case of death, &c., of treasurer.

6. 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. 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 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. 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 accounts.

9. 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 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

Vacancy, how supplied.

(a) A bond for the faithful performance of official duty given to the state by a treasurer holding over because of failure to appoint his successor, and sureties, on the demand of the two houses of the legislature, declaring that if it were not given,

they would appoint his successor, is not vitiated by duress, but is valid as the voluntary act of the obligors. *Booy v. State*, 12 Vr. 394.

the manner and as prescribed by this act, and shall also take the oath of office, as in this act prescribed. [See Sec. 20, *post.*]

Bond to be in force until certificate of committee is filed.

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

Treasurer to deposit all moneys received in bank.

11. 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 lay the said book before such committee as shall be appointed to settle and audit the accounts of the treasurer. [See Sec. 31, *post.*] (a)

Checks to be countersigned by secretary of state.

Secretary of state to notify banks of election of treasurer.

12. 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 all the chartered banks within this state immediately after such election as aforesaid.

Moneys deposited by treasurer, to be carried to account of his successor.

13. 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.

Treasurer authorized to make loans.

14. 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.

(a) Where a state treasurer has deposited funds of the state in a bank, pursuant to the requirements of this section, and which moneys stood to his credit when the bank suspended payment—*Held*, that the state did not possess the crown's common-law

prerogative to have its debts paid in preference to the debts of other creditors. *Freeholders of Middlesex v. State Bank*, 3 *Stew.* 311, affirming 2 *Stew.* 268.

15. 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. 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 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.

Annual statement to be made.

Supplement.

Approved March 19, 1851.

P. L. 1851, p. 44.

17. SEC. 1. 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, not only as mentioned in the fifth and tenth sections of the act to which this is a supplement, but also until he shall have delivered to the person appointed to succeed him in office, all the balances of moneys, evidences of public stocks, securities, and other effects in his office or hands, belonging to the state; and if any person shall be re-appointed treasurer, then until a new official bond shall have been duly executed and approved of by the legislature, and deposited in the office of secretary of state.

How long bond shall continue in full force and effect.

Supplement.

Approved March 6, 1867.

P. L. 1867, p. 165.

18. SEC. 1. That the state treasurer is authorized to employ one clerk to assist in the discharge of his duties, at an annual salary not exceeding the sum of one thousand dollars, to be computed from the first day of December, one thousand eight hundred and sixty-six, and which may be paid out of any funds in the treasury not otherwise appropriated.

Treasurer authorized to appoint a clerk.

Supplement.

Approved April 11, 1867.

P. L. 1867, p. 947.

19. SEC. 1. That the words "chartered banks of this state," in the eleventh section of the act to which this is a supplement, shall be construed to mean banks established in pursuance of the act of congress of the United States and known as "national banks," as well as banks chartered by the legislature of this state.

Chartered banks in section 11, to include national banks.

Supplement.

Approved March 27, 1874.

P. L. 1874, p. 104.

20. SEC. 1. That the treasurer of this state, shall, prior to the 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 three hundred 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 the state. (a)

State treasurer to give bonds in \$300,000.

(a) This act held not applicable to a state treasurer then in office and holding over because of failure to appoint his successor. *Sooy v. State*, 12 Vr. 394.

Supplement.

Approved March 23, 1892.

P. L. 1892, p. 227.

Deputy state treasurer.

Oath of office and bond.

Condition of bond.

Duties of deputy state treasurer.

Expenses of department not increased.

21. SEC. 1. That from and after the passage of this act it shall be lawful for the state treasurer to appoint one of the assistants in his office, who shall be commissioned by the governor, to be deputy state treasurer, and said deputy state treasurer shall hold his office during the pleasure of the state treasurer making the appointment, but in no case to extend beyond the term for which the said state treasurer is commissioned; and the said deputy state treasurer shall be required to take and subscribe an oath of like form and character as that required to be made by the state treasurer, and he shall enter into bond with two or more sureties, to be approved by the governor, in the sum of fifty thousand dollars, payable to the state of New Jersey, conditioned for the faithful performance of his official duties, which bond shall be filed in the office of the secretary of state; and the deputy state treasurer shall have the same power and perform all the duties which are now imposed by law upon the state treasurer, during such period or periods as shall be designated in writing by the state treasurer, or during the absence or inability through sickness or other cause of the state treasurer, by the governor, which designation in writing shall be filed with the secretary of state.

22. SEC. 2. That nothing in this act contained shall be so construed as to increase the expenses of the department of the state treasurer, as now provided by law.

An act to authorize the state treasurer to sell and dispose of certain personal property in the possession of the state and to provide for notice to all parties who may be interested therein.

P. L. 1890, p. 148.

State treasurer to sell personal property forfeited to the state. How to be sold.

Approved March 31, 1890.

23. SEC. 1. That the state treasurer be empowered and is hereby required, by and with the advice of the governor, to sell and dispose of for cash, by public sale, upon thirty days' notice in one or more public newspapers, any or all of the goods, chattels or personal property which has or shall hereafter become forfeited to the state under or by virtue of any contract made or entered into with any person or persons, natural or artificial, for the employment of convict or other labor by law.

State treasurer to sell perishable personal property. How to be sold.

24. SEC. 2. That the state treasurer be empowered, with the advice of the governor, to sell any and all personal property in the possession of the state which is perishable in character and from which no revenue is derived, at public sale, after the same shall have been advertised at least thirty days in two newspapers published in the city of Trenton; and that all person or persons claiming any lien upon or interest in such property shall take notice of the same at their peril; and that in case any person or persons shall thereafter establish a claim to any interest in the goods so sold according to law, the fund received from such sale shall be liable for the space of one year from the date of said sale for such interest or claim.

Claim to be established within one year.

Claims and interest barred.

25. SEC. 3. That all claims and interest in such property other than that provided for in the previous sections shall be forever barred; and that the sum realized from said sale shall, after the expiration of the period of one year, be covered into the state treasury.

II. Comptroller.

An act creating the office of comptroller of the treasury, and defining the duties thereof.

P. L. 1865, p. 374.

Comptroller to be appointed by governor and senate.

Approved March 17, 1865.

