

An act to provide for the appointment of clerks of the grand jury in certain counties in this state.

Approved March 23, 1888. P. L. 1888, p. 211.

79. SEC. 1. That hereafter, upon the application of a majority of the board of chosen freeholders, it shall be lawful for the court of oyer and terminer in the counties of this state where there is no provision now made by law, to appoint a clerk for the grand jury, under the seal of the court, who shall hold his office for the term of one year, unless sooner removed by the court, the salary to be fixed by the court, but in no case to exceed the sum of one hundred dollars per year.

When court of oyer and terminer may appoint clerk of grand jury.

Term and salary.

80. SEC. 2. That the said salary of the said clerk shall be paid by the collector of the county, quarterly, upon the certificate of the prosecutor of the pleas.

How salary paid.

Justices of the Peace.

1. How elected.
2. Number ascertained.
3. Officers of election.
4. Vacancy, how supplied.
5. Manner of conducting election.
6. Statements of results.
7. Commissioned by the governor.
8. Where election for vacancy.
9. Resignations to be to the governor.
10. Repealed by act of March 2d, 1849.
11. Bond required.
12. How prosecuted.
13. When bond filed.
14. Penalty for acting before taking oath.
15. May be voted for on same ballot as township officers.

16. Repealer and provisions as to certain cities.
17. Compensation of election officers, &c.
18. Mode of ascertaining number of justices for each township and ward.
19. Time and manner of conducting elections.
20. Amended by section 22.
21. When election for, not to be set aside.
22. Election of justices of the peace.
23. Justice to report fines imposed and pay over same to county collector monthly.
24. Fines heretofore imposed to be paid in thirty days.
25. Penalty for failure to report and make payment.
26. Fines not appropriated to any distinct use, payable to county collector.

An act relative to justices of the peace.

Approved April 17, 1846. R. S. 829.

1. That justices of the peace shall be elected by ballot, at the annual meetings of the townships and wards in the several counties of this state.

How elected.

2. That in order to ascertain the number of justices of the peace which each township or ward may elect, at each annual meeting of the inhabitants thereof, the abstract of the last preceding census, as published by law, shall be conclusive evidence of the number of inhabitants in each township or ward. [See Sec. 18, *post.*]

Number ascertained.

3. That the judge of election elected at the previous town meeting, shall preside at and conduct the election; and the lawful voters present at the opening of the poll shall elect viva voce, a person being a lawful voter in the township, to be clerk of such election.

Officers of election.

4. That in case of the neglect to serve, or the absence or other disability of the judge of election, or where no judge has been elected, the lawful voters present shall proceed to fill such vacancy in the manner provided in the foregoing section for the election of the clerk.

Vacancy supplied

5. That the election for justices of the peace shall be opened at the same time, and conducted in the same manner, and be subject to the same rules, as elections for state or county officers are or shall be, and the same qualifications of voters required as are required in the election of township officers; and the same duties shall devolve upon the judge of election and the clerk as are to be performed by the board of election and clerk in other elections; they shall take the same oath or affirmation, as far as applicable, be invested with the same powers, and be liable to the same penalties, and the result ascertained and stated in the same manner. [See Secs. 18 and 19, *post.*]

Manner of conducting election.

