

An act relating to school commissioners and members of boards of education in cities of this state.

P. L. 1895, p. 814.

Member of school board in any city not to act after expiration of term for which he was elected.

Passed June 13, 1895.

497. SEC. 1. That no school commissioner or member of any board of education of any city of this state, shall hold office or perform the duties of school commissioner or member of any board of education in any city in this state after the expiration of the term for which he was, has been or shall hereafter be elected, notwithstanding that his successor or their successors in office may not have been elected, or, if elected, may not have qualified.

Repealer.

498. SEC. 2. That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.

An act relating to vacancies in the office of school commissioners or in boards of education in cities of the first class in this state.

P. L. 1895, p. 816.

Vacancies in board in any first-class city, caused by failure to hold election, how filled.

Passed June 13, 1895.

499. SEC. 1. That any vacancy, or vacancies, which exists or hereafter may exist in the office of school commissioner or of member of the board of education in any city of the first class in this state, whether the vacancy shall have occurred through the failure to hold an election in any ward or aldermanic district in the said city, or in the wards or aldermanic districts of such city or through the death of any such officer, or from any cause whatever, such vacancy or vacancies shall be filled by appointment by the mayor of such city; and the person so appointed by such mayor as school commissioner or member of the board of education, shall hold office until the next charter or municipal election, at which said municipal or charter election school commissioners or members of the board of education shall be elected for the balance of the said unexpired term or terms, and the school commissioners or the members of the boards of education appointed as aforesaid, shall continue to perform the duties of school commissioners or members of the board of education until such time as the person so elected to fill said vacancies shall have been elected and shall have qualified.

Repealer.

500. SEC. 2. That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Secretary of State.

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| <ol style="list-style-type: none"> 1. Bond required. Recorded. 2. Oath to be taken. 3. Form of bond. 4. To record and file papers. 5. To reside and keep office in Trenton. 6. Clerks to send abstracts of fines. 7. Repealed. 8. Secretary of state to file all laws. 9. Amended by section 16. 10. To record names of testators. 11. Fees for specified services. 12. To file laws not signed by governor and not vetoed. | <ol style="list-style-type: none"> 13. To file bills vetoed and passed over the veto. 14. Repealed. 15. Appointment of assistant secretary. 16. Secretary of state to furnish copies of laws to printer, &c. 17. Salary of assistant secretary of state. 18. Secretary of state to record certain papers filed. 19. Contracts for sale or lease of franchises of corporations to be acknowledged and recorded. 20. Certain contracts not so recorded not invalidated. 21. Fees to be reported to comptroller. 22. Moneys not to be retained. 23. Repealer. |
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An act relative to the office of secretary of state and register of the prerogative court.

R. S. 808.

Bond required.

Approved April 17, 1846.

1. That from and after the passing of this act, every person who shall be appointed to the office of secretary of state and register of the prerogative court, shall, before he enters upon the execution of his said offices, or be admitted to take the oath or affirmation hereinafter appointed to be

taken, for the due and faithful discharge of his said offices, before one or more 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 the said state, jointly and severally, in the sum of five thousand dollars, to be approved of by the said justice or justices; which bond, with the condition thereof, shall be in the form hereinafter mentioned, and when so executed shall be recorded in the office of the clerk of the supreme court, and being so recorded, shall be delivered by the said clerk to the treasurer of this state, to be by him kept among the public papers of his office.

Recorded.

2. That when the said secretary and register of the prerogative court hath given bond as aforesaid, he shall take and subscribe the following oath or affirmation before any one of the justices of the supreme court:

Oath to be taken.

I, A. B., do solemnly swear (or affirm) that I will well and truly, faithfully and impartially execute the office of secretary of state of New Jersey, and register of the prerogative court of the same, agreeably to law, according to the best of my skill and understanding.

Which oath or affirmation, so as aforesaid subscribed, shall, by the justice of the supreme court administering the same, be delivered to the treasurer of this state, to be by him kept, together with the bond aforesaid, among the public papers of his office.