26. SEC. 1. That there shall be appointed by the governor, with the advice and consent of the senate, a comptroller of the treasury, who shall hold his office three years, and until his successor is appointed. [See Sec. 44, *post.*]

27. SEC. 2. That the comptroller, before entering upon the duties of his office, 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 secretary of state to be there preserved among the public papers; and shall enter into bond with two or more securities, to be approved by the governor, in the sum of fifty thousand dollars, payable to the state of New Jersey, conditioned for the faithful performance of his official duties, which bond he shall file in the office of the secretary of state.

Oath to be taken and bond to be given.

28. SEC. 3. That the comptroller shall receive for his services annually, the sum of two thousand five hundred dollars, but no fees or other compensation shall be allowed him. [See title SALARIES, Sec. 1.]

Compensation.

29. SEC. 4. That it shall be the duty of the comptroller to examine, audit, adjust and settle all accounts due to or presented against the state, and certify the amount adjusted or allowed, to the treasurer for receipt or payment, and that in the performance of this duty he shall be, and is hereby, authorized and required to administer an oath or affirmation to the person or party presenting such account, or to any witness presented on behalf of said person or party, or presented by himself or the attorney-general on behalf of the state and to examine the same, as to the truth, fairness, correctness and justice of said accounts, and the said comptroller shall keep a record or registry of all accounts so audited, adjusted, allowed and certified, and the time when the same was done.

Comptroller to examine and audit accounts.

30. SEC. 5. That it shall be the duty of the comptroller to superintend the collection of the revenue, to take general charge and supervision of all rights, interest and property of the state, to institute and direct prosecutions against delinquent officers of the revenue, and for just claims and debts due to the state, and to draw all warrants on the treasurer in favor of such public officers as receive salaries from the state, and for the payment of all moneys directed by law to be paid out of the treasury, and such warrants shall designate the purpose for which they are drawn. (a)

To superintend collection of revenue, &c.

31. SEC. 6. That the comptroller shall countersign and register all checks drawn by the treasurer, and all receipts for money paid to the treasurer; and no receipts shall be evidence of payment unless so countersigned, and no loans shall be made by the treasurer unless with the concurrence of the comptroller. (b)

To countersign and register checks.

32. SEC. 7. That the comptroller shall, when necessary, draw in favor of the treasurer on all persons indebted to the state for moneys due, and on the presidents and directors of all corporations in which the state may own stock, for the dividends on such stock as the same may become due.

May draw in favor of treasurer for moneys due.

33. SEC. 8. That it shall be the duty of the assessor in each township and ward of this state, on or before the fifteenth day of September in each year, to make and transmit to the comptroller an abstract of the amount of all the ratables in their respective townships and wards, designating in separate columns in said abstract the amount of quotas of state, county, poor, road, and of all other taxes assessed and to be collected, and also the number of taxable inhabitants in such township or ward.

Assessors to transmit abstracts.

34. SEC. 9. That it shall be the duty of the board of chosen freeholders of each county, the committeemen of each township, the mayor and common council of each city, and the representative authority of each borough in this state, to transmit to the comptroller, on or before the first day of October in each year, a statement of the debt or debts of their respective county, township, city, or borough, the purposes for which incurred to be stated separately, and the rate of interest paid on each debt.

Chosen freeholders and town committees to transmit statement.

(a) An act of the legislature having authorized the payment of a certain sum to A. for alleged services—*Held*, that the comptroller could not allege or prove fraud in procuring such act, as a ground for refusing to certify A.'s claim. *Angle v. Runyon*, 9 Fr. 403.

(b) A receipt for moneys of the state, paid by the state's debtor to the state treasurer, signed by that officer, but not countersigned by the state comptroller, is competent evidence on behalf of the state to charge the treasurer and his sureties with the money so received. *Socoy v. State*, 12 Fr. 394.

Abstracts of
clerks of courts
to be made to
comptroller.

35. SEC. 10. That the abstracts required to be made and transmitted by the clerks of the common pleas of the several counties of this state by the sixth section of the act entitled "An act relative to the office of secretary of state and register of the prerogative court," approved April seventeenth, eighteen hundred and forty-six, shall hereafter be made and transmitted at the time therein stated, to the comptroller, instead of to the secretary of state.

To be trustee of
school fund, &c.

36. SEC. 11. That the comptroller shall be, ex officio, a trustee of the school fund, commissioner of the state library, and general superintendent of banks, and all quarterly and annual statements which are now made by banks or other corporations shall be made to the comptroller.

Comptroller to be
bank commis-
sioner.

37. SEC. 12. That so much of the "Further supplement to an act entitled 'An act to authorize the business of banking,' approved March twenty-sixth, eighteen hundred and fifty-two," as appoints the governor, secretary of state, and attorney-general a board of commissioners, to be styled the board of bank commissioners, be and the same is hereby repealed, and all the powers and duties conferred by said act upon the said board be, and the same are hereby devolved upon the comptroller; and the commissioners in the several counties in this state, appointed by the governor, under the seventh section of the above-mentioned supplement, shall file the affidavit required by said section in the office of the comptroller.

To advertise for
proposals for fuel.

38. SEC. 13. That it shall be the duty of the comptroller, on or before the first day of October in each year, to advertise for at least two 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 remain in his office, there to remain of record.

To examine debts
and credits in
bank-book of
treasurer.

39. SEC. 14. That on the first Tuesday in March, June, September and December, or oftener, if he deems it necessary, the comptroller shall carefully examine the accounts of the debts and credits in the bank-books kept by the treasurer, and if he discovers any irregularity or deficiency therein, he shall, unless the same be rectified or explained to his satisfaction, forthwith report the same in writing to the governor.

To make annual
report.

40. SEC. 15. That the comptroller shall, within ten days after the annual meeting of the legislature, report to each house the financial condition of the state, an estimate of expenditures for the succeeding year, arranged under their appropriate heads, together with all the transactions of his office; and the usual number of printed copies of the report for the use of the senate and general assembly, shall accompany the same; the printing to be executed by the current printer to the legislature of the year for which the report is made.

Accounts of
treasurer to be
examined by
joint committee.

41. SEC. 16. That the accounts of the treasurer shall be examined immediately upon the close of the fiscal year, by a joint committee of the legislature, which committee shall report to the next legislature, and the usual number of printed copies of the report, for the use of the senate and general assembly, shall accompany the same; the printing to be executed as provided for by the fifteenth section of this act.

Repealer.

