

REVISION OF TITLES 2 AND 3

AND SECTIONS OF OTHER TITLES
OF THE

Revised Statutes of New Jersey



Tentative Draft

Part I

TITLE 2A—CHAPTERS 1 TO 215

Prepared by

REPORTERS FOR THE ADVISORY COMMITTEE
ON REVISION OF STATUTES

GANN LAW BOOKS
NEWARK, NEW JERSEY

REVISION OF TITLES 2 AND 3

AND SECTIONS OF OTHER TITLES OF THE

Revised Statutes of New Jersey



Tentative Draft Part I

TITLE 2A—CHAPTERS 1 TO 215

Prepared by

REPORTERS FOR THE ADVISORY COMMITTEE
ON REVISION OF STATUTES

Advisory Committee on Revision of Statutes

PETER P. ARTASERSE
HAROLD W. HANNOLD
GEORGE W. C. McCARTER
ROBERT B. MEYNER

ELDEN MILLS
THEODORE D. PARSONS
ELVIN R. SIMMILL
ARTHUR T. VANDERBILT

ALFRED C. CLAPP, Chairman

JOHN H. YAUCH, JR., Secretary
11 Commerce Street, Newark 2, New Jersey

*Suggestions and criticisms should be sent to the Committee
before May 18, 1951, as stated in the Foreword.*

Hudson Dispatch Printers
Union City, N J

Foreword

The Advisory Committee on Revision of Statutes solicits of the bench, the bar and the public suggestions with respect to both the language and the substance of the tentative draft submitted herewith. Please—

1. prepare recommendations in triplicate.
2. deal with each section of the statute and each rule on a separate page of normal correspondence size (8½ X 11).
3. refer to the section or rule by its number and by indicating the page on which it appears in the preliminary draft
4. where any change is proposed, draft the changed statute or rule as in the form of bills submitted to the Legislature—that is, by underscoring new words and bracketing omitted material.
5. state *briefly* the reasons for the recommendations.
6. send recommendations to John H. Yauch, Jr, Secretary of the Committee, 11 Commerce Street, Newark 2, N. J.

It is imperative that all suggestions be in the hands of the Secretary by May 18, 1951.

March 30, 1951.

ADVISORY COMMITTEE ON
REVISION OF STATUTES

The Advisory Committee on Revision of Statutes wishes to express to the reporters listed below, its appreciation for their very great service in preparing this draft. All of them have put in, themselves or through their offices, several weeks in this work, the magnitude of which may be indicated by the fact that it covers nearly one-fourth of the Statutes of New Jersey. When the final draft comes before the legislature, the legislative members of the committee propose to introduce in that body a resolution by way of public acknowledgment of the reporters' labors here on behalf of the bar and the people.

Samuel Allcorn, Jr	Hon Nathan L Jacobs	Harry Nadell
Richard L Amster	Irving B Johnstone, Jr	Hon David A Nimmo
Robert K Bell	Thomas M Kane	Edward J O'Mara
Horace S Bellfatto	Samuel Kaufman	Samuel F Penza
Vincent P Biunno	John M Kaufman	Harold A. Price
Wm. Elmer Brown, Jr.	Donald M Kepner	Isadore Rabinowitz
James N. Butler	Victor S Kilkenny	Martin Roth
William J. Camarata	Victor R King	Hon. Frank C. Scerbo
James D Carpenter	Merritt Lane, Jr.	Hon C Thomas Schettino
C William Caruso	Edwin K Large, Jr.	Frank G Schlosser
Leslie H. Cohen	John E Larkin	Morris M Schnitzer
Milton B. Conford	Samuel A Larner	Arthur J Sills
Milton A. Dauber	Hon Harry W. Lindeman	Hugh C Spernow
Ira D Dorian	Joseph P. Lodge	Josiah Stryker
Hon Lester A Drenk	John P Loftus	Hon. Mark A Sullivan
Harrison F Durand	Alan V Lowenstein	Malcolm D. Talbott
Jerome C. Eisenberg	James A. Lynch, Jr.	James E M. Tams
Hon Alton V Evans	John F Lynch, Jr.	Saul Tischler
William W. Evans	Hon John D. Lynn	Robert A. Vanderbilt
Harold H Fisher	James A. Major	Clark C Vogel
Hon John J Francis	Theodore McC. Marsh	Joseph F Walsh
Carl Herman Fulda	Hon Edward V. Martino	Waldron M. Ward
Hon Sidney Goldmann	Robert A Matthews	George Warren
Richard F. Green	Robert W. Maynard	Malcolm Watson
Eugene N Harris	Bernard P McElroy	Hon Alexander P Waugh
Joseph Harrison	Harry Miller	Joseph Weintraub
Morris N. Hartman	Leon S. Milmed	Joseph A Weisman
John A. Hartpence	John Milton	William H. Wells
Louis Hecht	Duane E Minard, Jr.,	Nathan A Whitfield
Ward J. Herbert	Chairman, Committee on	Julus Wildstein
Herbert Horn	Criminal Law and Practice	David T. Wilentz
Hon David L. Horuvitz	Chester P. Morrissey	William H. Wurts
James Hunter, III	Hon George R Morrison	Leo Yanoff
Joseph M Jacobs		

Contents

PROPOSED REVISION

PART I

Title 2A. ADMINISTRATION OF CIVIL AND CRIMINAL JUSTICE AS REVISED IN 1951.

Chapter	Subtitle 1. The Courts.	Page
1	Supreme Court	1
2.	Superior Court	1
3	County Courts	4
7.	Surrogates	9
8	County District Courts	14
9	Municipal Courts	19
15	Contempts of Court	25
16	Provisions Common to More Than One Court.	26
 Subtitle 4. Attorneys, Counselors and Bar Examiners		
20	Attorneys, Counselors and Bar Examiners.	37
 Subtitle 5. Limitation of Civil Actions; Adverse Possession.		
24	Limitation of Actions	38
25	Proprietary Surveys	43
 Subtitle 6. Practice and Procedure in Civil Actions Generally.		
26	Civil Actions	44
27.	Executions	63
28	Procedure on Trial of Impeachments	76
32	Procedure in County District Courts	77
33.	Procedure in Small Cause Courts	93
 Subtitle 7. Assignments for Benefit of Creditors; Insolvent Debtors.		
34	Assignments for Creditors	94
35	Insolvent Debtors, Relief From Arrest or Imprisonment, Procedure; Discharge	100
36	Insolvent Debtors, Administration and Distribution of Estate of Debtor	103
37.	Prison Limits	105

Subtitle 8. Specific Civil Actions, Remedies and Proceedings.

Chapter	Page
38. Adoption of Adults	106
39. Alienation of Affections, Breach of Contract to Marry, Criminal Conversa- tion and Seduction	107
40. Arbitration and Award	108
41. Assignments and Actions by Assignees	110
42. Attachment	111
43. Bonds, Actions and Proceedings On	115
45. Breach of Contract of Sale of Real Estate; Damages Recoverable	115
47. Death by Wrongful Act	116
48. Debts or Obligations Fraudulently Contracted or Incurred	116
49. Distress Generally	117
50. Divorce and Nullity of Marriage—Alimony and Maintenance—Care and Custody of Children	117
51. Possession of Real Estate	123
52. Escapes	124
53. Escheats	124
55. Fire Alarm Systems, Damages Caused by Injuries to or Tampering With	126
56. Forcible Entry and Detainer	126
57. Gaming and Lotteries, Civil Liability and Penalties	127
57A. Idiots and Lunatics; Discharge from Arrest on Civil Process	128
58. Landlord and Tenant, Rights and Remedies	128
59. Libel and Slander	140
60. Liens—Bonds of and Money Paid to Contractors on Public Works	140
61. Liens and Encumbrances of State	172
62. Lost or Destroyed Instruments	174
63. Mobs and Riots	174
64. Money or Property of Township or School District, Recovery	175
65. Mortgages and Bonds, Foreclosure and Actions On	176
66. Mortgages on Real or Personal Property; Cancellation of Record by Judgment	184
67. Names, Change of	185
68. Naturalization	185
69. Negotiable Instruments, Lost, Actions On	186
70. Obligations and Joint Debtors; Actions On and Against	186
71. Partition	187
72. Partition Walls	190
72A. Penalties	191
73. Replevin	191
74. Reversioners and Remaindermen; Their Rights and Remedies	194
75. Sales of Real Estate Under Statutes or Judicial Proceedings, Distribution of Certain Proceeds of Sales of or Compensation for Real Estate	194
76. Title and Claims to Real Estate and Personal Property, Actions to Quiet and Determine	198
77. Trespass Upon Lands	200
78. Unincorporated Organizations, Actions Against	200
79. Waste	201

Subtitle 9. Procedure in Lieu of Prerogative Writs and Habeas Corpus.

80. Procedure in Lieu of Prerogative Writs, General Provisions	202
81. Habeas Corpus, Illegal Confinement	204

Subtitle 10. Juries.

Chapter	Page
85. Jury Commissioners; Clerks; Employees, Officers, Equipment and Funds	211
86. Jurors; Qualifications; Exemptions; Ineligibility	213
87. Jury Lists; Drawing, Checking of, Copies of, Information for ..	213
88. Empaneling, Ordering, Requests for Juries, Summoning of Jurors, Lists; Wrongful Acts by Officer Serving	214
89. Grand Juries, Selection, Oaths, Clerks of, Foreman, Deputy Foreman; Continuance	217
90. Petit Juries; Selection; Oath; Division of Panels; Continuance, Foremen	218
91. Struck Juries; Order, Notice, Impaneling; Default Under or Vacating of Order; Fees	220
92. Foreign Juries; Order; Selection; Expense	222
93. Jury of View; Process for; Procedure; Expense	222
94. Excusing, Discharge of, and Reduction in Number of Jurors, Examina- tion of Jurors; Challenges, Time For and Trial of	222
95. Defaulting Jurors, Fine; Contempt of Court; Refusal to Qualify ..	224
96. Embracery; Punishment; Disqualification	224
96A. Verdicts, General; Five-Sixths Murder Trial; Omissions; No Verdict ..	225

Subtitle 11. Evidence and Witnesses.

97. Witnesses in General	225
98. Documents, Records and Other Written Instruments	227

Subtitle 11A. Examination of Records, Etc.

99. Hospital Records	227
100. Stenographic Reports of Public Hearings	228

Subtitle 12. Public Hearings.

Subtitle 13. Crimes.

103. General Provisions Relating to Crimes	228
104. Abduction	230
105. Abortion	231
109. Arson and Other Burnings	231
110. Assault and Battery	232
112. Banks and Financial Corporations	232
113. Bigamy	234
114. Bribery and Corruption	234
115. Burglary and Like Crimes	236
116. Cemeteries	237
117. Children	237
118. Compounding and Concealing Crimes	237
119. Conspiracy	238
120. Courts and Court Process	238
121. Desertion	238
124. Embezzlement, Conversation and Misappropriation	240
125. Embracery	242
126. Escapes and Rescues	242

Subtitle 13. Crimes—(continued)

Chapter	Page
127. Extortion and Threats	244
128 Extradition	244
130 Flag—Offenses Against	244
131 Food and Drugs	245
132 Forgery and Counterfeiting	246
134 Frauds and Cheats	249
135 Gaming	251
136 Gangsters	252
138 Homicide	252
139 Incest	253
140 Indecency and Obscenity	254
143 Kidnaping	254
145 Larceny and Other Stealings	255
146 Label	256
147 Lotteries	256
148 Malicious Mischief	257
150 Marriage	258
151 Mayhem	258
152 Mobs, Riots and Unlawful Assemblies	258
153 Motor Vehicles	260
154 Navigation	260
156 Nuisances	261
157 Perjury and False Swearing	262
157A Police Radio Alarms	263
158 Prostitution	263
159 Public Health	265
160 Public Officers and Offices	266
161. Public Records and Documents	268
162 Railroads and Railways	268
163 Rape and Carnal Abuse	269
164 Receiving Stolen Property	269
165 Religion	270
166 Robbery	270
167 Seduction	270
168. Sodomy	270
170 Taxes	271
171 Telegraph, Telephone, Express, Etc	271
173 Treason and Offenses Against the Government	272
174A Unauthorized Use of Voting Machines or Electrical Voting System in Legislative or Public Bodies	275
175 Warehouse Receipts	276
176 Weapons and Explosives	276

Subtitle 14. Criminal Procedure.

178 Definitions, Constructions and General Provisions	284
179 Rewards for Apprehension of Persons Accused of Crime	286
180 Peace Officers	286
180A Uniform Fresh Pursuit Law	287
180B Uniform Act on Intrastate Fresh Pursuit	288
181 County Detectives and Investigators	288

Subtitle 14. Criminal Procedure—(continued)

Chapter	Page
182 County Prosecutors	294
182A. County Prosecutors	297
183 Limitation of Criminal Prosecutions	297
185 Extradition	298
186 Preliminary Proceedings in General	304
187 Bail and Recognizances	304
190. Trial; New Trial	306
192. Sentence and Imprisonment	306
193 Death Sentence	311
194 Costs and Fines	314
196 Executive Clemency	317
199. Probation and Parole	319
200. Removal of Disqualification to Hold Office Because of Conviction of Crime	323

Subtitle 15. Disorderly Persons.

201. General Provisions	324
202 Disorderly Persons	324
203 Punishment of Disorderly Persons	341

Subtitle 17. Criminal Judicial District Courts.

212 Constitution and Personnel	341
213. Jurisdiction	343
214. Practice and Procedure	344

Subtitle 18. Other Courts of Inferior Jurisdiction.

215 County Traffic Courts	344

**Table Showing Disposition of Statutes Contained in Chapters 1 to 215 of
Title 2 of Revised Statutes and Later Statutes Affecting Said Chapters.**

See Page 347.

For Contents of Part II See Following Page

.

PART II

This volume will be distributed in approximately 3 weeks and will contain:

PROPOSED REVISION TITLE 3A

PROPOSED REVISION OF SECTIONS OF OTHER TITLES

PROPOSED ADDITIONAL LEGISLATION

ACTS SAVED FROM REPEAL

PROPOSED NEW RULES AND CHANGES IN RULES

TABLE SHOWING DISPOSITION OF EXISTING STATUTES

Title 2A. ADMINISTRATION OF CIVIL AND CRIMINAL JUSTICE, AS REVISED IN 1951.

Subtitle 1. THE COURTS.

Chapter 1. SUPREME COURT.

Section

- 2A 1-1 Compensation of justices
- 2A 1-2 Supreme court clerk, term and salary
- 2A 1-3 Bond of clerk
- 2A 1-4 Location of clerk's office

Section

- 2A 1-5 Absence of clerk
- 2A 1-6 Assistants to the clerk
- 2A 1-7 Expenses incurred by order of supreme court

2A:1-1. Compensation of justices. The chief justice of the supreme court shall receive an annual salary of \$25,000. Each associate justice of the supreme court shall receive an annual salary of \$24,000.

Source C 2 1A-1, L 1948, p 1164, c 270, §1

2A:1-2. Supreme court clerk; term and salary. The clerk of the supreme court shall hold office for 5 years and shall receive an annual salary of \$10,000 payable in equal semimonthly installments by the treasurer, which shall be in full compensation for all services and in lieu of all fees and emoluments whatsoever.

Source C 2 1A-7 and 8, L 1948, c 389, p 1575, §§1 and 2

2A:1-3. Bond of clerk. The clerk of the supreme court, before he enters upon the execution of his office or is admitted to take his official oath, shall enter into a bond to the state of New Jersey, in the sum of \$20,000, with surety as provided by law, conditioned that if he shall well and truly execute his office and all things touching and concerning the same, according to law, as well with respect to all persons concerned, as to the state of New Jersey, and, at the expiration of his office, shall deliver all moneys deposited in his office, together with the books, papers and records remaining in the same, or appertaining thereto, to his successor in office,

then the obligation shall be void, otherwise it shall remain in full force. The bond shall be approved by a justice of the supreme court and filed and recorded in the office of the secretary of state.

Source C 2 1A-9, L 1948, c 389, p 1575, §3

2A:1-4. Location of clerk's office. The office of the clerk of the supreme court shall be in the city of Trenton.

Source C 2 1A-10, L 1948, c 389, p 1576, §4

2A:1-5. Absence of clerk. If the clerk of the supreme court shall be absent, the supreme court may by a writing filed in his office appoint another person to exercise the duties of the office until the absence shall be ended.

Source C 2 1A-11, L 1948, c 389, p 1576, §5

2A:1-6. Assistants to the clerk. The clerk of the supreme court shall select and employ the necessary assistants for his office.

Source C 2 1A-12, L 1948, c 389, p 1576, §6

2A:1-7. Expenses incurred by order of supreme court. Expenses incurred by order of the supreme court in the execution of its duties, the payment of which is not otherwise provided for by law, shall be paid by the state treasurer, when so directed by the order of the court, which order shall be attested by the justice presiding in the court at the time the order is made.

Source C 2 16-60, L 1948, c 390, p 1580, §10

Chapter 2. SUPERIOR COURT.

Section

Article 1. In General

- 2A 2-1 Number of judges, compensation
- 2A 2-2 Advisory masters, salary
- 2A 2-3 Standing masters
- 2A 2-4 Clerk of superior court, salary
- 2A 2-5 Bond of clerk
- 2A 2-6 Location of clerk's office
- 2A 2-7 Absence of clerk
- 2A 2-8 Assistants to the clerk
- 2A 2-9 Compensation of employees administering trust fund
- 2A 2-10 Payment to state treasurer of fines received
- 2A 2-11 Superior court as party to action
- 2A 2-12 Drawing of moneys on deposit to credit of superior court
- 2A 2-13 Assignments and other papers in connection with bank accounts and other things held by superior court, signatures.

Section

Article 2. Microfilming Records

- 2A 2-14 Recording of pleadings, judgments, decrees and other papers
- 2A 2-15 Copy or reproduction of books.
- 2A 2-16 Reproducing or copying may be done by employees or by contract
- 2A 2-17 Cost of work
- 2A 2-18 Force and effect of reproductions and copies, evidence
- 2A 2-19 Destruction of books and papers
- 2A 2-20 Wills, disposition

Article 3. Circuit Court Judgments and Proceedings

- 2A 2-21 Proceedings to be taken after September 15, 1948, upon judgments entered in circuit court
- 2A 2-22 County clerk to act as deputy clerk of superior court
- 2A 2-23 Files

Section

2A 2-24 Causes pending in circuit courts transferred to law division of superior court

2A 2-25 Pleadings and papers filed in cause after September 15, 1948, judgment, execution.

Section

2A 2-26 Duplicate copies of pleadings and papers sent to clerk of superior court; entry of judgment

Article 1 IN GENERAL

2A:2-1. Number of judges; compensation.

The superior court shall consist of not more than 38 judges. Each judge shall receive an annual salary of \$20,000.

Source C 2 1A-3, L 1948, c 382, p 1563, §1, C 2 1A-1, L 1948, c 270, p 1164, §1

2A:2-2. Advisory masters; salary. The advisory masters appointed to hear matrimonial proceedings and in office on the adoption of the constitution shall, each for the period of his term which remains unexpired on September 15, 1948, continue so to do as advisory masters to the chancery division of the superior court and shall each receive, in lieu of all fees, compensation or other allowances whatsoever, an annual salary of \$16,000 payable in equal semimonthly installments by the treasurer from the funds of the state. Such advisory masters shall not, while in office, engage in the practice of law or other gainful pursuit.

Source C 2 1A-4, L 1948, c 382, p 1563, §2

2A:2-3. Standing masters. The supreme court may appoint standing masters to serve during the pleasure of the court, prescribe their duties and fix their compensation. The compensation so fixed shall be paid by the treasurer from the funds of the state on the certificate of the chief justice. Such standing masters shall not, while in office, engage in the practice of law or other gainful pursuit.

Source C 2 1A-5, L 1948, c 382, p 1563, §3

2A:2-4. Clerk of superior court; salary. The clerk of the superior court shall hold office for 5 years and shall receive an annual salary of \$12,000 payable in equal semimonthly installments by the treasurer, which shall be in full compensation for all services and in lieu of all fees and emoluments whatsoever.

Source C 2 1A-7 and 8, L 1948, c 389, p 1575, §1 and §2

2A:2-5. Bond of clerk. The clerk of the superior court, before he enters upon the execution of his office or is admitted to take his official oath, shall enter into a bond to the state of New Jersey, in the sum of \$150,000, with surety as provided by law, conditioned that if he shall well and truly execute his office and all things touching and concerning the same, according to law, as well with respect to all persons concerned, as to the state of New Jersey, and, at the expiration of his office, shall deliver all moneys deposited in his office, together with the books, papers and records remaining in the same, or appertaining thereto, to his successor in office, then the obligation shall be void, otherwise it shall remain in full force. The bond shall be approved by a justice of the supreme court

and filed and recorded in the office of the secretary of state.

Source C 2 1A-9, L 1948, c 389, §3

2A:2-6. Location of clerk's office. The office of the clerk of the superior court shall be in the city of Trenton.

Source C 2 1A-10, L 1948, c 389, p 1576, §4

2A:2-7. Absence of clerk. If the clerk of the superior court shall be absent, the supreme court may by a writing filed in his office appoint another person to exercise the duties of the office until the absence shall be ended.

Source C 2 1A-11, L 1948, c 389, p 1576, §5

2A:2-8. Assistants to the clerk. The clerk of the superior court shall select and employ the necessary assistants for his office.

Source C 2 1A-12, L 1948, c 389, p 1576, §6

2A:2-9. Compensation of employees administering trust fund. On or before the twentieth day of July in each year there shall be paid to the state treasurer, out of the income of the superior court trust fund, an amount equal to all payments made from the state treasury as compensation for employees of the superior court engaged in the administration of said fund during the preceding state fiscal year.

Source C 2 1A-14 1, L 1949, c 139, p 512, §1

2A:2-10. Payment to state treasurer of fines received. The clerk shall account for under oath and pay annually to the state treasurer all fines by him received under authority of law.

Source R S 2 2-19

2A:2-11. Superior court as party to action. Whenever it shall be necessary or proper to make the superior court of New Jersey a party to any action or proceeding in any court, the superior court of New Jersey may be sued and designated therein by naming such officer or employee of the said court, and his title or position, as shall be prescribed by the supreme court in a general or special order. In any such action or proceeding, said officer or employee shall not be individually liable for any costs or fees, nor subject to a personal judgment.

Source C 2 16-106, L 1949, c 77, p 381, §1.

2A:2-12. Drawing of moneys on deposit to credit of superior court. No moneys on deposit to the credit of the superior court of New Jersey shall be drawn, except by draft or check signed by the clerk of the superior court and countersigned by a judge of the superior court designated by order in writing of the chief justice of the supreme court, a certified copy of which order shall be filed with the depository.

Source C 2 16-103, L 1948, c 362, p 1459, §3

2A:2-13. Assignments and other papers in connection with bank accounts and other things held by superior court; signatures. All assignments, changes in registration, satisfactions, releases, transfers, discharges and other papers which must be executed in connection with any bank account, safety deposit box, security or thing in action held by the superior court shall be by signature of the clerk of the superior court, countersigned by a judge of the superior court designated by order in writing of the chief justice of the supreme court, a certified copy of which order shall be delivered to the transfer agent or other interested person if requested.

Source. C 2 1A-104, L 1948, c 362, p 1459, §4

Article 2 MICROFILMING RECORDS.

2A:2-14. Recording of pleadings, judgments, decrees and other papers. When any cause has been finally disposed of in the superior court or the supreme court or in the former court of chancery, in the former prerogative court, in the former supreme court, or in the former court of errors and appeals, and the time for appeal or review has expired and no appeal or proceedings to review the same has been taken, or if taken, the appeals and proceedings to review the same have been finally determined, the clerk of the supreme court and the clerk of the superior court, respectively, shall, subject to the direction of the administrative director with the approval of the chief justice, record in duplicate the pleadings, judgment, decree and other papers by the use of any photostatic, photographic or micrographic process whatever, including any photographic process which will produce compact records on films in reduced size (commonly known as microfilm), which in the judgment of the chief justice will insure an efficient recording system and provide, under proper supervision, for ready access to the record of the same, in any cause so recorded. Any party to any action may, at his own expense, require the recording, in the same manner, of any other documents in any cause, otherwise not required to be recorded. Provision shall be made for storing the duplicates in separate places.

Source C 2 1A-24, L 1948, c 360, p 1448, §1

2A:2-15. Copy or reproduction of books. The administrative director with the approval of the chief justice hereby is authorized to direct the clerk of the supreme court and the clerk of the superior court, respectively, to cause to be copied or reproduced in duplicate, page by page and in order, the contents of each book in which are entered, enrolled or recorded proceedings and decrees in causes in the former court of chancery or in the prerogative court and proceedings and judgments in causes in the former supreme court or in the former court of errors and appeals by the use of any photostatic, photographic or mechanical process whatsoever in-

cluding any photographic process which will produce compact records on films in reduced size (commonly known as microfilm) which, in the judgment of the chief justice, will insure an efficient recording system and provide, under proper supervision, ready access to the record of such proceedings, decrees and judgments. Provision shall be made for storing the duplicates in separate places.

Source C 2 1A-25, L 1948, c 390, p 1449, §2

2A:2-16. Reproducing or copying may be done by employees or by contract. The work of reproducing or copying of such books and recording the papers as provided by section 2A 2-14 and section 2A 2-15 may be done by employees in the office or may be contracted for, in accordance with all provisions of law relating to contracts entered into by state officers or agencies; provided, however, that the decision as to whether the work shall be done by employees in the office of the clerk or by contract shall rest with the chief justice and the clerk, who shall together consider whether the office of the clerk is or can be equipped therefor, the cost of such work by such employee or by contract, and the efficiency with which the work can be done either way.

Source C 2 1A-26, L 1948, c 360, p 1449, §3

2A:2-17. Cost of work. The cost or costs of such work, however the same is to be done, including the cost of devices, machines, cameras, supplies, or other equipment to be purchased, if any, shall be approved by the director of budget and accounting of the department of the treasury and, if approved, shall be paid out of funds heretofore or hereafter appropriated for that purpose, or out of funds heretofore or hereafter appropriated for other purposes to the court or to the clerk thereof, or both, in such amount or amounts as the chief justice, the clerk and the director shall agree is, are or will be available for such cost or costs.

Source C 2 1A-27, L 1948, c 360, p 1450, §4

2A:2-18. Force and effect of reproductions and copies; evidence. After such copies or reproductions and recordings have been duly completed, and the records thereof properly marked, certified, and stored or filed, the record of the proceedings, decree and judgment in each cause so recorded shall be deemed to be the record and entry and enrollment thereof, and shall be as good and effectual in law, to all intents and purposes, as if the same were the original record, entry or enrollment. Photographs or microphotographs of any book, paper or record photographed or microphotographed as provided in this chapter shall have the same force and effect as the originals thereof would have had, and shall be treated as originals for the purpose of their admissibility in evidence. Duly certified, exemplified or authenticated copies of such photographs or microphotographs shall be ad-

mitted in evidence equally with the original photographs or microphotographs

Source C 2 1A-28, L 1948, c 360, p 1450, §5

2A:2-19. Destruction of books and papers.

