

9. If in any action brought upon any such bond, as is mentioned in the last preceding section, the defendant, after judgment entered, and before execution executed, shall pay into the court where the action is or shall be brought, to the use of the plaintiff, such damages, so assessed by reason of all or any of the breaches of such covenants, agreements or conditions, together with cost of suit, a stay of execution of the judgment shall be entered on record; and if by reason of any execution executed, the plaintiff shall be fully paid or satisfied all such damages so assessed, with cost of suit and legal charges for executing the said execution, the body, lands, and goods and chattels of the said defendant shall be thereupon forthwith discharged from the said execution which shall likewise be entered on record; but in every such case the said judgment shall, notwithstanding, remain as a security to the plaintiff, his executors and administrators, for any other breaches which may afterwards happen of such covenants, agreements, or conditions; upon which the plaintiff, or his executors, or administrators may have a *scire facias* against the defendant, his heirs, devisees, terretenants, executors or administrators, assigning other breaches, to summon him or them, respectively, to show cause why execution should not be had or awarded on the said judgment; and thereupon damages shall be assessed as aforesaid, and execution issued accordingly; and upon payment or satisfaction, in manner aforesaid, of such future damages, costs and charges as aforesaid, all further proceedings on the said judgment shall be stayed, and so on as often as the same shall happen, and the defendant, his body, lands, goods and chattels, shall be discharged from the said execution.

On payment of damages assessed execution stayed.

R. S. 801, § 7.

When discharge entered.

Plaintiff may have *scire facias* for future breaches.

[Assignment of bonds, see PRACTICE ACT, §§ 19, 20, 21. See title EVIDENCE, § 52].

Officers.

I. COMMISSIONS, RESIGNATIONS, ETC.

1. Residence and duty of officers.
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5. Justices of supreme court not to take office.
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7. Persons holding city or township offices to reside within the city or township. Exceptions.
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V. STATE DIRECTOR.

26. Directors not to be stockholders.
27. To make annual report.
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VI. PRIVATE SECRETARY OF THE GOVERNOR.

31. Governor may appoint private secretary.
32. Governor may employ assistance in executive department.

I. Commissions, resignations, etc.

An act relative to offices, commissions, and resignations.

Rev. 52, 208, 605.

Approved April 16, 1846.

R. S. 860.

1. That each and every person holding or who shall hereafter hold any office in this state, under the authority thereof, shall reside within this state and execute such office; and also, that every person holding an office, the authority and duties of which relate to a county only, shall reside within such county; and if any person holding or who shall hereafter

Residence and duty of officers.

- hold any office as aforesaid, shall at any time presume to let, farm out or transfer such office, or any part thereof, to any person or persons whatsoever, he shall for such offence forfeit the sum of fifteen hundred dollars, to be recovered with full costs of suit, by any person who will sue for the same, one-half to the prosecutor, and the other half to the treasurer, for the use of the state. (See *Sec. 7*).
- Penalty.
- Commission to be issued under penalty.
- Resignations, how made.
- Offices incompatible.
- Justices of supreme court not to take office.
- Proviso.
2. That if the secretary of state shall at any time neglect or refuse to issue a commission to any person elected or appointed to any office within this state, requiring a commission from the governor, or shall take fees for any commission, where by law he is not entitled to fees, or, where he is entitled to fees, shall take more than by law he is entitled to take, he shall for every such offence forfeit the sum of one hundred and fifty dollars, to be recovered, with costs of suit, by any person who will sue for the same, one-half to the prosecutor, and the other half to the treasurer, for the use of the state.
3. That in every case in which any officer holding an office under the appointment of the joint meeting, shall be desirous of resigning such office, the resignation shall be made during the sitting of the legislature by such officer, in writing under his hand, addressed to the joint meeting; and all other state and county officers desirous of resigning, shall send their resignations in writing, to the governor or person administering the government; which resignations shall be filed in the office of the secretary of state; and that no resignation made in any other way or pretended to be made, shall be valid.
4. That if any person holding a civil commission or an appointment to an office within this state, and under the authority thereof, shall hereafter be elected to represent this state in the senate or house of representatives in the congress of the United States, and shall accept of the appointment or take his seat agreeably thereto, the commission or appointment of such person, under the authority of this state, within the same, shall be and the same is hereby declared to be vacated and void.
5. That it shall not be lawful for any justice of the supreme court of this state, hereafter to accept of any office or appointment in any body corporate or politic within this state; and in case any of the said justices of the supreme court, now or hereafter being, shall accept of any such office or appointment, such acceptance shall be deemed an abdication and resignation of said office of justice of the supreme court of this state, and his salary shall immediately cease; *provided nevertheless*, that nothing in this act shall prevent any of the justices of the supreme court from accepting and exercising any office or appointment in any body corporate for the promotion of ecclesiastical, religious or literary purposes.