42. SEC. 17. That so much of any law which conflicts with this act, or confers any of the powers and duties which by this act are vested in the comptroller, in any other officer or officers, be, and the same is hereby repealed.

When act to take
effect.

43. SEC. 18. That this act shall take effect immediately; *provided*, that until the comptroller is appointed and enters upon the duties of his office, or in case of a vacancy hereafter, all accounts shall be audited and the disbursements and receipts of the treasurer shall be made as heretofore.

Proviso.

Supplement.

Approved March 24, 1868.

P. L. 1868, p. 465.

44. SEC. 1. That the comptroller of the treasury shall hereafter be appointed by the senate and general assembly of this state in joint meeting assembled; and in case a vacancy shall happen by death or otherwise at any time during the sitting of the legislature, then and in such case, the vacancy so happening shall be filled during such sitting by the senate and general assembly of this state; and if a vacancy by death, 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 until the next meeting of the legislature, which shall then fill such vacancy; and the term of office of the person appointed as aforesaid shall commence from and after the expiration of the term of the present incumbent, and he shall hold his office three years and until his successor is appointed.

Appointment of
comptroller to be
by joint meeting.

Vacancy, how
filled.

45. SEC. 2. That it shall be the duty of the treasurer forthwith, upon the receipt of any interest, or other moneys belonging to the state or to the school fund, or other funds in his custody, to report the same to the comptroller for audit and registry before any acquittance or discharge is given therefor; and the same duty is imposed upon all public officers or other persons, who as agents for the state receive license fees or other moneys belonging to the state.

Treasurer to
report receipt of
all moneys for
audit and registry
to comptroller.

46. SEC. 3. That every sheriff, officer prosecuting the pleas or clerk of any court who shall collect or receive any moneys on recognizance before or after execution, or from fines and amercements, and which belong to the state by the fifth section of the act entitled "An act regulating proceedings on forfeited recognizances, and appropriating the moneys arising from the same, and from fines and amercements," approved April fifteenth, eighteen hundred and forty-six, shall pay over the same to the treasurer within ten days after its collection or receipt, after deducting five per centum thereof for his trouble in collecting or receiving and paying the same; and every such sheriff, officer or clerk neglecting or refusing to pay over such moneys as aforesaid within the time herein allotted, shall forfeit all claim to compensation or commissions, and shall moreover for each neglect or refusal, be subject to the same forfeiture and penalty, and to the same action of debt or trespass on the case, as are prescribed in the said fifth section of the said act, approved April fifteenth, eighteen hundred and forty-six.

Sheriffs, prose-
cutors and clerks
must pay over
moneys.

47. SEC. 4. That it shall be the duty of the clerk of every court of this state to make out, and, within ten days after the regular session or term of his said court shall commence, transmit a true abstract from the minutes, of all fines and amercements awarded and the amount of all judgments entered on forfeited recognizances for the use of the state during the next preceding regular session or term of said court; he shall transmit the same in duplicate, one copy to the treasurer and one copy to the comptroller, 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; for furnishing these duplicate copies the clerk shall receive five dollars for both, and for every neglect or refusal to transmit the same within the time hereby appointed, he shall forfeit and pay two hundred dollars, to be recovered by action of debt with costs, to be instituted by the comptroller of the treasury, in the name and for the use of the state.

Clerks of courts
must make
abstract of fines,
amercements, &c.

48. SEC. 5. That the taxed bill of costs in the case of every convict sentenced to imprisonment in the state prison shall have indorsed thereon a certificate of the presiding judge of the court who tried the cause, stating that he has examined the taxed bill and that the same is correct, and the comptroller shall issue his warrant for the payment of no bill of costs that is presented to him without this indorsement, and for this service such judge shall receive the sum of one dollar for each certificate, to be included in the taxed bill of costs.

Judge must
indorse taxed
bills of costs.

To advertise and contract for stationery for opening of session of legislature.

49. SEC. 6. That it shall be the duty of the comptroller, on or before the first day of December in each year, to advertise for at least two weeks in one or more of the newspapers published in the city of Trenton, for proposals to supply the necessary stationery, specifying the kind and amount required, for the use of the legislature at the organization of the next succeeding session, and to contract for the same upon the most advantageous terms that may be offered, which proposals shall remain of record in his office; *provided*, that the whole cost of the stationery so furnished shall not exceed the sum of five hundred dollars.

P. L. 1881, p. 134.

Financial statements of municipalities to be furnished to comptroller.

What statements shall set forth.

Duty of comptroller to furnish blanks.

Penalty for refusal or neglect to transmit statements.

Repealer.

Supplement.

Approved March 18, 1881.

50. SEC. 1. That it shall be the duty of the board of chosen freeholders of each county, the committeemen of each township, the mayor and common council of each city and the representative authority of each town and borough in this state, to transmit to the comptroller of the treasury on or before the first day of October in each year a statement of the financial condition of their respective counties, townships, cities, towns or boroughs, at the close of their respective fiscal years next preceding the time of making such statement; and the said statements shall set forth the amounts of the funded and floating debt, of what they are composed, the purposes for which they were contracted, the rate of interest thereon and the time when the debts fall due; the nature and condition of the sinking fund, if any; the amount of real and personal property taxable; the rate of tax levied and the amount raised, and the expenditures for the year arranged under general heads.

51. SEC. 2. That it shall be the duty of the comptroller to furnish the necessary blanks to the several authorities, upon their application, for making the statements required by this act, and to lay copies of the statements received by him for each year, or abstracts thereof, before the legislature at the time of making his annual report.

52. SEC. 3. That if any of the said officers shall neglect or refuse to furnish or transmit the statement as required in the first section of this act, the same shall be liable to indictment for such neglect or refusal, and shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding one hundred dollars.

53. SEC. 4. That an act entitled "A supplement to an act creating the office of comptroller of the treasury and defining the duties thereof," approved March seventeenth, one thousand eight hundred and sixty-five, which supplement was approved March sixth, one thousand eight hundred and seventy-nine [P. L. 1879, p. 86], and all other acts or parts of acts inconsistent with this act be and the same are hereby repealed.

Supplement.

Approved March 23, 1892.

P. L. 1892, p. 228.

Deputy comptroller of the treasury, how appointed.

Oath of office and bond.

Condition of bond.

Duties of deputy comptroller.