Seven years after said causes have been finally disposed of both by the trial court and any appellate or reviewing court or courts, the chief justice may cause to be given 10 days' written notice to the division of the state library, archives and history, in the state department of education, of his intention to destroy or otherwise dispose of the entry, enrollment books, record books and the papers in the causes from which the photographs or microphotographs have been taken. So many of such entry or enrollment books and record books as well as papers in a cause as are not in writing requested by the division of the state library, archives and history, may be destroyed or otherwise disposed of in such manner as the chief justice shall deem proper

Source. C 2 1A-28 and 29, L 1948, c 360, p 1450, §5 and §6

2A:2-20. Wills; disposition. No original will shall be destroyed or otherwise disposed of under this act

Source C 2 1A-30, L 1948, c 360, p 1451, §7

Article 3 CIRCUIT COURT JUDGMENTS AND PROCEEDINGS.

2A:2-21. Proceedings to be taken after September 15, 1948, upon judgments entered in circuit court. All proceedings to be taken on or after September 15, 1948, upon any judgment entered in any circuit court prior to said date shall be taken in the superior court and any execution on any such judgment issued after said date shall issue out of the superior court

Source C 2 5-22, L 1948, c 368, p 1505, §1

2A:2-22. County clerk to act as deputy clerk of superior court. The county clerk of the county shall act as deputy clerk of the superior court for the purpose of filing any paper or document required to be filed in connection with the taking of any such further proceedings and for the purpose of issuing and recording any such execution and filing the same upon its return. Such papers, documents and executions shall not be filed in the office of the clerk of the superior court.

Source C 2 5-23, L 1948, c 368, p 1506, §2

2A:2-23. Files. The files of the circuit courts shall remain with, and be retained by, the clerks of the respective counties, except as otherwise provided by law

Source C 2 5-24, L 1948, c 368, p 1506, §3

2A:2-24. Causes pending in circuit courts transferred to law division of superior court.

All actions, causes and proceedings of whatever character, pending in any of the circuit courts on September 15, 1948, shall be transferred to, and be proceeded upon in, the law division of the superior court as though such action, cause or proceeding had been begun in the superior court and the venue had been laid in the county of the circuit court in which such action, cause or proceeding was begun

Source C 2 5-25, L 1948, c 368, p 1506, §4

2A:2-25. Pleadings and papers filed in cause after September 15, 1948; judgment; execution.

All pleadings and other papers filed in any such action, cause or proceeding after said date shall be filed in the office of the county clerk of said county in duplicate but judgment shall be entered in the office of the clerk of the superior court, and execution shall issue thereon, and all further proceedings shall be taken therein, in the same manner and with the same force and effect, as though such action, cause or proceeding had been begun in the superior court

Source C 2 5-26, L 1948, c 368, p. 1506, §5

2A:2-26. Duplicate copies of pleadings and papers sent to clerk of superior court; entry of judgment. The county clerk of each county shall send to the clerk of the superior court the duplicate copies of all pleadings or other papers filed in said cause immediately upon their filing in his office and the clerk of the superior court shall enter upon the civil docket and file the same in his office in the same manner as original pleadings and papers filed in the superior court are entered and filed and shall enter judgment in any such cause in the same manner as judgment is entered in other causes. Upon the entry of judgment in any such cause, the county clerk shall send his file of the original pleadings and other papers in said cause to the clerk of the superior court who shall retain the same in his files.

Source C 2 5-27, L 1948, c 368, p 1506, §6

Chapter 3. COUNTY COURTS.

Section

Article 1 Jurisdiction, Powers and Functions

- 2A 3-1 Court of record, probate division, law division
- 2A 3-2 Clerks of divisions
- 2A 3-3 Jurisdiction over actions at law
- 2A 3-4 General jurisdiction over criminal proceedings

Section

- 2A 3-5 Jurisdiction over criminal cases tried without a jury
- 2A 3-6 General powers, jurisdiction and duties of judges
- 2A 3-7 Appointments to office by judges, failure to make, board of chosen freeholders to act
- 2A 3-8 Compelling obedience to process, orders, judgments and sentences.

Section

- 2A 3-9 Blank
2A 3-10 Consolidation of actions

Article 2 Judges.

- 2A 3-11 Judges, appointment
2A 3-12 Qualification of judges
2A 3-13 Additional judges in certain counties
2A 3-14 Appointment to judgeships, "political parties" defined
2A 3-15 Judges of county court in counties with more than one judge not to practice law
2A 3-16 Practice of law by judges
2A 3-17 Judge of county court, salary in counties with more than one judge
2A 3-18 Judge of county court, salary in counties with only one judge
2A 3-19 Payment from county funds, refund to county
2A 3-20 Additional compensation of county court judges sitting temporarily without the county
2A 3-21 Additional compensation of judges holding district court
2A 3-22 Blank.

Article 1 JURISDICTION, POWERS AND FUNCTIONS

2A:3-1. Court of record; probate division; law division. The county court of each county shall be a court of record. It shall be divided into two divisions, a probate division for the exercise of the probate jurisdiction of the court and a law division for the exercise of the court's remaining jurisdiction, criminal and civil. All statutes governing actions of a civil nature at law shall, unless otherwise provided, be applicable to the law division.

Source R S 2 6-6, and C 2 1B-8, L 1948, c 365, p 1472, §8, C 2 1B-24, L 1948, c 365, p 1475, §24

Cross Reference See section 3A 1-1 as to county court's jurisdiction over probate matters

2A:3-2. Clerks of divisions. The surrogate of the county shall be the clerk of the probate division of the court, and the county clerk shall be the clerk of the law division of the court.

Source. C 2 1B-9, L 1948, c 365, p 1472, §9

2A:3-3. Jurisdiction over actions at law. The county court of each county shall have and exercise general jurisdiction over all actions of a civil nature at law, irrespective of the amount in controversy, other than proceedings in lieu of prerogative writs.

Source R S 2 6-6, C 2 1B-1, L 1948, c 365, p 1470, §1

2A:3-4. General jurisdiction over criminal proceedings. The county court of each county shall have cognizance of all crimes and offenses of an indictable nature, which have been or shall be committed or attempted in the respective counties in and for which the court is held, and for that purpose shall have authority to inspect indictments taken or to be taken before it, to make and continue process thereon, to hear and determine such crimes and offenses, and to punish all persons convicted thereof, according to law.

Source R S 2 12-2, R S 2 11-6, C 2 1B-1, L 1948, c 365, p 1470, §1

Section

Article 3 Officers and Their Duties

- 2A 3-23 Sheriffs and constables as officers
2A 3-24 Sergeants at arms, service of process, fees
2A 3-25 Service and return, manner of service
2A 3-26 Secretaries of judges in first-class counties, appointment, compensation
2A 3-27 Clerk's docket
2A 3-28 Numbering of cases
2A 3-29 Minutes
2A 3-30 Bills of costs, enforcement of payment
2A 3-31 Sale of real estate by probate division

Article 4 Probate Judgments for Money, Execution

- 2A 3-32 Liens and priorities of judgments or orders on filing statement in county clerk's office
2A 3-33 Statement and affidavit
2A 3-34 Execution, lien
2A 3-35 Liens and priorities of judgments or orders on filing statement in superior court clerk's office
2A 3-36 Execution, issuance
2A 3-37 Satisfaction of judgment
2A 3-38 Fees and costs
2A 3-39 Remedy against principal or surety

2A:3-5. Jurisdiction over criminal cases tried without a jury. Except in capital cases, the county court shall have and exercise jurisdiction to try and adjudge, without a jury, (a) the guilt or innocence of any person charged upon oath before any magistrate in any county in the state with an offense triable before the county court, or (b) the guilt or innocence of any person charged by indictment with any offense triable by the county court, if and when the person so charged or indicted shall make request to be so tried.

Source R S 2 13-1

2A:3-6. General powers, jurisdiction and duties of judges. Each judge of the county court of any county and each judge of the superior court shall have all the powers and jurisdiction heretofore or hereafter vested in or exercised by such county court or any judge or judges thereof, whether conferred by statute or otherwise.

Source R S 2 6-8

2A:3-7. Appointments to office by judges; failure to make; board of chosen freeholders to act. Whenever in any county there shall be two or more judges of the county court and by any statute the court shall be authorized or required to make an appointment to fill any public position, office or other public place and the appointment shall require the approval of all judges of the court, then in the event that the judges may not within 30 days after the existence of a vacancy be able to agree on any appointee for such position, office or other public place, the board of chosen freeholders of the county may make the appointment.

Source R S 2 6-13

2A:3-8. Compelling obedience to process, orders, judgments and sentences. The county court may compel obedience to its process, orders, judgments and sentences by imprisonment of body or

distress and sale of real estate and goods and chattels or by injunction or ne exeat, as fully and amply as the superior court Process, orders and judgments given to compel obedience to the orders and judgments of the court, may be issued into any county of the state, and shall, if it is so directed therein, be served by the sheriff or other proper officer of any county, to whom power is hereby given to serve and execute the same Obedience to all process, orders and judgments so issued and directed may be enforced by the court as if they had been served within the county from whence they issued

Source. C 2 1B-30, 36 and 29, L 1948, c 365, pp 1476, 1477, §§30, 36, 29, R S. 2 15-14

Note of Reporter These powers, vested before solely in the orphans' court, belong appropriately to the county court as a whole However, it should be recalled that orphans' court citations are superseded (Rules 3 101-1 and 5 3-1) and that attachment procedures are also superseded (Rules 3 80-2 and 5 2-1, 3 101-5 and 5 3-1)

The county court is almost entirely a statutory court, dependent in large measure upon statutes for its jurisdiction.

2A:3-9. Blank

2A:3-10. Consolidation of actions. When an action is pending in any county court in the law division and another action involving a common question of law or fact is pending in the same county court, or in any district or municipal court of that county, the county court may consolidate the actions and, to that end, remove the action pending in the district or municipal court.

Source C 2 1B-25, L 1948, c. 365, p. 1475, §25

Note of Reporter. It is opined that this statute goes beyond mere practice and procedure, that the power of a statutory court to withdraw a case from another statutory court and transfer it to itself does not inhere in the former court by virtue of being a court of general jurisdiction Therefore a statute is necessary to give the court jurisdiction to act

Article 2 JUDGES.

2A:3-11. Judges; appointment. The judges of the respective courts of common pleas shall constitute the judges of the county court of such county, each for the period of his term of office which remains unexpired on September 15, 1948, and thereafter the judges of the county courts of each county, including the additional judges provided for by section 2A:3-13, shall be nominated and appointed by the governor with the advice and consent of the senate and shall hold office for a term of 5 years Vacancies shall be filled by appointment for the unexpired term only. All commissions for the judges shall bear date and take effect on the first day of April in every successive year, except commissions to fill vacancies, which shall bear date and take effect when issued

Source C 2 1B-2, L 1948, c 365, p 1471, §2, article VI, §VI, paragraphs 1 and 2 of the constitution of 1844, C 2 1B-3, L 1948, c 365, p 1471, §3, R S 2 6-2, as amended L 1948, c 352, p 1418, §1

2A:3-12. Qualification of judges. The judges of the county courts appointed after September

15, 1948, shall each prior to his appointment have been admitted to the practice of law in this state for at least 10 years

Source C 2 1B-2, L 1948, c 365, p 1471, §2

2A:3-13. Additional judges in certain counties.

Each county court shall consist of one judge, and, in addition, the governor may, whenever in his judgment the public interest shall so require, appoint additional judges, as follows

a In counties now or hereafter having 400,000 or more inhabitants, 3 additional judges, making 4 in all in each of such counties

b In counties now or hereafter having more than 190,000 and less than 400,000 inhabitants as ascertained by the latest federal census, an additional judge, making 2 in all, in each of such counties

c In counties bordering on the Atlantic ocean and now or hereafter having not less than 50,000 nor more than 100,000 inhabitants, an additional judge, making 2 in all in each of such counties

d In counties of the fifth class having not less than 125,000 nor more than 150,000 inhabitants, an additional judge, making 2 in all in each of such counties

Source R S 2 6-3, as amended L 1948, c 330, p 1315, §1, C 2 1B-2, L 1948, c 365, p 1470, §2

2A:3-14. Appointment to judgeships; "political parties" defined. In every county in which there are or may be 2 or more judges of the county court, all appointments to such judgeships shall be made in such manner that the appointees shall be, as nearly as possible, in equal numbers, members of different political parties, so as to constitute the county court in any such county bipartisan in character

The words "political parties" mean such political parties as shall have cast the largest and the next to the largest number of votes, respectively, for members of the general assembly at the last preceding general election held for the election of all the members of the general assembly, prior to the making of any such appointments

Source C 2 1B-4, L 1948, c 365, p 1471, §4, R S 2 6-4, as amended L 1948, c 101, p 555, §1

2A:3-15. Judges of county court in counties with more than one judge not to practice law. Each judge of a county court, in office on May 28, 1949 or thereafter appointed, in and for a county in which the governor may appoint more than one judge of the county court, shall devote his entire time to his judicial duties and shall not, while in office, engage in the practice of law

Source C 2 1B-50, L 1949, c 264, p 881, §1

2A:3-16. Practice of law by judges. Except as provided by section 2A 3-15, the judges of the county court of any county may practice as an attorney at law or counselor at law in any of the courts of this state, except in the county court and courts of jurisdiction inferior thereto of the county in and for which they are judges.

No judge of the county court of any county shall personally appear as attorney at law or counselor at law in the trial of any cause before a jury in the superior court in the county in and for which he is a judge

Source R S 2 6-14.

2A:3-17. Judge of county court; salary in counties with more than 1 judge. The annual salary of each judge of a county court, in and for a county in which the governor may appoint more than 1 judge of the county court, shall be \$16,000.

Source C 2 1B-51, L 1949, c 257, p 822, §1

2A:3-18. Judge of county court; salary in counties with only 1 judge. The annual salary of each judge of a county court, in and for a county in which the governor may appoint only 1 judge of the county court, shall be

a. In counties having more than 75,000 inhabitants, \$10,000.

b In counties having not more than 75,000 inhabitants, \$7,500

Source. C 2 1B-52, L 1949, c 257, p 822, §2

2A:3-19. Payment from county funds; refund to county. The salaries of the judges of the several county courts shall be payable from county funds, by the treasurers of the respective counties, in equal semimonthly installments; provided, however, that 40 per cent of the salaries, which may be paid to June thirtieth in any year to the judges of the county court in any county by reason of the provisions of this article, shall be refunded to said county by the state treasurer on warrant of the director of the division of budget and accounting in the department of the treasury on vouchers certified or approved by the county treasurer and the administrative director of the courts.

Source. C 2 1B-53, L 1949, c 257, p. 822, §3

2A:3-20. Additional compensation of county court judges sitting temporarily without the county. When the judge of a county court, who is not required by law to devote his entire time to his judicial duties, is assigned to sit temporarily without the county in and for which he is appointed, either in the superior court or in a county court, he shall, in addition to his regular salary, be entitled to \$40 a day while so sitting. The payment of the \$40 per day for such services in the superior court shall be made by the state treasurer from the state treasury, and the payment of the \$40 per day for such services in a county court shall be made by the county treasurer from the county funds of the county in which the services are rendered, on claim signed by the judge and approved by the administrative director of the courts

Source C 2 1B-56, L 1949, c 298, p 912, §1

2A:3-21. Additional compensation of judges holding district court. When a judge of the county court holds a county district court, he

shall, for his services in the county district court, receive additional compensation at the rate of \$1200 yearly, payable by the board of chosen freeholders of the county in which the district court is held, upon certification of the county clerk of the county

Source R S 2 6-20

2A:3-22. Blank.

Article 3 OFFICERS AND THEIR DUTIES

2A:3-23. Sheriffs and constables as officers. The sheriffs and constables of the respective counties shall be officers of the county court therein, and shall serve or execute all judgments, orders and process of the court directed to them or any of them, to be served or executed within their counties. The sheriff of each county shall exercise supervision over and direction of all constables and subordinate officers attending the county court of the county.

Source C 2 1B-10, L 1948, c 365, p 1472, §10, R S 2 6-21

2A:3-24. Sergeants at arms; service of process; fees. In all counties where there is, or shall be, a sergeant at arms of the county court, he shall have the same authority to serve process and warrants as duly elected constables, and shall receive the same fees therefor, which shall be in addition to the fees or salary paid him as sergeant at arms.

Source C 2 1B-11, L 1948, c 365, p 1472, §11.

2A:3-25. Service and return; manner of service. All process returnable in the county court, when delivered to the sheriff of the county, shall be served and returned by him, subject to the regulations and penalties pertaining thereto, and with the compensation provided by law. The service and return shall be made by him in the manner prescribed by the rules of the supreme court

Source. C 2 1B-13, L. 1948, c 365, p 1473, §13.

2A:3-26. Secretaries of judges in first-class counties; appointment; compensation. Each judge of a county court in a county of the first class, may with the approval of the board of chosen freeholders of the county, appoint a secretary, who shall be a stenographer. The secretary shall serve during the pleasure of the appointing judge and shall receive such compensation as shall be recommended by the appointing judge and approved by the board of chosen freeholders.

This section shall not apply when, in any county of the first class, any part of the county court has or may hereafter have both a sergeant at arms and a court crier

Source R S 2 6-15

2A:3-27. Clerk's docket. The county clerks of the several county courts shall keep a book or record, which shall be known as the "clerk's docket", in which shall be entered and docketed all pleadings and papers filed in every action or proceeding in the law division.

The clerk's docket shall be indexed in the name

of all persons against whom all actions or proceedings are instituted or commenced

Source C 2 1B-20, L 1948, c 365, p 1474, §20

2A:3-28. Numbering of cases. Upon the entering of the first paper filed in any action or proceeding by the plaintiff's attorney, the clerk of either division of the court shall number the same and shall notify the plaintiff's attorney of the number of the case so docketed, and, after the filing of any paper in the action or proceeding by defendant's attorney, shall likewise notify defendant's attorney of the number of the case so docketed. Thereafter the attorneys shall number every paper filed by them in every such action or proceeding before filing the same with the clerk.

The clerk, after notification given as above provided, may refuse to file or receive any papers, unless the number of the action or proceeding appears thereon.

Source C 2 1B-21, L 1948, c 365, p 1474, §21

2A:3-29. Minutes. The surrogate, as clerk of the probate division of the county court, shall keep regular minutes of all trials and proceedings in that division.

Source. C 2 1B-34, L 1948, c 365, p 1477, §34

2A:3-30. Bills of costs; enforcement of payment. Bills of costs in the probate division of the county court shall be drawn, taxed and filed by the surrogate, who shall, if the same be not paid, issue execution therefor against the real and personal property of the party adjudged to pay the same. The court may enforce the payment of the taxed costs by attachment or other process as other orders and judgments of the courts are enforceable. The costs, when paid or levied, shall be received by the surrogate, who shall pay therefrom to the sheriff and crier their fees as taxed, and the residue to the persons entitled thereto.

Source C 2 1B-46 and 47, L 1948, c 365, p 1480, §§46, and 47

2A:3-31. Sale of real estate by probate division. When a sale of real estate is ordered by the county court in the probate division, the officer or person authorized or directed to make the sale may, in his discretion and unless it is otherwise provided in the order of sale, make the same at public or private sale and on such terms as he may deem most advantageous to the parties concerned therein. Any such sale shall not be valid until it is confirmed by the court pursuant to the rules of the supreme court.

Source C 2 1B-45, L 1948, c 365, p 1479, §45

Article 4 PROBATE JUDGMENTS FOR MONEY, EXECUTION

2A:3-32. Liens and priorities of judgments or orders on filing statement in county clerk's office. Upon the filing by a party in interest with the county clerk of the county of a statement thereof and affidavit in the form provided in section

2A 3-33, all judgments or orders of the county court of any county, rendered in the probate division, imposing a fine or ordering money to be paid by one person to another or making an allowance of a fee to an attorney or of commissions to a fiduciary shall have the same liens and priorities, binding the real estate of the person against whom made or the person directed to pay the allowance, as other civil judgments of the county court, and like executions may issue thereon. The county clerk shall forthwith file the statement and affidavit in his office, and record and index the same in the books for the recording and indexing of civil judgments of the county court. A judgment or order against an executor, administrator, guardian or trustee shall in no case bind his own real estate unless it is stated in the judgment or order to have been rendered against him personally.

Source C 2 1B-36 and 37, L 1948, c 365, p 1477, §36 and §37. See C 2 1B-40, L 1948, c 365, p 1478, §40

2A:3-33. Statement and affidavit. The statement provided for by section 2A 3-32 and section 2A 3-35 shall be certified by the surrogate and shall contain the names of the parties thereto (designating particularly those against whom it was rendered), the time when it was signed, the amount of the money therein ordered to be paid or allowances made, the fine imposed and costs, with an affidavit annexed thereto stating the amount due on the judgment or order at the time of its filing, which affidavit shall be sworn to by the filing party or his attorney.

Source C 2 1B-37, L 1948, c 365, p 1477, §37, C 2 1B-39, L 1948, c 365, p 1478, §39

2A:3-34. Execution; lien. No execution issued out of the county court from the probate division shall be a lien upon or bind real estate, unless it shall, before it is delivered to the sheriff, be recorded in the book for recording executions issued out of said court from the law division.

Source C 2 1B-38, L 1948, c 365, p 1478, §38

2A:3-35. Liens and priorities of judgments or orders on filing statement in superior court clerk's office. Judgments or orders of the nature specified in section 2A 3-32 shall have the same liens and priorities as judgments of the superior court, binding the real estate of the person against whom made, when a party interested therein files in the office of the clerk of the superior court a statement thereof and affidavit in the form provided by section 2A 3-33. The clerk shall forthwith record the statement and affidavit in a proper book kept by him for that purpose, which book shall be properly indexed by the clerk and shall be a public record, accessible to all persons desiring to examine it.

Source C 2 1B-39, L 1948, c 365, p 1478, §39

2A:3-36. Execution; issuance. Execution on a judgment or order of the county court of any county, docketed as provided by section 2A 3-35, shall issue out of the superior court on order

of the county court of the county. The order shall specify how the execution shall issue, and a certified copy thereof shall be filed with the clerk of the superior court. No such order shall be made except upon due notice to the person to be affected thereby or his attorney.
Source C 2 1B-41, L 1948, c 365, p 1479, §41

2A:3-37. Satisfaction of judgment. Satisfaction of a judgment or order of the county court of any county, docketed as provided by section 2A 3-35 may be had either in the manner provided for satisfaction of judgments in the superior court, or by an order of the county court of the county, a certified copy of which shall be filed with the clerk of the superior court.
Source C 2 1B-42, L 1948, c 365, p 1479, §42

2A:3-38. Fees and costs. The fees and costs allowed by law for services rendered under sections 2A 3-35 to 2A 3-37 shall be a part of the amount due in the judgments or orders mentioned in said sections.

Source C 2 1B-43, L 1948, c 365, p 1479, §43

2A:3-39. Remedy against principal or surety. Nothing in sections 2A 3-34 to 2A 3-36 shall be construed to affect any remedy against a principal or surety on a bond, or to make liable or release any principal or surety on a bond heretofore or hereafter made or given.

Source C 2 1B-44, L 1948, c 365, p 1479, §44

Chapter 4 to Chapter 6. Blank.

Chapter 7. SURROGATES.

Section

Article 1 In General

- 2A 7-1 Number of surrogates, authority
- 2A 7-2 Rules, orders and directions
- 2A 7-3 Bond of surrogate, amount, surety, conditions, filing
- 2A 7-4 Oath of surrogate
- 2A 7-5 Salaries of surrogates
- 2A 7-6 Determination and payment of salaries
- 2A 7-7 Blank
- 2A 7-8 Blank
- 2A 7-9 Performance of duties of surrogate by judge of county court in certain cases
- 2A 7-10 Continuance in office of deputy surrogate
- 2A 7-11 Surrogate unable to qualify, filling of vacancy
- 2A 7-12 Vacancies in office of surrogate
- 2A 7-13 Death or removal of surrogate, delivery to successor

Article 2. Employees

- 2A 7-14 Deputy surrogate, appointment, term, general powers and duties
- 2A 7-15 Probate clerk, appointment as deputy surrogate.
- 2A 7-16 Bond of deputy surrogate
- 2A 7-17 Special deputy surrogate, appointment and term, compensation

Article 1 IN GENERAL

2A:7-1. Number of surrogates; authority. There shall be but one surrogate elected in each county of this state. He shall hold the surrogate's court of the county and shall be both the judge and clerk thereof, and his authority shall be limited to the county in which he is or shall be elected.

Source R S 2 7-12, C 2 1C-2, L 1948, c 364, p 1460, §2

2A:7-2. Rules, orders and directions. The surrogates and the surrogate's courts shall be subject to the rules, orders and directions of the chief justice of the supreme court, as the administrative head of all the courts in the state.
Source C 2 1C-25, L 1948, c 364, p 1470, §25

Section

- 2A 7-18 Powers and duties of special deputy surrogate
- 2A 7-19 Special probate clerks, appointment, powers
- 2A 7-20 Oath of special probate clerks, filing
- 2A 7-21 Other employees' appointment, compensation

Article 3. Duties; Records.

- 2A 7-22 Services, notices to creditors, notices of settlement of accounts
- 2A 7-23 Wills, inventories and letters transmitted to clerk of superior court
- 2A 7-24 Filing of bonds and written instruments
- 2A 7-25 Recording of instruments, documents and papers
- 2A 7-26 Receipts and discharges, recording of
- 2A 7-27 Evidence, records and transcripts as
- 2A 7-28 Record of receipts and discharges or copies as evidence
- 2A 7-29 Photography, recording by means of
- 2A 7-30 Blank
- 2A 7-31 Index, failure to comply
- 2A 7-32 Instruments recorded 3 years, destruction or disappearance
- 2A 7-33 Rerecording where records are worn out or mutilated
- 2A 7-34 Fireproof office, removal of books, records and papers to

2A:7-3. Bond of surrogate; amount; surety; conditions; filing. Each surrogate, before assuming the duties of his office, shall enter into a bond to the state of New Jersey and to the county for which he is elected, as their interest may appear, in the sum of \$15,000 or in such greater sum not exceeding \$50,000 as the judge of the county court of the county having but 1 judge of such court and in counties having more than 1 judge, the judge senior in point of service may order, with sufficient corporate surety, provided, that should there be no judge of the county court appointed for the county having but 1 judge of such court, or the judge is not able to serve, then the duty herein prescribed for the judge shall be performed by the assignment judge

of the county or if the senior judge for counties having more than 1 judge of the county court is not able to serve, then the judge next senior in service shall perform such duties. The bond shall be conditioned that he will well and truly execute the office of surrogate of his county, and justly, faithfully and impartially perform all duties pertaining to such office, as well with respect to all persons concerned, as to the said county and as to the state of New Jersey, account for all money received in such office according to law, and at the expiration of his term of office, deliver to his successor in office all the things, books, papers, records and writings in his office or appertaining thereto.

The bond, approved by the judge, shall be filed in the office of the secretary of state and a duplicate filed with the clerk of the board of chosen freeholders of such county.