3. That the bond to be entered into as aforesaid by the secretary and register, and his 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, to be paid unto the state of New Jersey, to the which payment, well and truly to be made and done, 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 ———.

The condition of the above obligation is such, that if the above-bounden A. B. shall well and truly execute the office of secretary of state and register of the prerogative court of New Jersey, and in all things touching and concerning the said offices, shall well and truly, faithfully and impartially, execute and perform the same, as well with respect to all persons whatsoever concerned, as to the said state of New Jersey, and at the expiration of his said office, shall deliver all the books, records and papers remaining in the said offices, or appertaining thereto, to his successor in office, then the above obligation to be void, otherwise to remain in full force and virtue.

Condition.

4. That the said secretary of state and register of the prerogative court shall be and he hereby is directed and required, with all convenient speed, legibly and fairly to record all papers which shall come to his hands, and which it may appertain to his office to record, and also to file and deposit such papers in said office, agreeably to law.

To record and file papers.

5. That the said secretary of state and register of the prerogative court shall reside and keep his office within the city of Trenton.

Keep office in Trenton.

6. That the clerks of the pleas of the several counties of this state shall, within ten days after each session or term of the said courts, respectively make out a duplicate abstract from the minutes of all fines and amerements awarded, and the amount of all judgments entered on forfeited recognizances, payable into the treasury of the state, and transmit the same to the secretary of state on or before the first day of November, annually, in like manner, and under the same pains and penalties, as is directed to be made to the treasurer of the state, in and by the act entitled "An act respecting the clerks of the courts of common pleas and general quarter sessions;" and the secretary is hereby required to open an account of the same against the treasurer, in the public books in his office.

Clerks to transmit duplicate abstracts.

7. [Repealed by act creating office of comptroller.]

8. That on the passage of any bill into a law, or the adoption of any joint resolution, the same shall be delivered to the governor or person administering the government, who, in case he shall approve such bill or joint reso-

File all laws, &c.

lution, shall sign and deliver the same to the secretary of state, to be filed in his office, in such order that the laws of each and every sitting of the legislature shall be kept in separate bundles, and the year in which the same shall be passed shall be indorsed on each bundle, and not delivered to any person or persons whatsoever, but safely kept by the said secretary in his office, and not suffered to be taken or removed therefrom, on any pretense whatsoever; but the secretary of state shall give copies to such person or persons as shall make application for the same, which copies, when certified by said secretary, under his hand and seal, to be a true copy, shall be received in evidence in any court of this state, and be as good, effectual, and available in law as if the original was then and there produced and proved, for which service the secretary of state shall be entitled to receive, from the person making application for the same, eight cents per sheet, for each and every copy furnished, and for the filing each law ten cents, to be paid by the treasurer of the state.

Give copies,
which shall be
evidence.

Fees for.

Record names of
testators.

File wills.

Fees for specified
services.

9. [Amended by Sec. 16, *post.*]

10. That it shall be the duty of the register of the prerogative court to record the names of the testators of all wills which he may receive, in alphabetical order, and the year in which such wills were proved, in a book to be by him provided for that purpose, and to file the said wills in his office, the wills of each year and county to be put by themselves, and marked with the year and county, and in like manner to record the names of all intestates, inventories of whose estate he may receive, and to file the said inventories in manner aforesaid.

11. That the secretary of state shall be entitled to receive, for the services hereinafter mentioned, the following fees: for filing every bond or other instrument of writing for incorporated bodies, or for persons in their private capacity, twelve cents, to be paid by the person requiring the same to be filed; filing every bond or instrument of writing of a public nature, twelve cents; and for recording deeds and other instruments of writing belonging to the state, and for copies of laws, instruments of writing or records, when applied for by the governor, attorney-general or treasurer, for public purposes, the same fees as are directed by law to be paid by private persons, to be paid by the treasurer upon a certificate signed by the governor, and that for all other services required of him by law, and not otherwise compensated, he shall receive from the treasurer of this state the further sum of two hundred dollars yearly. (a)

Supplement.