54. SEC. 1. That from and after the passage of this act it shall be lawful for the comptroller of the treasury to appoint one of the assistants in his office, who shall be commissioned by the governor, to be deputy comptroller of the treasury, and said deputy comptroller of the treasury shall hold his office during the pleasure of the comptroller of the treasury making the appointment, but in no case to extend beyond the term for which the said comptroller of the treasury is commissioned; and the said deputy comptroller of the treasury shall be required to take and subscribe an oath of like form and character as that required to be made by the comptroller of the treasury, and he shall enter into bond with two or more sureties, to be approved by the governor, in the sum of fifty thousand dollars, payable to the state of New Jersey, conditioned for the faithful performance of his official duties, which bond shall be filed in the office of the secretary of state; and the deputy comptroller of the treasury shall have the same power and perform all the duties which are now imposed by law upon the comptroller of the treasury, during such period or periods

as shall be designated in writing by the comptroller of the treasury, or during the absence or inability through sickness or other cause of the comptroller of the treasury, by the governor, which designation in writing shall be filed with the secretary of state.

55. SEC. 2. That nothing in this act contained shall be so construed as to increase the expenses of the department of the comptroller of the treasury as now provided by law. Expenses not to be increased.

III. Commissioners of the sinking fund.

An act appointing commissioners for a sinking fund, and defining their duties.

Approved March 25, 1864.

P. L. 1861, p. 496.

56. SEC. 1. [Superseded by Sec. 91, *post.*]

57. SEC. 2. That before any commissioner of the sinking fund shall enter upon the duties of his office, he shall give bond payable to the state of New Jersey, in such sum and with such sureties as the governor, attorney-general and treasurer, or a majority of them shall approve, conditioned for the faithful performance of the duties of his office, and he shall also take and subscribe an oath or affirmation in the following words, viz.: "I, _____, appointed a commissioner of the sinking fund of New Jersey, do solemnly promise and swear (or affirm) that I will, to the utmost of my knowledge and ability, well, honestly and faithfully perform the duties of the office of 'commissioner of the sinking fund' of said state, and that I will not on any pretense or occasion apply any money or securities which shall come to my hands as belonging to the sinking fund of said state, to any private use or purpose (so help me God), or, I will;" which said bond and oath so subscribed, shall be filed in the office of the secretary of state. To give bond. Oath of office.

58. SEC. 3. That all sums of money which shall hereafter be raised by virtue of any law of this state for the purpose of liquidating either the principal or interest, that is or shall become due on the loan of this state, authorized by the act entitled "An act authorizing a loan for the purposes of war, to repel invasion, and suppress insurrection, and appropriating the same, and providing for the payment thereof," approved May tenth, eighteen hundred and sixty-one, and the supplements thereto, shall, within ten days after the same has been received by the treasurer of the state, be paid by him to the commissioners of the sinking fund, and the same shall be applied by them to constituting a sinking fund towards the payment of the principal and interest of said loan. What money to be paid over to them.

59. SEC. 4. That the said commissioners shall apply all moneys and valuable securities that may come to their hands towards the extinguishment of the war debt of the state, created by virtue of said act last recited, and the supplements thereto, and they are hereby empowered and required as speedily as possible, to invest any moneys they may receive from the treasurer on good mortgage securities, and they may purchase good bonds, preferring the bonds of this state, and of the several counties, townships, boroughs and cities of the same, and may from time to time sell and assign the same for the benefit of said fund, and they shall re-invest the interest received; *provided*, that no money shall be invested by them without the written consent and approval of the governor, attorney-general and treasurer, or a majority of them, nor shall any securities be assigned or otherwise disposed of without such consent and approval indorsed thereon. [See Sec. 68, *post.*] May invest funds. Proviso.

60. SEC. 5. That it shall be the duty of said commissioners of the sinking fund to keep an account of all moneys received by them, and the time and manner of their investment, and annually, on or before the fifteenth day of December, to transmit to the governor for the use of the legislature a full statement of the condition of the fund on the thirtieth day of November then next preceding, and a report of all their transactions during the fiscal year, together with such recommendations and suggestions respecting said fund, as to them may seem important. Account to be kept, and annual report to be made.

Appropriation.

61. SEC. 6. That out of said fund the said commissioners shall punctually pay the interest that shall from time to time accrue on the bonds of the state, issued by authority of the act and supplements thereto, hereinbefore referred to, and shall also liquidate the principal of said state bonds at maturity; and if at any time purchases of the bonds of the state are made by said commissioners, they may, in their discretion, cancel any of the said bonds that may not have become due at the time of such purchase; *provided*, the governor, attorney-general and treasurer, or a majority of them, shall give their written consent and approval.

In case of death,
&c., governor to
fill vacancy.

62. SEC. 7. That in case of the death, resignation or removal from the state of any commissioner of the sinking fund, or in case either of said commissioners shall become otherwise disqualified to execute the duties of his office during the recess of the legislature, it shall be the duty of the governor to appoint some fit person to execute the duties of the office, until the governor during the next session of the legislature shall nominate, and the senate shall confirm, some person to fill the vacancy, who shall hold the office for the unexpired term only.

Treasurer to pay
over moneys
belonging to
sinking fund.

63. SEC. 8. That the treasurer of this state shall within ten days after the commissioners of the sinking fund first appointed, shall qualify and give bond according to the provisions of this act, pay over to them for the purposes aforesaid, all moneys in his hands, and assign to them any bonds in his possession belonging to said fund, and their receipt for the same shall be a sufficient voucher for the treasurer.

Salary.

P. L. 1876, p. 50.

64. SEC. 9. That each commissioner of the sinking fund shall receive an annual salary of [one thousand] dollars to be paid in quarterly payments out of the war fund on the warrant of the governor.

Supplement.

Approved April 14, 1864.

P. L. 1864, p. 725.

Commissioners
may employ
assistance.

65. SEC. 1. That the commissioners of the sinking fund be and are hereby authorized to employ such assistance in the discharge of their duties as they deem necessary, and to incur such other expenses as may in their judgment be necessary for the expediting of their business, and their drafts upon the treasurer of this state shall be sufficient warrant for his payment of the accounts thus contracted.

Supplement.

Approved April 3, 1873.

P. L. 1873, p. 117.

Interest received
to be applied to
the payment of
annual interest
on bonds.