Source R S 2 7-13, as amended L 1943, c 23, p 56, §1

2A:7-4. Oath of surrogate. Each surrogate, deputy surrogate, or special deputy surrogate, before entering upon the duties of his office, shall take and subscribe, before a judge of the county court of the county for which he is elected or appointed, the following oath, which shall be filed with the secretary of state:

I, ..., elected (or appointed) surrogate (or deputy surrogate, or special deputy surrogate) of the county of, do solemnly swear (or affirm) that I will support the constitution of this state, and the constitution of the United States and will perform the duties of the office of surrogate (or deputy surrogate, or special deputy surrogate) of the said county, faithfully, impartially and justly to the best of my ability. So help me God

Source. R S 2 7-14, 2 7-15, 2 7-26, C 2 7-34

2A:7-5. Salaries of surrogates. The surrogates shall receive, in lieu of all other compensation, annual salaries as follows

In counties having a population exceeding 300,000 inhabitants, \$10,000;

In counties having a population exceeding 200,000 but not exceeding 300,000 inhabitants, \$8,000,

In counties having a population exceeding 175,000 but not exceeding 200,000 inhabitants, \$7,500,

In counties having a population exceeding 82,000 but not exceeding 175,000 inhabitants, \$7,500,

In counties having a population exceeding 62,000 but not exceeding 82,000 inhabitants, \$6,000,

In counties having a population of less than 62,000 inhabitants, \$5,000

The above provisions are subject to the proviso that in counties bordering on the Atlantic ocean now or hereafter having a population of not less than 30,000 and not more than 100,000 inhabitants, the annual salary of the surrogate shall be \$5,000,

and in counties bordering on the Atlantic ocean now or hereafter having a population of less than 30,000 inhabitants, it shall be \$4,000, which annual salary may be increased to \$5,000 by resolution of the board of chosen freeholders

Source R S 2 7-19, as amended, L 1947, c 196, p 852, §1, C 2 7-20 3, L 1948, c 301, p 1218, §1, and L 1949, c 103, p 427, §1. As to counties of less than 50,000 inhabitants not bordering on the Atlantic ocean, see C 2 7-20 3 as amended by L 1949, c 103, p 427, §1

2A:7-6. Determination and payment of salaries. Except as otherwise provided by section 40 11-17 of the title, Municipalities and Counties, the salaries provided by section 2A 7-5 of this title shall be determined and paid upon a basis of population shown by the latest census, without regard to the date of election or appointment of the surrogate, and shall be paid by the proper county disbursing officer in equal semimonthly payments. Nothing contained in this section or section 2A 7-5 of this title shall be construed to reduce the salary of a surrogate during the term of office to which he has been or may be elected or appointed immediately preceding the promulgation of such census

Source R S 2 7-20

2A:7-7. Blank.

2A:7-8. Blank.

2A:7-9. Performance of duties of surrogate by judge of county court in certain cases. If any surrogate, before whom the probate of any will is required to be made, or by whom letters of administration or of guardianship are required to be issued, or any other official act is required to be done in the administration or settlement of an estate, shall be the executor, administrator, guardian or trustee, the duties required by law to be performed by the surrogate with respect to such probate, issuance of letters or other official act of such surrogate may be performed by a judge of the county court of the same county

Source R S 3 1-3

2A:7-10. Continuance in office of deputy surrogate. If a vacancy occurs in the office of a surrogate, by death, resignation or expiration of the term of office of the surrogate, the deputy surrogate then in office shall continue to hold his own office and shall officiate as acting surrogate and have all the powers and perform all the duties of the office of surrogate, until the vacancy is filled by election or appointment as provided by law; but no deputy surrogate shall be paid any additional compensation, except as provided by law.

Source. R S 2 7-31

2A:7-11. Surrogate unable to qualify; filling of vacancy. If a duly elected surrogate shall, by reason of mental derangement or illness of any kind, be unable to qualify within 30 days from the end of the preceding term, the governor shall, if he is satisfied that the inability is not

temporary and not likely to be removed within a reasonable time, declare the office vacant and fill such vacancy as provided by law.

Source R S 2 7-24, as amended, L 1948, c 207, p 1007, §2

2A:7-12. Vacancies in office of surrogate. When a vacancy occurs in the office of surrogate of any county, the governor shall fill such vacancy, with the advice and consent of the senate, from the members of the same political party as that of the person last elected to the office, and the commission shall expire when a successor is elected and qualified, and the successor in such case shall be elected for the term of 5 years at the general election next succeeding the happening of the vacancy unless such vacancy shall happen within 25 days next preceding such election, in which case it shall be filled at the second succeeding general election

Source. C 2 7-24 1, L 1948, c 207, p. 1007, §1

2A:7-13. Death or removal of surrogate; delivery to successor. Upon the death, resignation or removal from office of any surrogate, or upon the expiration of his term of office, he, or his executor or administrator in case of his death, shall, upon oath or affirmation, deliver to his successor in office the things, minutes, papers, writings, books and records of and belonging or appertaining to the office.

For refusal or neglect so to deliver upon demand therefor by his successor in office, the outgoing incumbent or his executor or administrator shall forfeit the sum of \$500, to be recovered, with costs, in a civil action, by the county treasurer, for the use of the state

Source C 2 1C-23, L 1948, c 364, p 1469, §23

Note of Reporter While delivery of records to successor is a condition of a surrogate's bond (2A 7-3), it is questionable as to what damages would flow from a failure to make delivery

Article 2. EMPLOYEES

2A:7-14. Deputy surrogate; appointment; term; general powers and duties. Any surrogate may, in his discretion and from time to time, appoint a competent person as the deputy surrogate, who shall hold office during the pleasure of the surrogate of the county for the time being except as provided in section 2A 7-10, and who shall, in the absence or inability of the surrogate, have all the powers and all the duties of the office of surrogate.

Source R S 2 7-25

2A:7-15. Probate clerk; appointment as deputy surrogate. The deputy surrogate so appointed, may be a probate clerk in the office of the surrogate and any probate clerk may accept the appointment and still retain his office, position or employment of probate clerk and retain all the rights, privileges and benefits incident to his continued holding of such office, position or employment of probate clerk and his rating and status as such in civil service

Source. C 2 7-25 1, L 1945, c 64, p 342, §1.

2A:7-16. Bond of deputy surrogate. The deputy surrogate in each county shall enter into a bond to the county for which he is appointed, in such sum and with such surety as the surrogate shall require, conditioned for the full, true, faithful and impartial performance and discharge of the duties of the office of deputy surrogate and the accounting for and payment of all moneys received as deputy surrogate

Source R S 2 7-27

2A:7-17. Special deputy surrogate; appointment and term; compensation. Any surrogate may, in his discretion and from time to time, appoint from among the employees in his office, a competent person as special deputy surrogate, who shall hold office during the pleasure of the surrogate for the time being.

Source C 2 7-33, as amended L 1945, c 129, p 485, §1

2A:7-18. Powers and duties of special deputy surrogate. During the absence or inability of the surrogate and the deputy surrogate, the special deputy surrogate shall have all the powers and perform all the duties of the office of surrogate.

Source. C 2 7-35

2A:7-19. Special probate clerks; appointment; powers. Any surrogate may, in his discretion and from time to time, appoint, from among the employees in his office, one or more competent persons, who shall be designated as special probate clerks. They shall hold office during the pleasure of the surrogate for the time being and have the same power as the surrogate to take depositions of witnesses to wills, qualifications of executors and administrators, acceptances of trusteeships and guardianships and oaths and affirmations.

Source R S 2 7-29

2A:7-20. Oath of special probate clerks; filing. Each special probate clerk, appointed under authority of section 2A 7-19 of this title, shall, before exercising the power conferred upon him, take and subscribe, before a judge of the county court of the county for which he is appointed, the following oath, which shall be filed with the secretary of state

I, ..., being appointed by the surrogate of the county of to take depositions of witnesses to wills, qualifications of executors and administrators, acceptances of trusteeships and guardianships, and oaths and affirmations, and designated special probate clerk, do solemnly swear (or affirm), that I will support the constitution of this state and the constitution of the United States and will faithfully, impartially and justly exercise the power so conferred upon me, to the best of my ability So help me God

Source R S 2 7-30

2A:7-21. Other employees' appointment; compensation. The surrogate of each county shall select and employ the deputy surrogate, any special deputy surrogate, executive clerk or chief

clerk and all other employees, who shall receive such compensation as shall be recommended by the surrogate and approved by the board of chosen freeholders of the county. The annual compensation of the deputy surrogate shall not exceed three-fourths of the annual salary of the surrogate and the annual compensation of any executive clerk or chief clerk in the surrogate's office shall not exceed three-fifths of the annual salary of the surrogate, provided, that nothing herein shall be construed to reduce the salary of any executive clerk or chief clerk now holding such position. The annual compensation of any special deputy surrogate shall be such sum, over and above his regular salary, not exceeding \$1,000. The compensation so fixed shall be paid semimonthly by the proper county disbursing officer on warrants approved by the surrogates. Source R S 2 7-32, as amended L 1948, c 279, p 1182, §1, 2 7-33, as amended L 1945, c 129, p 485, §1

Article 3 DUTIES, RECORDS

2A:7-22. Services; notices to creditors; notices of settlement of accounts. Each surrogate may perform the services hereinafter mentioned as part of the routine work of his office, for which he may charge the fees specified by law, which fees shall be paid to the county the same as all other fees received by him in the administration of his office

a Preparing notices to creditors to present their claims and copies of the same, sending notices to newspapers with directions as to publication, obtaining proofs of publication, keeping records of notices and newspapers to which they are sent for publication, and of moneys received to defray the cost of advertising, and transmitting advertising charges to newspapers, and

b Preparing notices of settlement of accounts and copies of the same, sending notices to newspapers with directions as to publication, obtaining proofs of publication, keeping a record of notices and newspapers to which they are sent and the moneys received to defray the cost of advertising, and transmitting advertising charges to newspapers

Source C 2 1C-4, L 1948, c. 364, p 1461, §4

2A:7-23. Wills, inventories and letters transmitted to clerk of superior court. Every surrogate shall, on the first Monday in February, May, August and November, in each year, transmit to and file with the clerk of the superior court all wills and inventories proved by him, and a report of all letters of administration granted during the preceding 3 months. This section shall not apply to those wills proved by him which are on file in a court or public office of another state, under the laws of which they cannot be removed therefrom or, if permitted to be removed to this state for probate, cannot remain in this state for permanent filing

Source R S 3 1-4 and R S 3 1-5

2A:7-24. Filing of bonds and written instruments. The surrogate shall file all administration and guardianship bonds taken by him, and all other written instruments which he is required by law to receive for filing in the conduct of his office.

Source C. 2 1C-8, L 1948, c 364, p 1462, §8

2A:7-25. Recording of instruments, documents and papers. The surrogate of each county, either as surrogate or clerk of the probate division of the county court of his county, shall record, in proper books to be kept for that purpose, which books shall be provided at the expense of the county in which they are to be used, the following instruments, documents and papers, among others

a Orders and judgments of the county court made in the probate division, other than orders to show cause;

b Bonds required by law to be taken by him as surrogate or given pursuant to an order or judgment of the county court,

c Accounts of executors, administrators, guardians, assignees and trustees, sales of land and acceptances, and revocations, requests and renunciations, necessary or proper to be made, if desired by any party in interest,

d Wills proved before him or the probate division of the county court, together with the proofs thereof;

e Letters testamentary, of administration and of guardianship granted or issued by him, and all things concerning the same, and also all inventories proved before him,

f. Receipts and discharges given to executors, administrators, guardians or trustees upon the payment by them of legacies, distributive shares or moneys to the persons entitled thereto, or their executors or administrators, which receipts and discharges shall be acknowledged or proved as deeds of real estate are by law required to be acknowledged or proved and be recorded as provided by section 2A 7-26,

g Receipts and discharges given to receivers, masters, trustees, or commissioners ordered to sell real estate, upon the payment by them in the proper execution of their trust, of shares or sums of money to persons entitled by law thereto, or to their executors, administrators or legal representatives, which receipts and discharges shall be acknowledged or proved as deeds of real estate are required by law to be acknowledged or proved and be recorded as provided by section 2A 7-26

Source C 2 1C-9, L 1948, c 364, p 1462, §9

Note of Reporter Orders to show cause are process—little more than citations, and the recording of them today under subparagraph (a) clutters the judgment book

2A:7-26. Receipts and discharges, recording of. The receipts and discharges mentioned in paragraphs "f" and "g" of section 2A:7-25 shall, upon their production by the proper executor, administrator, guardian, trustee, receiver, master

or commissioner ordered to sell lands, or his executors or administrators, be immediately recorded, with the acknowledgment or proof thereof, in a book to be kept for the record of receipts and discharges, by (a) the surrogate of the county in which letters testamentary, of administration or of guardianship have been or shall be issued, or (b) by the surrogate of the county wherein the receiver, master or commissioner resides or where the property relating to his trust was situate

The surrogate shall indorse on receipts and discharges recorded by him the book and page in which they are recorded, with the time of the recording, and shall sign his name thereto

Source. C 2 1C-10, L 1948, c 364, p 1463, §10

2A:7-27. Evidence, records and transcripts as.

All records which a surrogate is, by section 2A 7-25, except the record of receipts and discharges mentioned in paragraphs "f" and "g" of that section, or by any other law, required to keep, and transcripts thereof, certified under the hand and seal of office of the surrogate, shall have the same force, validity and effect as like records and properly certified transcripts of the superior court or of a county court, and shall be received as evidence in all courts of the state

Source C 2 1C-11, L 1948, c 364, p 1464, §11

2A:7-28. Record of receipts and discharges or copies as evidence. The record of receipts and discharges as provided by section 2A 7-26, or copies thereof under the hand and seal of office of the recording surrogate, shall be received in evidence in all courts of record of the state, if it is shown to the satisfaction of any such court that the original receipt or discharge has been lost or that the person offering the copy in evidence is unable to produce the original

Source C 2 1C-12, L 1948, c 364, p 1464, §12

2A:7-29. Photography, recording by means of.

All papers, documents and instruments in writing authorized or required by law to be recorded in the office of the surrogate of any county of this state, may be recorded by means of photography, and such record made by means of photography, shall have the same legal force, meaning and effect as if made in handwriting or in typewriting

Source C 2 31-20 1, L 1948, c 63, p 151, §1

2A:7-30. Blank.

2A:7-31. Index; failure to comply. The surrogate shall keep all papers and records appertaining to his office properly indexed The index shall be alphabetical and shall contain, insofar as possible, records of all official acts of the previous week, made of record in his office

Source C 2 1C-20, L 1948, c 364, p 1468, §20

2A:7-32. Instruments recorded 3 years; destruction or disappearance. When any instrument required or permitted by law to be recorded in the office of any surrogate shall, for a period of 3 years or more, have stood on record in any of the lawful and appropriate books of record in such office, such record shall, after the lapse of such period, be valid and effective as notice, notwithstanding the obliteration, destruction, obscuration or disappearance of the whole or any part of the record, of the acknowledgment thereto or proof thereof, or the certificates thereto or thereof, and such records and certified copies thereof shall be received in evidence in any court of this state, and shall be as effectual as if the original instrument had been produced and proved

Source C 2 1C-21, L 1948, c 364, p 1468, §21

2A:7-33. Rerecording where records are worn out or mutilated.

Whenever the record of any instrument of record in the office of the surrogate of any county of this state shall become so worn out, mutilated, obliterated or obscured as to endanger the title to real estate or other property, any judge of the superior court, or a judge of the county court of any such county, may order such instrument to be recorded anew in a book to be kept in the office of such surrogate, which book shall be known as the book of rerecorded instruments, and transcripts thereof, when certified as such by such surrogate under his hand and seal of office, shall be received as legal evidence of the contents of any instrument so recorded in the courts of this state All instruments so rerecorded shall be indexed in the appropriate books of indexes, being marked as reindexed

Source C 2 1C-22, L 1948, c 364, p 1469, §22

2A:7-34. Fireproof office, removal of books,

records and papers to. Where, in any county, an office has been or shall be built or provided, of materials not liable to be destroyed by fire, within half a mile of the courthouse, for the use of the surrogate, the surrogate shall, upon notice in writing for that purpose given to him by the director of the board of chosen freeholders, remove to the office so provided all the books, records and papers appertaining to his office If any surrogate shall neglect or refuse for 30 days after receiving such notice so to remove all such books, records and papers, he shall forfeit and pay, for each day he shall so neglect or refuse, after the expiration of the 30 days, the sum of \$10, to be sued for and recovered by the director of the board of chosen freeholders, in the county where the delinquency shall happen, in his own name, for the use of the county when recovered

Source C 2 1C-24, L 1948, c 364, p 1469, §24

Chapter 8. COUNTY DISTRICT COURTS.

Section

Article 1 Creation and Establishment

- 2A 8-1 Establishment of county district courts
- 2A 8-2 Court held by county judge
- 2A 8-3 Court held by county district court judge
- 2A 8-4 Branch parts of court, branches given numbers
- 2A 8-5 Continuance of judges in office
- 2A 8-6 Name of county district courts
- 2A 8-7 Court of record, seal

Article 2 Judges and Other Officers

- 2A 8-8 Appointment and terms of office of judges
- 2A 8-9 Judges to be selected equally from different political parties, "political parties" defined
- 2A 8-10 Powers of incoming judges
- 2A 8-11 Powers of outgoing judges
- 2A 8-12 Ex-officio judges and assignment of judge to another county
- 2A 8-13 Full time and part time judges.
- 2A 8-14 Presiding judge, assignment of judges
- 2A 8-15 Salaries of judges
- 2A 8-16 Ministerial officers of court.
- 2A 8-17 Appointment and terms of clerks and deputy clerks.
- 2A 8-18 Designation of supervising clerk in certain counties.
- 2A 8-19 Bond of clerk, amount, surety, conditions; filing
- 2A 8-20 Clerk as custodian of records and property of court.
- 2A 8-21 Clerks to devote entire time to business of office
- 2A 8-22 Deputy clerks, appointment, oath; powers and duties
- 2A 8-23 Clerical assistants in certain courts, appointment, powers and duties.
- 2A 8-24 Designation by judge of person to perform certain acts for clerk
- 2A 8-25 Sergeants at arms, number, appointment; bond, powers and duties

Article 1 CREATION AND ESTABLISHMENT.

2A:8-1. Establishment of county district courts. There is established in each county in this state a county district court

All existing county district courts constituted and established by, under or pursuant to any heretofore existing law of this state are continued in existence under the provisions of this chapter. Source. C 2 8A-1, L 1948, c 264, p 1146, §2, R S 2 8-1

2A:8-2. Court held by county judge. In every county in which there is no provision by law for a county district court judge, the county district court shall be held by the judge of the county court.

Source. C 2 8A-2, L 1948, c 264, p 1146, §2

2A:8-3. Court held by county district court judge. The county district court in the counties of Atlantic, Bergen, Camden, Essex, Hudson, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Union and Warren shall be held by county district court judges

The number of county district court judges in each such county shall be as follows. Atlantic 1, Bergen 5, Camden 1, Essex 4, Hudson 6, Mercer 1,

Section

- 2A 8-26 Fixing of salaries or compensation of clerks and officers
- 2A 8-27 Salaries, method of adjustment
- 2A 8-28 Existing salaries continued
- 2A 8-29 Sergeants-at-arms, fees
- 2A 8-30 Employees or constables prohibited from receiving compensation for drawing papers
- 2A 8-31 Quarters, furnishings and equipment, place for records, annual appropriation.

Article 3 Jurisdiction.

- 2A 8-32 Territorial jurisdiction in general
- 2A 8-33 Service on defendants in other counties where one or more defendants are served within county
- 2A 8-34 Jurisdiction, amount in controversy, actions and proceedings within jurisdiction
- 2A:8-35. Recovery up to jurisdictional amount, waiver of excess.
- 2A 8-36 Penalty disregarded in determining jurisdictional amount
- 2A 8-37 Criminal jurisdiction of county district courts
- 2A 8-38. Division of county district courts into civil and criminal parts
- 2A 8-39 Fines and penalties, disposition
- 2A 8-40 Criminal jurisdiction, when exercised
- 2A 8-41 County clerk as clerk of court, additional compensation

Article 4. Division of Small Claims.

- 2A 8-42. Establishment, name
- 2A 8-43. Judge of the division of small claims.
- 2A 8-44. Jurisdiction of small claims division

Article 5. Destruction of Obsolete Papers, Etc

- 2A:8-45. Obsolete papers on file, removal and destruction.
- 2A 8-46 Obsolete affidavits filed in landlord and tenant cases, destruction
- 2A 8-47 to
- 2A 8-59 Blank

Middlesex 2, Monmouth 2, Morris 3, Passaic 4, Somerset 1, Union 5, Warren 1

Source C 2 8-37 3, L 1948, c 384, p 1565, §3

2A:8-4. Branch parts of court; branches given numbers. In any county having more than 1 county district court judge, the county district court shall be divided into branch parts equal to the number of judges of said county district court. The branch parts of each such county district court shall be designated by numbers assigned in numerical order.

Source. C 2 8-37 3, L 1948, c 384, p 1565, §8, C 2 8-37 4, L 1948, c 384, p 1565, §4

2A:8-5. Continuance of judges in office. Every judge of a county district court in office upon the effective date of this revision shall be continued in such office for the balance of his then existing term and until his successor is appointed and qualified

Source C 2 8A-7, L 1948, c 264, p 1147, §7, C 2 8-37 5, L 1948, c 384, p 1565, §5.

2A:8-6. Name of county district courts. The name of each county district court shall be the

..... county district court.

insert name

Source. C 2 8A-3, L 1948, c 264, p. 1146, §3.

2A:8-7. Court of record; seal. County district courts shall be courts of record and have a seal, which shall be prescribed by rule of the supreme court

Source R S 2 8-8

Article 2 JUDGES AND OTHER OFFICERS.

2A:8-8. Appointment and terms of office of judges. Each county district court judge shall be appointed by the governor, by and with the advice and consent of the senate, and shall hold office for 5 years from the date of his appointment and until his successor is appointed and qualified

Source R S 2 8-9.

2A:8-9. Judges to be selected equally from different political parties; "political parties" defined. In every county in which there are or may be 2 or more county district court judges, all appointments to such judgeships shall be made in such manner that the appointees shall be as nearly as possible, in equal numbers, members of different political parties so as to constitute the county district court in any such county bipartisan in character

The words "political parties" mean such political parties as shall have cast the largest and the next to the largest number of votes, respectively, for members of the general assembly at the last preceding general election held for the election of all members of the general assembly, prior to the making of any such appointments

Source C 2 8-9 1, L 1941, c 288, p 765, §1, as amended, L 1948, c 100, p 554, §1, C 2 8-48 3, L 1945, c 278, p 819, §3, as amended, L 1948, c 102, p 556, §1

2A:8-10. Powers of incoming judges. Each county district court shall be a continuous court of record, and when any judge thereof shall cease holding his office, every action and proceeding pending in such court, whether originally commenced therein or removed thereto, shall be continued and proceeded with by and before his successor in office, who shall also take cognizance of and proceed with any action or proceeding previously removed from such court by appeal or otherwise and remanded thereto

Source R S 2 8-11

2A:8-11. Powers of outgoing judges. Any judge of any county district court whose term of office may expire shall proceed to the final determination of any cause or proceeding then undetermined before him, in the same manner as if his term had not expired.

Source R S 2 8-12

Note of Reporter. Rule 3 63, which by reason of Rule 7 1-3 and 5 21-1, is applicable in county district courts, conflicts with this statutory provision. The policy behind this statutory provision should be re-examined. In any event the practice should be made uniform in all courts

2A:8-12. Ex-officio judges and assignment of judge to another county. The judges of the

superior court and of the county courts shall be ex-officio judges of the several county district courts and any such judge or the judge of another county district court may be assigned by the chief justice of the supreme court to hold temporarily a county district court in any county

Source C 2 8A-38, L 1948, c 264, p 1154, §38, as am L 1948, c 394, p 1592, §10, R S 2 8-15, R S 2 8-13 as am L 1940, c 7, p 181, §1, L 1945, c 100, p 443, §1

2A:8-13. Full time and part time judges. In counties of the first class having a population of more than 800,000 inhabitants, judges of the county district court shall devote their entire time to their duties and shall not engage in the practice of law. In all other counties, judges of the county district court shall devote such time to their duties as the business of the court shall require and may practice law in any court of this state except in a county district court or in the superior or supreme court in cases removed thereto from a county district court.

Source C 2 8-48 4, L 1945, c 278, p 820, §4, as am L 1947, c 208, p 870, §1, L 1948, c 106, p 562, §1, R S 2 8-16

2A:8-14. Presiding judge; assignment of judges. In each county having more than 1 judge of the county district court, 1 of the judges shall be designated as the presiding judge and the presiding judge shall assign the judges of the court to hold the parts or branch parts thereof. The designation of the presiding judge shall be made pursuant to rules of the supreme court.

Source C 2 8-37 7, L 1948, c 384, p. 1565, §7 as am L 1949, c 9, p 35, §1

2A:8-15. Salaries of judges. The annual salary of each judge of a county district court in counties of this state, shall be as follows:

In counties of the first class with over 800,000 inhabitants and having judges who devote their entire time to their duties and are prohibited from practice of law, \$12,000 00

In counties of the first class having less than 800,000 inhabitants and having 6 judges, \$9,000 00.

In counties of the second class having less than 500,000 and more than 325,000 inhabitants and having 5 judges, \$6,000.00

In counties of the second class having less than 325,000 inhabitants and more than 300,000 inhabitants and having 4 judges, \$7,500 00.

In counties of the second class having less than 300,000 inhabitants, and more than 250,000 inhabitants and having 1 judge, \$9,000 00.

In counties of the second class having less than 250,000 inhabitants and having 2 judges, \$6,000.00.

In counties of the third class having less than 200,000 inhabitants and more than 150,000 inhabitants and having 1 judge, \$8,000 00.

In counties of the third class having less than 150,000 inhabitants and more than 75,000 inhabitants and having 3 judges, \$4,000 00.

In counties of the third class having less than

any of the provisions of this section shall be subject to disciplinary action by the court
Source R S 2 8-25

2A:8-31. Quarters, furnishings and equipment; place for records; annual appropriations. In each county the board of chosen freeholders shall provide for and maintain the county district court of the county and shall provide suitable quarters, furnishings and equipment for the court and for the branch parts of the court, if any, and convenient places in the county for the holding of sessions of the court in addition to the place of its principal location. The said board of chosen freeholders shall also provide a central place for the keeping of the permanent records of the court. The said board of chosen freeholders shall appropriate annually in their annual budget such moneys as are necessary to provide for the salaries and other expenses of the county district court

Source C 2 8-37 11, L 1948, c 384, p 1566, §11, R S 2 8-34

Article 3 JURISDICTION

2A:8-32. Territorial jurisdiction in general. Except as otherwise provided by law, the territorial jurisdiction of every county district court shall be coextensive with the limits of the county wherein the county district court is established
Source R S 2 8-38, C 2 8A-4, L 1948, c 264, p 1146, §4

2A:8-33. Service on defendants in other counties where one or more defendants are served within county. In any action brought in any county district court in this state against 1 or more defendants upon whom summons can be served within the county and against any additional defendant or defendants upon whom summons cannot be served within the county, the summons may be served in any other county of this state upon such additional defendant or defendants by any officer authorized to serve a summons issuing out of the district court of that county and service of such summons by such officer shall be as effectual to bring said additional defendant or defendants into court as though the same were served within the county in which the district court issuing such summons is located.

