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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 pretence or occasion, apply any money, securities, or stock, which shall come to my hands as belonging to the said state, to any private use or purpose. So help me God.

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

(a) This clause is merely directory, *Sooy ads. State, 9 Vr. 324.*

Rev. 427, 547.

Harr. 12, 105, 143.

P. L. 1838, p. 72.

" 1846, p. 188.

R. S. 813.

Treasurer to give bond.

Oath of office.

Condition of
bond.

3. That the condition of the aforementioned bond shall be in the words, or to the effect following, that is to say:

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

Legislature may
require further
bond.

4. 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.

Proceedings in
case of death, etc.
of treasurer.

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.

Duties of treas-
urer.

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.

Report to be
made to the leg-
islature.

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.

Time for closing
accounts.

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.

Vacancy. how
supplied.

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

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*).

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

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. 26*).

Treasurer to deposit all moneys received in bank.

Checks to be countersigned by secretary of state.

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.

Secretary of state to notify banks of election of treasurer.

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.

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

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.

Treasurer authorized to make loans.

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

May change investments.

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

Annual state-
ment, to be made.

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.

P. L. 1851, p. 44.

Supplement.

Approved March 19, 1851.

How long bond
shall continue in
full force and
effect.

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 reappointed 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.

P. L. 1867, p. 165.

Supplement.

Approved March 6, 1867.

Treasurer au-
thorized to ap-
point a clerk.

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.

P. L. 1867, p. 947.

Supplement.

Approved April 11, 1867.

Chartered banks
in section 11, to
include national
banks.

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.

P. L. 1874, p. 104.

Supplement.

Approved March 27, 1874.

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

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.

II. Comptroller.

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

P. L. 1865, p. 374.

Approved March 17, 1865.

Comptroller to be
appointed.

21. 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. 39).

22. 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.

23. 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.

24. 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.

25. 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.

26. 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.

27. 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.

28. 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.

29. 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.

30. 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

Abstracts of clerks of courts to be made to comptroller.

(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 Vr. 403.

(b) *State ads. Sooy*, 10 Vr. 135.

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, etc.

31. 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 commissioner.

32. 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.

33. 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.

34. 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.

35. 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.

36. 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.

37. 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. Proviso.

38. 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.

Supplement.

Approved March 24, 1868.

P. L. 1868, p. 465.

Appointment of comptroller to be by joint meeting.

39. 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

Vacancy, how filled.

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.

40. 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.

41. 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, prosecutors and clerks must pay over moneys.

42. 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.

43. SEC. 5. That the taxed bill of costs in the case of every convict sentenced to imprisonment in the state prison shall have endorsed 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 endorsement, 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 endorse taxed bills of costs.

44. 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.

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

III. Commissioners of the sinking fund.

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

P. L. 1864, p. 496.

Approved March 25, 1864.

Appointment of commissioners.

45. SEC. 1. That there shall be nominated by the governor of this state, and appointed by him with the advice and consent of the senate, two persons, who shall be citizens of and residents in this state, to be "Commissioners of the Sinking Fund," who shall hold office for the term of three years.

To give bond.

46. 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.:

Oath of office.

"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 pretence 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.

What moneys to be paid over to them.

47. 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.

May invest funds.

48. 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 reinvest 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 endorsed thereon. (See Sec. 57).

Proviso.

Account to be kept, and annual report to be made.

49. 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.

Appropriation.

50. 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.

51. 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.

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

52. 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.

Treasurer to pay over moneys belonging to sinking fund.

53. 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.

Salary. [P. L. 1876, p. 50].

Supplement.

Approved April 14, 1864.

P. L. 1864, p. 725.

54. 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.

Commissioners may employ assistance.

Supplement.

Approved April 8, 1873.

P. L. 1873, p. 117.

55. 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.

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

56. 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.

Commissioners to furnish comptroller statement of amount of income.

57. 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 reinvest the interest received, and all other acts and parts of acts inconsistent with this act, be and the same are hereby repealed.

Repealer.

Supplement.

Approved April 8, 1873.

P. L. 1873, p. 127.

58. 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

Commissioners of sinking fund incorporated.

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."

Name.

Funds to be held in trust. 59. 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.

Salary of commissioners. 60. 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.

Supplement.

Approved March 26, 1874.

P. L. 1874, p. 97.

Commissioners authorized to buy in property sold under their mortgages. 61. 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 encumbrance 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 encumbrance and costs.

Proviso.

May sell property, so bought, with approval of governor. 62. 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.

Governor authorized to sell any property heretofore conveyed to state, in satisfaction of mortgage. 63. 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.

Proviso.

III. Miscellaneous acts.

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

Rev. 699.

Passed February 28, 1820.

R. S. 818.

Style of action.

64. 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.

Duty of certain officers.

65. 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,

66. 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 gas light 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.

Assessments upon private acts.

Supplement.

Approved March 18, 1859.

P. L. 1859, p. 490.

67. 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.

68. 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 1, 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.

69. 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.

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

70. 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.

Joint resolution to provide for the safe keeping of the state buildings and grounds in the city of Trenton.

P. L. 1846, p. 237.

Approved April 9, 1846.

Preamble.

WHEREAS the state house has been repaired, and large and important additions made thereto, for the accommodation of the state officers, and the convenience of those who have business to transact with them, in doing which a large sum of money has been expended; and whereas, the public grounds adjacent to the state house are to be graded and planted with suitable trees, and it is thus rendered important that the buildings and grounds shall be well cared for and kept in proper condition and repair; therefore,

Treasurer to have charge of the state house, grounds, etc.

Be it resolved, &c., that the state house and adjacent public grounds be, and hereby are put under the care and safe keeping of the treasurer of the state; that the doorkeepers of the two houses, immediately after the legislature have adjourned, shall deliver to the said treasurer all the keys of their respective houses, which shall be safely kept in his office until the next meeting of the legislature; that when the courts are not in session the keys of the respective court rooms shall also be deposited with him for safe keeping; and it shall be the duty of the said treasurer to have the general supervision and care of said buildings and grounds, to preserve them from injury and to provide for their being kept in proper order, for which services he shall receive the sum of seventy-five dollars per year, to be paid out of any moneys in the treasury not otherwise appropriated.

Trustees.

1. Estates granted or devised to trustees held in joint tenancy.
2. Infant trustee may convey by order of chancellor.
3. Infant trustee may be compelled to convey.
4. If trust shall descend to infant, etc., court may appoint new trustee.
5. Powers of substituted trustee.
6. Surety on bond of trustee may have account and separate security.

R. S. 645.

An act relative to trustees.

P. L. 1860, p. 359.

" 1867, p. 168.

" 1868, p. 563.

Estates granted or devised to trustees held in joint tenancy.

P. L. 1868, p. 563.

Revision—Approved March 27, 1874.

1. That *whereas*, the acts relating to descents have always been construed not to extend to estates granted or devised to trustees so that the estate descended to the heir at common law, but doubts have been suggested whether the act respecting joint tenants and tenants in common does not apply to estates granted or devised to trustees, although the same reason of convenience applies to both cases, and the survivor or survivors should take the legal estate and such doubts should be set at rest; therefore, *it is enacted*, that all estates heretofore or hereafter granted or devised to trustees shall be construed to have vested and to vest an estate in joint tenancy in such trustees, and in case any trustee has been or shall be removed and a conveyance or devise has been or shall