66. SEC. 1. That the moneys received in each year by the commissioners of the sinking fund as interest upon the principal of said fund shall be appropriated and applied by the said commissioners to the payment of the interest accruing annually upon the outstanding bonds issued by this state in pursuance of an act entitled "An act authorizing a loan for the purposes of war and so forth," approved May tenth, one thousand eight hundred and sixty-one, and the several supplements thereto.

Commissioners to
furnish comp-
troller statement
of amount of
income.

67. SEC. 2. That immediately upon the approval of this act the commissioners of the sinking fund shall furnish to the comptroller of the treasury a statement of the estimated amount of income to be derived as interest upon the principal of said fund for the current year, and annually thereafter on or before the thirty-first day of October in each year, the commissioners of the sinking fund shall furnish to the comptroller of the treasury, a statement of the estimated amount of income to be derived as interest upon the principal of the sinking fund for the succeeding year, and the said comptroller shall furnish in his annual report to the legislature, a statement of the amount required to pay such portion of the interest accruing during the succeeding year upon the outstanding bonds of the state as the income of the sinking fund shall not suffice to pay.

Repealer.

68. SEC. 3. That the provision of the fourth section of the act to which this is a supplement, requiring that the commissioners of the sinking fund shall re-invest the interest received, and all other acts and parts of acts inconsistent with this act, be and the same are hereby repealed. [See Sec. 59, *ante*.]

Supplement.

Approved April 3, 1873.

P. L. 1873, p. 127.

69. SEC. 1. That the persons now holding the office of commissioners of the sinking fund of this state, under the provisions of the act to which this is a supplement, and their successors in office, be and they are hereby constituted and appointed trustees of the fund for the reduction and payment of the war debt of this state and of the interest thereon, arising either from appropriations heretofore made or which hereafter may be made by law, or which may arise from the gift, grant, bequest or devise of any person or persons whatever, which trustees shall be known by the name, style and title of "the commissioners of the sinking fund of New Jersey."

Commissioners of sinking fund incorporated.

Name.

70. SEC. 2. That the public stocks and moneys heretofore appropriated by law, and the assets and securities now held by the persons aforesaid, by whatever name, style or title said persons may be designated in said securities, and all public stocks and moneys hereafter appropriated by law for the purposes of the sinking fund, shall be vested in and held by the said trustees, in trust, and the said fund and the interest and dividends arising therefrom shall be invested and applied by the said trustees in the mode now prescribed or hereafter to be prescribed by law for the payment of the war debt of this state.

Funds to be held in trust.

71. SEC. 3. That the said trustees shall perform all the duties prescribed by the provisions of the act to which this is a supplement, and such other duties respecting said sinking fund as may hereafter be prescribed to them by law, and that each of said trustees shall hereafter receive an annual salary of one thousand dollars, to be paid in quarterly payments by the treasurer of this state.

Salary of commissioners.

Supplement.

Approved March 26, 1874.

P. L. 1874, p. 97.

72. SEC. 1. That "the commissioners of the sinking fund of New Jersey" be and they are hereby authorized and empowered to bid for and purchase any lands and premises exposed to sale under the order or decree of any court for the payment and satisfaction of any mortgage incumbrance thereon held by the said commissioners, and to take and hold the title to the lands and premises so purchased in and by their official name, style and title, and as part of the assets of the sinking fund of New Jersey; *provided, however,* that the said commissioners shall in no case bid a higher price for such lands than shall be sufficient to save the amount due upon their said mortgage incumbrance and costs.

Commissioners authorized to buy in property sold under their mortgages.

Proviso.

73. SEC. 2. That the said commissioners be and they are hereby empowered and directed to sell and convey to any purchaser, any lands and premises by them acquired under the provisions of this act, at such times, for such prices, and on such terms of payment as the governor of this state, for the time being, shall, by writing, under his hand, approve; and the consideration received therefor, shall be assets of the sinking fund.

May sell property, so bought, with approval of governor.

74. SEC. 3. That the governor of this state, for the time being, be and he is hereby empowered and directed to sell to any purchaser, any land and premises heretofore struck off and conveyed to the state of New Jersey, at sheriff's sale, under the foreclosure of any mortgage held by the said commissioners of the sinking fund, and to execute in the name of the state of New Jersey, and acknowledge and deliver to such purchaser, a good and sufficient deed therefor, in fee; *provided,* that the price and terms of payment therefor shall be approved in writing by said commissioners, and that the whole purchase-money, or securities therefor, shall be paid or executed and delivered to the said commissioners, and shall be assets and securities of the sinking fund.

Governor authorized to sell any property heretofore conveyed to state in satisfaction of mortgage.

Proviso.

Supplement.

Approved April 2, 1873.

P. L. 1873, p. 254.

75. SEC. 1. That the commissioners of the sinking fund of New Jersey be and they are hereby authorized and empowered to take and receive, by their official style and title, and as part of the assets of said fund, a con-

Commissioners of sinking fund may take real estate in satisfaction of mortgage.

veyance of any real estate or other property, in satisfaction of any mortgage which they may hold thereon, whenever the owner thereof is willing so to convey the same to them, and when, in their judgment, the interests of the state will be better promoted by their taking such conveyance than by foreclosing such mortgage and selling at public sale the property covered thereby.

Empowered to sell and convey real estate so taken.

76. SEC. 2. That in all cases where said commissioners have received or shall receive such conveyance of real estate or property, they are hereby empowered to sell and convey the same for such price and to such person or persons, and on such terms, as the governor of this state for the time being shall approve, and the consideration therefor shall be assets of said fund. [See Secs. 85 and 86, *post.*]

May rent or lease real estate until sale.

77. SEC. 3. That until said commissioners shall sell any real estate or property which has been or shall be so conveyed to them, or which they have purchased or shall purchase at any sale upon a foreclosure of any mortgage by them held thereon, they may rent or lease the same on the best terms they can obtain, and may also appropriate and use so much of the moneys of said fund as they may deem necessary to protect and take care of such real estate or property, and keep the same in good condition and repair.

Repealer.

78. SEC. 4. That this act shall take effect immediately, and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Supplement.

Approved April 2, 1878.

P. L. 1878, p. 251.

Moneys received, how appropriated and applied.