Source. C 2 8-38 1, L 1949, c 142, p 523, §1

2A:8-34. Jurisdiction; amount in controversy; actions and proceedings within jurisdiction. Every action of a civil nature at law, or to recover any penalty imposed or authorized by any law of this state, where the debt, balance, penalty, damage or other matter in dispute does not exceed, exclusive of costs, the sum or value of \$1,000 00, shall be cognizable in the county district courts of this state

County district courts shall also have jurisdiction in proceedings between landlords and tenants and in actions of replevin where the value of the goods or chattels of which replevin

is sought does not exceed the value of \$1,000 00, and in attachment, for a sum not exceeding \$1,000 00

County district courts shall have jurisdiction of actions by or against boards of chosen freeholders, quasi domestic, foreign and municipal corporations, equally with natural persons, of actions by creditors of a decedent against the heirs or devisees of the decedent where the amount in dispute, exclusive of costs, does not exceed the sum or value of \$1,000 00 and of such other actions or proceedings as are now or may hereafter be given by law

Source R S 2 8-40, as am L 1950, c 219, p 546, §2

2A:8-35. Recovery up to jurisdictional amount; waiver of excess. Where the debt, balance or other matter in dispute, or the amount really due or recoverable, as provided by section 2A 8-34 of the title, exceeds, exclusive of costs, the sum or value of \$1,000 00, either plaintiff or defendant may recover in a district court a sum not exceeding \$1,000 00 and costs, which recovery shall bar the recovery of the residue of such debt, balance or other matter in dispute in any court whatsoever

The plaintiff in a complaint or the defendant in a counterclaim or third party complaint may waive the excess over \$1,000 00 in order to bring the respective claim within the jurisdiction of the county district court

Source R S 2 8-42, as am L 1950, c 219, p 547, §3

2A:8-36. Penalty disregarded in determining jurisdictional amount. Whenever the amount really due or recoverable upon any bond, bill or note or other contract in writing does not exceed, exclusive of costs, the sum or value of \$1,000 00 at the time of the institution of an action thereon, such amount may be recovered in a county district court without regard to any penalty expressed in writing, in the same manner as is any other debt or demand not exceeding \$1,000 00

Source R S 2 8-43, as am L 1950, c 219, p 547, §4

2A:8-37. Criminal jurisdiction of county district courts. County district courts shall have and exercise concurrently with the municipal courts the criminal jurisdiction conferred upon said courts by chapter 9 of this title

Source C 2 8A-6, L 1948, c 264, p 1147, §6, as am L 1948, c 394, p 1588, §1

2A:8-38. Division of county district courts into civil and criminal parts. Wherever any county district court shall exercise its criminal jurisdiction pursuant to this act such court may be divided into civil and criminal parts for the greater convenience in separately hearing civil and criminal matters

Source C 2 8A-9, L 1948, c 264, p 1147, §9

2A:8-39. Fines and penalties; disposition. Fines and penalties assessed and collected by a county district court for violations of municipal

ordinances shall be paid to the municipality wherein the violation occurred

Source C 2 8A-11, L 1948, c 264, p 1147, §11

2A:8-40. Criminal jurisdiction; when exercised. A county district court shall exercise the criminal jurisdiction conferred by this act only upon the direction of the chief justice of the supreme court as the administrative head of all courts in the state. Where a county district court consists of two or more parts, the criminal jurisdiction of said court shall be exercised only by such part or parts as shall be approved for such purpose by the chief justice of the supreme court

Source C 2 32-10 15, L 1948, c 385, p 1572, §15

2A:8-41. County clerk as clerk of court; additional compensation. The county clerk of any county in which a county district court is held by a judge of the county court shall be the clerk of such county district court, and for services rendered as clerk of such county district court shall receive compensation at the rate of \$800 00 per annum, in addition to his salary as county clerk, to be paid by the board of chosen freeholders of such county

Source R S 2 8-52

Article 4 DIVISION OF SMALL CLAIMS

2A:8-42. Establishment; name. When the board of chosen freeholders of a county shall so determine, the county district court established in such shall have as a part thereof a division, to be known as the "division of small claims of the . . . county district court"

Source R S 2 8-56

2A:8-43. Judge of the division of small claims. The judge of the county district court shall be the judge of the division of small claims and for his services as judge of the division of small claims, he shall receive a yearly salary of \$600 00 in addition to his salary as judge of the county district court except that in counties of the first class with over 800,000 inhabitants, the judges of the county district court shall not receive any additional compensation for their services as judges of the division of small claims

Source R S 2 8-57

2A:8-44. Jurisdiction of division of small claims. The division of small claims of the county district court shall have jurisdiction of actions in contract only, which jurisdiction shall be coextensive with the county district court where the debt, balance, penalty or other contractual matter in dispute does not exceed, exclusive of costs, the sum of \$50 00. Jurisdiction under this article shall be limited to debts, claims and demands held by the person, partnership or corporation with whom or for whose benefit such debt, claim or demand arose, and shall not extend to debts, claims or demands held by assignment or transfer

Source R S 2 8-60

Article 5 DESTRUCTION OF OBSOLETE PAPERS, ETC

2A:8-45. Obsolete papers on file, removal and destruction. Whenever any papers have been on file for more than 25 years in any district courts and county district courts or for more than 25 years in the aggregate in any district courts and county district courts, and have become obsolete, the judge and in courts having branch parts, the presiding judge, of the court in which such papers are on file may direct the clerk of the court to cause such obsolete papers to be removed and disposed of

Source C 2 8-61, L 1946, c 43, p 99, §1

2A:8-46. Obsolete affidavits filed in landlord and tenant cases; destruction. The clerk of any county district court may, when so ordered by the judge and in courts having branch parts, the presiding judge, of said court, dispose of all papers filed in all landlord and tenant cases wherein judgment has been or shall have been entered, in said court, for a period of at least six years, together with the jackets containing the same

Source C 2 8-62, L 1948, c 283, p 1191, §1

2A:8-47

to

2A:8-59. Blank.

Chapter 9. MUNICIPAL COURTS.

Section

- 2A 9-1 Municipal courts, establishment authorities, name of court
- 2A 9-2 Existing police, magistrates', or recorders' courts, constituted and established as municipal courts
- 2A 9-3 Inter-municipal agreement establishing single municipal court for 2 or more municipalities authorized
- 2A 9-4 Municipal court or court of record
- 2A 9-5 Magistrate of municipal court, term of office, appointment, vacancies
- 2A 9-6 Additional magistrates
- 2A 9-7 Qualifications of magistrate
- 2A 9-8 Restrictions on practice of law by magistrates

Section

- 2A 9-9 Compensation of magistrates
- 2A 9-10 Municipal court clerk and personnel, compensation, municipal clerk as clerk of county district court
- 2A 9-11 Blank See proposed additional legislation.
- 2A 9-12 Municipal court accommodations and supplies provided
- 2A 9-13 Parts of municipal court, jurisdiction of magistrate where more than 1, presiding magistrate
- 2A 9-14 Territorial jurisdiction of municipal courts
- 2A 9-15 Jurisdiction of specified offenses
- 2A 9-16 Jurisdiction of specified offenses where indictment and trial by jury are waived, exception.

Section	
2A 9-17	Authority of municipal court magistrate to commit, notice to county prosecutor before discharge
2A 9-18	Practice and procedure in exercise of criminal jurisdiction
2A 9-19	Concurrent jurisdiction of municipal courts with small claims division of county district courts
2A 9-20	Practice and procedure in exercise of civil jurisdiction
2A 9-21	Police judge, police justice, etc., to continue as magistrates of municipal court for single municipality
2A 9-22	Transfer of officers and employees to municipal courts from police, magistrates' or recorders' courts
2A 9-23	Transfer of causes and proceedings to municipal courts
2A 9-24	Transfer of files, papers, dockets, etc., to municipal courts
2A 9-25	Fines, costs and fees, disposition of
2A 9-26	Holding to bail, mayor and other officials authorized
2A 9-27	Complaints, warrants, summonses, oaths, affidavits, holding to bail, officials authorized
2A 9-28	Magistrate unable to sit, power to designate another magistrate or attorney to sit temporarily

2A:9-1. Municipal courts; establishment authorized; name of court. Any municipality, or any two or more municipalities entering into an intermunicipal agreement as hereinafter provided, may, by ordinance or ordinances, establish a municipal court. The name of any municipal court so established shall be the "municipal court of (insert name of municipality or municipalities)"

Source C 2 8A-13, L 1948, c 264, p 1147, §3, as am L 1948, c 394, p 1589, §2

2A:9-2. Existing police, magistrates', or recorder's courts, constituted and established as municipal courts. The existing police, magistrate's or recorder's courts, by whatever name called, are hereby constituted and established as the municipal courts of their respective municipalities and designated as the "municipal court of (insert name of municipality or municipalities)" Such courts shall hereafter be subject to and operate under the provisions of this chapter only. Sections 2A 9-21, 2A 9-22, 2A 9-23 and 2A 9-24 shall apply with equal effect as if such municipal courts had been established by the respective governing bodies of the municipalities by ordinance. The governing body of each municipality shall take such action by ordinance or resolution, as the case may be, as is required to be taken to make the provisions of this chapter fully effective as respects the municipal courts hereby constituted and established

Source C 2 8A-15, L 1948, c 264, p 1148, §15

Note of Reporter Very few courts exist with a name other than "municipal court"

2A:9-3. Inter-municipal agreement establishing single municipal court for 2 or more municipalities authorized. Two or more municipalities may, by similar ordinances, enter into an inter-municipal agreement to establish a single mu-

Section	
2A 9-29	County court judges as ex-officio judges of municipal courts
2A 9-30	Effect of act, concurrent jurisdiction of municipal court magistrates with criminal judicial district courts in second class counties.
2A 9-31	Office of justice of peace abolished, small cause courts abolished
2A 9-32	Judgments entered before December 31, 1948, not affected by abolition of small cause court
2A 9-33	Proceedings upon judgments entered in small cause courts, transcripts
2A 9-34	Officers empowered to execute process
2A 9-35	Warrant of commitment, execution against goods or body
2A 9-36	Sheriffs and jailers to receive persons committed
2A 9-37	Remission of fine or penalty imposed, discharge from county jail or workhouse
2A 9-38	Costs charged to complainant in certain cases
2A 9-39	Powers of clerk in attesting writs, etc
2A 9-40	Recognizance, sureties, recording
2A 9-41	Blank
2A 9-42	Dockets, pleadings, papers and documents in proceedings pending before justice of peace on December 31, 1948

municipal court with jurisdiction coextensive with the territory of the municipalities party to the agreement. Upon the taking effect of the ordinances establishing such a municipal court, all municipal courts theretofore existing in the respective municipalities shall be abolished and their functions, powers and duties, records, property, and pending cases shall be transferred to the municipal court so established

Source C 2 8A-17, L 1948, c 264, p 1148, §17, as am L 1948, c 394, p 1589, §3

2A:9-4. Municipal court a court of record; seal. Each municipal court shall be a court of record and have an official seal which shall bear the impress of the name of the court

Source C 2 8A-14, L 1948, c 264, p 1148, §14

2A:9-5. Magistrate of municipal court; term of office; appointment; vacancies. Each municipal court shall have a judge who shall be known as the municipal magistrate. He shall serve for a term of 3 years from the date of his appointment and until his successor is appointed and qualified. Each magistrate of a municipal court of a single municipality shall be appointed as follows

In municipalities governed by a mayor-council form of government, by the mayor with the advice and consent of council, and

In all other municipalities, by the governing body of the municipality

Each magistrate of a municipal court of two or more municipalities shall be nominated and appointed by the governor with the advice and consent of the senate

Vacancies in the office of magistrate shall be filled in the same manner as herein set forth

Source C 2 8A-18, L 1948, c 264, p 1148, §18, as am L 1948, c 394, p 1590, §4

2A:9-6. Additional magistrates. In every municipality now or hereafter having a popula-

tion of more than 200,000, the governing body of such municipality may provide for the appointment, as the need may appear, of not more than 3 additional magistrates of a municipal court of such municipality

Source C 2 8A-19, L 1948, c 264, p 1149, §19, as am L 1948, c 394, p 1590, §5

2A:9-7. Qualifications of magistrate. Every municipal court magistrate shall be a resident and attorney-at-law of this state, or a person who is qualified under any rule of court. A magistrate who is an attorney at law need not be a resident of the municipality or municipalities to which the jurisdiction of the court extends

Source C 2 8A-20, L 1948, c 264, p 1149, §20, as am L 1949, c 82, p 389, §1

2A:9-8. Restrictions on practice of law by magistrates. No municipal magistrate shall practice law in any municipal court in the state nor upon appeals from such courts

Source C 2 8A-22, last sentence, and Rule 1 7-7

2A:9-9. Compensation of magistrates. Magistrates of municipal courts shall be compensated by an annual salary to be paid by the municipality or municipalities wherein the court is located. The salary shall be fixed by ordinance adopted by the governing body of the municipality, and where the court's jurisdiction extends to two or more municipalities, the compensation shall be fixed by agreement of the municipalities included in such jurisdiction, which agreement may be evidenced by ordinance or resolution. The compensation so paid magistrates shall be in lieu of any and all other fees

Source C 2 8A-22, L 1948, c 264, p 1149, §22

2A:9-10. Municipal court clerk and personnel; compensation; municipal clerk as clerk of county district court. The governing body of a municipality, or the governing bodies of two or more municipalities, as the case may be, for which a municipal court has been established may by ordinance or resolution or by similar ordinances or resolutions provide for a clerk and other necessary clerical and other assistants for the municipal court and provide for their compensation. The governing body may by ordinance or resolution designate any officer or employee of the municipality to serve as clerk of the municipal court with or without additional compensation. In any municipality which has not established a municipal court the municipal clerk shall serve as the clerk of the county district court when it sits in such municipality, except when the regular clerk of the court is in attendance

Source C 2 8A-23, L 1948, c 264, p 1149, §23

2A:9-11. Blank See proposed additional legislation

2A:9-12. Municipal court accommodations and supplies provided. The governing body of each municipality, or the governing bodies of two or

more municipalities, as the case may be, shall provide for the necessary accommodations and supplies for the municipal court of the municipality or municipalities. Where there is more than one magistrate of a municipal court of a single municipality, the governing body of such municipality may provide separate court rooms and other accommodations for each magistrate

Source C 2 8A-24, L 1948, c 264, p 1150, §24

2A:9-13. Parts of municipal court; jurisdiction of magistrate where more than 1; presiding magistrate. Where there are 2 or more magistrates of the municipal court in a single municipality, the court shall sit in parts and such parts may be held in the same or separate buildings or places. In any such municipality, each magistrate may exercise the jurisdiction of the court, and the governing body of the municipality, by resolution, may designate one of such magistrates to be the presiding magistrate of such court. In the event that there is such a presiding magistrate, he shall have the right to designate the times and places for the holdings of the several parts of the court and assign the magistrates thereto. The governing body may also by resolution, where there is a clerk for each such part, designate one of such clerks to be the chief clerk or supervising clerk of such court. The chief clerk or supervising clerk shall have general supervision over the other clerks, deputy clerks and clerical assistants. He shall continue to act as clerk of the part to which he has been appointed

Source C 2 8A-25, L 1948, c 264, p 1150, §25, R S 2 219-10

2A:9-14. Territorial jurisdiction of municipal courts. The territorial jurisdiction of a municipal court of a single municipality shall be the territory embraced within such municipality, and of a municipal court for 2 or more municipalities the territory embraced within all of the municipalities which joined in the formation of such municipal court

Source C 2 8A-26, L 1948, c 264, p 1150, §26

2A:9-15. Jurisdiction of specified offenses. Each municipal court, and the magistrate or magistrates thereof shall have jurisdiction of the following offenses occurring within its territorial jurisdiction

a Violations of the motor vehicle and traffic laws,

b Violations of the fish and game laws,

c Violations of the ordinances of the municipality wherein the municipal court is located or of the municipalities to which its jurisdiction extends,

d Violations of the "disorderly persons law", being chapters 201 and 202 of Title 2A of the Revised Statutes,

e Violations of chapter 1 of Title 44 of the Revised Statutes,

f Violations of chapters 6 and 17 of Title 9 of the Revised Statutes,

g Violations of article 4 of chapter 5 of Title 30 of the Revised Statutes, and

h Offenses of a lesser grade or degree than a misdemeanor or as to which no indictment by a grand jury is required

Source C 2 8A-26 and C 2 8A-38 1

2A:9-16. Jurisdiction of specified offenses where indictment and trial by jury are waived; exception. Each municipal court, and the magistrate or magistrates thereof, shall also have jurisdiction of the following crimes or offenses occurring within its territorial jurisdiction where the person charged shall in writing waive indictment and trial by jury

a All cases of assault, simple assault and battery, malicious mischief, and larceny and embezzlement, where the price or value of the article, property or thing alleged to have been taken or stolen is under two hundred dollars (\$200 00),

b Obtaining money or property under false pretenses where the amount or value of the article, property or thing alleged to have been obtained is under two hundred dollars (\$200 00),

c Receiving stolen property where the value of the article, property or thing alleged to have been received is under two hundred dollars (\$200 00),

d Unlawful conversion, where the property or thing alleged to have been converted is under the value of two hundred dollars (\$200 00);

e Fornication and adultery,

f Selling cigarettes to minors and allowing minors to congregate and play in pool rooms;

g Defrauding hotel keepers and landlords in violation of sections 2A 134-21 and 2A 134-22 of the Revised Statutes,

h Overdrawing credit on checking account in violation of sections 2A 134-17 and 2A 134-18 of Revised Statutes, and

i Other criminal offenses where the penalty that may be imposed therefor does not exceed a fine of five hundred dollars (\$500 00) or imprisonment for a term not exceeding 1 year; provided, that where the magistrate is not an attorney at law the municipal court shall not have such jurisdiction to try and determine an indictable offense where the person charged offers to waive in writing indictment and trial by jury. In such case the municipal magistrate may commit, or if the offense charged is bailable in law, admit the person charged to bail with sufficient surety to appear before such court as shall have jurisdiction in such case to hear and determine the crime or offense charged

Source C 2 8A-28, C 2 8A-38 1 and R S 2 219-33—in part

2A:9-17. Authority of municipal court magistrate to commit; notice to county prosecutor before discharge. Each municipal court magistrate shall have and exercise all the authority of a committing judge or magistrate, provided, however, that where a person is charged with an indictable offense, any municipal magistrate sit-

ting as a committing judge or magistrate, shall not discharge the person charged without first having given the county prosecutor notice and an opportunity to be heard in the case

Source C 2 8A-29, L 1948, c 264, p 1151, §29, as am L 1948, c 394, p 1591, §8

2A:9-18. Practice and procedure in exercise of criminal jurisdiction. The practice and procedure of the municipal courts in the exercise of criminal jurisdiction shall be in accordance with and subject to such rules as the supreme court shall promulgate and make applicable to the municipal courts, which rules shall supersede (so far as they conflict with) statutory and common law regulations theretofore existing

Source. C 2 8A-30, L 1948, c 264, p 1151, §30

2A:9-19. Concurrent jurisdiction of municipal courts with small claims division of county district courts. Each municipal court shall also have concurrent civil jurisdiction with the small claims division of the county district courts, provided, the defendant resides within the territorial jurisdiction of the court, and the court has been approved for the exercise of civil jurisdiction pursuant to rules of the supreme court

Source C 2 8A-27, L 1948, c 264, p 1151, §27, as am L 1948, c 394, p 1590, §6

2A:9-20. Practice and procedure in exercise of civil jurisdiction. The practice and procedure of municipal courts in the exercise of civil jurisdiction shall, as nearly as may be, conform to the county district courts in their exercise of civil jurisdiction, subject to such rules as the supreme court shall promulgate and make applicable to the municipal courts, which rules shall supersede (so far as they conflict with) statutory and common law regulations theretofore existing

Source C 2 8A-27, L 1948, c 394, p 1591, §9, suppl to L 1948, c 264

2A:9-21. Police judge, police justice, etc., to continue as magistrates of municipal court for single municipality. In every municipality where in a municipal court for a single municipality is established by this chapter, the police judge, police justice, police magistrate or recorder of such municipality who shall be in office at the effective date of this act, shall become the magistrate or magistrates of the municipal court and shall continue to be the magistrate or magistrates of the said municipal court for a term equal to the balance of his then existing term. The provisions of this chapter in respect to the qualifications of magistrates of the municipal courts shall not be applicable to judges in office who shall become magistrates of the municipal courts pursuant to this section

In municipalities which unite in the formation of a municipal court for such municipalities, the offices and terms of the local police judges, police justices, police magistrates or recorders in each of such municipalities who shall be in office at the time of the establishment of such municipal

court shall cease and determine upon such establishment of such municipal court

Source C 2 8A-36, L 1948, c 264, p 1153, §36

2A:9-22. Transfer of officers and employees to municipal courts from police, magistrates' or recorders' courts. Upon the establishment of a municipal court under this chapter, all persons holding any office, position or employment in said police, magistrate's or recorder's courts shall be transferred to the municipal court of the municipality wherein they hold such office, position or employment, and they shall continue to exercise their respective functions and perform their respective duties in such municipal court. In the case of a municipal court for two or more municipalities, the said persons shall be transferred to the municipal court in the formation of which the municipality wherein they held such office, position or employment united

Source C 2 8A-32, L 1948, c 264, p 1152, §32

2A:9-23. Transfer of causes and proceedings to municipal courts. Upon the establishment of a municipal court under this chapter, all causes and proceedings of whatever character pending in the local police, magistrate's and recorder's courts shall be transferred to the municipal court of the municipality or municipalities wherein said police, magistrates, and recorder's courts are located and shall be continued in the municipal court with the same effect as though they had been commenced therein.

Source C 2 8A-31, L 1948, c 264, p 1152, §31

2A:9-24. Transfer of files, papers, dockets, etc., to municipal courts. The files, papers, dockets, books of account and all data appertaining thereto and any moneys on deposit as bail or for any other purpose of all of said police, magistrate's, and recorder's courts shall be transferred to the municipal court of the municipality or municipalities whenever a municipal court is established, pursuant to this chapter

Source C 2 8A-33, L 1948, c 264, p 1152, §33

2A:9-25. Fines, costs and fees, disposition of. The costs and fees charged against defendants, when collected, shall become municipal funds and shall be turned over to the custodian or custodians of the funds of the municipality or municipalities wherein the municipal court is located. The amount of any such fees and costs shall be as provided in article 3 of chapter 3 of Title 22 of the Revised Statutes, and as to small claims as provided by article 24 of chapter 32 of Title 2A of the Revised Statutes. The fines and penalties imposed in any municipal court shall be disposed of as provided by law

In the case of municipal courts of two or more municipalities, the said costs and fees shall be apportioned to the several municipalities to which the court's jurisdiction extends, according to the ratio of the said municipalities' contributions to the total expense of maintaining such court

Source C 2 8A-39, L 1948, c 264, p 1154, §39, as am L. 1950, c 67, p 123, §4

2A:9-26. Holding to bail; mayor and other officials authorized. In any municipality, the mayor or other chief executive officer of the municipality or the municipal clerk or, when so provided by resolution of the governing body of the municipality, a recorder provided for and appointed solely for such purpose, or in municipalities in which there is no municipal court and for which no recorder has been appointed, a recorder or such number of recorders as shall be designated by resolution of the board of chosen freeholders of the county, appointed solely for such purpose by the district court judge or judges of the county, shall have the power in criminal cases to hold defendants to appear before the court having jurisdiction to hear the matter by taking recognizances of bail with surety or sureties in such reasonable sum as he may deem fit and to forward the same to the said court before the time of appearance therein mentioned. Any such power shall be exercisable in the same manner and shall be subject to the same limitations as in the case of the judge of the court before which any such defendant is to appear. Any resolution so providing for a recorder shall fix his compensation, and his term shall be three years from the date of his appointment

Source 2 8A-34, L 1948, c 264, p 1152, §34, as am L. 1950, c 11, p 34, §1

2A:9-27. Complaints, warrants, summonses, oaths, affidavits; holding to bail; officials authorized. Any judge of a county court, county district court or criminal judicial district court, any magistrate of a municipal court, any clerk or deputy clerk of any of said courts, any officer authorized to take bail by this chapter, the chief of police or other person acting in that capacity in any municipality when designated so to act by the judge of the county court or of the county district court, and the police officer in responsible charge of the police station may, within the county wherein an offender may be apprehended take any oath, acknowledgment, complaint or affidavit to be used in the court, administer any oath or affirmation proper to be administered in the court, issue warrants and summonses, endorse warrants from other counties, and upon arrest hold the accused to bail, the offense with which he is charged being bailable, for his appearance before the superior court, the county court, the county district court, any criminal judicial district court or any municipal court, in the county at such time as he may direct.

Source C 2 8A-34 1, R S 2 219-20 and 2 220-52

2A:9-28. Magistrate unable to sit; power to designate another magistrate or attorney to sit temporarily. Whenever any magistrate of a municipal court shall be unable to sit as such magistrate, he may designate any other magistrate of any municipal court or an attorney-at-law to sit for him temporarily and hold the municipal court. Any such designation shall be made in writing and shall be filed in the court,

and any such person so designated, while sitting temporarily, shall have all of the powers of the magistrate of such court

Source C 2 8A-35, L 1948, c 264, p 1153, §35

2A:9-29. County court judges as ex-officio judges of municipal courts. The judges of the county courts shall be ex-officio judges of the municipal courts and any such judge or any superior court judge may be assigned by the chief justice of the supreme court to hold temporarily a municipal court, either with or without the magistrate of such court

Source C 2 8A-38, L 1948, C 264, p 1154, §38

Note of Reporter This separates the provisions as to municipal courts from similar provisions pertaining to the county district courts Cf 2A 8-12 (this revision)

2A 9-30. Effect of act; concurrent jurisdiction of municipal court magistrates with criminal judicial district courts in second class counties Nothing in this chapter shall be construed to affect the jurisdiction, functions, powers and duties of criminal judicial district courts or of juvenile and domestic relations courts, or of the judges of such courts

Source C 2 8A-38 1, L 1948, c 394, p 1592, §11, as am L 1949, c 80, p 384, §1

2A:9-31. Office of justice of peace abolished; small cause courts abolished. On December 31, 1948, the office of justice of the peace shall be abolished and the terms of all of the justices of the peace shall cease and determine and the small cause courts provided for by article 2 of chapter 9 of Title 2 of the Revised Statutes shall be abolished

Source C 2 8A-43, L 1948, c 264, p 1153, §37

2A:9-32. Judgments entered before December 31, 1948, not affected by abolition of small cause court. No judgment entered in a small cause court prior to December 31, 1948, shall be held or determined to have been annulled or abrogated by reason of the abolition of said court, but the same, and all proceedings taken or to be taken by or before the justice of the peace before whom the judgment was entered on or after said date and prior to the 30th day following the effective date of this act, shall be and remain in full force and shall have the same effect for the whole term thereof, as though the said court had not been so abolished

Source C 2 8A-42, L 1949, c 104, p 428, §1

2A 9-33. Proceedings upon judgments entered in small cause courts; transcripts. All proceedings upon any judgment entered in the small cause court, including the issuance of executions and the preparation of transcripts for docketing or otherwise, shall, after the docket in which said judgment is entered is filed with the county clerk, be taken in the county court of the county, in the same manner as though such judgment had been entered in said county court Transcripts of any such judgment or of any entry made in any such docket made and certified by

the county clerk, under his seal, shall have the same force and effect and shall be receivable in evidence in the same manner as though made by the justice of the peace before whom such judgment was entered under his seal prior to the abolition of such small cause court

Source C 2 8A-45, L 1949, c 104, p 429, §4

2A:9-34. Officers empowered to execute process. Any peace officer or other person authorized by law shall and may lawfully act in the execution of any and all summonses, warrants, subpoenas, venues and processes whatever issued by any municipal magistrate

Source R S 2 218-17

2A:9-35. Warrant of commitment; execution against goods or body. Any magistrate of a municipal court by whom judgment of imprisonment shall be given may issue his warrant under his hand and seal to any peace officer or other person authorized by law, commanding him to take and convey the defendant to the county jail or workhouse, there to remain until the term of imprisonment shall have expired, and from thence until the costs of the prosecution be paid In case the judgment is for the payment of a penalty or a fine, then such magistrate may either order the defendant to be committed to the county jail or workhouse for a period not exceeding one day for each dollar of the penalty or fine and costs not paid, unless the period of imprisonment shall otherwise be expressly provided by law, or issue an execution to any officer or person as aforesaid, commanding him to levy and make such penalty or fine and costs of the goods and chattels of the defendant and, for want of goods and chattels, to take and convey such defendant to the county jail or workhouse, there to remain for a period not exceeding one day for each dollar of the penalty or fine and costs not paid, unless the period of imprisonment shall be otherwise expressly provided by law

Source R S 2 218-18, R S 2 220-45

2A:9-36. Sheriffs and jailers to receive persons committed. It shall be the duty of the sheriff and jailer of the county to receive all persons who shall be apprehended or committed to jail as aforesaid, and to keep the same as prisoners, in the same way and under the same regulations and penalties as other prisoners are by law required to be kept

Source R S 2 218-19

2A:9-37. Remission of fine or penalty imposed; discharge from county jail or workhouse. If a defendant convicted of any of the offenses set out in sections 2A 8-27 and 2A 8-28 of this title shall, in default of payment of the fine or penalty and costs imposed upon such conviction, have been committed to the county jail or workhouse of the county wherein the conviction was had, the magistrate of the municipal court imposing the fine or penalty and costs may remit the whole or any portion thereof and discharge the defendant

from further custody. If the defendant shall have been committed to such jail or workhouse without a fine or penalty, the magistrate before whom the conviction was had may, upon application made to him for that purpose, order the defendant brought before him and, if it shall then appear to his satisfaction that the person so committed should be discharged from further custody, he may order such discharge.

