

Compensation. of state shall receive for his services a salary at the rate of two thousand dollars per annum, to be paid out of the treasury of this state upon the warrant of the comptroller.

An act to provide for the recording of certain papers in the office of the secretary of state.

P. L. 1863, p. 333.

Approved March 18, 1863.

Secretary to record certain papers filed.

14. SEC. 1. That it shall be the duty of the secretary of state, in addition to filing in his office the certificates of the organization under the general incorporation laws of this state, or of any acceptance of a special charter, or the location or survey of any road, or any other agreement or paper by law required or authorized to be filed in said office, to record said agreement or other papers in a book to be provided for such purpose, at the proper charge of the party or parties for whom the same is filed.

Supplement.

P. L. 1871, p. 77.

Approved April 4, 1871.

Contracts for sale or lease of franchises of corporation to be acknowledged and recorded in office of secretary of state.

15. SEC. 1. That all contracts or agreements for the sale, letting, leasing, consolidating, merging or in any manner disposing of or transferring the franchises, privileges or any part thereof of any company or organization incorporated by or under the laws of this state, shall be acknowledged or proved as conveyances of land in this state, are authorized to be acknowledged or proved, and shall be recorded in the office of the secretary of state within two months after the execution thereof, at the proper cost of the parties thereto; and unless such contract or agreement is lodged with the secretary of state for record within thirty days from the date of the execution thereof, the same shall become invalid and of no effect, and copies of the said record, duly certified by the secretary of state, shall be received in evidence in any court of this state, and be as good, effectual and available in law as if the original contract or agreement was then and there produced.

Supplement.

P. L. 1873, p. 34.

Approved March 5, 1873.

Supplement of eighteen hundred and seventy-one not to be construed as invalidating any contract or agreement not recorded as required by said act.

16. SEC. 1. That the act entitled "A supplement to the act entitled 'An act to provide for the recording of certain papers in the office of the secretary of state,'" approved on the fourth day of April, one thousand eight hundred and seventy-one, shall not be held or construed by any court, or by any officer or person whomsoever, as having rendered, or as rendering invalid or of no effect any such contract or agreement as is in said act mentioned, as between the parties to such contract or agreement, nor in favor of or for the benefit of any person or corporation having notice of such contract or agreement, although such contract or agreement has not been or may not be lodged for record or recorded according to the directions of said act; but every such contract or agreement which has not been, and which may not hereafter be lodged for record and recorded pursuant to the directions of said act, shall, between the parties to such contract or agreement, and as to every person or corporation having notice thereof, have the same force and effect as if such contract or agreement had been lodged for record and recorded pursuant to the directions of said act, and such contracts or agreements may be lodged for record and recorded at any time, and from the time of lodging the same for record shall be considered as duly notified to all persons entitled to notice thereof.

Set-Off.

1. What demands may be set-off.
2. Defendants to plead or give notice of.
3. Plaintiff to recover only balance due.
4. Defendant to have judgment, when.
5. Remedy on such judgment.

An act concerning set-off.

R. S. 801.

Revision—Approved March 27, 1874.

What demands may be set off.
R. S. 801, § 11.
Amended.

1. That if any two or more persons be indebted to each other, such debts or demands not being for unliquidated damages, may be set off against each other; and if one of such debtors, or his executors or administrators

shall commence an action against the other, his executors or administrators, in any court of this state it shall be lawful for the defendant at the trial, to set off as against the plaintiff, the debts or demands which may be due and owing to him as aforesaid; and any defendant failing to set off such debts or demands, shall thereafter be precluded from bringing any action for such debt or demand which might have been set off by virtue of this act.

Such debts shall be set off or the defendant barred.

2. That defendant in any such action, in order to avail himself of such set-off, shall plead the same, or give notice thereof in writing, annexed to the plea by him filed in the action.

Defendant shall plead or give notice of his set-off. Ib. § 11.

3. If on the trial it shall appear that there is any debt or demand as aforesaid, due and owing to the defendant, but that the same is not equal in amount to the amount which shall be due to the plaintiff, on his cause of action, it shall be the duty of the jury to allow, and set off so much as shall be found to be due and owing to such defendant, against the claim of the plaintiff, and to find a verdict for the balance; upon which the plaintiff shall have judgment and execution, as in other cases.

Plaintiff shall recover only balance due him. Ib. § 13.

4. If on the trial, the amount found to be due to the defendant on his set-off, shall equal, or exceed the amount found to be due to the plaintiff on his cause of action, the defendant shall be entitled to a verdict and judgment; which verdict and judgment shall, in case of such excess, be for the amount or balance, which shall appear to be due to the defendant on the adjustment and allowance of the debts and demands of the parties under this act; and upon such judgment, the defendant may have an action of debt, or a *scire facias*, or may issue execution thereon, as in other cases; unless the plaintiff is suing in his representative capacity, as executor or administrator, in which case the sum so found to be due the defendant, shall be deemed a debt of record, to be paid in the course of administration.

If amount due defendant shall equal or exceed plaintiff's demand, the defendant shall have judgment. Ib. § 14. Remedy on such judgment.

Sheriffs.

I. SHERIFFS.

1. Who eligible to office of sheriff.
2. How to give bond.
3. Form of official oath.
4. Certificate of judges to governor.
5. When sheriff authorized to act.
6. Date of commission and official term.
7. Until sheriff qualified, coroner to act.
8. Sheriff not to act till qualified.
9. Office when to be deemed vacant.
10. Penalty for presuming to act without giving bond.
11. Governor may order prosecution of bond.
12. Of suit and judgment on bond.
13. Sheriff and sureties when not discharged from liability.
14. Sheriff to have custody of jail.
15. To receive prisoners.
16. Who may be let out on giving bail.
17. Returns of process, how made.
18. Duty as to prisoners in custody.
19. Privileges allowed prisoners.
20. Debtors and criminals to be kept separate.
21. Penalty for violating three preceding sections.
22. For what causes sheriff may be amerced.
23. Elisors, their powers and fees.
24. Pleas may award attachment for contempt.
25. Statement of sales to be filed.
26. Prisoners to be actually detained in prison.
27. Prisoners for debt, etc., to be safely kept.
28. So if in custody on process from chancery.
29. Re-taking, etc., must be pleaded, and oath necessary.
30. Duty of sheriff and deputies if resistance made.
31. When prisoners to be remanded on habeas corpus.

32. Sheriff to keep account of moneys paid out under jury act.
33. To receive prisoners committed under authority of the United States.
34. Names and cost of subsistence to be transmitted to U. S. Marshal half-yearly.
35. Writs unexecuted to be turned over to successor.
36. Sheriff not to exercise any other civil office.
37. Provision for death, removal or disability.
38. Person appointed by governor to fill vacancy to give bond.
39. When coroner to act.
40. Death or disability of officer having writ levied.
41. In case of death or disability of sheriff or coroners court may order sheriff or coroner for time being to execute writ.
42. Sale made by sheriff or coroner for time being, good.
43. Appointment of undersheriff.
44. Acts of undersheriff before filing bond void.

II. COUNTY JAILS.

45. Price for victualing prisoners to be fixed by board of freeholders.
46. Board of freeholders may remit part of sentence for good conduct of prisoner.
47. If such person again committed required to serve time remitted.
48. Board of freeholders to have power to remit fines and costs.
49. All sentences to jail to be subject to this act. No discharge or fine to be remitted without approval of president judge.