79. SEC. 1. That from and after the first day of January, anno domini eighteen hundred and seventy-nine, all the moneys received in each year by the commissioners of the sinking fund of this state, whether in repayment of loans previously made by them or as interest or dividends upon the securities forming the principal of said fund, shall be appropriated and applied by the said commissioners to the payment, in the first place, of the interest accruing annually upon the outstanding bonds issued by this state in pursuance of an act entitled "An act authorizing a loan for the purpose of war," etc., approved May tenth, eighteen hundred and sixty-one [see P. L. 1861, p. 554], and the several supplements thereto [see Hood's Index, p. 512], and, in the second place, toward the payment of the annually-maturing principal of the said bonds to the amount of ten thousand dollars annually, and the remainder of the annually-maturing principal of the said bonds shall be paid from an annual state tax, to be levied and collected as other taxes for state and county purposes are now levied and collected.

Commissioners to collect sufficient of principal to meet payments, &c.

Proviso.

80. SEC. 2. That it shall be the duty of the said commissioners to collect a sufficient sum of the principal of the said sinking fund in each year to supplement the income of the said fund, to meet the payments required to be made from the said fund by the foregoing section; *provided*, that in case there be unavoidable delay in the collection of the necessary sum for these purposes, the deficiency shall be supplied from the state treasury, to be drawn therefrom, as the said bonds mature and interest accrues, upon the warrant of the comptroller, which sum or sums so drawn to meet such deficiency shall be deemed loans made from the state treasury to the sinking fund, for the purposes mentioned, and shall be repaid to the state treasury by the said commissioners as fast as collected by them.

Excess of sum required to meet payments, how invested.

81. SEC. 3. That in case the amount received in any one year by the said commissioners from payments of principal and interest of the said sinking fund, shall be in excess of the sum required to meet the payments provided for in the first section of this act, the said excess shall be invested, with the approval of the governor and attorney-general, in such bonds of the United States, of this state, or of the several counties and cities of this state, as will permit the said moneys to be made promptly available.

82. SEC. 4. That it shall not be lawful for the said commissioners to invest or re-invest any moneys which may be received by them from payments of principal or interest of the said sinking fund or from any other source, on mortgage securities, or in any other manner than is hereinbefore provided.

Money not to be invested in mortgage securities.

83. SEC. 5. That it shall be the duty of the commissioners of the sinking fund, in their annual report to the governor, to furnish a detailed statement of the securities belonging to the said fund, of all property of every description which has come into their hands as commissioners, and a statement of the amount of arrearages of interest on each loan made by them.

Detailed statement to be made in annual report.

84. SEC. 6. That all acts or parts of acts which confer upon the said commissioners the authority to invest the moneys of the sinking fund in any other manner than is hereinbefore provided, and all other acts or parts of acts inconsistent with this act, be and the same are hereby repealed.

Repealer.

An act relative to the management of the sinking fund.

Approved March 7, 1883.

P. L. 1883, p. 79.

85. SEC. 1. That the commissioners of the sinking fund be directed and required to dispose of all the real estate now held by and for the account of the fund, at such times and for such prices as will, in their judgment, be for the best interests of the state, and that the said sales may be either private or public, in the discretion of said commissioners. [See Sec. 76, *ante.*]

Commissioners directed to sell real estate.

86. SEC. 2. That in case the commissioners of the fund shall further acquire real estate under foreclosure proceedings, that the same shall be sold at private or public sale by said commissioners in the manner provided by section one of this act; and the proceeds of all sales made in pursuance of this act, shall be applied to the payment of the principal and interest of the "war bonds" of the state as the same shall become due and payable; *provided*, that the commissioners shall be authorized to pay, upon the approval of the governor, from the proceeds of the said sales, the necessary expense of giving public notice of such sales, if any has been given, and such other expenses as may be necessary to carry out the provisions of this act, and the remainder of such proceeds, in excess of the amount needed to meet the required payment of principal and interest of the "war bonds" of the state, the said commissioners are hereby authorized and directed to temporarily invest the said surplus in United States bonds, or such other public securities (subject to the approval of the governor) as may be readily and speedily disposed of when the moneys are required for the purpose above mentioned. [See Sec. 76, *ante.*]

Real estate acquired under foreclosure to be sold.

Proceeds, how applied.

Proviso.

87. SEC. 3. [Amended by Sec. 90, *post.*]

88. SEC. 4. That the commissioners are directed and required to cause foreclosure proceedings to be commenced and prosecuted without delay in all cases where the interest on bonds secured by mortgages is, or may become due and remain unpaid for the space of six months; *provided*, that in case foreclosure proceedings shall have been commenced, the said commissioners may, in their discretion, discontinue the same upon the payment of accrued interest and the costs of such proceedings.

Foreclosure proceedings to be commenced where interest is due, &c.
Proviso.

89. SEC. 5. That all acts or parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

Supplement.

Approved March 1, 1886.

P. L. 1886, p. 59.

90. SEC. 1. That the third section of the act to which this is a supplement be amended so as to read as follows:

[That the commissioners of the sinking fund are hereby authorized to loan to purchasers of state property, under this act, two-thirds of the amount of the purchase-money, the same to be secured by bond and mortgage on the premises so purchased, subject to the approval of the governor.]

May loan purchaser two-thirds of purchase-money.

An act concerning the sinking fund of this state.

Approved March 11, 1891.

P. L. 1891, p. 136.

Abolishes the office of commissioner.

91. SEC. 1. That the office of commissioner of the sinking fund be and the same is hereby abolished ; the officers now known as commissioners of the sinking fund shall, within ten days after this act shall become a law, deliver to the state treasurer all moneys, bonds, mortgages, securities, books, papers and other property belonging to the state which have come into the possession of said commissioners. [See Sec. 56, *ante.*]

Office vested in state treasurer.

92. SEC. 2. That all sums of money which shall hereafter be raised or received by virtue of any law of this state for the purpose of liquidating either the principal or interest that is or shall become due on the loan of this state authorized by an act entitled "An act authorizing a loan for the purposes of war, to repel invasion and suppress insurrection, and appropriating the same, and providing for the payment thereof," approved May tenth, one thousand eight hundred and sixty-one, and the supplements thereto, shall be received by the treasurer of the state, and the same shall be applied by him to constituting a sinking fund towards the payment of the principal and interest of said loan.

State treasurer to perform the duties of the commissioners and keep the "sinking fund account."

