

Clerks.

- I. CLERKS IN CHANCERY AND SUPREME COURT.**
1. Oath required and bond to be given.
 2. Form of bond. Condition of bond.
 3. Offices and residences to be in Trenton.
- II. CLERKS OF COMMON PLEAS, ETC.**
4. Oath to be taken and bond given. Recorded and filed. Penalty.
 5. Form of bond. Condition of.
 6. Books, etc., where kept.
 7. Penalty for neglect.
 8. Sheriffs' bond to be recorded.
 9. Record or transcript of bond evidence.
 10. How books, etc., delivered to successor.
 11. New clerk to give receipt for them.
 12. Abstract of fines, &c., to be sent to Treasurer.
 13. Penalty for neglect.
 14. Treasurer to return delinquents.
 15. Clerks not to practice law.
 16. Nor hold office of justice of the peace
 17. Acts of deputy clerks legalized.
 18. Clerks of Bergen, Cumberland and Atlantic Counties authorized to take acknowledgments.
 19. Clerks when authorized to subscribe for newspapers To be filed.
 20. Papers and binding thereof to be paid for by board of freeholders.

I. An act respecting the clerk in chancery and the clerk of the supreme court.

Rev. 521.

R. S. 821.

Approved April 17, 1846.

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

Oath required.

Bond to be given.

2. That the bond to be entered into as aforesaid, by the said clerk in chancery, or the said clerk of the supreme court, and their sureties, with the condition thereof, shall be in the form following, that is to say:

Form of bond.

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

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

Condition of bond.

3. That the clerk in chancery and the clerk of the supreme court shall reside and keep their offices within the city of Trenton.(1)

Offices and residences to be in Trenton.

(1) By Rule 12 of the Supreme Court the Clerk or any person acting for him or in his behalf, shall not practise as an attorney or counsellor in that court. By Rule 6 of the Court of Chancery the Clerk of said court shall not practise, either as a solicitor or counsellor in the court.

Rev. 451, 461,
508, 714.

II. An act respecting the clerks of the courts of common pleas and general quarter sessions.

Harr. 311.

Approved April 17, 1846.

R. S. 822.

Oath to be taken
and bond given.

4. SEC. 1. That every person who shall be elected clerk of the court of common pleas and general quarter sessions, for either of the counties of this state, shall, before he enters on the execution of his office, or be admitted to take the oath or affirmation prescribed by law, enter into bond to the state of New Jersey, with at least two good and sufficient sureties, being freeholders of the county, and approved of by two of the judges of the court of common pleas of the county, jointly and severally, in the sum of five thousand dollars; which bond, with the condition thereof, shall be in the form hereinafter mentioned, and when so executed and approved of, shall, together with the oath or affirmation of office, duly taken and subscribed, be recorded in the secretary's office, and filed in the same, to be, by the secretary of state, kept among the public papers of his office; and in case any person appointed clerk, as aforesaid, before he shall enter into the security aforesaid, shall perform any of the duties required of him by law, in said office, he shall, for every such offence, forfeit and pay, for the use of this state, one hundred dollars, to be sued for and recovered by any one of the judges of the court of common pleas of the county in which the offence shall be committed, in an action of debt, with costs of suit, in the name of this state.

Recorded and
filed.

Penalty.

Form of bond.

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

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

Condition.

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

Books, etc.,
where kept.

6. SEC. 3. That in every county of this state, where an office hath been, or hereafter may be built, at the expense of any county in this state, of materials not liable to be destroyed by fire, and the same is or shall be finished and completed, and be situate within half a mile of the court house of the respective county, the clerks of the several counties, and their successors in office, shall, and they are hereby required to remove to the office so provided, all the books, records, and papers appertaining to the office of the respective clerk.

Penalty for
neglect.

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

Sheriffs' bonds to
be recorded.

8. SEC. 5. That the clerks of the courts of common pleas and general quarter sessions, in the several counties of this state, shall, and they are hereby required to enter of record, in a book to be kept by them for that purpose, all bonds given to the state of New Jersey by the sheriffs of their

respective counties, who shall be hereafter elected, for the fulfilment of their respective duties, as required by the act entitled, "An act concerning sheriffs."

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

Record or transcript evidence.

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

How books, etc., delivered to successor.