Approved March 19, 1851.

P. L. 1851, p. 436.

Governor to file
with secretary of
state bills not
signed by him
and not vetoed
which have
become laws.

12. SEC. 1. That in case any bill shall pass both houses of the legislature, and be presented to the governor, in pursuance of the seventh paragraph of the fifth article of the constitution of this state, and the same shall not be returned to the house in which it originated within the time limited by the constitution, whereby the same has become a law, in like manner as if the governor had signed the same, it shall be the duty of the governor to indorse thereon, and sign a certificate of the true time the same was presented to him, and deliver the same to the secretary of state, who shall indorse thereon, and sign a certificate of the time it was delivered to him, and file the same in his office, to be there safely kept, with the other laws of the same sitting, as now directed by law.

Bills vetoed and
passed over the
veto to be filed
with secretary of
state.

13. SEC. 2. That if any bill, which shall have passed both houses, and been presented to the governor, and returned by him with his objections, to the house in which it originated, shall nevertheless afterwards become a law in the manner prescribed by the constitution, it shall be the duty of the presiding officer of the house in which such bill originated to deliver the same to the secretary of state, who shall file the same; and the same shall be safely kept in his office, with the other laws of the same sitting, as now directed by law.

14. [Sec. 3 repealed.]

(a) See *State v. Kelsoy*, 15 Vr. 1.

Supplement.

Approved April 4, 1873. P. L. 1873, p. 130.

15. SEC. 1. That from and after the passage of this act, it shall be lawful for the secretary of this state to appoint an assistant in his office who shall be commissioned by the governor to be assistant secretary of state, and said assistant secretary of state shall hold his office during the pleasure of the secretary of state making the appointment, but in no case to extend beyond the term for which the said secretary of state is commissioned, and the said assistant secretary of state shall be required to take and subscribe an oath of like form and character as that required to be made by the secretary of state, and he shall give bond to the state in the sum of two thousand five hundred dollars, with like conditions, and to be approved in like manner as is required by the first section of the act to which this is a supplement, and the assistant secretary of state shall, during the absence or inability through sickness or other cause of the secretary of state, have the same powers and perform all the duties which are now imposed by law upon the secretary of state; and the assistant secretary of state shall receive for his services a salary at the rate of two thousand dollars per annum, to be paid out of the treasury of this state upon the warrant of the comptroller.

Appointment of assistant secretary of state authorized.

Bond and oath.

Duties.

Compensation.

An act to amend section nine of the act entitled "An act relative to the office of secretary of state and register of the prerogative court" [Revision], approved April seventeenth, one thousand eight hundred and forty-six.

Approved February 16, 1881. P. L. 1881, p. 28.

16. SEC. 1. That section nine of the act entitled "An act relative to the office of secretary of state and register of the prerogative court," approved April seventeenth, one thousand eight hundred and forty-six, be and is hereby amended so as to be and read as follows :

[That the secretary of state shall cause a true copy of each and every law so delivered to him to be made, and within four weeks from the end of every sitting of the legislature deliver the same to the person appointed to print the laws of the state; and it shall be the duty of the secretary of state to assist the printer who may be appointed as aforesaid in comparing the proof-sheets with the original laws, for which purpose the said printer is required to attend at the office of the secretary of state with the proof-sheets of all such laws as he may be appointed to print; and it shall also be the duty of the said secretary of state to make marginal notes to said laws.]

Secretary of state to furnish copies of laws to printer, &c.

Supplement to an act entitled "Supplement to an act entitled 'An act relative to the office of the secretary of state and register of the prerogative court,' which supplement was approved April fourth, one thousand eight hundred and seventy-three.

Approved April 13, 1887. P. L. 1887, p. 162.