Source R S 2 219-25 and 2 220-26

2A:9-38. Costs charged to complainant in certain cases. In cases where the magistrate of a municipal court shall dismiss the complaint or acquit the defendant, and shall be of the opinion that the charge was false and not made in good faith, he may order that the complaining witness pay the usual costs of court, and in default of such payment the complaining witness may be imprisoned for not exceeding one day, unless such costs shall sooner be paid.

Source R S 2 220-46

2A:9-39. Powers of clerk in attesting writs, etc. All writs, processes, commitments, search warrants, bench warrants and subpoenas issued out of a municipal court may either be signed by the municipal magistrate or be attested in his name and signed by the clerk thereof.

Source R S 2 220-52

2A:9-40. Recognizance; sureties; recording. A recognizance taken in a municipal court or

sent to it by a magistrate or judge pursuant to law may be with or without surety or sureties, and may be accepted because of the real estate belonging to, or money deposited by, the principal or his surety, which recognizance may be recorded in the office or offices of the county clerks of the counties where such real estate may be situate, as a lien upon such real estate, and if the condition be broken, the magistrate shall certify to the fact and transmit such certificate to the county clerks of the counties wherein such real estate is situate, to be recorded and to be proceeded upon in the same manner as other forfeited recognizances, and such certificate shall be deemed sufficient prima facie evidence of the contents thereof. The county clerk may cancel a recognizance upon the certificate or order of the appropriate court directing the same.

Source R S 2 220-40

2A:9-41. Blank. See proposed additional legislation.

2A:9-42. Dockets, pleadings, papers and documents in proceedings pending before justice of peace on December 31, 1948. L 1949, c 104, p 429, §3 (C 2 8A-44) saved from repeal.

Note of Reporter. This section provides that upon the expiration of 30 days from May 11, 1949, every former justice of the peace is required to file in the county clerk's office his dockets and papers filed, it requires every county clerk forthwith to give notice in writing to each justice of the peace to file the same, and subjects any such justice to contempt of court for failure to so comply.

Chapter 10 to Chapter 14. Blank.

Chapter 15. CONTEMPTS OF COURT.

Section

2A 15-1 Civil contempt, punishment

2A 15-2 Contempt by sheriff or other officer

Section

2A 15-3 Contempt in courts other than superior courts

2A 15-4 Breach of condition of supersedeas bond

2A:15-1. Civil contempt; punishment. Any person who shall be in contempt of the superior court or county court by reason of his disobedience to a judgment, order or process of the court, shall, where the contempt is primarily civil in nature and before he is discharged therefrom, pay to the clerk of the court, for the use of the state for every such contempt, a sum not exceeding \$50 as a fine, to be imposed by the court, together with the costs incurred.

Source R S 2 15-8

Note of Reporter. This statute is made applicable to the entire superior court and to the county court also, even though formerly it was applicable only to the court of chancery.

2A:15-2. Contempt by sheriff or other officer. A sheriff or other officer to whom any writ, process, judgment or order of the superior court or county court is directed or delivered, who shall be in contempt of the court for failure to make return thereof on the return day and according to the tenor thereof, the same not being counter-

manded, shall, before he is discharged from his contempt pay to the clerk of the court for the use of the state or the county, as the case may be, for every such contempt a sum not exceeding \$50 as a fine, to be imposed by the court, together with the costs incurred.

Source R S 2 15-8

Note of Reporter. This statute is made applicable to the entire superior court and to the county court also, even though formerly it was applicable only to the court of chancery.

2A:15-3. Contempt in courts other than superior courts. The county court, juvenile and domestic relations courts, county district courts, criminal judicial district courts and municipal courts in this state shall have the same power to punish for contempt as the superior court.

Source R S 2 15-2, 2 15-15, 2 15-16, 2 15-17. As to municipal courts see C 2 8A-28 which is to be taken in conjunction with, e g R S 2 20-49.

2A:15-4. Breach of condition of supersedeas bond. Upon the breach of the condition of any

supersedeas bond given to the clerk of the court in a contempt proceeding, the county prosecutor or prosecutor of the pleas of the county in which the bond is given shall prosecute the same to effect, in the name of the clerk, and shall pay

the proceeds of the recovery thereon to the county treasurer, to be distributed by him according to law

Source R S 2 15-6, as amended L 1948, c 333, p 1318, §2

Chapter 16. PROVISIONS COMMON TO MORE THAN ONE COURT.

Section

Article 1 In General

- 2A 16-1 Oath of judges
- 2A 16-2 Oath of clerks of court
- 2A 16-3 Vacancy in position of judge accepting elective office, exceptions
- 2A 16-4 United States flag displayed in court rooms
- 2A 16-5 Court rooms
- 2A 16-6 Distribution of law reports
- 2A 16-7 Reciprocal jurisdiction of counties over natural boundaries or roads

Article 2. Administrative Director of the Court.

- 2A 16-8 Salary of administrative director
- 2A 16-9 Employees, other gainful pursuits forbidden, civil service
- 2A 16-10 to
- 2A 16-12 Blank

Article 3 Secretaries

- 2A 16-13 Secretaries of justices of the supreme court and judges of appellate division
- 2A 16-14 Secretaries of chancery division judges
- 2A 16-15 Salaries of secretaries of appellate and chancery judges
- 2A 16-16 Secretaries of law division judges, salaries
- 2A 16-17 Secretaries of law division judges, appointment certified to freeholders

Article 4 Stenographic Reporters

- 2A 16-18 Stenographic reporters, appointment, removal
- 2A 16-19 Certified shorthand reporter, oath
- 2A 16-20 Reporters to be first appointed
- 2A 16-21 Assignment of reporters
- 2A 16-22 Temporary service, reporters for
- 2A 16-23 Blank
- 2A 16-24 Blank
- 2A 16-25 Transcript, fees
- 2A 16-26 Salary, employment in more than one county, part-time, per diem fee basis, expenses, may retain fees, deemed state employees
- 2A 16-27 Supervision, records and reports
- 2A 16-28 Stenographic reporter

Article 5 Sergeants At Arms and Court Criers.

- 2A 16-29 Sergeant at arms for the supreme court and appellate division and chancery division of superior court
- 2A 16-30 Designation of court attendant to act as sergeant at arms
- 2A 16-31 Sergeants at arms of superior court in certain counties of first class
- 2A 16-32 Criers of courts in counties of 400,000 to 500,000, salaries, duties
- 2A 16-33 Sergeants at arms of county court in certain counties of first class, appointment by judge
- 2A 16-34 Criers of county court in certain counties of first class, appointment by judge, duties
- 2A 16-35 Salaries of sergeants at arms and criers of certain courts in counties of first class and counties of 250,000 to 300,000
- 2A 16-36 Criers and sergeants at arms of courts in counties other than first class, appointment, duties, salaries

Section

- 2A 16-37 Sergeants at arms of county courts in counties with more than 150,000 inhabitants, appointment, duties, salaries

Article 6 Interpreters

- 2A 16-38 Appointment, duties
- 2A 16-39 Salaries of interpreters of Italian, German, Polish, Russian, Hungarian and Slavish languages
- 2A 16-40 Salaries of interpreters of Greek language

Article 7. Other Employees; Court Attendants.

- 2A 16-41 Subordinate officers and employees for supreme and superior courts
- 2A 16-42 Court attendants of county courts, appointment, duties
- 2A 16-43 Counties of first class over 800,000, salaries of court attendants
- 2A 16-44 Salaries of court attendants in other first class counties
- 2A 16-45 First class counties, officers in charge of court attendants, compensation, duties
- 2A 16-46 Counties of 175,000 to 300,000 and of 300,000 to 470,000, salaries of court attendants
- 2A 16-47 Librarian for county law library in first class counties
- 2A 16-48 Elevator operators in counties of first class, assignment to duty by sheriff
- 2A 16-49 Drivers of prison vans in counties of first class, rate of compensation
- 2A 16-50 Salaries of constables and court attendants of certain courts in counties with between 200,000 and 300,000 inhabitants and operating under civil service law
- 2A 16-51 Salaries of constables or other persons appointed to attend certain courts in counties with between 200,000 and 300,000 inhabitants
- 2A 16-52 Salaries of constables of certain courts in counties with more than 150,000 and less than 200,000 inhabitants, resolution of board of freeholders
- 2A 16-53 Salaries of constables attending certain courts in counties with between 150,000 and 300,000 inhabitants
- 2A 16-54 Salaries of constables and court attendants of certain courts in counties with between 100,000 and 140,000 inhabitants
- 2A 16-55 Decrease in number of court attendants
- 2A 16-56 Selection of constables for attendants upon superior courts, no compensation to constables not selected
- 2A 16-57 Per diem of constable attending certain courts

Article 8 Records and Rights of Former Courts, and Powers and Rights of Clerks Thereof.

- 2A 16-58 Exemplification of records of former courts
- 2A 16-59 Authentication of records of former court of errors and appeals
- 2A 16-60 Authentication of records in former supreme court, court of chancery or prerogative court
- 2A 16-61 Authentication of records of circuit court
- 2A 16-62 Authentication of records of former court of common pleas, court of oyer and terminer, court of quarter sessions and court of special sessions
- 2A 16-63 Authentication of records of orphans' court

Section

2A 16-64 Transfer from courts and clerks of courts abolished of rights, title, interest and obligations

Article 1 IN GENERAL

2A:16-1. Oath of judges. The chief justice, the associate justices of the supreme court, the judges of the superior court, the judges of the county courts, the judges of the county district courts, the judges specially appointed for the juvenile and domestic relations courts for certain counties, the judges of the criminal judicial district courts and the magistrates of the municipal courts shall, before entering upon the execution of their respective offices, take and subscribe the following oath

"I, . . . , do solemnly swear (or affirm), that I will support the constitution of this state and the constitution of the United States and will perform the duties of my office faithfully, impartially and justly to the best of my ability So help me God"

Source R S 2 16-2

Note of Reporter As to surrogates' oaths of office see 2A 7-4 R S 2 16-2 has been expanded to cover the oaths of office with respect to judges of the county district courts (see R S 2 8-10), the juvenile and domestic relations courts held by judges specially appointed (there seems to be no statute requiring an oath from those judges), the criminal judicial district courts (this supplants R S 2 212-7) and the municipal courts (R S 2 8A-21)

2A:16-2. Oath of clerks of court. Each clerk of every court of this state shall, before he enters upon the execution of his office, take and subscribe the following oath

"I, . . . , being appointed clerk of the . . . , do solemnly swear (or affirm) that I will support the constitution of this state and of the United States and will perform the duties of my office faithfully, impartially and justly to the best of my ability So help me God"

Source C 2 1A-13, L 1948, c 389, p 1576, §7

2A:16-3. Vacancy in position of judge accepting elective office; exceptions. If a judge of any court of this state, who holds office by virtue of appointment by the governor with the advice and consent of the senate, thereafter is elected by the people to any public office and he accepts and assumes the duties of such elective office, his office as said judge shall thereby be considered vacant

Source C 2 16-41, L 1942, c 240, p 650, §1, as amended L 1943, c 12, p 39, §1

2A:16-4. United States flag displayed in court rooms. The flag of the United States shall be displayed in an appropriate place in every court room in this state during all sessions of the court occupying the room

The judicial officer presiding in any court of this state shall see that this section is enforced, and the authorities charged by law with the duty of furnishing and supplying the respective

Section

2A 16-65 Powers of clerks of abolished courts after September 14, 1948

2A 16-66 Court of errors and appeals, disposition of books, records and documents

courts shall supply an appropriate flag for every court room within their jurisdiction

Source R S 2 16-5

2A:16-5. Court rooms. Suitable court rooms for the supreme court, the appellate division of the superior court and the chancery division of the superior court and suitable chambers for each justice of the supreme court and judge assigned to the appellate division or chancery division of the superior court shall be provided at the expense of the state by the administrative director in co-operation with the director of the division of purchase and property in the department of the treasury Such court rooms and chambers shall be located in a courthouse or other public building so far as practicable

Suitable court rooms for the law division of the superior court and suitable chambers for the superior court judges assigned to such division shall be provided by the several counties

Source C 2 16-55, L 1948, c 390, p 1579, §5

2A:16-6. Distribution of law reports. The administrative director of the courts is authorized to distribute or cause to be distributed any permanent bound volumes of the New Jersey reports and the New Jersey superior court reports heretofore published and delivered to him, or hereafter to be published and as they are from time to time delivered to him by the publisher, in the manner provided below

To each member of the legislature, 1 copy of each volume of such reports

To the following named, for official use, to remain the property of the state, the following number of copies of each volume of such reports

- a To the governor, 4 copies,
- b To the department of law and public safety for the division of law, 4 copies, and the division of alcoholic beverages, 1 copy,
- c To the department of the treasury, for the state treasurer, 1 copy, the division of tax appeals, 1 copy, the division of taxation, 3 copies, and the division of local government, 1 copy,
- d To the department of state, 1 copy,
- e To the department of civil service, 1 copy,
- f To the department of banking and insurance, 1 copy,
- g To the department of public utilities, 1 copy,
- h To the department of labor and industry, for the commissioner, 1 copy, the division of workmen's compensation, 5 copies, the state board of mediation, 1 copy, and the division of employment security, 3 copies,
- i To the department of education, for the commissioner, 1 copy, and the division of the state library, archives and history, 60 copies, 5 of which shall be deposited in the law library, and 55 of which shall be used by the director of the

division in sending 1 copy to the state library of each state and territory of the United States, the same to be in exchange for the law reports of such states and territories sent to said division, which reports shall be deposited in and become part of the collection of the law library,

j To the state highway department, 1 copy,
k To the department of institutions and agencies, 1 copy,

l To each judge of the federal courts in and for the district of New Jersey, 1 copy,

m To each justice of the supreme court, 1 copy,

n To each judge of the superior court, 1 copy,
o To the administrative director of the courts, 1 copy,

p To each standing master of the superior court, 1 copy,

q To each advisory master of the superior court, 1 copy,

r To the clerk of the supreme court, 1 copy,

s To the clerk of the superior court, 1 copy,

t To each judge of a county court, 1 copy,

u To each judge of a criminal judicial district court, 1 copy,

v To each judge of a juvenile and domestic relations court, 1 copy,

w To each county district court, 1 copy,

x To each county prosecutor, 1 copy,

y To the law revision and bill drafting commission, 1 copy,

z To each surrogate, 1 copy,

aa To each county clerk, 1 copy,

ab To each sheriff, 1 copy,

ac To the state university of New Jersey, for the library at Rutgers university, 2 copies, and the law school, 5 copies,

ad To the South Jersey law school, 2 copies,

ae To Princeton university, 2 copies,

af To the library of congress, 4 copies,

ag To the New Jersey historical society, 1 copy,

ah To every library provided by the board of chosen freeholders of any county at the courthouse in each county, 1 copy,

ai To the library of every county bar association in this state, 1 copy,

aj To each incorporated library association in this state which has a law library at the county seat of the county in which it is located, 1 copy

The remaining copies of such reports shall be retained by the administrative director for the use of the state and for such further distribution as he may determine upon

Source L 1950, c 330

2A:16-7. Reciprocal jurisdiction of counties over natural boundaries or roads. Where any body of water, highway or road within this state divides any two counties thereof, the jurisdiction of each of such counties over the same shall be reciprocal, and all arrests by virtue of any legal process or service of any legal process, either

civil or criminal, made thereon, or on any bridge crossing such body of water, highway or road, shall be as good and effectual as if made within the body of either of such counties

Source R S 2 16-1

Article 2 ADMINISTRATIVE DIRECTOR OF THE COURT

2A:16-8. Salary of administrative director.

The compensation of the administrative director of the courts shall be fixed by the chief justice at a rate not exceeding \$15,000 per annum

Source C 2 16A-1, L 1948, c 354, §1

2A:16-9. Employees; other gainful pursuits forbidden; civil service. The director, with the approval of the chief justice, shall appoint and fix the salaries of such employees as may be necessary to perform the duties vested in him by this chapter. The director and such employees shall not engage directly or indirectly in the practice of law or other gainful pursuit, and shall not be subject to the provisions of Title 11, Civil Service

Source 2 16A-2, L 1948, c 354, §2

2A:16-10

to

2A:16-12. Blank

Article 2 SECRETARIES

2A:16-13. Secretaries of justices of the supreme court and judges of appellate division. The chief justice of the supreme court may appoint, to serve during his pleasure (a) one or more secretaries who shall be stenographers, and (b) one law secretary. Any justice of the supreme court and any judge of the superior court assigned to the appellate division may appoint, to serve during his pleasure, (a) a secretary who shall be a stenographer, and (b) a law secretary

Source C 2 16-51, as amended L 1950, c 262, §1

2A:16-14. Secretaries of chancery division judges. Any judge of the superior court assigned to the chancery division may, with the approval of the administrative director, appoint, to serve at his pleasure (a) a secretary who shall be a stenographer and (b) a law secretary

Source C 2 16-52, as amended L 1950, c 262, §2

2A:16-15. Salaries of secretaries of appellate and chancery judges. The salary ranges of the positions stated in sections 2A 16-13 and 2A 16-14 shall be fixed by the civil service commission and shall be subject to adjustment and allocation in like manner as are other civil service employees, including the provisions of chapter 27 of the Laws of 1949. The persons appointed under those sections shall be entitled to the same increments and bonuses as are granted to civil service employees in the same range. The positions held by such appointees shall not be within the classified service. Upon making such appointments, the justice or judge so appointing

shall certify to the state treasurer the name of the person so appointed, and the state treasurer shall thereupon pay such compensation in equal semimonthly installments

Source C 2 16-51 and 52, as amended L 1950, c 262, §§1 and 2

2A:16-16. Secretaries of law division judges; salaries. Any superior court judge assigned to the law division may appoint, to serve during his pleasure, a secretary who shall be a stenographer and fix the compensation to be paid such secretary at a sum not less than \$2,800 nor more than \$3,400 per annum. Any superior court judge assigned to the law division who, as circuit court judge, had a law secretary immediately prior to September 15, 1948 may, instead of appointing a secretary under this section, appoint such law secretary to serve at his pleasure at a salary not exceeding \$4,500 per annum. If the compensation so fixed shall be less than the maximum herein allowed, the appointing judge may from time to time increase such compensation until the maximum is reached. Source C 2 16-53, as amended L 1950, c 199, §1

2A:16-17. Secretaries of law division judges; appointment certified to freeholders. Upon making an appointment under section 2A 16-16, the appointing judge shall certify to the board of chosen freeholders of the county comprising his circuit the name of his appointee and the compensation fixed, and the board shall thereupon cause the compensation to be paid to such secretary in equal semimonthly payments. If the circuit of the appointing judge comprises more than one county his certificate shall be made to the board of chosen freeholders of each of the counties in the circuit and shall state therein the proportion of the compensation to be paid by each of such boards, which proportion shall be determined and certified by the judge annually, as nearly as may be in the ratio that the number of cases on the trial list in each of the counties in his circuit at the then next preceding term of court bears to the whole number of cases on the trial lists in such judge's circuit. Thereupon the boards of chosen freeholders shall cause their proportionate shares of the compensation to be paid to the secretary in equal semimonthly payments. If the compensation fixed by the appointing judge is increased as authorized, the board or boards of chosen freeholders, as the case may be, shall be notified by such judge of his action, and the increase shall be paid as above prescribed.

Source C 2 16-54, L 1948, c 390, p 1578, §4

Article 3 STENOGRAPHIC REPORTERS

2A:16-18. Stenographic reporters; appointment; removal. The supreme court shall appoint such number of official stenographic reporters (referred to in this article as reporters), either on a full time or part time basis, as may be neces-

sary from time to time to properly perform the work specified in this article for the several parts of each division of the superior court and for the county courts. The supreme court may remove any reporter so appointed at any time for cause and appoint another in his place.

The county judge or county judges, as the case may be, with the approval of the board of chosen freeholders of the county may appoint an official stenographic reporter for the county court of such county and fix for such stenographic reporter an annual salary which shall be paid by the county treasurer in equal semimonthly installments upon a certificate filed with him by the judge or judges so appointing. The county shall bear the whole expense of such stenographic reporter, no refund shall be made by the state for such expense and such expense shall not be included in determining the net cost to the county of stenographic reporters for any year under this article.

Source C 2 16-24 1, L 1948, c 376, p 1546, §1

2A:16-19. Certified shorthand reporter; oath. A reporter to be appointed under this article shall be a certified shorthand reporter as defined in and qualified under "An act to create a State Board of Shorthand Reporting and to regulate the practice of shorthand reporting and to provide for the licensing of persons to engage in the practice of shorthand reporting and to provide penalties for violation thereof" (P L 1940, c 175, C 45 15A-1 to 45 15A-12), and he shall take an oath to perform his duties faithfully.

Source C 2 16-24 2, L 1948, c 376, p 1546, §2

2A:16-20. Reporters to be first appointed. The reporters first to be appointed under this article shall be the reporters serving as official reporters of the old supreme court and the regularly employed and salaried proxies of such official reporters, and as the official reporters of the court of chancery, and as the official reporters of the courts of common pleas.

Source C 2 16-24 3, L 1948, c 376, p 1547, §3

2A:16-21. Assignment of reporters. (a) A reporter appointed as provided in this article shall be assigned by the administrative director of the supreme court (referred to in this article as the director), with the approval of the chief justice, to serve in one or more of the divisions of the superior court, or parts thereof, or in one or more of the county courts, or for a judge or judges designated in any of the aforesaid courts or for an advisory master or advisory masters hearing matrimonial proceedings. Such an assignment may be changed from time to time as occasion may require.

(b) With the approval of the chief justice, the director may designate one or more reporters as supervisors for specified districts to assist him in maintaining efficient reporting service for the courts therein, and particularly by arranging, subject to the control of the director, for the

temporary transfer of one or more reporters to meet special requirements in any court or part thereof, and in procuring and assigning reporters for temporary service pursuant to section 2A:16-22. A reporter so designated as a supervisor shall perform such services in addition to his regular duties, and for these additional services, he shall be compensated in an amount fixed by the supreme court, not exceeding \$1,500 per annum, which shall be added to and become a part of his annual salary and paid as such.

Source C 2 16-24 4, L 1948, c 376, p 1547, §4

2A:16-22. Temporary service, reporters for. The director may appoint and assign reporters for temporary service, not to exceed 3 consecutive months at any one time, whenever the need therefor may appear. Such temporary appointments shall be subject to the approval of the Chief Justice. If a certified shorthand reporter, as defined by law, is not available for such purpose, then a reporter otherwise qualified may be so appointed.

Source C 2 16-24 5, L 1948, c 376, p 1547, §5

2A:16-23. Blank

2A:16-24. Blank

2A:16-25. Transcript; fees. (a) When a transcript of the stenographic record in any court is made at the request of any party to a cause for the purpose of an appeal the original and an accompanying carbon copy thereof shall be prepared and paid for at the rate of \$20 per folio for the original and \$05 per folio for the accompanying carbon copy, any additional copies thereof furnished the party so requesting the transcription shall be paid for at the rate of \$10 per folio. Copies furnished any other person shall be paid for at the rate of \$20 per folio for the first such copy and at the rate of \$10 per folio for any additional copies. If the transcript is furnished to a judge of the court, by his order, the reporter shall be paid therefor at the same rates as charged a party to a cause, and such fees shall be paid for in the same manner and from the same sources as the reporter's salary or per diem fees are paid.

(b) Except as to transcripts that are to be paid for by the state or county, the reporter may require any party requesting a transcript to prepay the estimated fee therefor in advance of delivery of the transcript.

Source C 2 16-24 8, L 1948, c 376, p 1548, §8, as amended L 1949, c 131, p 502, §1

2A:16-26. Salary; employment in more than one county; part-time; per diem fee basis; expenses; may retain fees; deemed state employees. (a) Except as provided in this section, a reporter appointed pursuant to this article shall receive an annual salary to be fixed from time to time by the supreme court. In fixing such salary the court shall take into account the amount of time the reporter is required to be in

attendance upon the court or courts or part or parts thereof and is engaged in the performance of his duties. Such salary shall not be less than the sum of \$5,000 per annum and shall not exceed the sum of \$7,500 per annum and shall be paid in equal semimonthly installments as provided below in this section.

(b) Where a reporter is employed wholly within one county, the director shall file a certificate with the treasurer of such county designating the reporter and the amount of his annual salary and also file a duplicate thereof with the state comptroller. The county treasurer shall pay such salary as provided in paragraph (a) of this section.

(c) Where a reporter is employed in more than one county, or in a part or parts of the chancery division of the superior court having a vicinage embracing more than one county, the director shall apportion to each of said counties the payment of such part of the reporter's annual salary as the population of such county bears to the population of all of said counties according to the latest federal census. The director shall file a certificate with the treasurer of each of said counties designating the reporter and the amount of his annual salary apportioned to the particular county, and shall also file a duplicate thereof with the state comptroller. The county treasurer shall pay the part of such annual salary so apportioned to his particular county as provided in paragraph (a) of this section.

(d) In lieu of an annual salary a reporter employed on a part time or temporary basis as provided in this article may be paid at a per diem fee rate of not more than \$20 as may be fixed from time to time by the supreme court. Such per diem fees shall be paid semimonthly as provided below in this section. The director shall certify to all county treasurers and to the state comptroller the per diem fee rate so fixed for this class of reporters.

(e) Where a reporter is employed on a per diem fee basis, such fees shall be paid by the county where the services were rendered, or if employed in a part of the chancery division of the superior court having a vicinage embracing more than one county, then by the particular county where the court is permanently located. Such payments shall be made by the county treasurer, upon receipt of duplicate vouchers verified by the reporter and certified either by the judge of the court where the services were rendered or by the supervising reporter of the district in which the court is located. One of such vouchers shall be immediately filed with the state comptroller by the county treasurer making the particular payment. In the case of a reporter employed on a per diem fee basis in a part of the chancery division of the superior court having a vicinage embracing more than one county, the county treasurer making such payment or payments may apply to the director from time to

time to make an apportionment of two-thirds of the amount thereof among all of the counties of said vicinage on the basis provided for in paragraph (c) of this section. Upon such apportionment being made and notice thereof given in writing by the director to the treasurer of each county in said vicinage, the county treasurer making the original payment shall be reimbursed by the treasurer or treasurers of the county or counties within said vicinage in accordance with said apportionment.