Supplement.

Approved March 20, 1863.

P. L. 1863, p. 409.

Notice of death of officer appointed by governor or joint meeting to be given to the governor.

6. SEC. 1. That in case of the death of any officer holding an office which is to be filled by the governor and senate, or by the legislature in joint meeting, or by the people at an annual election, except city, township and ward officers, it shall be the duty of one of the judges of the inferior court of common pleas of the county in which such deceased officer shall reside at the time of his death, living nearest to the residence of such deceased officer, forthwith to give notice and information, in writing, to the governor, or person administering the government of this state, of the death of such officer and of the time of his death, according to the best of the knowledge and belief of such judge; which notices shall be filed by the governor, or person administering the government, in the office of the secretary of state, and it shall be the duty of the governor, or person administering the government, to communicate to the legislature, at the earliest opportunity, notice of the death of every officer whose office is to be filled by the legislature in joint meeting, and of every case in which, by reason of death, either house of the legislature is authorized to issue writs of election for supplying vacancies.

Supplement.

Approved April 12, 1876.

P. L. 1876, p. 98.

§ 1.

Amended.

7. SEC. 1. That the first section of the act to which this is a supplement, being in the following words, viz.: "each and every person holding or who shall hereafter hold any office in this state under the authority thereof, shall reside within this state and execute such office; and, also, that every person holding an office, the authority and duties of which relate to a county only, shall reside within such county; and if any person holding or who shall hereafter hold any office as aforesaid, shall at any time presume to let, farm out or transfer such office, or any part thereof, to any person or persons whatsoever, he shall for such offence forfeit the sum of fifteen hundred dollars, to be recovered with full costs of suit, by any person who will sue for the same, one-half to the prosecutor, and the other half to the treasurer, for the use of the state," be amended by adding the following words, to come in after the word "county" where it last occurs in said section: "and, also, that every person holding an office, the authority and duties of which relate to a city or township, shall reside within such city or township;" and that said section be further amended by adding the following proviso, to come in at the end of the section: "*provided*, that it shall not be lawful for any person to be appointed to, or hold any office in this state, or any county, city or township thereof, who has not the requisite qualifications for personally performing the duties of such office in cases where scientific engineering skill is necessary to the performance of the duties thereof; and any person holding, or attempting to hold any office in violation of this act, shall be considered as illegally holding or attempting to hold the same; and the supreme court of this state may give judgment of ouster against such person, upon information proceeded upon in such manner as is usual in cases of information in nature of a *quo warranto*, at the relation of any officer of the state, if the offending official be an officer of the state, or any officer of the county, city or township respectively of which the offending official is also an officer; *provided further*, that nothing in this act shall require any prosecutor of the pleas to reside within any of the counties wherein non-resident prosecutors are now or may be hereafter appointed by law; and *provided further*, that nothing herein contained shall require any town or township attorney or counsel to reside within such town or township.

Persons holding city or township offices to reside within the city or township.

Persons to have qualifications for personally performing duties of office.

Not to require prosecutors of pleas to reside within county.

Not to apply to township or city counsel.

An act to prescribe and declare the mode of appointing certain officers.

Approved April 16, 1846.

R. S. 858.

8. SEC. 1. That all officers which, before and at the time when the present constitution of the state went into effect, were directed to be appointed by the council and general assembly, in joint meeting, and whose appointment is not otherwise specifically provided for by the present constitution, may be appointed by the senate and general assembly, in joint meeting.

Appointments in joint meeting.

9. SEC. 2. That the power of appointing masters in chancery shall continue in the chancellor, and be exercised by him as heretofore.

Masters in chancery.

10. SEC. 3. That the directors, on behalf of the state, of the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation companies, shall be appointed annually, by the senate and general assembly, in joint meeting, and commissioned by the governor, or person administering the government; and the term of office of every such director shall commence on the first day of April next after his appointment.

Directors of D. and R. Canal & C. and A. R. R. Companies.

11. SEC. 4. That if a vacancy, from any cause, should occur when the legislature is not in session, in the office of director so appointed, it shall be the duty of the governor, or person administering the government, to appoint a person to fill such vacancy until the next joint meeting of the legislature.