- Statements of result.** **6.** That two statements of the result of every election for justices of the peace shall be made, one of which the judge of election shall inclose and seal up, and deliver or safely transmit to the clerk of the county, who shall forthwith file the same in his office; and the other shall in like manner be delivered or transmitted to the secretary of state, within ten days after such election, who shall forthwith file the same in his office.
- Commissioned.** **7.** That the secretary of state shall exhibit the several statements of the results of such elections to the governor, who shall commission the persons elected for the county; their commissions shall bear date and take effect on the first day of May next after their election, and they shall hold their offices for five years, unless elected to fill a vacancy, then for the unexpired term only.
- Where election for vacancy.** **8.** That if at any such election there be a vacancy or vacancies to be supplied, and a justice or justices to be elected for five years, it shall be necessary to designate on the ballot for which term the person voted for is intended, by adding after the names of persons intended to supply vacancies, the words "in place of," and the name of the person or persons whose place is to be supplied; the statement of the result shall show which persons are elected to fill vacancies, and in whose place, and they shall be commissioned accordingly.
- Resignations.** **9.** That when any justice of the peace shall be desirous of resigning his office, he shall send or deliver his resignation in writing to the governor or person administering the government, and shall deliver a copy of such resignation forthwith to the clerk of the township for which such justice shall have been commissioned, to be by him filed, and thereupon his said office shall be considered vacant.
- Bond required.** **10.** [Repealed by act of March 2d, 1849. P. L. 1849, p. 298.]
11. That every person hereafter elected to the office of justice of the peace in any of the counties of this state, shall give bond to the state of New Jersey in such sum as the judges of the court of common pleas of such county, or any three of them, may deem sufficient, not less than five hundred nor more than three thousand dollars, with good freehold security, to be approved by such judges, conditioned for the payment, on demand, to the person entitled or authorized to receive the same, of all moneys that may come into his hands as such justice of the peace during his continuance in office.
- How prosecuted.** **12.** That such bond shall be for the benefit of any person concerned or aggrieved; and the circuit court of the county may, from time to time, upon application in writing by any person concerned or aggrieved, order a prosecution of the bond to be conducted at the expense of the applicant.
- Filed.** **13.** That such bond shall be filed in the office of the clerk of the proper county.
- Penalty for acting before taking oath, &c.** **14.** That if any justice of the peace shall enter upon the execution of his office before taking his official oaths and filing such bond, he shall forfeit, for each offense, the sum of one hundred dollars.
- May be voted for on same ballot as township officers.** **15.** That townships and wards which now vote or shall hereafter vote by ballot at their annual town and ward meetings, shall, at the time they vote for justices of the peace, vote upon the same ballot for township officers, and upon such other questions as such townships and wards are or may be authorized or required by law to vote upon by ballot.
- Election in Jersey City and Newark.** **16.** That all acts and parts of acts authorizing townships and wards to vote by ballot at their annual town and ward meetings, so far as the same are inconsistent with the provisions of this act, are hereby repealed; *provided*, that the election of justices of the peace in Jersey City shall be under the direction of the same board of election and clerk, and shall open and close at the same hours as are prescribed by "An act to incorporate Jersey City," passed the twenty-second day of February, eighteen hundred and thirty-eight; and that the election of justices of the peace in the several wards in the city of Newark, shall be under the direction of the same board of election and clerk, and shall open and close at the same hours as are prescribed relative to the annual ward elections, by "An act to incorporate the city of Newark," passed the twenty-ninth day

of February, eighteen hundred and thirty-six, anything in this section to the contrary notwithstanding; and the officers of said election shall be eligible to any office to be voted for at such election, except that of justice of the peace; but the statements of the result of the election for justices of the peace, shall be separate and distinct from the certificates of the result of the election as to the other officers voted for at such election.

17. That the judge of election, the clerk and secretary of state, shall receive the same compensation for services required by this act, as is now or may hereafter be provided by law for like services in elections for state or county officers.

Compensation of officers.

Supplement.

Approved March 13, 1856.

P. L. 1856, p. 231.

18. SEC. 1. That in order to ascertain the number of justices of the peace which each township or ward may elect at each annual meeting of the inhabitants thereof, the abstract of the late census taken under the authority of a law of this state, or of any succeeding census taken under the authority of the United States, or of this state, as published by law, shall be conclusive evidence of the number of inhabitants in each township or ward.

Mode of ascertaining number of justices for each township and ward.

Supplement.

Approved March 19, 1857.

P. L. 1857, p. 295.

19. SEC. 1. That hereafter the elections for justices of the peace for the several townships and wards which vote by ballot at their town meetings, of this state, shall be opened at the same time and place, and conducted in the same manner and be subject to the same rules as elections for the several township and ward officers are or shall be, and shall in all other respects, be subject to the same regulations as are provided for in the fifth section of the act to which this is a supplement. [See Sec. 21, *post.*]

Time and manner of conducting election.

Supplement.

Approved April 21, 1876.

P. L. 1876, p. 281.

20. SEC. 1. [Amended by Sec. 22, *post.*]

21. SEC. 2. That no election of justices of the peace heretofore held in this state shall be set aside, nor shall the official acts of such justice be deemed illegal, by reason of the polls not having been kept open during the hours required by law, in case it shall appear that such irregularity occurred through a misunderstanding of the law on the part of the judges of election.

When election for not to be set aside.

Supplement.

Approved April 3, 1878.