(f) In addition to his salary or per diem fees, a reporter who is required to attend sessions of a court in a county other than where he resides shall be paid his traveling and other necessary expenses incident to his attendance upon said court when certified as reasonable and necessary by a judge thereof. Such expenses shall be paid in the same manner and from the same sources and subject to the same apportionment as the reporter's salary or per diem fees are paid.

(g) One-third of the amount paid directly to reporters by each county as provided in this section, whether as salary, fees in lieu of salary or traveling and other necessary expenses incident to his attendance upon court, shall be refunded to said county by the state treasurer upon the warrant of the state comptroller and the treasurer shall make a further refund to any county, if necessary, of such amount as shall be needed to insure that the net cost of court reporters to such county, under this act, for any year beginning July 1st and ending on the following June 30th, shall not exceed the net cost to such county for court reporters for the year beginning July 1, 1947, and ending June 30, 1948.

(h) Every reporter shall be entitled to retain for himself the fees collected for transcripts as herein provided. All supplies and equipment shall be furnished by the reporter at his own expense.

(i) Reporters shall be deemed to be state employees eligible for membership in the state employees' retirement system; except, however, that reporters who have heretofore become members of any county employees' retirement system pursuant to P L 1943, c 160 (C 43 10-181-43 10-18 25), shall continue therein as county employees for the purposes of that enactment.

Source C 2 16-24 9, L 1948, c 376, p 1550, §9

2A:16-27. Supervision; records and reports.

(a) The director, under the control of the chief justice, shall supervise and direct the administration of the provisions of this article. However, subject to such provisions and pertinent laws, it shall be the duty of the judge of the court or part thereof to which a reporter shall be assigned to supervise and direct the reporter in the performance of his duties, including all dealings with parties requesting transcripts.

(b) The director, subject to the approval of the chief justice, shall prescribe records which shall be maintained and reports to be filed by

the reporter. Such records shall be open to inspection by the supreme court, the chief justice and the director, and may include records showing (1) the quantity of transcripts prepared, (2) the fees charged and the fees collected for transcripts, (3) any expenses incurred by the reporter in connection with transcripts, (4) the amount of time the reporter is in attendance upon the court for the purpose of recording proceedings, and (5) such other information as the director may determine.

Source C 2 16-24 10, L 1948, c 376, p 1553, §10

2A:16-28. Stenographic reporter. A master, to whom a reference of a matter for hearing shall be made, may employ a competent stenographic reporter to take down the evidence of such witnesses as may be examined before him, for the use of the court and of the parties in such cause or matter, and may fix, allow and tax the fees of such reporter for writing out such evidence and apportion the same between the parties, and each of such parties shall forthwith pay the part so apportioned to him, which shall be part of the taxable costs in the cause.

When such a stenographic reporter shall, by request, furnish a transcript of evidence or other proceedings to a party to a cause, he shall be paid therefor by such party at the rate of \$ 20 for each folio of the original transcript and \$.10 for each folio of a carbon copy thereof.

Source C 2 16-61, L 1948, c 390, p 1580, §11.

Article 4. SERGEANTS AT ARMS AND COURT CRIERS

2A:16-29. Sergeant at arms for the supreme court and appellate division and chancery division of superior court. The supreme court may appoint a sergeant at arms for the supreme court. The superior court judges assigned to the appellate division may appoint a sergeant at arms for each part thereof consisting of 3 judges, and each superior court judge assigned to the chancery division may appoint a sergeant at arms. Sergeants at arms shall receive a salary fixed by the appointing authority, in full compensation for services rendered and in lieu of all fees whatsoever and shall be paid in equal semi-monthly installments.

Source C 2 16-56, L 1948, c 390, p 1579, §6

2A:16-30. Designation of court attendant to act as sergeant at arms. Every judge of the superior court while serving in the law division in any county of the first class having more than 800,000 inhabitants, and every judge of the county court of such county may, with the approval of the sheriff of the county, designate from among the court attendants of such county, having permanent civil service status, a person to act as his sergeant at arms. The person so designated shall serve as such sergeant at arms at the pleasure of the judge appointing such person and during such service he shall receive

the salary fixed for that position by the board of chosen freeholders of the county. When such designation as sergeant at arms shall be revoked by the judge making the appointment, or his successor, the person having been designated as sergeant at arms shall be returned to his previous title and position of court attendant, with the salary then prevailing for court attendant of the seniority held by such person. During the period of designation of such person as sergeant at arms his civil service and pension rights status as court attendant shall continue and in nowise be impaired and he shall continue to be entitled to all rights and privileges under Title 11 of the Revised Statutes and shall be subject to the provisions thereof.

All persons lawfully holding the position of sergeant at arms or court crier on May 25, 1950 under the provisions of section 2 16-27 or sections 2 16-29 and 2 16-30 of the Revised Statutes of 1937 shall continue to hold under those provisions and shall not be affected by this section as to their right to said position or their rights and privileges by virtue thereof.

Source C 2 16-34 3 and 34 4, L 1950, c 140, §§3 and 4

2A:16-31. Sergeants at arms of superior court in certain counties of first class. Each assignment judge in counties of the first class having 800,000 or less inhabitants, may appoint for the county a sergeant at arms and a crier of the law division of the superior court in the county, who shall attend daily upon the law division in the county wherein appointed during the several sessions thereof. In addition the judges of the superior court, while serving in the law division of that court in such counties, may appoint a sergeant at arms, who shall attend daily upon that division in the county wherein appointed during the several sessions thereof, but any such appointment may be revoked at any time by the appointing judge.

Source R S 2 16-27, 2 16-28 and C 2 16-34 1 (L 1950, c 140, §1)

2A:16-32. Criers of courts in counties of 400,000 to 500,000; salaries; duties. In any county having more than 400,000 and not more than 500,000 inhabitants, the county clerk of such county shall appoint a crier for the county court of that county and the law division of the superior court sitting in that county, who shall attend daily upon the courts, for which he is appointed during the several sessions thereof.

The salary of a court crier appointed under authority of this section shall be fixed by the board of chosen freeholders at not less than \$2,000 and not more than \$3,000 per annum, which shall be in lieu of any per diem compensation, and which shall be paid semimonthly by the county treasurer of such county.

Every person serving as court crier in and for the circuit court and in and for the circuit of the supreme court of any county on June 24, 1947

shall serve as court crier for the county court of the county and the law division of the superior court in that county, and nothing contained in this section shall authorize the reduction of the annual compensation being paid to any such person on June 24, 1947 or affect his tenure of office. Source R S 2 16-28, as amended L 1947, c 342, p 1099, §1

2A:16-33. Sergeants at arms of county court in certain counties of first class; appointment by judge. In each county of the first class having 800,000 or less inhabitants, the judges of the county court may each appoint a sergeant at arms, who shall attend such court during the several sessions thereof.

Source R S 2 16-29, C 2 16-34 2, L 1950, c 140, §2

2A:16-34. Criers of county court in certain counties of first class, appointment by judge; duties. In each county of the first class having 800,000 or less inhabitants, the judges of the county court may each, with the advice and consent of the board of chosen freeholders of such counties, appoint in their respective counties a crier for the county court, who shall attend daily upon the county court in the county for which he shall be appointed during the several sessions thereof.

Source R S 2 16-30

2A:16-35. Salaries of sergeants at arms and criers of certain courts in counties of first class and counties of 250,000 to 300,000. In each county of the first class having 800,000 or less inhabitants and in each county having more than 250,000 and less than 300,000 inhabitants, according to the last federal census, the sergeants at arms and the court criers of the superior court and the county courts shall each receive such annual salary as shall be fixed by the judge or judges authorized by law to appoint such sergeants at arms and court criers, provided, however, that the salaries so fixed shall not become effective unless approved by resolution of the board of chosen freeholders of the county wherein such salaries are to be paid. The salaries herein authorized shall be paid semimonthly by the county treasurers of such counties.

Source R S 2 16-31, as amended L 1948, c 52, p 138, §1

2A:16-36. Criers and sergeants at arms of courts in counties other than first class; appointment; duties; salaries. Each assignment judge of the superior court in counties other than counties of the first class may appoint a court crier and a sergeant at arms of the courts within any such county, who shall attend daily upon the courts for which they are appointed during the several sessions thereof.

The criers and sergeants at arms appointed under authority of this section shall receive such annual salaries as shall be fixed by the appointing judge, which shall be in lieu of any fees, per diem or other compensation, and shall be paid monthly by the county treasurer of the

county wherein appointed upon the certificate of the county clerk of such county

The salaries fixed pursuant to this section shall be in accordance with the schedule established by the civil service commission under the provisions of Title 11, Civil Service

Source R S 2 16-33

Note of Reporter The authority, formerly vested in the justice of the old supreme court to appoint the sergeant at arms and court crier for the courts in these counties, is given to the assignment judge

2A:16-37. Sergeants at arms of county courts in counties with more than 150,000 inhabitants; appointment, duties; salaries. In each county having more than 150,000 inhabitants, other than counties of the first class, the judge of the county court may appoint a sergeant at arms, whose duty it shall be to attend the county court during the several sessions thereof

The salary of any appointee under authority of this section shall be fixed by the appointing judge at \$960 per annum, which shall be in lieu of all fees, perquisites and allowances whatsoever for services as sergeant at arms, and shall be paid semimonthly by the county treasurer of the county on the certificate of the appointing judge

Source R S 2 16-34

Article 5 INTERPRETERS

2A:16-38. Appointment; duties. Whenever the transaction of the public business of the superior court, the county court and the juvenile and domestic relations courts, in any of the counties of this state other than counties of the first class having a population of more than 800,000 inhabitants, and the business connected with such courts in the office of the county prosecutor, the prosecutor of the pleas, the sheriff, the county clerk, the surrogate and of the grand jury, will be expedited or improved thereby, the judge of the county court of any such county, or the judges of the county court if there be more than one such judge in any such county, may appoint, to serve at the pleasure of the appointing judge or judges, interpreters of the following languages, namely, Italian, German, Polish, Russian, Hungarian and Slavish, and Greek

Interpreters appointed under authority of this section shall severally attend in person upon the courts mentioned in this section during the several terms thereof, and at chambers when requested so to do upon the judges of such courts, upon the sessions of the grand jury, upon the county prosecutor and prosecutor of the pleas, upon the sheriff, upon the clerks of such courts, and upon the other officers charged with the transaction of the public business of such courts, for the purpose of interpreting the languages and dialects for the interpretation of which they are appointed respectively

In all counties of the first class having more than 800,000 inhabitants, the persons holding positions of interpreters of languages under au-

thority of article 6 of chapter 16 of Title 2 of the Revised Statutes of 1937 shall be transferred to the office of the sheriff of the county. Such persons shall retain all the rights and privileges under all laws relating to seniority, civil service, pensions and veterans, and shall continue to perform the duties of interpreters of languages as set forth in article 6 of chapter 16 of Title 2A. Source R S 2 16-35, as amended L 1948, c 410, p 1626, §1, C 2 16-36 2, L 1949, c 134, p 507, §2

2A:16-39. Salaries of interpreters of Italian, German, Polish, Russian, Hungarian and Slavish languages. In any county of the state other than counties of the first class having a population of more than 800,000 inhabitants, the compensation of interpreters appointed to interpret the Italian, German, Polish, Russian and Hungarian and Slavish languages shall be fixed by the judge of the county court of the respective counties, or by the judges of such court if there be more than one such judge in any county, but the salaries so fixed shall not become effective unless approved by resolution of the board of chosen freeholders of the county wherein such salaries are to be paid

The salaries herein provided shall be paid by the treasurer of each county, semimonthly, out of the funds of the county, and shall, whenever fixed as herein provided, be in lieu of all other fees or compensation whatsoever

Source R S 2 16-36, as amended L 1947, c 344, p 1104, §1, L 1948, c 410, p 1627, §2

2A:16-40. Salaries of interpreters of Greek language. In any county of this state other than counties of the first class having a population of more than 800,000 inhabitants, the compensation of interpreters appointed to interpret the Greek language shall be fixed by the judge of the county court of the respective counties, or by the judges of such court if there be more than one such judge in any county, and shall be as follows

In counties having more than 500,000 inhabitants, a salary of not more than \$2500 annually,

In counties having between 300,000 and 500,000 inhabitants, a salary of not more than \$1800 annually,

In counties bordering on the Atlantic ocean and having more than 80,000 inhabitants, a salary of not more than \$1200 annually

The salaries herein provided shall be paid by the treasurer of each county, semimonthly, out of the funds of the county, and shall, whenever fixed as herein provided, be in lieu of all other fees or compensation whatsoever

Source R S 2 16-37

Article 6 OTHER EMPLOYEES, COURT ATTENDANTS

2A:16-41. Subordinate officers and employees for supreme and superior courts. The supreme court may from time to time appoint such subordinate officers and employees for the supreme

and superior courts as may be necessary for the convenient transaction of business

Source C 2 16-57, L 1948, c 390, p 1579, §7

2A:16-42. Court attendants of county courts; appointment; duties. The sheriff of each county of this state shall appoint, from the electors of his county, such persons, and as many thereof, as may be necessary to attend upon the law division of the superior court and the several courts in his county and to perform the duties required to be performed by constables of the respective counties summoned to attend such courts

Source R S 2 16-38

2A:16-43. Counties of first class over 800,000; salaries of court attendants. In counties of the first class having a population exceeding 800,000 inhabitants, the compensation of court attendants attached or assigned to the superior court, the county courts, the juvenile and domestic relations court and to the grand jury and to the various bureaus and departments in the office of the sheriffs of said counties, or to such executive or official as may be in charge of such duties, shall be fixed by the board of chosen freeholders, which shall be in full and in lieu of all fees, mileage or other allowances allowed for the service of processes and duties as court attendants, and shall be paid in equal semimonthly installments by the county treasurer of each of such counties from the judiciary fund of the county

Source C 2 16-38 1, L 1949, c 33, p 112, §1

2A:16-44. Salaries of court attendants in other first class counties. In counties of the first class having 800,000 or less inhabitants, the salaries of the court attendants attached, or assigned to the superior court, the county courts, and to the grand jury, and to the various bureaus and departments in the office of the sheriffs of said counties, or to such executive or official as may be in charge of such duties, shall be not less than \$2,000 per annum and shall not exceed \$3,600 per annum, with provision for increments in salary between the minimum and maximum of such salaries to be fixed by the board of chosen freeholders on recommendation of the sheriff, which shall be in full and in lieu of all fees, mileage or other allowances allowed for the service of processes and duties as court attendants, and shall be paid in equal semimonthly installments by the county treasurer of each of such counties from the judiciary fund of the county

This section shall not be construed as permitting the decrease of any salaries authorized by law to be paid to any of the court attendants affected by this section nor decrease the amount of each increment now being paid, nor shall this section affect in any way the provisions of section 2A 16-35, fixing the salaries of the sergeants at arms of the superior court and the

sergeants at arms and the court criers of the county court in such counties of the first class

Source R S 2 16-39, as amended L 1947, c 205, p 865, §1

2A:16-45. First class counties; officers in charge of court attendants; compensation; duties. The sheriff of each county of the first class in the state shall have power, by and with the consent of the board of chosen freeholders, to appoint not more than 4 persons as officers in charge of court attendants. The positions of officers in charge shall be filled only by promotion from the personnel of court attendants in accordance with civil service laws and regulations. The compensation of such officers in charge shall be fixed by the board of chosen freeholders on recommendation of the sheriff, but shall not exceed the sum of \$500 in excess of the fixed maximum of salaries of court attendants. Such officers in charge shall be assigned such duties and responsibilities of supervision of court attendants, and such other related work in the office of the sheriff as the sheriff shall from time to time prescribe

This section shall not affect in any manner appointments of officers in charge of court attendants, made in counties of the first class prior to May 27, 1947

Source C 2 16-39 1 and 2 16-39 2, L 1947, c 202, p 862, §§1 and 2

2A:16-46. Counties of 175,000 to 300,000 and of 300,000 to 470,000; salaries of court attendants. In each county having a population between 175,000 inhabitants and 300,000 inhabitants, according to the last federal census, the court attendants engaged in attending the law division of the superior court, the county court and criminal judicial district court, shall receive and be paid monthly by the county treasurer of the county, in lieu of all fees, an annual salary as follows \$2,000 for the first year of service, \$2,100 for the second year of service, \$2,200 for the third year of service; \$2,300 for the fourth year of service, \$2,400 for the fifth year of service, \$2,500 for the sixth year of service, \$2,600 for the seventh year of service, \$2,700 for the eighth year of service; \$2,800 for the ninth and each succeeding year of service

In each county having a population between 300,000 and 470,000 inhabitants, according to the last federal census, the court attendants engaged in attending the law division of the superior court, the county court and criminal judicial district court, shall receive and be paid monthly by the county treasurer of the county, in lieu of all fees, an annual salary as follows \$2,400 for the first year of service; \$2,600 for the second year of service, \$2,800 for the third year of service, \$3,000 for the fourth year of service; \$3,200 for the fifth year of service; \$3,400 for the sixth and each succeeding year of service

This section shall not be construed as reducing the annual compensation of any court attendants

engaged, on June 2, 1947, in any courts affected by the terms of this section

In all cases where any court attendant has already been serving, the time served shall be considered in fixing the salary to be paid to each court attendant respectively

Source C 2 16-40, as amended L 1947, c 244, p 917, §1, L 1948, c 311, p 1255, §1

2A:16-47. Librarian for county law library in first-class counties. The board of chosen freeholders of a county of the first class, where no librarian has been appointed for the county law library, may by resolution designate a competent court officer, who shall, in addition to his other duties, attend the library, for which service the board may fix an additional compensation to be paid to such officer by the treasurer of the county

Source R S 2 5-21

2A:16-48. Elevator operators in counties of first class; assignment to duty by sheriff. Where, in counties of the first class, there shall be, in a courthouse in any such county, an elevator used exclusively for the transportation of prisoners charged with or convicted of crime, the sheriff of such county shall assign one or more of the court attendants provided for by section 2A 16-42 to operate such elevator

Source R S 2 16-44

2A:16-49. Drivers of prison vans in counties of first class; rate of compensation. Any person regularly appointed as a chauffeur in the classified civil service in counties of the first class, who, on March 26, 1926, was engaged in the driving of any vehicle used for the transportation of persons charged with or convicted of crime to the county courthouse from the various county and state institutions, or vice versa, shall be entitled to the same rate of pay or compensation as court attendants serving in the county courts of such counties

Source R S 2 16-41

2A:16-50. Salaries of constables and court attendants of certain courts in counties with between 200,000 and 300,000 inhabitants and operating under civil service law. In each county having not less than 200,000 and not more than 300,000 inhabitants and which has or may adopt the provisions of Title 11, Civil Service, all constables and court attendants attached or assigned to the law division of the superior court, and to the county court in such counties shall, in lieu of all fees, mileage or other allowance, receive a salary of not less than \$1,092 per annum. The salaries herein provided shall be fixed by the board of chosen freeholders of any such county upon the recommendation of the judge of the county court of any such county, and shall be paid semimonthly

Source R S 2 16-45

2A:16-51. Salaries of constables or other persons appointed to attend certain courts in counties

with between 200,000 and 300,000 inhabitants. In each county having not less than 200,000 and not more than 300,000 inhabitants, the constables or other persons appointed to attend the law division of the superior court, and the county court in each such county shall, in lieu of all mileage and other allowances, receive such sum as the board of chosen freeholders of each such county shall direct, which shall be not less than \$900 nor more than \$1200 per annum

Source R S 2 16-47

2A:16-52. Salaries of constables of certain courts in counties with more than 150,000 and less than 200,000 inhabitants; resolution of board of freeholders. In each county having more than 150,000 and less than 200,000 inhabitants, the constables in attendance upon the law division of the superior court and the county court shall, in lieu of all fees, mileage or other allowances whatsoever, receive and be paid monthly by the county treasurer of the county, an annual salary as follows: \$1,200 for the first year of service, \$1,300 for the second year of service, \$1,400 for the third year of service, \$1,500 for the fourth year of service, \$1,600 for the fifth year of service, \$1,700 for the sixth year of service, and \$1,800 for the seventh year of service

This section shall not be effective in any county until the board of chosen freeholders thereof shall have passed a resolution accepting its provisions and declaring that the same is, from the date of such resolution, effective therein, which resolution, when so passed, shall be filed in the office of the county clerk

This section shall not be construed as reducing the annual compensation of any constable or court attendant in attendance, on or prior to July 4, 1927, upon any of the county courts of the county

Source R S 2 16-42

2A:16-53. Salaries of constables attending certain courts in counties with between 150,000 and 300,000 inhabitants. In each county having more than 150,000 and not more than 300,000 inhabitants, the constables appointed to attend the law division of the superior court and the county court in each such county shall assist the sheriff of each such county in serving process issued to him out of any court of this state, and shall receive, for the service of any such process and their attendance upon such courts, \$720 per annum, payable monthly, which payments shall be in full and in lieu of all fees, mileage and other allowances for such service of process and attendance. The fees and mileage authorized by law for such service of process shall be collected by the sheriff of each such county for the use of the county, and any such constable serving any such process shall be entitled to his necessary expenses actually paid in making any such service

Source R S 2 16-48

2A:16-54. Salaries of constables and court attendants of certain courts in counties with between 100,000 and 140,000 inhabitants. In each county having not less than 100,000 or more than 140,000 inhabitants, constables or court attendants attached or assigned to the law division of the superior court and the county court in each such county shall receive, in lieu of all fees, mileage and other allowances, an annual salary of not less than \$750, which shall be fixed by the board of chosen freeholders of each such county upon the recommendation of the judge of the county court of each such county, and shall be paid semimonthly

Source R S 2 16-46

2A:16-55. Decrease in number of court attendants. Hereafter, when the governing body of any county in this state shall, for reasons of economy, or for other reasons, not the fault of the court attendant or attendants involved, decrease the number of court attendants in such county, by the removal of such attendant or attendants from the department in which he is employed, the attendant or attendants so removed shall be carried on a special list, and, if thereafter any new appointments are to be made to such department, the attendant or attendants so removed shall first be appointed thereto before any other person is appointed

Source R S 2 16-50

2A:16-56. Selection of constables for attendance upon superior courts; no compensation to constables not selected. When, in any county, court attendants have not been appointed for the several county courts thereof pursuant to section 2A 16-42, the sheriff of the county shall, at least 10 days before the commencement of each regular session of the law division of the superior court to be held in such county, select and make a list of constables, who shall attend as constables at the next session of the law division of the superior court in the county. The number of constables to be so selected shall not exceed 10 in number for each such county, except that not to exceed 15 constables may be selected in any such county having a population of at least 150,000 and in any such county having a greater population 1 additional constable for each 20,000 population may be selected. The sheriff shall notify, by mail, each constable selected as herein provided of his selection. If, upon the first day of the session or any day thereafter, any of the constables selected as herein provided shall fail to attend at such session, the judge of the county court of the county, if the business of the court requires it, shall direct, by writing under his hand and filed with the clerk, that such number of other duly elected constables of the county as shall be designated in such writing shall serve at such session of the court instead of the constables originally selected and absent. If, at any time, the judge of the county court

shall deem the attendance of an additional number of constables desirable or necessary for the proper transaction of the public business, he may, by writing, authorize the sheriff to summon such additional number of constables as he shall designate. No constable of any such county, except those selected and summoned as provided by this section, shall receive any compensation whatever for his attendance as a constable upon the law division of the superior court or at any such session thereof.

If, at any time during a regular session of the law division of the superior court, it shall appear to the judge of the county court that the attendance of any of the constables in attendance upon the court at such session may, without detriment to the public business of such session be dispensed with, the judge may forthwith discharge from further attendance such and as many of such constables as he may, by order in writing, direct

Source R S 2 16-49

2A:16-57. Per diem of constable attending certain courts. Except as otherwise provided by law, the constables of the several counties shall receive for each and every day they are engaged in attendance upon the law division of the superior court and the county court in their respective counties, the sum of \$5 or such greater sum not exceeding the sum of \$7 as the board of chosen freeholders of such respective counties may, by resolution, determine. Said sum shall be in full and in lieu of all mileage or other allowances authorized prior to March 23, 1926. Source R S 2 16-43, as amended L 1950, c 322, §1

Article 7 RECORDS AND RIGHTS OF FORMER COURTS, AND POWERS AND RIGHTS OF CLERKS THEREOF

2A:16-58. Exemplification of records of former courts. An act concerning the exemplification of records of the former court of errors and appeals, supreme court, court of chancery, prerogative court, circuit court, court of common pleas, court of oyer and terminer, court of quarter sessions, court of special sessions, orphans' court—approved September 10, 1948, saved from repeal

Source C 2 16-87, L 1948, c 372, p 1522, §1

2A:16-59. Transfer from abolished courts and clerks of abolished courts of rights, title, interest and obligations. L 1948, c 362, p 1457 (C 2 16-101 and 2 16-102), entitled "An act concerning certain powers, authority and property", approved September 10, 1948, saved from repeal [This law deals with powers of attorney given to the clerk or register of any court abolished or superseded by the new constitution, it transfers the right, title and interest of the clerk or register of any court so abolished in any bank account, etc to the clerk of the court succeeding to the jurisdiction of the court so abolished, and it transfers to the superior court the right, title

and interest of the chancellor of the ordinary court of chancery, prerogative court, supreme court and the circuit court or any justice of the supreme court or judge of the supreme court in any bank account, etc.]

2A:16-60. Court of errors and appeals; disposition of books, records and documents. L 1948,

c 331, p 1316 (C 2 16-94 to 2 16-100), entitled "An act providing for the disposition of all files, and the books, papers, records and documents and all property of the court of errors and appeals, the former supreme court, the prerogative court, the chancellor and the court of chancery, or in their custody", approved August 30, 1948, saved from repeal

Subtitle 2 and Subtitle 3. Blank.

Subtitle 4. ATTORNEYS, COUNSELORS AND BAR EXAMINERS.

Chapter 20. ATTORNEYS, COUNSELORS AND BAR EXAMINERS.