93. SEC. 3. That the state treasurer be and he is hereby invested with all the powers now conferred upon the commissioners of the sinking fund ; it shall be his duty to perform such offices, to keep such accounts and to make such reports as are now required from the said commissioners ; he shall perform such duties as are now performed by the commissioners of the sinking fund, without compensation additional to that received by him as state treasurer ; it shall be his duty to keep a separate account of the receipts and disbursements of such fund, and to safely keep all bonds, mortgages, securities and papers belonging to or affecting such fund ; his account with such fund shall be known as the "sinking fund account."

When act to take effect.

94. SEC. 4. That this act shall take effect on the first day of April, eighteen hundred and ninety-one.

IV. Miscellaneous acts.

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

Passed February 28, 1820.

Rev. 699.

R. S. 818.

Suits for recovery of money due state.

Style of action.

Duty of certain officers.

95. SEC. 1. 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.

96. SEC. 2. 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 favor of the state, to recover costs.

An act to increase the revenues of the state of New Jersey.

Approved March 6, 1858.

P. L. 1858, p. 220.

Preamble.

WHEREAS, The expenditures of state legislation are largely increased by numerous laws of a purely local or private character, annually applied for and enacted ; *and whereas*, justice demands that individuals so directly benefited should bear a portion of the expenses incurred in their behalf ; therefore,

Assessments upon private acts.

97. SEC. 1. That hereafter no private act passed by the legislature of this state, hereinafter described and assessed, shall be enrolled in the office of the secretary of state, or published, or have the force and effect

of law, until the party or parties asking and requiring the same shall have paid into the state treasury the following sums, to wit: on every act incorporating or chartering, or renewing or extending the corporate powers of any bank, the sum of one dollar per thousand on the largest amount of capital authorized, and on every supplement thereto, except such as provide an increase of capital, the sum of twenty-five dollars; on every act incorporating or chartering, or renewing or extending the corporate powers of any canal, railroad or turnpike company, the sum of one-fifth of a dollar per thousand on the largest amount of capital authorized, and on every supplement thereto, except such as provide for an increase of capital, the sum of twenty-five dollars; on every act incorporating or chartering, or renewing or extending the corporate powers of any water-power, aqueduct or gaslight company, the sum of fifty dollars, and on every supplement thereto the sum of twenty-five dollars; on every act incorporating or chartering, or renewing or extending the corporate powers of any steamboat, ferry, express, bridge, plank road, manufacturing or mining company, the sum of thirty dollars, and on every supplement thereto the sum of twenty dollars; on every act or supplement to an act granting corporate powers, or extending or renewing corporate powers, in any case where the authority to grant such powers is or may be vested by law in any court of this state, the sum of fifty dollars; on every private act or supplement thereto not hereinbefore mentioned, except such as refer to benevolent, religious, charitable or educational institutions, or to agricultural societies, fire or military companies, the sum of twenty-five dollars.

Supplement.

Approved March 18, 1859.

P. L. 1839, p. 490.

98. SEC. 1. That so much of the act to which this act is a supplement as prohibits the enrolling in the office of the secretary of state, or publishing any private act therein described and assessed, be and the same hereby is repealed.

Prohibition as to enrolling repealed.

99. SEC. 2. That if the parties interested in any law referred to in the act to which this act is a supplement, shall fail to pay the sum thereon assessed and declared to be payable on the same, before the first day of July next ensuing the passage thereof, the same shall cease, and be inoperative and void, to all intents and purposes, as though the same had not been passed.

If assessment not paid by July 1st following, act void.

An act to provide for the adjustment of claims in favor of the state.

Approved March 5, 1872.

P. L. 1872, p. 24.

100. SEC. 1. That in all cases where the state of New Jersey has any lien or incumbrance upon any lands, and a suit is brought arising out of any previous lien or incumbrance thereon, such lien or incumbrance of the state may be brought in question and definitely settled by any court having jurisdiction over the subject-matter of the suit.

Lien of state upon lands may be brought in question and settled by court.

101. SEC. 2. That in all suits wherein the lien, incumbrance, or priority of incumbrance of the state shall be brought in question, a notice out of the court stating the names of the parties and the incumbrance or lien of the state sought to be affected, and a day for return, as in writs out of the same court may issue, directed to the state of New Jersey, and the same may be served upon the attorney-general as other process is served out of said court, and on the return of such notice duly served, or on appearance by the attorney-general for the state the suit may proceed as other cases, and a decree or judgment therein shall bind the state the same as if it had been made against an individual; and the lien of the state on sale under such decree or judgment shall be cut off and the claim of the state shall be made out of the surplus, if any, in the order of priority in which the incumbrance of the state stands. (a)

Proceedings when priority of incumbrance of the state shall be brought in question.

(a) The statute requiring mortgages to be registered, or to lose their priority, applies to a mortgage given to the state. A suit for the foreclosure of a mortgage given after, but registered before, one given to the state on the same lands, is a suit "aris-

ing out of any previous lien or incumbrance," to which the state may be a party and have its rights in the premises determined. *Clement's Ex'rs v. Barlett*, 6 *Stew.* 43. See *Van Valen's Petition* 17 *Vr.* 527.

An act to further extend the times before or within which the state assessment or other sum required to be paid into the state treasury, by virtue of the provisions of the act entitled "An act to increase the revenues of the state of New Jersey," approved March sixth, one thousand eight hundred and fifty-eight, and the supplement thereto, approved March eighteenth, one thousand eight hundred and fifty-nine, or any subsequent act, may be paid, and to remit, release and extinguish any conditions, penalties or forfeitures heretofore provided for, incurred or proclaimed by reason of, or in case of the non-payment of any assessment or sum aforesaid, required by virtue of the provisions of said acts.

P. L. 1884, p. 225.

Passed April 18, 1884.

Time limited for payment of state assessment extended.

102. SEC. 1. That the time limited by the provisions of said act approved March sixth, anno domini one thousand eight hundred and fifty-eight, and the supplement thereto, approved March eighteenth, anno domini one thousand eight hundred and fifty-nine, or by any subsequent act, within or before which the state assessment or sum mentioned in said act and supplement, or any subsequent act, were required to be paid, be and the same are hereby further extended until the expiration of fifteen days next after the passage of this act.

Forfeiture of charter for non-payment of state assessments, remitted.

Proviso.