By whom vacancies to be filled.

An act to abolish freehold qualification.

Approved February 28, 1851.

P. L. 1851, p. 98.

12. SEC. 1. That it shall not be necessary hereafter for any person to possess a freehold, in order to qualify him to be elected to, and hold,

Freehold qualifications abolished.

occupy, possess and enjoy any public office whatever, in any county or township in this state.

An act to change the termination of the fiscal year of the several state officers and institutions, and to regulate the making of their reports.

P. L. 1863, p. 456.

Approved March 24, 1863.

WHEREAS, much inconvenience is occasioned by the termination of the fiscal year of the several state institutions on the thirty-first day of December in every year, affording but a brief period for making up of reports previous to the assembling of the legislature; and whereas, the legislature is thereby unable to ascertain, for several weeks of their sessions, the true and actual condition of the said institutions, and have no reliable data upon which to base their legislation in regard to them, or in regard to state appropriations; therefore,

Fiscal year to terminate on thirtieth day of November.

Accounts to be made up and reports made by officers.

13. SEC. 1. That the present fiscal year shall terminate and close on the thirtieth day of November, one thousand eight hundred and sixty-three, and thereafter on the same day of each year; and upon that date in each year, the state treasurer, the quartermaster general, the managers of the lunatic asylum, the keeper and inspectors of the state prison, the trustees and officers of the state normal school, and such other officers and institutions as may hereafter be created, shall make up and close their accounts for the past year, and embody the same in full and detailed reports, containing an account of their respective receipts and expenditures, with such other information as is or may be required by law and deemed necessary for a clear elucidation of their transactions, and within ten days thereafter deliver the same to the governor or person administering the government, who shall cause such abstracts of the same as he may deem necessary to be laid before the legislature within ten days after their assembling.

II. Official seals.

An act relating to official seals.

Rev. 613.

R. S. 865.

Approved April 17, 1846.

Seal of prerogative court.

Secretary of state.

Chancery.

Supreme court.

County clerks.

Surrogates

Impeachment and errors.

Circuit court, common pleas, oyer and terminer, etc.

Orphans' court.

Instruments so sealed held valid.

14. SEC. 1. That the seal of the prerogative court now in use, shall be continued to be used until otherwise provided, and shall be deposited in the office of the clerk of said court, in the custody of the said clerk; that the seal of the secretary of state now in use, shall be continued to be used until otherwise provided, and shall be deposited in the office of the secretary of state, in the custody of the said secretary; that the seal of the court of chancery now in use, shall be continued to be used until otherwise provided, and shall be deposited in the office of the clerk of the court of chancery, in the custody of the clerk of said court; that the seal of the supreme court of judicature of this state now in use, shall be continued to be used until otherwise provided, and shall be deposited in the office of the clerk of said court, in the custody of said clerk; that the seals of the clerks of the respective counties in this state now in use, shall be continued to be used until otherwise provided, and shall be deposited in the offices of the respective clerks, and in the custody of said clerks respectively; and that the seals of the surrogates of the respective counties in this state now in use, shall be continued to be used until otherwise provided, and shall be deposited in the offices of the surrogates of the respective counties, and in the custody of the said surrogates respectively.

15. SEC. 2. That the seal of the secretary of state shall also be the seal of the court of impeachment, and of the court of errors and appeals; the seals of the clerks of the respective counties shall be also the seals of the circuit courts, the courts of common pleas, the courts of oyer and terminer and general jail delivery, and the courts of quarter sessions of the said counties respectively; and that the seals of the surrogates of the respective counties shall be also the seals of the orphans' courts of said counties respectively.

16. SEC. 3. That all commissions, writs, process and other proceedings and instruments of writing, certificates and exemplifications, which require to be sealed by any of the aforesaid officers, or attested by the seal of any of

the aforesaid courts, shall be held valid and effectual when sealed with the seal of such officers or such courts as aforesaid.

III. United States senators.

An act to prescribe the manner of appointing senators of the United States, on the part of this state.

Approved April 10, 1846. Rev. 106.

17. SEC. 1. That senators of the United States, on the part of this state, shall be appointed by the senate and general assembly of this state in joint meeting assembled; and in case a vacancy or vacancies shall happen, by death or otherwise, at any time during the sitting of the legislature, then and in such case, the vacancy or vacancies so happening shall be filled, during such sitting, by the senate and assembly of this state; and if a vacancy or vacancies, by the death of either or both of the said senators, 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 or appointments until the next meeting of the legislature, which shall then fill such vacancy or vacancies. (See Sec. 19, 20). How appointed.
Vacancies filled.

