

Orders may be made at chambers.

Act Mar. 23, 1859, P. L. p. 640.

Proceedings if not pursued for twenty years, cease to have effect.

Act Mar. 17, 1870, P. L. p. 53.

76. That all orders for the appointment of auditors, for the sale of perishable property, for advertising the attachment, for the sale of the defendant's property, and all other orders not specifically required by this act to be made in open court may be made out of court by a judge of the court in which the action is pending, in term time or vacation.

77. That in all cases where writs of attachment have heretofore been issued, or may hereafter be issued, and no proceedings have been or shall be had thereon for the period of twenty years, the same shall cease to bind the property and estate of the defendant so attached at the expiration of the said twenty years.

[For preferences on attachment given to wages, see *post*, title OPERATIVES].

## Attorney General.

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| 1. Duties of Attorney General.   | 4. Appointment of prosecutors of pleas. |
| 2. Salary of.  | 5. Oath of prosecutors.                 |
| 3. All criminal business to be prosecuted by prosecutors of pleas. When attorney general to prosecute. | 6. Powers of prosecutors.               |
|  | 7. When court to appoint prosecutor.    |

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

P. L. 1854, p. 131.

Approved February 24, 1854.

Duties of attorney-general.

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

Salary.

2. The attorney-general shall receive an annual salary of fifteen hundred dollars, to be paid to him by the treasurer of this state, in quarterly payments.

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

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

Harr. 49.

### An act respecting prosecutors of the pleas of the state.

R. S. 832.

Approved April 16, 1846.

Appointment of prosecutors of the pleas.

4. SEC. 1. There shall be appointed for each county some fit person, who shall be an attorney and counsellor at law,<sup>(1)</sup> whose duty it shall be to prosecute the pleas of the state in such county, in the absence of the attorney-general; and further, to do and perform such acts and things in

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

behalf of the state, in and about such prosecutions, as the attorney-general might or ought to do, if personally present.<sup>(a)</sup>

5. SEC. 2. Every prosecutor of the pleas as aforesaid, before entering upon the duties of his office, shall take and subscribe, before the clerk of the county for which he has been appointed, or before one of the judges of the court of common pleas for such county, the following oath or affirmation, viz: I, ———, do solemnly promise and swear (or affirm, as the case may be), that I will faithfully, justly, and impartially execute the duties of prosecutor of the pleas of the state, in and for the county of ———, to the best of my abilities and understanding. So help me God. <sup>Oath of prosecutors.</sup>

6. SEC. 3. The said prosecutors shall, severally, during the continuance of their appointments, be vested with the same powers, subject to the same penalties, and entitled to the same fees for services, in the absence of the attorney-general, within their respective counties, as the attorney-general is or shall by law be vested with, or subject or entitled to. <sup>Powers of prosecutors.</sup>

7. SEC. 4. In case of the absence of the attorney-general and of the prosecutor as aforesaid, at any term of the court of oyer and terminer and general jail delivery, or general quarter sessions of the peace, in any county, it shall be lawful for such court to appoint some fit person to prosecute the pleas of the state during said term; who, on taking the oath or affirmation above prescribed, shall be vested, during the said term, with the powers of a prosecutor of the pleas, and be entitled to the same fees and subject to the same penalties. <sup>When court to appoint.</sup>

<sup>(a)</sup> The offices of attorney-general and prosecutor of the pleas cannot be held by the same person at one and the same time, and where a prosecutor of the pleas accepts the office of attorney-general he thereby avoids the former office, without any formal resignation, *The State, Clawson v. Thompson, Spec. 689.*

## Banks.

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

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

### II. ISSUE OF NOTES AND DEPOSITS OF SECURITIES THEREFOR.

19. State Treasurer to prepare notes. To be registered in office of treasurer. Registers.
20. Issue of notes to banks, when.
21. Bills and notes how to be stamped.

22. Plates, &c., to be kept by State Treasurer.
23. Penalty for over-issues of notes.
24. Association not to do business until deposit of required securities. Bond of treasurer.
25. Registry of notes delivered.
26. What stocks may be deposited.
27. One-third of amount of notes to be issued may be secured by mortgages.
28. Regulations as to mortgages transferred as security.
29. Securities, how endorsed.
30. Commissioners to be appointed to estimate value of real estate mortgaged. To certify mortgages.
31. When bank may collect interest.
32. The treasurer may call for more security.
33. Securities may be changed,
34. Cancellation of returned notes.

### III. REGULATION AND REMEDIES.

35. Annual statement. What to contain.
36. Penalty for neglect to make out statement.
37. Examination by Committee on Treasurer's Accounts.
38. Association to pay 12 per cent. damages for non-payment of bills.
39. List of shareholders to be kept for inspection.
40. Dividends unclaimed for three years to be advertised.
41. Balances due depositors unchanged in amount for three years to be advertised.
42. Costs of advertising.
43. Penalty for non-compliance.
44. Bills and notes not to be put in circulation unless countersigned and registered.
45. Proceedings in case of non-redemption of notes.
46. Depreciated paper not receivable.
47. Penalty for over-drawing, etc.
48. Current money, &c., sufficient tender for redemption of notes.
49. How long preceding section to continue in force.