Section

2A 20-1. Oath of practitioner
2A 20-2 Attorneys suable
2A 20-3 Attorneys not to be sureties on bonds
2A 20-4 Liability for damages

Section

2A 20-5 Lien for services
2A 20-6 Recovery of fees and disbursements
2A 20-7 Bar examiners, salary and expenses
2A 20-8 Clerk of board of bar examiners

2A:20-1. Oath of practitioner. Every counselor at law or attorney at law, shall, before he is permitted to practice in any court of this state, take and subscribe in open court, the following oath

I, . . . , do solemnly promise and swear, that I will support the constitution of this state and the constitution of the United States and will perform the duties of my office faithfully to the best of my ability So help me God

Source R S 2 20-1

2A:20-2. Attorneys suable. Attorneys may be sued as other persons in all courts of this state
Source R S 2 20-2

2A:20-3. Attorneys not to be sureties on bonds. No practicing attorney shall be surety on a bond as security for costs or a replevin bond or a bond given in connection with any proceeding in lieu of a prerogative writ Any such bond signed by a practicing attorney as surety shall be insufficient

Source R S 2 20-4

2A:20-4. Liability for damages. If an attorney shall neglect or mismanage any cause in which he is employed, he shall be liable for all damages sustained by his client

Source R S 2 20-5

2A:20-5. Lien for services. After the filing of a complaint or third-party complaint or the service of a pleading containing a counterclaim or cross-claim, the attorney or counselor at law, who shall appear in the cause for the party instituting the action or maintaining the third-party claim or counterclaim or cross-claim, shall have a lien for compensation, upon his client's action, cause of action, claim or counterclaim

or cross-claim, which shall contain and attach to a verdict, report, decision, award, judgment or final order in his client's favor, and the proceeds thereof in whosoever hands they may come The lien shall not be affected by any settlement between the parties before or after judgment or final order, nor by the entry of satisfaction or cancellation of a judgment on the record The court in which the action or other proceeding is pending, upon the petition of the attorney or counselor at law, may determine and enforce the lien

Source R S 2 20-7, 2 27-314

2A:20-6. Recovery of fees and disbursements. Every attorney and counselor may commence and maintain an action for the recovery of reasonable fees, charges or disbursements against his client or his legal representative, provided he shall have first delivered to the client or his legal representative or left for him at his dwelling house or usual place of abode with some competent member of his family of the age of 14 years or over then residing therein, a copy of his bill of fees, charges and disbursements

Source R S 2 20-8

2A:20-7. Bar examiners; salary and expenses. Each bar examiner shall be paid a salary to be fixed by the supreme court and such traveling and incidental expenses as shall be approved by a supreme court justice

Source C 2 16-65, L 1948, c 390, p 1582, §15

2A:20-8. Clerk of board of bar examiners. The supreme court may appoint a suitable person to be clerk to the board of bar examiners to hold office during the pleasure of the court and may appoint successors from time to time and may fix the compensation to be paid such clerk

Source C 2 16-66, L 1948, c 390, p 1582, §16

Chapter 21 to Chapter 23. Blank.

Subtitle 5. LIMITATION OF CIVIL ACTIONS; ADVERSE POSSESSION.

Chapter 24. LIMITATION OF ACTIONS.

Section	Section
2A 24-1 Six years, certain enumerated actions	2A 24-18 Twenty years, actions on bonds of fiduciaries given under insolvency laws, disabilities, nonresidence, death
2A 24-2 Two years, actions for injuries to person by wrongful act	2A 24-19 Sixteen years, actions on prison limits bonds
2A 24-3 One year, libel or slander	2A 24-20 Ten years, actions on bonds of municipal magistrates
2A 24-4 Disabilities affecting limitations prescribed by sections 2A 24-1, 2A 24-2 and 2A 24-3	2A 24-21 New action after judgment reversed or relief granted
2A 24-5 Sixteen years, actions on lease, specialty or award, effect of payments made, disabilities	2A 24-22 Two months, actions against sheriffs by claimants of personal property attached or levied upon under execution.
2A 24-6 Twenty years, judgments	2A 24-23 Two years and one year, actions on penal statutes
2A 24-7 Nonresidence, effect on limitations	2A 24-24 One year, action on vacation of public rights by ordinance, park lands accepted by municipality
2A 24-8 Death, effect on limitations	2A 24-25 Two years, persons claiming interest in park lands not accepted by municipality
2A 24-9 Acknowledgment or new promise	2A 24-26 Enforcement of mortgage judgment or lien
2A 24-10 Indorsement or memorandum of payment on written obligation, effect	2A 24-27 Interest on barred claims
2A 24-11 Set-off	2A 24-28 Military or naval service during war, effect on limitations
2A 24-12 Twenty years, right of entry into real estate, disabilities	2A 24-29 Actions by public officers or employees whose compensation was reduced to be brought prior to November 18, 1938
2A 24-13 Twenty years, real actions, disabilities	2A 24-30 Prescriptive right to maintain wires or cables
2A 24-14 Sixty years, claims to real estate by devisees under invalid will as heirs to other real estate mentioned therein	2A 24-31 Blank
2A 24-15 Twenty years, actions by state for real estate or rents, issues or profits thereof	
2A 24-16 Nine years, actions on bonds of sheriffs, county treasurers and city or township collectors or treasurers	
2A 24-17 Four years, actions on bonds of constables	

2A:24-1. Six years; certain enumerated actions. Every civil action at law for trespass on real property, for any tortious injury to real or personal property, for taking, detaining, or converting personal property, for replevin of goods or chattels, for any tortious injury to the rights of another not stated in sections 2A 24-2 and 2A 24-3, or for recovery upon a contractual claim or liability, express or implied, not under seal, or upon an account other than one which concerns the trade or merchandise between merchant and merchant, their factors, agents and servants shall be commenced within 6 years next after the cause of any such action has accrued, and not thereafter

Source R S 2 24-1

Note of Reporter The above statute will not change the existing law. The old supreme court has indicated, in *Belles v Belles*, 12 N J L 339 (Sup Ct 1831) and other cases, that the exception in the statute as to those accounts which concern the trade or merchandise between merchant and merchant, their factors, agents and servants is to be extended so as to embrace accounts of other persons between whom there have been mutual dealings and credits, some of which are of more than 6 years standing, and others less. This extension of the statute, if it is approved by the highest court, is just as applicable to 2A 24-1 as it was to R S 2 24-1. It has been urged that this chapter should be simplified, notwithstanding that such a simplification would lead to a considerable number of changes in established law. Thus the provisions of 2A 24-4, 2A 24-7 and 2A 24-21 could be made applicable to

most all sections of the chapter. If the bar desires it, the chapter can be rewritten accordingly. Improvements could be made in the law. *Elasser v Haines*, 52 N J L 10 (Sup 1889). Should not the state be bound by the statutes of limitations, or at any event by special statutes?

2A:24-2. Two years; actions for injuries to person by wrongful act. Every civil action at law for an injury to the person caused by the wrongful act, neglect or default of any person within this state shall be commenced within 2 years next after the cause of any such action shall have accrued, and not thereafter

Source R S 2 24-2

2A:24-3. One year; libel or slander. Every civil action at law for libel or slander shall be commenced within 1 year next after the publication of the alleged libel or slander, and not thereafter.

Source R S 2 24-3

2A:24-4. Disabilities affecting limitations prescribed by sections 2A:24-1, 2A:24-2 and 2A:24-3. If any person entitled to any of the actions specified in sections 2A 24-1, 2A 24-2 and 2A 24-3 of this title is or shall be, at the time of any such cause of action accruing, within the age of 21 years, or insane, such person may bring such action, within such time as limited by said sections 2A 24-1, 2A 24-2 and 2A 24-3, after his coming to or being of full age or of sane memory.

Source. R S 2 24-4

2A:24-5. Sixteen years; actions on lease, specialty or award; effect of payments made; disabilities. Every civil action at law for rent or arrears of rent, founded upon a lease under seal, every civil action at law upon a single or penal bill under seal for the payment of money only, upon an obligation under seal conditioned for the payment of money only or upon an award under the hands and seals of arbitrators for the payment of money only shall be commenced within 16 years next after the cause of such action accrues, and not thereafter. If, however, any payment is made on any such lease, specialty or award within or after such period of 16 years, an action thereon may be commenced within 16 years next after such payment, and not thereafter.

The time during which the person entitled to any of the actions herein specified may be under the age of 21 years or insane shall not be computed as a part of the 16 years.

Source R S 2 24-5

2A:24-6. Twenty years; judgments. A judgment in any court of record in this state may be revived by scire facias or an action may be brought thereon within 20 years next after the date thereof. An action may be brought on a judgment obtained in any other state within 20 years next after the date thereof or within the period in which an action might be brought thereon in that state, whichever period is shorter. The time during which the person entitled to the benefit of any such judgment shall have been under the age of 21 years or insane shall not be computed as a part of such 20 years.

Source R S 2 24-6

Note of Reporter There is at present no statute of limitations as to a foreign judgment, only a presumption of payment. *Symmes v Avery*, 98 N J L 358 (Sup 1922) as to definition of the word "state", see R S 1 1-2

2A:24-7. Nonresidence; effect on limitations. If any person against whom there is or may be a cause of action specified in sections 2A 24-1, 2A 24-2, 2A 24-3, 2A 24-5, 2A 24-6, 2A 24-16 or 2A 24-17 of this title is not a resident of this state when such cause of action accrues, or removes from this state after the accrual thereof and before the expiration of the times limited in said sections, or if any corporation not organized under the laws of this state, against whom there is or may be such a cause of action, is not represented in this state by any person or officer upon whom summons or other original process may be served, when such cause of action accrues or at any time before the expiration of the times so limited, the time or times during which such person is not residing within this state or such corporation is not so represented within this state shall not be computed as part of the periods of time within which such actions are required to be commenced by said sections, and the person entitled to any such action may commence the same after the accrual of the cause therefor, within the periods of time limited thereof by

said sections, exclusive of such time or times of nonresidence or nonrepresentation.

Source R S 2 24-7, as am L 1949, c 125, p 495, §1

2A:24-8. Death; effect on limitations. If any person against whom there is or may be a cause of action specified in sections 2A 24-1, 2A 24-2, 2A 24-5, 2A 24-6, 2A 24-16 or 2A 24-17 of this title has died or shall die before the expiration of the time limited thereby, the space of 6 months next succeeding such death shall not be computed as a part of the limited periods within which the action is required by said sections to be commenced.

Source R S 2 24-8

2A:24-9. Acknowledgment or new promise. In civil actions at law grounded on any simple contract, no acknowledgment or promise by words only shall be deemed sufficient evidence of a new or continuing contract, so as to take any case out of the operation of this chapter, or to deprive any person of the benefit thereof, unless such acknowledgment or promise shall be made or continued by or in some writing to be signed by the party chargeable thereby.

Where there shall be 2 or more joint contractors or executors or administrators of any contractor, no such joint contractor, executor or administrator shall lose the benefit of this chapter so as to be chargeable in respect or by reason only of any written acknowledgment or promise, and signed by another or others of them. If, in an action against 2 or more joint contractors, or executors or administrators of a contractor, it appears at the trial or otherwise that the plaintiff, although barred as to 1 or more of such joint contractors, or executors or administrators, shall, nevertheless be entitled to recover against any other or others of the defendants by virtue of a new acknowledgment or promise, or otherwise, judgment may be given and with costs allowed for the plaintiff as to such defendant or defendants, against whom he shall recover, and for the other defendant or defendants against the plaintiff.

Nothing in this section shall take away, lessen or alter the effect of any payment of principal or interest made by any person whatsoever.

Source R S 2 24-9

2A:24-10. Indorsement or memorandum of payment on written obligation; effect. No indorsement or memorandum of any payment written or made upon a promissory note, bill of exchange or other writing, by or on behalf of the party to whom the payment is made, shall be deemed sufficient proof of such payment so as to take the case out of the operation of this chapter.

Source R S 2 24-10

2A:24-11. Set-off. The limitations provided by this chapter shall apply to the case of any debt on simple contract alleged by way of set-off by a defendant.

Source R S 2 24-11

2A:24-12. Twenty years; right of entry into real estate; disabilities. Every person having any right or title of entry into real estate shall make such entry within 20 years next after the accrual of such right or title of entry, or be barred therefrom thereafter, but the time during which the person having a right or title of entry shall have been insane or under the age of 21 years shall not be taken or computed as part of such 20 years

Source R S 2 24-12

2A:24-13. Twenty years; real actions; disabilities. Every civil action at law for real estate shall be brought within 20 years next after the right or title thereto, or cause of such action shall accrue, and not thereafter, but the time during which the person having such right or title, or cause of action, shall have been insane or under the age of 21 years shall not be taken or computed as part of such 20 years

Source R S 2 24-13

2A:24-14. Sixty years; claims to real estate by devisees under invalid will as heirs to other real estate mentioned therein. Where lands are or have been devised to 2 or more persons in severalty by a paper writing purporting to be a last will and testament, executed by the owner of such lands in the presence of 2 or more witnesses, and such writing is inoperative and void as a will, such persons being the heirs at law of decedent, and such persons, their heirs, executors and assigns, remain or have remained for a period of 60 years after the death of such decedent in the actual or constructive possession of the respective parcels of land, so purporting to be devised severally to them, every such person, his heirs, executors and assigns, shall be estopped from claiming any right, title or interest in the lands mentioned in such writing, except in such land as was devised or attempted to be devised to such person in severalty, and no action shall be brought by any such persons, their heirs, executors or assigns, to enforce any right or claim as heir of such decedent in the other lands mentioned in such writing

Source R S 2 24-14

2A:24-15. Twenty years; actions by state for real estate or rents, issues or profits thereof. No person or body politic or corporate shall be sued or impleaded by the state of New Jersey for any real estate, or for any rents, revenues, issues or profits thereof, except within 20 years after the right, title or cause of action to the same shall accrue

Source R S 2 24-15

2A:24-16. Nine years; actions on bonds of sheriffs, county treasurers and city or township collectors or treasurers. No civil action brought upon any bond given or to be given by any sheriff and his sureties for the faithful performance of the office of sheriff, or by any county treasurer and his sureties for the faithful performance of

the duties of the office of such treasurer, or by any city or township collector and his sureties for the faithful performance of the duties of the office of such collector or treasurer, shall in any way operate against or affect the sureties named and bound in any such bond, unless such action shall be commenced within 9 years after the date of any such bond, and not thereafter

Source R S 2 24-16

Note of Reporter R S 2 24-16, 17, 19 and 20 speak of a "prosecution" on a bond, the remaining sections of chapter 24 of Title 2 speak of an "action" The word "prosecution" gives rise to an ambiguity which the courts have not resolved In *State v Sureties of Hardenburgh*, 2 N J L 355 (Sup Ct 1808) Kirkpatrick, C J, held that the word "prosecution" means a motion to assess damages and take out execution The majority of the court did not concur in this, and the case passed off on other grounds See *West Hoboken v Syms*, 49 N J L 546, 9 A 780 (Sup Ct 1887) In other words Kirkpatrick, C J, held that the assessment of damages and the taking out of execution must be accomplished within the periods prescribed by these statutes, thus shortening the periods a little bit in a very poorly defined way It seems to be within the function of the advisory committee to clear up such an "inconsistency" in the language of these sections of chapter 24

2A:24-17. Four years; actions on bonds of constables. No civil action brought upon any bond given or to be given by any constable and his sureties for the faithful performance of all duties enjoined on him as constable shall in any way operate against or in any manner affect the sureties named in and bound in such bond, unless such action shall be commenced within 4 years after the date of such bond, and not thereafter

Source R S 2 24-17

Note of Reporter See Note of Reporter to 2A 24-16

2A:24-18. Twenty years; actions on bonds of fiduciaries; disabilities; nonresidence; death. No civil action brought upon a bond given by any executor, administrator, guardian, trustee, receiver or assignee under any law relating to insolvent debtors or insolvent estates, for the faithful performance of any or all of the duties of any of such fiduciaries, shall in any way operate against or in any manner affect the sureties named in and bound by the bond, unless the same is commenced within 20 years next after the date of the bond Any surety, his heirs, devisees or personal representatives may plead this section in bar of any action not commenced within the time herein prescribed

The time during which the person entitled to the benefit of the bond may be under the age of 21 years or insane shall not be computed as a part of the 20 years

If any surety on the bond is a nonresident of this state when the cause of action accrues thereon, or removes from the state after the accrual thereof and before the limitation herein mentioned expires, the time during which the surety shall not reside within the state shall not, in an action against him, his heirs, devisees or personal representatives, be computed as a part of the 20 years

If any surety on the bond dies before the expiration of the limitation herein prescribed, a period of 6 months next succeeding such death shall not, in actions against the heirs, devisees or personal representatives of such surety, be computed as part of the 20 years

Source R S 2 24-18

2A:24-19. Sixteen years; actions on prison limits bonds. No civil action brought upon a prison limits bond, given to the sheriff of any county by an insolvent debtor or person arrested upon final process in a civil action, shall in any way operate against or in any manner affect the sureties named in and bound by the bond, unless such action shall be commenced within 16 years next after the date of such bond

Source R S 2 24-19

Note of Reporter See Note of Reporter to 2A 24-16

2A:24-20. Ten years; actions on bonds of municipal magistrates. No civil action brought upon a bond given or to be given by any municipal magistrate and his sureties pursuant to section 2A 9-11 of this title shall in any way operate against or in any manner affect the sureties named in and bound by such bond, or their heirs, executors or administrators, unless such action shall be commenced within 10 years after the date of such bond, and not thereafter

Source R S 2 24-20

Note of Reporter See Note of Reporter to 2A 24-16

2A:24-21. New action after judgment reversed or relief granted. If, in any of the actions or proceedings specified in sections 2A 24-1 to 2A 24-20 of this title, judgment is given for the plaintiff therein, and such judgment is reversed on appeal, or, if a verdict pass for plaintiff and, upon motion for relief from the judgment, judgment is given against plaintiff, plaintiff, his heirs, executors or administrators, may commence a new action within 1 year after the judgment is reversed or judgment is given against plaintiff, and not thereafter

Source R S 2 24-23

2A:24-22. Two months; actions against sheriffs by claimants of personal property attached or levied upon under execution. Where a person other than a defendant in attachment or execution lays claim to personal property attached, levied upon, taken or sold by a sheriff or other officer, by virtue of a writ of attachment or execution issuing out of any court of this state, no civil action shall be or be brought by the claimant against such sheriff or other officer, either in his official or individual capacity, or against the agent of or person acting for him, to enforce the claim against the sheriff or other officer, agent or person, for such attachment, levy, taking or sale, or to recover the proceeds of such a sale, unless the same is commenced within 2 months from the time the claimant delivers a written notice of his claim to the sheriff or other officer, his attorney or agent

If no such written notice has been delivered to him, the sheriff or other officer may give written notice of the attachment, levy, taking or sale to any person who he may have reason to suppose claims, or before a sale claimed, the property so attached, levied upon, taken or sold, and such person shall thereupon, and within 2 months from the receipt by him of such notice, bring his action against the sheriff or other officer, or the agent or person acting for him, for the enforcement of his claim, or for damages for such attachment, levy, taking or sale, or for the proceeds of such a sale, or be forever thereafter barred therefrom

This section shall not be construed to affect in any way the liability of any person except such sheriff or officer, in his official capacity and personally, and the agent of such sheriff or officer

Source R S 2 24-21

2A:24-23. Two years and one year; actions on penal statutes. All civil actions brought for any forfeiture upon any penal statute made or to be made, shall be commenced within the periods of time herein prescribed, and not thereafter

a Within 2 years next after the offense committed or to be committed against the statute, when the forfeiture is or shall be limited by the statute to the state of New Jersey only,

b Within 2 years next after the offense committed or to be committed against the statute, or cause of action accrued, when the benefit of the forfeiture and the action therefor is or shall be limited or given to the party aggrieved,

c Within 1 year next after the offense committed or to be committed against the statute, when the benefit of the forfeiture and the action therefor is or shall be limited or given by the statute to any person who shall prosecute for the same, or to the state of New Jersey, and to any other who shall prosecute in that behalf, except that, in default of such action, the same shall be brought for the state of New Jersey, at any time within 1 year after the termination of the aforesaid year,

d Within 1 year next after the offense committed or to be committed against the statute, when the forfeiture is or shall be limited by the statute to any county or municipality, or to any officer of such county or municipality, or to any person for the use of such county or municipality, or to the use of the poor of such municipality, either in whole or together with any other person who may lawfully sue for the same

Where, however, by any statute made or to be made it is provided that any such action is to be brought within a shorter time than that prescribed by this section, such action shall be commenced within the time so provided by that statute

Source R S 2 24-22

Note of Reporter The provisions as to information contained in R S 2 24-22 have been stricken Under

Rule 3 2 there is only "one form of action in civil practice to be known as a 'civil action'", hence an information as a form of action has been superseded. Rule 3 7-1 states the names of the pleadings and provides categorically that no other pleading is allowed, hence an information as a form of pleading is also superseded.

2A:24-24. One year; action on vacation of public rights by ordinance; park lands accepted by municipality. Whenever any municipality has heretofore adopted, or shall hereafter adopt, any ordinance vacating, extinguishing, or releasing the public rights in any road, street, avenue, public highway, lane, alley, path, park, square or pleasure grounds, or any part thereof, any person or persons having or claiming any right, title or interest in such road, street, avenue, public highway, lane, alley, path, park, square or pleasure grounds, or any part thereof, or the lands included therein, in which said public rights have been vacated, extinguished or released, shall bring his action or actions respecting the same within 1 year of the date of adoption of such ordinance, or in case such ordinance shall have been adopted prior to July 3, 1950, then before July 3, 1951, and not otherwise, provided, however, that this section shall not apply to any person or persons owning lands, or any interest therein, abutting any part of such road, street, avenue, public highway, lane, alley or path in which the public rights have been vacated, extinguished or released, or whose right of ingress and egress to a public street or highway is solely over such road, street, avenue, public highway, lane, alley or path in which the public rights were vacated, extinguished or released.

Source C 2 24-27, L 1950, c 286, §1

2A:24-25. Two years; persons claiming interest in park lands not accepted by municipality. Whenever any municipality shall after July 24, 1950 adopt any ordinance vacating any park or park lands or any part thereof, which shall have heretofore been dedicated by map, plat, deed, deed reference or otherwise but shall not have been accepted by such municipality, any person or persons, other than the owner of the fee title therein, having or claiming any easement, right, or interest in the lands vacated, shall be precluded from bringing an action to establish such easement, right, or interest therein unless

a Such person shall, within 2 years after the effective date of such ordinance, commence and diligently prosecute an action or actions in the superior court to establish such easement, right, or interest in the lands vacated against the owner or owners of record of the fee title of said lands, and

b Such person shall, within 10 days after the filing of his complaint in such action file in the office of the recording officer, as the case may be

of the county where the lands vacated are situated, a written notice of the pendency of the action pursuant to article 3 of chapter 26 of Title 2A

Source C 2 24-28, L 1950, c 328, §1

2A:24-26. Enforcement of mortgage judgment or lien. Section 2A 24-25 shall not be construed to preclude the holder of a mortgage judgment or lien upon and enforceable against the vacated lands from enforcing such mortgage judgment or lien

Source C 2 24-29, L 1950, c 328, §2

2A:24-27. Blank

2A:24-28. Military or naval service during war; effect on limitations. The period of service, in time of war and 6 months thereafter, of any person, in the active military or naval service of the United States, or in the active service of the women's auxiliary corps, the women's reserve of the naval reserve, or any similar organization authorized by the United States to serve with the army or navy, shall not be included in computing any period limited on April 16, 1945, or thereafter by any law for the bringing of any action by or against any such person or by or against his heirs, executors, administrators or assigns, whether such cause of action shall have accrued prior to, or during, the period of such service or during such 6 months thereafter

Source C 2 24-26, L 1945, c 167, p 586, §1

2A:24-29. Actions by public officers or employees whose compensation was reduced to be brought prior to November 18, 1938. L 1938, c 200, p 477 (C 2 24-25) entitled "An act concerning the limitation of civil actions, and supplementing chapter 24 of Title 2 of the Revised Statutes", approved May 18, 1938, saved from repeal [This act provides that persons holding offices or employment under the government of this state or any county, municipality or school district thereof, whose compensation was reduced must bring his action for the recovery of such moneys alleged to be due by reason of the reduction prior to November 18, 1938]

2A:24-30. Prescriptive right to maintain wires or cables. Whenever any wire or cable used for any telegraph, telephone, electric light, or other wire or cable for electric purposes, is or shall be attached to, or does or shall extend upon or over any building or land, no lapse of time whatsoever shall raise a presumption, or justify a prescription of any perpetual right to such attachment or extension.

Source R S 2 25-10

2A:24-31. Blank. As to this section, see the proposed amendment to R S 2:25-9 (immateriality of descent cast) contained in proposed additional legislation

Chapter 25. PROPRIETARY SURVEYS.

Section

2A 25-1 Proprietary surveys as bar to proprietors
 2A 25-2 New surveys within reputed boundary of ancient surveys unrecorded or record of which lost, notice of intention to make

Section

2A 25-3 Perfection of title to overplus land by claimant under ancient survey
 2A 25-4 Record of surveys as bar to acquisition of rights by new surveys

2A:25-1. Proprietary surveys as bar to proprietors. Any survey, made of lands within either the eastern or western division of the proprietors of the state of New Jersey, and inspected and approved by the general proprietors, or council of proprietors of such division, and, by their order or direction, entered upon the record in the office of the secretary of state or in the surveyor general's office in such division, shall, from and after such record is made, preclude and forever bar such proprietors and their successors from any demand thereon, any defense setting up a deficiency of right or otherwise

Source R S 2 25-4

2A:25-2. New surveys within reputed boundary of ancient surveys unrecorded or record of which lost; notice of intention to make. Because of the fact that many ancient surveys of land, fairly made, have not, by reason of the neglect of officers or because of some casualty, been put on record, or, if recorded, the record has been destroyed by fire or lost, by reason whereof, and because of the natural decay of marked lines and corners, the ancient metes and bounds cannot, except by testimony and reputation, be clearly ascertained, and it has been found, on running the lines of many of such surveys, that they include more land or extend farther than their strict length of chain, large measures having been formerly allowed, even by the proprietors, as an encouragement to locations, thus making it possible for persons other than the owners and possessors of the lands included in such surveys to take advantage of such owners and possessors (who, supposing their titles to be indefeasible, have not resurveyed, covered and secured the lands included in their surveys) by confining their holdings to the net length of chain, thereby making vacancies of valuable improved parts, upon some of which buildings have been erected, and such persons, on causing surveys to be made of such overplus, have procured or may procure such overplus surveys to pass the council of proprietors, without giving due recognition to prior legal rights or due notice to the owners and possessors of the lands covered by the ancient surveys, no such newly-made partial survey, lying within the council of proprietors, or which may be returned to the council, or made on any lands, improved or unimproved, within what has been usually taken and deemed to be the ancient reputed boundary of such lands, shall be recorded or be of any avail to any person so surveying, unless it shall be made to appear, by the testimony of at least 2 good

and sufficient witnesses, that the possessor, holding such lands by survey, deed or otherwise, has been duly notified, at least 6 months previous to the making of such survey, of the intention to make the same, and has refused or neglected to resurvey and cover such overplus lands

Source R S 2 25-5

2A:25-3. Perfection of title to overplus land by claimant under ancient survey. If the council of proprietors shall refuse or neglect to give preference to any prior survey, legally made, or to the possessor of any tract of land, enabling him to cover with rights, and secure the overplus lands which may be found within his ancient bounds, on his making a resurvey of his lands within 6 months after the notice given to him as required by section 2A 25-2 of this title, such possessor, or any person legally authorized on his behalf, may cause a resurvey to be made, agreeably to the ancient reputed lines and boundaries, either by a deputy surveyor or by a person who understands the art of surveying, and appropriate so many rights thereon as will be sufficient to include the overplus

When the surveyor or person making the survey herein provided for shall have satisfied a municipal magistrate in the county wherein the affected lands are situate that the survey so made by him is just, according to the best of his knowledge, such survey may be produced to the clerk of the county or counties wherein such lands are situate, who shall on the receipt thereof, record the same in the book directed to be kept in the respective counties by the act entitled "An act for the limitation of suits at law respecting titles to land", passed at Burlington June 5, 1787 Thereupon the survey, so made and recorded, shall give to the owner and possessor of the lands covered thereby an absolute title in fee.