18. SEC. 2. That every person who shall be elected a senator on the part of this state, shall be commissioned by the governor of this state, or the person administering the government for the time being, under the great seal of the state. How commis-
sioned.

[The following act has been passed by congress to regulate the election of United States senators. *Rev. St. U. S.*, p. 3].

19. SEC. 14. The legislature of each state which is chosen next preceding the expiration of the time for which any senator was elected to represent such state in congress, shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a senator in congress. When senators
elected.

20. SEC. 15. Such election shall be conducted in the following manner: Each house shall openly, by a *viva voce* vote of each member present, name one person for senator in congress from such state, and the name of the person so voted for, who receives a majority of the whole number of votes cast in each house, shall be entered on the journal of that house by the clerk or secretary thereof, or if either house fails to give such majority to any person on that day, the fact shall be entered on the journal; at twelve o'clock meridian of the day following that on which proceedings are required to take place as aforesaid, the members of the two houses shall convene in joint assembly, and the journal of each house shall then be read, and if the same person has received a majority of all the votes in each house, he shall be declared duly elected senator; but if the same person has not received a majority of votes of each house, or if each house has failed to take proceedings as required by this section, the joint assembly shall then proceed to choose by a *viva voce* vote of each member present, a person for senator, and the person who receives a majority of all the votes of the joint assembly, a majority of all the members elected to both houses being present and voting, shall be declared duly elected; if no person receives such majority on the first day, the joint assembly shall meet at twelve o'clock meridian of each succeeding day during the session of the legislature, and shall take at least one vote until a senator is elected. Mode of election.

21. SEC. 16. Whenever on the meeting of the legislature of any state a vacancy exists in the representation of such state in the senate, the legislature shall proceed, on the second Tuesday after meeting and organization, to elect a person to fill such vacancy, in the manner prescribed in the preceding section for the election of a senator for a full term. Vacancy occur-
ring before meet-
ing of legislature.

22. SEC. 17. Whenever during the session of the legislature of any state a vacancy occurs in the representation of such state in the senate, similar proceedings to fill such vacancy shall be had on the second Tuesday after the legislature is organized and has notice of such vacancy. Vacancy during
session of legisla-
ture.

23. SEC. 18. It shall be the duty of the executive of the state from which any senator has been chosen, to certify his election under the seal of the state to the president of the senate of the United States. Election of Sena-
tor certified.

Countersign of certificate.

24. SEC. 19. The certificate mentioned in the preceding section shall be countersigned by the secretary of state of the state.

IV. President of the senate.

An act respecting the powers and duties of the president of the senate.

P. L. 1845, p. 45.

Approved February 14, 1845.

President of senate to exercise powers of vice president of council

25. SEC. 1. The powers, privileges, duties, and remunerations, granted to or imposed upon the vice president of council by law, at and immediately before the time when the present constitution of the state took effect, shall hereafter be exercised, enjoyed, and performed by the president of the senate, so far as the same are not inconsistent with the present constitution; and all such powers or duties heretofore exercised or performed by the president of the senate, are hereby ratified and confirmed, and shall have the same force and effect as if exercised or performed after the passage of this act.

V. State director.

An act prescribing the duties of the directors, on behalf of the state, of the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies.

P. L. 1846, p. 157.

Approved April 16, 1846.

Directors not to be stockholders.

26. SEC. 1. That no person shall be eligible to be appointed a director, on behalf of the state, of the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation companies, who shall be a stockholder in either of them; and if any such director shall, either directly or indirectly, become a stockholder during the time for which he was appointed, his office shall immediately be considered vacant.

To make annual report.

27. SEC. 2. That it shall be the duty of said directors, annually, on or before the thirty-first day of December, to report to the governor, in writing, a complete statement of the affairs of the said companies during the past year, and all such matters concerning their management, transactions, and business, as may be supposed to affect the interests of the state; and also, a statement of the number of passengers transported on said road or roads, over which line of said road or roads transported, the amount of passage money paid to the company by such passengers, and the amount of the transit duty accruing to the state therefor; also, the number of tons of goods, wares, and merchandise transported thereon, on what line or branch of said road transported, the amount of freight paid the company therefor, and the amount of the transit duties accruing to the state on said goods, wares, and merchandise; and also, a similar statement respecting the transportation of passengers, coal, goods, wares, and merchandise, and the transit duty thereon, on the Delaware and Raritan canal; all of which statements shall be, by the governor, laid before the legislature at the next meeting thereof. (See Sec. 30).