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

New clerk to give receipt for them.

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

Abstracts of fines, etc., to be sent to treasurer.

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

Penalty for neglect.

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

Treasurer to return delinquents.

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

Clerks not to practise law.

16. SEC. 13. That it shall not be lawful for any clerk of any court of common pleas in this state, to hold or exercise the office of justice of the peace, any law of this state heretofore passed to the contrary notwithstanding.⁽¹⁾

Nor hold office of justice.

(1) By the act of March 19, 1857, (P. L. 1857, p. 258), the clerks of the respective counties of this state may administer oaths and affirmations the same as justices of the peace are now authorized by law to do. And by the supplement to this act of March 5, 1858, (P. L. 1858, p. 218), the authority to administer oaths and affirmations was extended to the clerks of all the courts of record in this state.

An act relative to clerks of counties and of county courts.

P. L. 1863, p. 440.

Approved March 21, 1863.

Acts of deputy clerks legalized.

17. SEC. 1. Where any of said clerks shall have heretofore appointed a deputy, and such deputy shall have authenticated acts or signed certificates in his own name as deputy clerk, instead of the name of his principal, all such authentications heretofore made and all certificates heretofore so signed by any acting deputy clerk, shall be taken and deemed as valid and effectual in law as if the same had been done in the name of the clerk and under his own hand.

An act concerning county clerks.

P. L. 1863, p. 485.

Approved March 25, 1863.

Clerks of Bergen, Cumberland and Atlantic counties authorized to take acknowledgments, &c.

18. SEC. 1. On and after the passage of this act, the clerk of the court of common pleas in the counties of Bergen, Cumberland, and Atlantic, shall be, and the said clerk is hereby authorized, during his continuance in office, to perform all the duties and exercise all the powers belonging to the office of a commissioner for taking the acknowledgment and proof of deeds; and each clerk aforesaid, upon taking any acknowledgment or affidavit, by virtue of the powers conferred by this act, shall affix to his signature the words "county clerk."

An act for the purchase and preservation of the public newspapers printed in the several counties of this state.

P. L. 1848, p. 221.

Approved March 9, 1848.

Clerks, when authorized to subscribe for newspapers to be filed.

19. SEC. 1. The clerks of the several counties of this state be, and they are hereby authorized and required to subscribe for such newspapers, at least one, and not exceeding two, printed and published in each of the counties in which they officiate, as the boards of chosen freeholders in said counties may determine, and file the same in their respective offices, causing them to be bound from time to time in a substantial manner, in volumes of convenient size for the use of the inhabitants of the county, who shall have access to them, free from all charge or expense, during office hours.

Papers and binding thereof to be paid for by board of chosen freeholders.

20. SEC. 2. Such papers, and the binding thereof, shall be paid for by the respective boards of chosen freeholders out of the county treasury, upon the order of the clerk of the county; and the said boards of chosen freeholders are hereby authorized and required to pay all orders drawn as aforesaid by the said clerks for the papers, and binding thereof, aforesaid.

Constables.

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| 1. Bond to be given. Form of. Condition | 7. Relief of surety when constable absconds, etc. |
| 2. Clerk to give certified copy of to applicant. | 8. Court authorizing suits brought—how to be proceeded in. |
| 3. Where bond prosecuted. Damages assessed. | 9. On death of constables, how business settled. |
| 4. When by jury. | 10. Moneys received, how applied. |
| 5. Proceedings in suit on bond. | |
| 6. Prosecutor to give bond, if required. | |

An act respecting constables.

Rev. 644, 656.

Approved April 16, 1846.

P. L. 1840, p. 38.

" 1844, p. 252.

R. S. 850.

Bond to be given.

1. That every person who shall be elected or appointed to the office of constable, in any of the townships of this state, shall, before he enters upon the execution of his office, repair to the township committee, and thereupon enter into a bond to the inhabitants of the township, in their corporate name and capacity, with one or more sureties, to be approved of by the said committee^(a) in such sum as the said committee shall direct, conditioned for the true and faithful performance of all the duties of his said office as constable, in the following or like form:

^(a) A *mandamus* will not lie commanding the township committee to accept a bond otherwise valid, when there is a doubt as to the legal election of the constable, *Prickett's Case, Spen. 134.*