103. SEC. 2. That the forfeiture of the charter of any corporation of this state and the penalty incurred by proclaiming the same to be inoperative and void, by reason of the non-payment of the state assessments required by the terms of said act and the supplement thereto, or any subsequent act, be and the same are hereby remitted, released and extinguished; *provided*, that the assessment required by the terms of said act and the supplement thereto, or any subsequent act, be paid on or before the expiration of the time prescribed in section one of this act; *and provided further*, that this act shall not apply to any corporation unless such corporation shall first, and as a condition precedent to the exercise of any power granted by this act, file in the office of the secretary of state an agreement, to be approved by the governor and attorney-general, waiving all rights of exemption from taxation and from privileges and advantages arising from any law or contract (if any there be) establishing any special mode of taxation of any such corporation, and the further agreement to be bound by any general law of this state now in existence or that may hereafter be passed taxing such corporations as are now authorized to be taxed by the legislature of the state, under any general law, and further agreeing that the exercise of any power granted by this act shall not in any way affect the rights of the state (if any there exist) to take the property of such corporation under any existing law of the state, and further agreeing that all laws affecting such corporations shall be subject to alteration or repeal by the legislature.

Proviso.

Upon payment of state assessment, charters declared valid.

104. SEC. 3. That upon the payment of such assessment or sum into the treasury, on or before the time aforesaid, all charters of incorporation and supplements thereto shall be as valid and effectual, upon the said payment being made as above provided, as they would have been if such assessment or sum had been paid within the time heretofore prescribed by any such statute as aforesaid; and upon proof being made of the payment of said assessment as required by this act, the charter of any such corporation shall be received in evidence in all courts of this state.

Proceedings had under charter legalized and confirmed.

105. SEC. 4. That in all cases of the payment of the assessment as required by this act, all acts and proceedings had and done heretofore under any such charter, be and they are hereby ratified, legalized and confirmed, and are declared to be of equal force and effect as if the said assessment had been paid as required by said act and the supplement thereto.

Act not to apply to certain corporations.

106. SEC. 5. That this act shall take effect immediately, but shall not apply to any corporation that has not completed its organization, or to any corporation not now doing business under its charter.

An act concerning appropriations of money.

Approved June 10, 1895. P. L. 1895, p. 788.

107. SEC. 1. That from and after the first day of November, eighteen hundred and ninety-five, no money shall be drawn from the treasury unless it shall have been explicitly appropriated by the annual appropriation act to the purpose for which it is drawn.

108. SEC. 2. That the following appropriations heretofore made but not yet drawn, that is to say :

For Princeton battle monument, act of 1888, fifteen thousand dollars ;

For drainage and water-supply at state prison, act of 1888, thirty thousand dollars ;

For "Hood's" index to statutes of the state, act of 1890, five thousand dollars ;

For erection of chapel at reform school, act of 1891, seven thousand dollars ;

For new gas plant at state prison, act of 1892, one thousand six hundred dollars ; shall not be available or be drawn from the treasury until they be specifically hereafter appropriated and authorized by the annual appropriation act.

No money to be drawn from treasury until explicitly appropriated.

Certain appropriations heretofore made, not to be available until hereafter specifically appropriated.

Statutes.

1. Repealed.
2. Laws, &c., to be prepared for the press.
3. Journals of legislature prepared for the press.
4. Also the minutes of joint meeting.
5. Repealed.
6. Repealed.
7. Repealed.
8. Repealed.
9. Distribution by the treasurer.
10. By the county collectors.
11. Laws of the United States distributed.
12. Penalty for neglect of clerk or collector.
13. Treasurer to audit accounts.
14. Treasurer to furnish members of the legislature copies of laws, &c.
15. Repealer.
16. Proclamations of governor to be copied and indexed.
17. Also certain former proclamations.
18. Names of members of legislature to be printed with volume of laws.
19. Proceedings when governor believes law not duly passed.
20. Proceedings in supreme court.
21. Petition may be made by two or more citizens.
22. Fees and costs.
23. Proclamation declaring law null and void.
24. Comptroller to report to governor all laws on which assessment has not been paid.
25. Certain acts repealed.
26. When certain revised acts to take effect.
27. Rights, &c., accrued not affected.
28. Offenses, penalties, forfeitures, how affected.
29. Acts repealed to continue so.
30. Repeal, how construed.
31. What provisions of repealed acts in force for certain purposes.
32. Offices and appointments not affected.
33. Construction of words importing singular number or masculine gender.
34. The words "month" and "year" construed.
35. The words "oath" and "sworn" construed.
36. The words "state" and "United States" construed.
37. When public acts hereafter passed to go into effect.
38. Printed laws evidence.
39. Powers of revisers in printing public laws.
40. Certain other acts repealed.
41. Certain sections made part of this act.
42. When certain other revised acts to go into effect.
43. Treasurer to send laws to congressional library.
44. Also laws and reports heretofore published.
45. State treasurer to transmit documents, &c., to the New Jersey historical society.
46. Notices of applications for laws, what to contain.
47. Notice for this present legislature.
48. Notice to be published for four weeks next preceding session.
49. Proof of publication, how made.
50. Secretary of state required to record proofs.
51. Penalty for false swearing in making proof.
52. Repealer.
53. Leasing railroads, &c., what notice of required.
54. Repealer.
55. Notice of change in boundary of any county, &c., how published.
56. Repealer.
57. Notice of change in boundary of any township, &c., how published.
58. Repealer.
59. Notice of annexation or consolidation of any town, &c., with any city, &c., how published.
60. Repealer.
61. Treasurer authorized to distribute laws and documents to certain libraries.
62. Copy of laws and documents, &c., to be distributed to libraries.
63. Copies of laws to be furnished to state departments and county clerks.
64. Laws of each session to be printed. Index, by whom prepared.
65. Comptroller to advertise for proposals to print volume of laws.
66. Secretary of state to furnish copies to printer. Custodian of state-house to distribute.
67. Resolutions and proclamations to be printed in volume.
68. Laws and documents to be printed in the English language only.
69. Comptroller to advertise for proposals to print public documents.
70. Party awarded contract to enter into bond.
71. Work to be done within the state. Time of completion.
72. Designation and powers of printing board.
73. Journal, minutes, &c., how printed and to whom delivered. Index, by whom prepared.
74. Reports to be made as of October 31st, annually. Penalty.
75. Advertising for proposals for blanks and stationery for departments.
76. Proposals to be opened and contract, how awarded.
77. Printing board authorized to employ an expert.
78. Repealer.