17. SEC. 1. That from and after the passage of this act the assistant secretary of state shall receive for his services a salary at the rate of three thousand dollars per annum, to be paid out of the treasury of this state upon the warrant of the comptroller.

Salary of assistant secretary of state.

An act to provide for the recording of certain papers in the office of the secretary of state.

Approved March 18, 1863. P. L. 1863, p. 332.

18. SEC. 1. That it shall be the duty of the secretary of state, in addition to filing in his office the certificates of the organization under the general incorporation laws of this state, or of any acceptance of a special charter, or the location or survey of any road, or any other agreement or paper by law required or authorized to be filed in said office, to record said agreement or other papers in a book to be provided for such purpose, at the proper charge of the party or parties for whom the same is filed.

Secretary to record certain papers filed.

Supplement.

Approved April 4, 1871.

P. L. 1871, p. 77.

Contracts for sale or lease of franchises of corporation to be acknowledged and recorded in office of secretary of state.

19. SEC. 1. That all contracts or agreements for the sale, letting, leasing, consolidating, merging or in any manner disposing of or transferring the franchises, privileges or any part thereof of any company or organization incorporated by or under the laws of this state, shall be acknowledged or proved as conveyances of land in this state are authorized to be acknowledged or proved, and shall be recorded in the office of the secretary of state within two months after the execution thereof, at the proper cost of the parties thereto; and unless such contract or agreement is lodged with the secretary of state for record within thirty days from the date of the execution thereof, the same shall become invalid and of no effect, and copies of the said record, duly certified by the secretary of state, shall be received in evidence in any court of this state, and be as good, effectual and available in law as if the original contract or agreement was then and there produced.

Supplement.

Approved March 5, 1873.

P. L. 1873, p. 34.

Contracts not so recorded not invalidated.

20. SEC. 1. That the act entitled "A supplement to the act entitled 'An act to provide for the recording of certain papers in the office of the secretary of state,'" approved on the fourth day of April, one thousand eight hundred and seventy-one, shall not be held or construed by any court, or by any officer or person whomsoever, as having rendered, or as rendering invalid or of no effect any such contract or agreement as is in said act mentioned, as between the parties to such contract or agreement, nor in favor of or for the benefit of any person or corporation having notice of such contract or agreement, although such contract or agreement has not been or may not be lodged for record or recorded according to the directions of said act; but every such contract or agreement which has not been, and which may not hereafter be lodged for record and recorded pursuant to the directions of said act, shall, between the parties to such contract or agreement, and as to every person or corporation having notice thereof, have the same force and effect as if such contract or agreement had been lodged for record and recorded pursuant to the directions of said act, and such contracts or agreements may be lodged for record and recorded at any time, and from the time of lodging the same for record shall be considered as duly notified to all persons entitled to notice thereof.

An act relative to the fees collected by the secretary of state for the use of the state.

Approved June 13, 1895.

P. L. 1895, p. 812.

Fees to be reported to comptroller.

21. SEC. 1. That all fees and other moneys received by the secretary of state for the use of the state from corporations or others, except judicial fees and fees received by him as clerk or register, shall be by him reported to the comptroller for audit and registry at the close of each month, with a full and detailed statement thereof giving the dates and items, and showing the names of the corporations or persons from whom said moneys were received, which statement shall be examined and audited by the comptroller and filed in his office, and the secretary of state shall thereafter forthwith pay over the amount of such fees and other moneys to the state treasurer under a penalty of five hundred dollars for each day's neglect to file such statement and to pay over such moneys, to be recovered in the name of the treasurer of the state of New Jersey for the use of the state in an action of debt in the New Jersey supreme court.

Amount to be paid to state treasurer.

Moneys not to be retained.

22. SEC. 2. That hereafter no moneys received by the secretary of state in any capacity for the use of the state shall be by him retained and expended, but the gross amount thereof shall be returned and paid to the state.

Repealer.

23. SEC. 3. That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and this act shall take effect immediately.