P. L. 1878, p. 259.

22. SEC. 1. That section one of a supplement to said act approved April twenty-first, eighteen hundred and seventy-six [see Sec. 20, *ante*], which reads as follows [see P. L. 1876, p. 281], be and the same is hereby amended so that it shall be enacted to read as follows:

[That hereafter, at the election for justices of the peace in the several townships and wards in this state which vote by ballot at their town meetings and municipal elections, the polls shall be opened at the same time and place and the election conducted in the same manner and be subject to the same rules as are provided by law for the election of the several township and municipal officers in said townships and wards, and without any compensation therefor to the officers holding said election, in addition to what is provided by law for conducting said annual elections for township and city officers.]

Election of justices of the peace.

An act to provide for the disposition of fines that may be imposed by justices of the peace.

Approved April 12, 1876.

P. L. 1876, p. 102.

23. SEC. 1. That each justice of the peace in this state shall report monthly, during his term of office, on the first of each month, to the collector of the county within which such justice may reside, the amount of

Justices to report fines imposed, and pay over same to county collector monthly.

- Proviso.
- Fines heretofore imposed to be paid in thirty days.
- Penalty for failure to report and make payment.
- Fines not appropriated to any distinct use, payable to county collector.
24. SEC. 2. That all fines which may have been heretofore imposed by any justice of the peace, and included within the terms of the preceding section shall be paid over as above provided, within thirty days from the time this act shall take effect.
25. SEC. 3. That if any justice shall fail to report and make payment as above directed for thirty days after notice in writing from the county collector so to do, such justice shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or imprisonment not exceeding one year, or both, at the discretion of the court.
26. SEC. 4. That all fines which may be authorized under any proceedings before any justice of the peace, and which have not been appropriated to any distinct use by existing legislation, shall be and they are hereby appropriated and made payable to the county collector of the county in which the justice may reside, for the use of the county.

Justices' Courts.

I. JURISDICTION.

1. Extent of jurisdiction.
2. In case of penalty.
3. When debt, &c., exceeds \$100.
4. Limitation of jurisdiction.
5. What penalties cognizable.
6. Entry of action without process.
7. Amended by section 159.
8. Justice whose term has expired may conclude a case.
9. Where justices' writs shall run.

II. PROCESS.

10. Process, when tested and signed.
11. Justice not to issue blank writs.
12. When process void.
13. Process to compel appearance. When warrant may issue.
14. Justice to make order.
15. Defendant may apply to set aside order.
16. Justice to furnish a copy of order.
17. Summons, when returnable; how served.
18. How served on corporation.
19. Sum indorsed on warrant; if paid, defendant discharged.
20. Proceedings upon warrant
21. Recognizance and form of.

III. PLEADING.

22. Amended by section 156.
23. When demand and plea to be filed.
24. Defendant, when precluded.
25. Title to lands pleaded.
26. Effect of plea.
27. Bond required in such case.

IV. TRIAL.

28. Proceedings if defendant does not appear.
29. When cause shall be heard.
30. Trial, when and how adjourned.
31. Hour of adjournment.
32. Adjournment in case of set-off filed.
33. Jury demanded and when.
34. Juror's oath. Witness' oath.
35. Fines of jurors and witnesses.
36. If defendant has filed offset, plaintiff shall not withdraw suit.

37. Proof by affidavit of book account.
38. Affidavit of partnership.
39. Proof by affidavit of notes, &c.
40. Competent knowledge in affiant.
41. Disagreement of jury.

V. JUDGMENT.

42. When judgment against plaintiff.
43. Judgments by confession.
44. Where case is submitted to jury.
45. Form of judgment in case of action on bond, &c., with penalty.

VI. EXECUTION.

46. The execution.
47. When execution against body may issue.
48. Order of justice.
49. Application to set aside.
50. Justice to file order and give copies.
51. Effect of order to set aside.
52. When constable, &c., to incur no penalty.
53. Service of order.
54. Justice to furnish copies of order.
55. When second application allowable.
56. Stay of execution.
57. But not in suit upon former judgment.
58. Goods, how advertised and sold.
59. Claim of property, proceedings.
60. Effect of, and proceedings after verdict.
61. Of taking the body on execution.
62. *Scire facias* not necessary.
63. Notice, how served.
64. Execution in force one year.
65. *Alias* and *pluries* execution.
66. Priority of executions.
67. Property levied on to be inventoried.
68. Constable liable for neglect.
69. Execution against corporation.

VII. DOCKETING JUDGMENTS.

70. Judgment may be docketed, when.
71. Clerk to keep docket.
72. Mode of docketing.
73. How docketed judgment to operate.
74. No proceedings in justice's court thereafter.