

## State, County and Municipal Officers.

### I. COMMISSIONS, RESIGNATIONS, &c.

1. Residence and duty of officers.
2. Duty of secretary of state to issue commission, &c.
3. Resignations, how made.
4. Amended my section 8.
5. Justices of supreme court not to take office.
6. Notice of death of officer appointed by governor or joint meeting to be given to the governor.
7. Persons holding city or township offices to reside within the city or township. Exceptions.
8. When a civil commission shall be void. Proviso.
9. Repealer.
10. Appointments in joint meeting.
11. Masters in chancery.
12. State directors of Delaware and Raritan canal and Camden and Amboy railroad and transportation company, how appointed.
13. By whom vacancies to be filled.
14. Freehold qualification abolished.
15. Fiscal year to terminate November 30th. Accounts and reports to be made in conformity therewith.
- 15a. Fiscal year, when to begin and end.
16. When state officer becomes insane his office to be deemed vacant.

### II. UNITED STATES SENATORS.

17. How appointed. Vacancies filled.
18. How commissioned.

19. When senators elected.
20. Mode of election.
21. Vacancy occurring before meeting of legislature.
22. Vacancy during session of legislature.
23. Election of senator certified.
24. Certificate, how countersigned.

### III. PRESIDENT OF SENATE.

25. President of senate to exercise powers of vice president of council.

### IV. STATE DIRECTOR.

26. Directors of Delaware and Raritan canal and Camden and Amboy railroad and transportation company not to be stockholders.
27. To make annual report.
28. Not to receive office from companies.
29. To take oath.
30. Annual report to be made to governor on or before the 20th of January.
31. Compensation of state directors.

### V. GOVERNOR'S PRIVATE SECRETARY AND ASSISTANTS.

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

## I. Commissions, resignations, &c.

Rev. 52, 208, 605.

R. S. 880.

Residence and  
duty of officers.

Penalty.

Duty of secretary  
of state to issue  
commission, &c.

Resignations,  
how made.

### An act relative to offices, commissions, and resignations.

Approved April 16, 1846.

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 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 offense 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, *post.*]

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 offense 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. [Amended by Sec. 8, *post.*]

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.

Justices of  
supreme court  
not to take office.

Proviso.

Supplement.

Approved March 20, 1863. P. L. 1863, p. 409.

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.

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

Supplement.

Approved April 12, 1876. P. L. 1876, p. 98.

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 offense 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 respect-

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

Persons to have  
qualifications for  
personally per-  
forming duties  
of office.

Not to apply to prosecutors of pleas.

Not to apply to township or city counsel.

ively 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."

**Amendatory act.**

Approved March 10, 1893.

P. L. 1893, p. 198.

**8. SEC. 1.** That section four of the act to which this is an amendment be and the same is hereby amended to read as follows :

When a civil commission shall be void.

[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 ; *provided*, that this section shall not apply to any person holding an office within this state and under the authority thereof, who was elected to represent this state in the house of representatives in the congress of the United States at the annual election held in this state on the eighth day of November, one thousand eight hundred and ninety-two.]

Proviso.

Repealer.

**9. SEC. 2.** That this act shall take effect immediately, and that all acts or parts of acts inconsistent with this act are hereby repealed.

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

Approved April 16, 1846.

R. S. 858.

Appointments in joint meeting.

**10. 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.

Masters in chancery.

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

Directors of Delaware and Raritan canal and Camden and Amboy railroad and transportation company, how appointed.

**12. 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.

By whom vacancies to be filled.

**13. 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.

**An act to abolish freehold qualification.**

Approved February 28, 1851.

P. L. 1851, p. 93.

Freehold qualifications abolished.

**14. 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, 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.**

Approved March 24, 1863.

P. L. 1863, p. 456.

Preamble

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,

**15. 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. [See Sec. 15*a*, *post.*]

Fiscal year to terminate on thirtieth day of November.

Accounts and reports to be made in conformity therewith.

**Joint resolution relative to the reports of state officers.**

Approved March 17, 1870.

P. L. 1870, p. 71.

**15 a. SEC. 1.** That every officer of this state, who has heretofore made a report of the affairs of his department to the governor or legislature, shall hereafter make and deliver to the governor his report of such affairs prior to the fifteenth day of November of each year, and said report shall contain such information as may be in hand up to the first day of said month, and the fiscal and business year of each department of the state shall be considered as beginning on the first day of November, and ending on the thirty-first day of October, of each year.

Fiscal year, when to begin and end.

[Sec. 2. Obsolete.]