Not to receive office from companies.

28. SEC. 3. That it shall not be lawful for any such director to receive from said companies, or either of them, any office or employment of any kind.

To take oath.

29. SEC. 4. That before any person so appointed a director shall enter on the duties of his office, he shall file in the office of the secretary of state an oath or affirmation, which he shall have taken and subscribed before some person duly authorized to administer the same, in which oath or affirmation he shall declare that he will not (during the time for which he was appointed such director) either directly or indirectly own stock in either of said companies; will faithfully and diligently perform the duties imposed by this act, without fear or favor; and that he will not receive from said companies, or either of them, any office or employment of any kind.

P. L. 1848, p. 218.

Supplement.

Approved March 9, 1848.

Annual report to be made to governor on or before the twentieth of January.

30. SEC. 1. That it shall be the duty of said directors, annually, on or before the twentieth day of January, to report to the governor in writing, a complete statement of the affairs of the said companies during the past year, and all such matters concerning their management, transactions and

business as may be supposed to affect the interest of this state; and also, a statement of the number of passengers transported on said road or roads, over which line of said roads transported, the amount of passage money paid to the company by such passengers, and the amount of the transit duty accruing to the state therefor; also, the number of tons of goods, wares and merchandise transported thereon, on what line or branch of said road transported, the amount of freight paid the company therefor, and the amount of transit duties accruing to the state on said goods, wares and merchandise; and also a similar statement respecting the transportation of passengers, coal, goods, wares and merchandise on the Delaware and Raritan canal; all of which statements shall be, by the governor, laid before the legislature.

[By SEC. 2. of "An act to amend an act entitled 'An act to validate and confirm certain agreements between the companies owning the railroad lines between New York and Philadelphia,'" approved March 14, 1872, but *one* director is to be appointed by the legislature in joint meeting. P. L. 1872, p. 567].

VI. Private secretary of the governor.

An act relative to the private secretary of the governor.

Approved March 20, 1866. P. L. 1866, p. 530.

31. SEC. 1. That the governor of this state may appoint and commission a private secretary to hold his office during the pleasure of the governor, who shall keep a correct record of all executive proceedings and decisions, and do all other acts appertaining to his office which shall be required of him by the governor, for which services he shall receive a salary at the rate of the sum of fifteen hundred dollars per annum, and a certificate from the person administering the office of governor, directed to the comptroller, stating the sum due, shall authorize the comptroller to draw on the treasurer of this state for the payment thereof.(1)

Governor may appoint private secretary.

Duties.

An act with reference to assistants in the executive department.

Approved April 1, 1869. P. L. 1869, p. 1192.

32. SEC. 1. That the governor may employ such additional assistance in the conduct of the business of the executive department as he may deem necessary; *provided*, the compensation paid shall not exceed fifteen hundred dollars per annum for such additional assistance.

Governor may employ assistance in executive department.

(1) By the act fixing the compensation of certain public officers of the state, approved March 16, 1876, salary fixed at \$2,000. See title SALARIES.

Operatives.

1. Goods, chattels, &c., of manufacturers or corporation not liable to be removed by virtue of execution, etc., until wages of operatives are first paid. Limitation.
2. If goods, etc., removed by sheriff without paying operatives, not to be sold for ten days and until operatives paid.
3. Not lawful to pay workmen or laborers by orders upon storekeepers. Penalty.
4. Act extended to seamstresses, etc.
5. Counties exempted from provisions of this act.

An act to secure to operatives in manufactories, and other employes, their wages.

Approved March 13, 1856. P. L. 1856, p. 219.

1. That no goods, chattels, or personal property whatsoever, being in this state, and belonging to any manufacturer or other person or persons, or to any corporation, shall be liable to be removed by virtue of any execution, attachment, or other process, unless the party by whom or at whose suit the said execution, attachment, or other process was issued or sued out, shall first pay or cause to be paid to the operatives, mechanics and other employes employed by such manufacturer, person, persons, or corporation, the wages then owing from such manufacturer, person, persons, or corporation to the operatives, mechanics and other employes

Goods, chattels, &c., of manufacturer or corporation not liable to be removed by virtue of execution, &c., until wages of operatives are first paid.