**An act to create vacancies in certain offices when the occupants thereof have been or may hereafter be ordered by a judge of the circuit court to be confined in a lunatic asylum.**

Approved April 26, 1886.

P. L. 1886, p. 278.

**16. SEC. 1.** That whenever any officer of this state or any member of any state board or commission shall have appeared or shall hereafter appear to be insane, and shall have been or shall hereafter be, by the order of the judge of any circuit court in this state, ordered to be removed to a lunatic asylum, in pursuance of the provisions of "An act to provide for the organization of the state lunatic asylum and for the care and maintenance of the insane," the commission or appointment of such officer or member shall be and the same is hereby declared vacated and void; and a vacancy shall thereupon exist in the office held by such officer or member of any such state board or commission the same as though such officer or member had resigned or died.

When state officer becomes insane, his office to be deemed vacant.

**II. 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. 108.

**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.

How appointed.

Vacancies, how filled.

How commis-  
sioned.

**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.

[The following sections of the Revised Statutes of the United States (Rev. Stat. U. S., p. 3, Secs. 14 to 19 inclusive) relating to the election of senators, are hereunder inserted.]

When senators  
elected.

**19. SEC. 14.** That 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.

Mode of election.

**20. SEC. 15.** That 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.

Vacancy occur-  
ring before meet-  
ing of legislature.

**21. SEC. 16.** That 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 during  
session of legisla-  
ture.

**22. SEC. 17.** That 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.

Election of  
senator certified.

**23. SEC. 18.** That 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.

Certificate, how  
countersigned.

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

### III. 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.** That 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.

**IV. 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.

Approved April 16, 1846.

P. L. 1846, p. 157.

**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.

State directors of Delaware and Raritan canal and Camden and Amboy railroad and transportation company not to be stockholders.

**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, *post.*]

To make annual report.

**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.

Not to receive office from companies.

**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.

To take oath.

**Supplement.**

Approved March 9, 1848.

P. L. 1848, p. 218.

**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.

Annual report to be made to governor on or before the 20th of January.

An act to provide compensation to the state directors of the Delaware and Raritan canal and Camden and Amboy railroad and transportation companies.

P. L. 1847, p. 147.  
Compensation of  
state directors.

Approved March 4, 1847.

**31. SEC. 1.** That the directors, on the part of the state, of the Delaware and Raritan canal and the Camden and Amboy railroad and transportation companies, shall each be entitled to receive three dollars per day for each day they may be so employed in the discharge of their duties.

[By section 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 14th, 1872, but *one* director is to be appointed by the legislature in joint meeting. P. L. 1872, p. 567.]

#### V. Governor's private secretary and assistants.

An act relative to the private secretary of the governor.

P. L. 1866, p. 530.  
Governor may  
appoint private  
secretary.

Approved March 20, 1866.

**32. 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.

Duties.

An act with reference to assistants in the executive department.

P. L. 1869, p. 1192.  
Governor may  
employ assist-  
ance in executive  
department.

Approved April 1, 1869.

**33. 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. [See Secs. 1 and 2, on page 2959, *ante*.]

### State Prison.

1. Amended by sections 21 and 28.
2. Superseded by sections 36 to 40.
3. Amended by section 31.
4. Rules and regulations of state prison.
  - Article I. Inspectors and their duties.
    - II. Of the supervisor.
    - III. Principal keeper and his duties.
    - IV. Deputy keepers.
    - V. Physician.
    - VI. Clerk.
    - VII. Reception and treatment of prisoners.
    - VIII. Visitors.
5. Deputies and clerk to give bond.
6. Oath of officers.
7. Moral instructor.
8. Amended by section 19.
9. Daily record of prisoners' conduct.
10. Remittance of sentence for orderly conduct.
11. Further remittance.
12. In case of second sentence, prisoner to serve out term remitted.
13. All sentences to be subject to this act.
14. No visitor to be furnished refreshments.
15. Salaries to be paid monthly.
16. Repealer.
17. Manufacture of hats prohibited.
18. Not more than one hundred prisoners to be employed by contractors in any special branch of industry, &c.
19. Proceedings where prisoner appears to be insane.
20. Certain insane prisoners to be removed to Morristown asylum for insane.
21. Amended by section 28.
22. Amended by section 31.
23. Repealer.
24. Goods, wares and merchandise made in state prison to be stamped.
25. Act not to apply to articles manufactured under existing contracts.
26. Additional moral instructor to be employed by inspectors.
27. Pregnant convicts may be removed from state prison until delivered of child.
28. Supervisor at state prison, how appointed. Term of office. Salary and bond.
29. Expiration of term of existent supervisor.