Source R S 2 25-6

2A:25-4. Record of surveys as bar to acquisition of rights by new surveys. Nothing contained in either section 2A 25-2 or section 2A 25-3 of this title shall be construed or taken to authorize any person to make any survey within the certain or reputed bounds of any survey or resurvey made and entered on record pursuant to the provisions of the act mentioned in said section 2A 25-3, any large or overplus measure therein contained, notice given as required by said section 2A 25-2, deficiency of rights or other defense to the contrary notwithstanding

Source R S 2 25-7

Subtitle 6. PRACTICE AND PROCEDURE IN CIVIL ACTIONS GENERALLY.

Chapter 26. CIVIL ACTIONS.

Section	Article 1 General Provisions	Section	
2A 26-1	Actions in person or by attorney	2A 26-35	Service of process on secretary of state or chief clerk
2A 26-2	Beneficiary in contract suing or defending	2A 26-36	Notice to corporation of service on secretary of state
2A 26-3	Actions which survive, torts to decedent	2A 26-37	Effect of service on secretary of state
2A 26-4	Actions which survive, torts committed by decedent	2A 26-38	Fee payable to secretary of state, part of taxable costs
2A 26-5	Limitation of lien of civil recognizance	2A 26-39	Process book of secretary of state, entries in
2A 26-6	Blank	2A 26-40	Service on the commissioner of banking and insurance
2A 26-7	Damages or penalties, recovery by action, limitation	2A 26-41	Service on commissioner of banking and insurance, fee, effect
2A 26-7 1	Discharge of surety from liability for future acts of receiver	2A 26-42	Notice to company of service on commissioner of banking and insurance, records of commissioner
2A 26-7 2	Allowance of expense of procuring surety bond	2A 26-43	Service on commissioner of banking and insurance, fee, effect
2A 26-7 3	Rental of safe deposit box, expense of safe-keeping securities	2A 26-44	Notice to association of service on commissioner of banking and insurance
	Article 2 Lis Pendens	2A 26-45	Service on commissioner of banking and insurance, fee, effect
2A 26-8	Written notice of pendency of action, contents	2A 26-46	Service on commissioner of banking and insurance, fee, effect
2A 26-9	Effect of filed notice as to persons claiming under defendant in action	2A 26-47	Service on commissioner of banking and insurance, fee, notice to association, effect
2A 26-10	Rights of bona fide purchasers, mortgagees or lienors before notice filed and prior to final judgment	2A 26-48	Method of service on county or municipality
2A 26-11	Notice of foreclosure action	2A 26-49	Personal service, service by publication
2A 26-12	Discharge of lis pendens of record when action not prosecuted		Article 5 Arrest and Bail
2A 26-13	Life of lis pendens	2A 26-50	Arrest of female prohibited
2A 26-14	Record and index of notices, access to	2A 26-51	Capias, grounds, affidavits or proof in tort
2A 26-15	Fee for recording notice as taxable costs	2A 26-52	Capias, grounds, affidavits or proof in contract
2A 26-16	Blank See proposed additional legislation		Article 6 Declaratory Judgments
2A 26-17	Order discharging real estate from claim	2A 26-53	"Person" defined
2A 26-18	Record of discharge of real estate from claim	2A 26-54	Construction and citation of article
2A 26-19	Blank See proposed additional legislation	2A 26-55	Declaration of rights, status and other legal relations
	Article 3 Parties	2A 26-56	Questions determinable and rights declarable
2A 26-20	Action by taxpayer on failure of county or municipality to sue	2A 26-57	Contract construed
2A 26-21	Intervention by taxpayer in action by or against county or municipality	2A 26-58	Declaration of rights or legal relations of interested parties in relation to estates, wills and other writings
2A 26-22	Designation of party by initial or contraction of Christian name	2A 26-59	Parties interested as parties to proceeding
2A 26-23	Designation of party by fictitious name, substitution of true name	2A 26-60	Persons not parties not prejudiced by declaration
	Article 4 Process	2A 26-61	Determination of issues of fact
2A 26-24	Blank	2A 26-62	Declaratory judgment, form and effect
2A 26-25	Process out of county court, service by sergeant at arms	2A 26-63	Further relief
2A 26-26	Return of process by sheriff, amercement	2A 26-64	Declaratory judgment refused
2A 26-27	Service on Saturdays	2A 26-65	Review of orders and judgments
2A 26-28	Service on death or disability of officer, receiver, master or other person to whom writ, process, order for sale of real estate was originally directed	2A 26-66	Costs
2A 26-29	Officer returning process to sign own name thereto		Article 7 Set-off
2A 26-30	Sheriff's process book, entries, inspection by parties interested	2A 26-67	Demand subject to set-off
2A 26-31	Process book deposited with county clerk	2A 26-68	Failure to present set-off
2A 26-32	Records in process book or transcripts thereof as evidence of returns made	2A 26-69	Verdict and judgment on allowance of set-off
2A 26-33	Service on domestic corporations by publication		Article 8 Jury
2A 26-34	Effect of order for publication on corporation's real estate	2A 26-70	Verdict by five-sixths of the jury
		2A 26-71	Inapplicable to pending causes
		2A 26-72	Blank

Section

Article 9 Disqualification of Judge

- 2A 26-73 What constitutes
 2A 26-74 Challenges, triors, determination

Article 10 Judgments

- 2A 26-75 Time from which judgment binds real estate
 2A 26-76 Judgments of former circuit court, effect
 2A 26-77 Setting aside fraudulent judgment on motion of judgment creditor
 2A 26-78 Interest of purchasers and mortgagees, etc., saved
 2A 26-79 Judgment for conveyance of land, effect
 2A 26-80 Offset against judgment of taxes, etc., due municipality
 2A 26-81 Judgment of county court on appeal, effect on real estate
 2A 26-82 Record of judgments of county court
 2A 26-83 Warrant not revocable
 2A 26-84 Final judgments of county court
 2A 26-85 Dockets kept by clerks of county courts
 2A 26-86 Docket entries by clerk of county court
 2A 26-87 Certified transcripts of docketed judgments for clerk of superior court, filing and docketing in superior court
 2A 26-88 Indexes to clerks' dockets, dockets public records
 2A 26-89 Effect of docketing in superior court
 2A 26-90 No execution in lower court on judgment docketed in superior court
 2A 26-91 Effect of execution issued out of lower court on judgment afterwards docketed in superior court
 2A 26-92 Revival of docketed judgment
 2A 26-93 Stay of execution on docketed judgment on appeal therefrom
 2A 26-94 Appeal from docketed judgment
 2A 26-95 Marginal notation in docket of reversal on appeal from docketed judgment
 2A 26-96 Requisites of assignment to entitle it to record
 2A 26-97 Record of assignment as notice
 2A 26-98 Record and certified copies of assignment as evidence
 2A 26-99 Postponement of lien of judgment
 2A 26-100 Rights transferred to moneys paid into court in satisfaction of judgment

Article 11 Injunctions in Labor Disputes

- 2A 26-101 Restraining order or interlocutory or permanent injunction in disputes concerning terms or conditions of employment prohibited
 2A 26-102 Public policy in matter of injunctions in labor disputes
 2A 26-103 Temporary or interlocutory injunctions in labor disputes, hearing and findings required, notice, duration of temporary restraining order, bond or undertaking
 2A 26-104 When restraining order or injunctive relief not to be granted
 2A 26-105 Findings of fact as basis for restraining order or injunction, acts to be enjoined, duration of permanent injunction

Article 1. GENERAL PROVISIONS

2A:26-1. Actions in person or by attorney. Every person of full age and sound mind may, subject to rules of court, prosecute or defend any action in any court, in person or through another duly admitted to the practice of law in this state
 Source R S 2 26-3 2

2A:26-2. Beneficiary in contract suing or defending. A person for whose benefit a contract is made, either simple or sealed, may sue

Section

- 2A 26-106 Disobedience of restraining order or injunction, contempt, jury trial, selection of jury, challenges, fees, trial without jury
 2A 26-107 Punishment for contempt
 2A 26-108 Definitions
 2A 26-109 Severability clause

Article 12 Costs

- 2A 26-110 Costs allowed in discretion of court
 2A 26-111 State or person prosecuting therefor
 2A 26-112 Double costs on appeal after jury verdict
 2A 26-113 Actions cognizable before county district court commenced in superior or county court
 2A 26-114 Actions for assault, battery, imprisonment, libel or slander
 2A 26-115 By whom taxed
 2A 26-116 Time within which costs must be taxed
 2A 26-117 Duties of taxing officer
 2A 26-118 Bond for costs by nonresident claimant
 2A 26-119 Deposit in lieu of bond
 2A 26-120 Proceedings stayed until bond filed or deposit made
 2A 26-121 Time for parties to plead after notice of security given
 2A 26-122 Bond or deposit filed before demand is made for security
 2A 26-123 Exception to bond

Article 13 Moneys Brought Into Court

- 2A 26-124 Application of surplus realized from sale
 2A 26-125 Unclaimed deposit defined
 2A 26-126 Unclaimed deposit, when deemed abandoned
 2A 26-127 Petition listing unclaimed deposits, notice, posting of copies
 2A 26-128 Petition to be filed at least once every 5 years
 2A 26-129 Order for payment to state treasurer
 2A 26-130 Claimant, petition of, notice, hearing, order
 2A 26-131 Appeal from order on claimant's petition
 2A 26-132 Termination of liability of superior court and clerk
 2A 26-133 Public inspection of records and papers pertaining to unclaimed deposits
 2A 26-134 Permitting inspection except as authorized forbidden
 2A 26-135 Maximum compensation of attorney or counsel representing claimant
 2A 26-136 Partial invalidity

Article 14 Actions Against Enemies in World War II

- 2A 26-137 Actions during world war II against persons in enemy or enemy-occupied countries
 2A 26-138 Payment of enemy property to United States attorney general

Article 15 Transfer of Actions

- 2A 26-139 Transfer of actions pending September 15, 1948
 2A 26-140 to
 2A 26-203 Blank

thereon in any court and may use such contract as a matter of defense in an action against him although the consideration of the contract did not move from him.

Source R S 2 26-3 6

2A:26-3. Actions which survive; torts to decedent. Executors and administrators may have an action for any trespass done to the person or property, real or personal, of their testator or intestate against the trespasser, and recover their

damages as their testator or intestate would have had if he was living

Source R S 2 26-9, as am L. 1938, c 29, p 103, §1

2A:26-4. Actions which survive; torts committed by decedent. Where any testator or intestate shall, in his lifetime, have taken or carried away or converted to his use, the goods or chattels of any person, or shall, in his lifetime, have committed any trespass to the person or property, real or personal, of any person, such person, his executors or administrators, shall have and maintain the same action against the executors or administrators of such testator or intestate as he or they might have had or maintained against such testator or intestate, and shall have the like remedy and process for the damages recovered in such action as are now had and allowed in other actions against executors or administrators

Source R S 2 26-10

2A:26-5. Limitation of lien of civil recognizance. All recognizances of bail made or entered into before any court, judge or magistrate having civil jurisdiction, upon which no actions or proceedings to enforce or collect the same shall have been prosecuted to final judgment within a period of 6 years after the same shall have been filed and recorded in the clerk's office, shall no longer be a lien or charge upon or against any real estate of which any principal or surety named in any such recognizance was or shall have been seized at the time of his entering into such recognizance, or at any time thereafter

Source C 2 26-79 9, L. 1950, c 72, p 130, §1

2A:26-6. Blank

2A:26-7. Damages or penalties; recovery by action; limitation. Whenever it is provided that any person shall be liable for any damages or penalty for the doing or not doing of any act, such damages or penalty may be recovered by the aggrieved party, with costs, by a civil action in any court of competent jurisdiction, which action, if for a penalty, shall be instituted within one year after the liability was incurred.

Source R S 2 27-5

Note of Reporter The phrase "in this chapter", added by the Revision of 1937, is omitted. The section was intended to and should apply to penalties established under any statute, see *Miller v Stampul*, 83 N J L 278 (Sup Ct 1912). The phrase "at law" has been omitted and the word "civil" added to conform to Rule 3 2 establishing a single form of civil action

2A:26-7.1. Discharge of surety from liability for future acts of receiver. A surety, or the representative of any surety, upon the bond of any receiver may apply to the court wherein such bond is directed to be filed or which may have jurisdiction of such receiver, to be relieved from further liability as such surety for the acts or omissions of the receiver which may occur after the granting of the order relieving such surety and to require such receiver to

account and give a new bond. The court may restrain such receiver from acting except in such manner as it may direct to preserve the trust estate

If the receiver renders an account in due form of law and files a new bond duly approved, the court shall make an order releasing such surety from liability upon the bond for any subsequent act or default of the receiver. In default of such receiver accounting and filing such new bond, the court shall make an order directing such receiver to account in due form of law and that, if the trust property shall be found or made good and paid over or properly secured, such surety shall be discharged from any and all further liability as such for the subsequent acts or omissions of the receiver after the date of such surety being so relieved or discharged and discharging such receiver

Source R S 2 26-201

2A:26-7.2. Allowance of expense of procuring surety bond. Any receiver, required by law or order of any court to give a bond as such, may include as a part of the lawful expense of executing his trust such reasonable sum, not exceeding, however, one per cent per annum on the amount of such bond, paid a company authorized under the laws of this state so to do, for becoming his surety on such bond, as may be allowed by the court in which he is required to account

Source R S 2 26-202

2A:26-7.3. Rental of safe deposit box; expense of safe-keeping securities. Any receiver may include as a part of the lawful expense of executing his trust such reasonable sum paid to a bank, trust company or safe deposit company organized under the laws of this state, or to a national bank doing business in this state, for safe deposit box rental for the safe-keeping of the securities of the trust, as may be allowed by the court in which he is required to account. Any receiver who holds under a lease or owns a vault within this state may include as a part of the lawful expense of executing his trust such reasonable sum for the safe-keeping of the securities and other property of the trust in said vault as may be allowed by the court in which he is required to account

Source R S 2 26-203, as am L. 1939, c 124, p 433, §1

Article 2. LIS PENDENS

2A:26-8. Written notice of pendency of action; contents. In every civil action, instituted in any court of this state having civil jurisdiction, the object of which is to enforce a lien, other than a mechanic's lien, upon real estate or to affect the title to real estate or a lien or encumbrance thereon, plaintiff or his attorney shall, after the filing of the complaint, file in the office of the county clerk or register of deeds and mortgages, as the case may be, of the county in which the affected real estate is situate, a written notice of the pendency of the action, which shall set

forth the title and the general object thereof, with a description of the affected real estate.

No notice of lis pendens shall be filed under this article in an action to recover a judgment for money or damages only

Source R S 2 26-27, as am L 1948, c 369, p 1507, §1

2A:26-9. Effect of filed notice as to persons claiming under defendant in action. From and after the filing of a notice of lis pendens, any person claiming title to, interest in or lien upon the real estate described in the notice through any defendant in the action as to which the notice is filed shall be deemed to have acquired the same with knowledge of the pendency of the action, and shall be bound by any judgment entered therein as though he had been made a party thereto and duly served with process therein.

Source R S 2 26-28

2A:26-10. Rights of bona fide purchasers, mortgagees or lienors before notice filed and prior to final judgment. Unless and until a notice of lis pendens is filed as herein provided, no action, as to which such notice is required, shall, before final judgment entered therein, be taken to be constructive notice to a bona fide purchaser or mortgagee of, or a person acquiring a lien on, the affected real estate

Source R S 2 26-29

2A:26-11. Notice of foreclosure action. In actions for the satisfaction or foreclosure of a duly recorded or registered mortgage or the foreclosure of a duly recorded certificate of tax sale, the notice of lis pendens shall, in addition to describing the affected real estate, specify the book and page of the record or registration of the mortgage or of the record of the certificate of tax sale, as the case may be, and the notice shall be filed, and the time of its filing and the time of the filing of the complaint with the name of the plaintiff and the first defendant named, shall, in lieu of any other indexing and recording, be noted in the margin of the record of the mortgage or of the record of the abstract thereof or in the margin of the record of the certificate of tax sale, as the case may be.

Source R S 2 26-30, as am L 1948, c 369, p 1507, §2

2A:26-12. Discharge of lis pendens of record when action not prosecuted. If plaintiff in an action as to which a notice of lis pendens has been filed as herein required fails to prosecute the same diligently, the court wherein the action is pending may, for such cause or for other good cause shown, by order direct the county clerk or register of deeds and mortgages, as the case may be, to discharge the lis pendens of record

Source R S 2 26-31

2A:26-13. Life of lis pendens. No notice of lis pendens shall be effective after 3 years from the date of the filing thereof.

Source R S 2 26-32

2A:26-14. Record and index of notices; access to. Except as provided by section 2A.26-30, the county clerk or register of deeds and mortgages, with whom a notice of lis pendens is filed, shall forthwith record the same, with the time of the filing thereof, in a proper book provided and kept by him in his office. The record book shall be properly indexed, and shall be a public record, to which persons desiring to examine the same shall have access.

Source R S 2 26-33

2A:26-15. Fee for recording notice as taxable costs. The fee for recording a notice of lis pendens shall be included with the other costs in the action, to be taxed therewith by the clerk of the court in which the action is instituted

Source R S 2 26-34

2A:26-16. Blank. See proposed additional legislation.

2A:26-17. Order discharging real estate from claim. If, in an action for the enforcement against real estate of a claim for the payment of money, except for the foreclosure of a mortgage, as to which notice of lis pendens has been filed as herein provided, the defendant therein gives such sufficient security, as the court having jurisdiction of the action shall direct, to pay such sum of money as may, by the final determination of the action, be ascertained to be chargeable upon the affected real estate, the court may by order discharge the real estate from such claim

Source R S 2 26-36, as am L 1948, c 369, p 1508, §3

2A:26-18. Record of discharge of real estate from claim. Upon the filing of a copy of the order mentioned in section 2A 26-17, certified under the seal of the court out of which it issued, with the county clerk or register of deeds with whom the notice of lis pendens has been filed, that officer shall enter, on the margin of the record of the notice, a notation of the discharge of the real estate from the claim set up in the action.

Thereafter the real estate shall be discharged from the claim, except such as may be covered by the security given for the payment thereof.

Source R S 2 26-37

2A:26-19. Blank. See proposed additional legislation.

Article 3 PARTIES.

2A:26-20. Action by taxpayer on failure of county or municipality to sue. If the board of chosen freeholders of a county or the governing body of a municipality fails to prosecute a claim or demand of the county or municipality, any court in which an action on such claim or demand is cognizable or a judge thereof may, upon terms, allow a taxpayer and resident of the county or municipality to commence and prosecute a civil action upon the claim or demand, in the name and on behalf of the county or

municipality, if in the opinion of the court or judge the interests of the county or municipality would be promoted thereby

Source R S 2 27-32

Note of Reporter Rules specifically govern derivative actions by corporate stockholders (3 23-2) but do not expressly acknowledge substantive right of residents to enforce claims of municipal corporations (But cf Rule 3 23-1(a))

2A:26-21. Intervention by taxpayer in action by or against county or municipality. When, in a civil action by or against a county or municipality, if in the opinion of the court or judge the interests of the county or municipality would be promoted thereby, the court or a judge thereof may, upon terms, allow a taxpayer and resident of the county or municipality to intervene in the action on behalf of and prosecute or defend the same in the name of the county or municipality

Source R S 2 27-33

Note of Reporter While intervention is procedural, and is governed by Rule 3 24-1 et seq, the right of a resident to defend an action against a municipal corporation, in which he is not otherwise directly concerned, may be substantive, as the companion right to prosecute such actions under R S 2 27-32 would appear to be

2A:26-22. Designation of party by initial or contraction of Christian name. In actions upon bills of exchange, promissory notes or other written instruments, any of the parties to which are designated therein by the initial letter or letters or some contraction of the Christian or first name, it shall be sufficient in every affidavit to hold to bail and in the process, complaint and other proceedings to designate such party by the same initial letter or letters or contraction

Source R S 2 27-41

Note of Reporter At common law, and impliedly under Rule 3 10-1, it was necessary to designate a known party by his proper Christian and surname. See *Schaffer v Levinson Wrecking Co*, 82 N J L 61 (Sup Ct 1911). The statute relaxed this requirement, in the case of written instruments signed with an initial. While the practical necessity for this special dispensation is not apparent, and while designation of parties is procedural, the right to satisfy a judgment against a defendant, described only by his initial, by levying against property which stands in his full correct name, may touch substance sufficiently to warrant retention of the statute

2A:26-23. Designation of party by fictitious name; substitution of true name. When plaintiff is ignorant of the name or a part thereof of a defendant he may designate such defendant in any process, pleading or other proceeding in a civil action by a fictitious name or as much of defendant's name as is known, adding a description identifying or tending to identify him, and the person intended shall thereupon be considered as a defendant in the action and as sufficiently described for all purposes, including service of process

When the name or the unknown part thereof of such person becomes known the court or a judge shall, upon such notice and terms as it or he shall prescribe, order that the proceedings already had be amended by substitution of the true name for the fictitious name or part thereof,

and all subsequent proceedings shall be had under the true name

Source R S 2 27-42

Note of Reporter The subject of the statute is procedural, however Rule 3 17-4, in its present form, incorporates the provisions of R S 2 27-42 and other similar statutes. Should the rule be enlarged to deal comprehensively and independently with the designation of unknown parties, the statute should be repealed

Article 4 PROCESS

2A:26-24. Blank

2A:26-25. Process out of county court service by sergeant at arms. In all counties where there is or shall be a sergeant at arms of the county court, he shall have the same power and authority to serve process as duly elected constables and shall receive the same fees therefor, which shall be in addition to the fees or salary paid him as sergeant at arms

Source R S 2 27-53

Note of Reporter Rule 5 2-2 now provides for service of process by the sheriff "or other officer authorized by law", which would appear to incorporate R S 2 27-53

2A:26-26. Return of process by sheriff; amercement. The sheriff or other person to whom any process is directed or delivered for service shall make prompt service and return thereof. In default of so doing he may be amerced by the court in an amount not exceeding plaintiff's debt or demand, to and for the use of plaintiff

Source R S 2 27-54

Note of Reporter While service and return of service is governed by Rules 3 4-3 and 3 4-7, the duties of the sheriff in this respect should be specified by statute, and only legislation can establish the penalty of amercement

2A:26-27. Service on Saturdays. Any summons, or writ of attachment, warrant, execution, venire, subpoena or other process issued out of any court of this state, may be served on any Saturday before 12 o'clock midnight, and, if properly served in all other respects, shall be held to be legally served

Source R S 2 26-40

2A:26-28. Service on death or disability of officer, receiver, master or other person to whom writ, process, order for sale of real estate was originally directed. When a sheriff, coroner, receiver, master or other person to whom any writ, process, order or judgment has been or may be directed by any court of this state dies, becomes unable to discharge the duties of his office or appointment, or removes from and continues to reside without the jurisdiction of this state without discharging the duties of his office or appointment in relation to the command of the writ, process, order or judgment, it shall be lawful for any judge or judicial officer of the court upon motion made upon notice to the other party, where notice can be given, and the facts being verified to the satisfaction of the judge or judicial officer, to order the sheriff or coroner for the time being of the county or to some other proper person, as the case may be, to

proceed to execute any such writ, process, order or judgment

Upon such an order being made, the sheriff or coroner for the time being or other person shall proceed to execute or complete the execution of such writ, process, order or judgment, and do all other acts in the premises, as fully and completely as such sheriff or other person to whom the same was originally directed might himself have done had such death, disability or removal not occurred, subject to the same regulations and restrictions, and to the same penalties, actions and amercements for neglect of duty in relation thereto

Source R S 2 26-41

Note of Reporter This is R S 2 26-41 and 2 29-69

2A:26-29. Officer returning process to sign own name thereto. A sheriff or other officer who is required to make return of any writ or process shall sign his own name to the return, so that the court may know of whom it receives the return. A sheriff or other officer not so signing his returns shall be amerced, and also answer in damages to the party injured thereby

Source R S 2 26-42

2A:26-30. Sheriff's process book; entries; inspection by parties interested. Each sheriff shall keep in his office a book in which he shall cause to be entered the return made by him to every process coming into his hands for service. The book so kept shall be open at all times to inspection by any of the parties to any such process or their attorneys

Source R S 2 27-56

2A:26-31. Process book deposited with county clerk. The process book required to be kept by section 2A 26-30 of this title shall, on the death or expiration of the term of office of the sheriff, be deposited with and kept in the custody of the clerk of his county

Source R S 2 27-57

2A:26-32. Records in process book or transcripts thereof as evidence of returns made. The record of a return in a sheriff's process book or a transcript thereof certified by the sheriff or county clerk, as the case may be, shall be prima facie evidence in any court of the return made to any such process

Source R S 2 27-58

2A:26-33. Service on domestic corporations by publication. If in any civil action against a domestic corporation an affidavit is made to the satisfaction of the court that process can not be served upon it, the court shall make an order directing the corporation to cause its appearance to be entered in the action on a day specified in the order. A copy of the order shall be published in a newspaper published in this state, once a week for at least 3 weeks.

If the corporation does not appear within the time limited by the order, or within such further time as the court shall limit, the corporation

shall, on the filing of proof of the required publication, be deemed served by publication and the action shall proceed as if the corporation had entered its appearance therein

Source R S 2 26-45

2A:26-34. Effect of order for publication on corporation's real estate. From the time of the entry of the order for publication provided for by section 2A 26-33, the action, if it is in the superior court, shall be and remain a lien on the real estate to which the corporation was then entitled in the state, or, if the action is in the county court of any county, then on the real estate to which it was then entitled in the county

After the time of the entry of the order for publication, the corporation shall not convey or in any manner alienate any real estate above-mentioned, in the state or county, as the case may be, until the plaintiff in the action is satisfied of his demand or judgment is entered for defendant. If such real estate is conveyed or aliened after such time, it may be sold on execution or otherwise, as if no conveyance or alienation had been made

Source R S 2 26-46

2A:26-35. Service of process on secretary of state or chief clerk. In addition to the methods of service of process upon a corporation provided by law or the rules of court, process in any action commenced in any of the courts of this state against a domestic corporation or a foreign corporation authorized to transact business in this state may be served upon the secretary of state or upon the chief clerk in his office, when

a The corporation has failed to file the annual report required by section 14 6-2 of the title, Corporations, General, of the Revised Statutes, within the time thereby required, or

b The corporation has failed or ceased to maintain a principal office in this state with a designated agent in charge thereof, upon whom process against the corporation may be served, as required by section 14 4-2 of the title, Corporations, General, of the Revised Statutes, or

c The designated agent upon whom process against the corporation may be served has died, resigned, become disqualified or has removed from this state, or can not, with due diligence, be found therein, or

d The corporation, when the agent designated pursuant to Section 14 4-2 of the title, Corporations, General, of the Revised Statutes, has died, resigned, removed from the state or has become disqualified, has failed to file the certificate containing the name of a new agent upon whom process against the corporation may be served as required by section 14 4-5 of the title, Corporations, General, of the Revised Statutes, and the corporation's certificate of authority to transact business in this state has been revoked by the secretary of state as provided by said section 14 4-5, in which case process against the corporation in an action upon a liability incurred

within this state before the designation of another agent may, after the revocation of the certificate of authority to transact business in this state, be served upon the secretary of state as herein provided

Service upon the secretary of state as herein provided shall be had only as long as the circumstances authorizing such service shall continue
Source R S 2 26-47

2A:26-36. Notice to corporation of service on secretary of state. The secretary of state shall, within 2 days after the service of process upon him as provided by section 2A 26-35, notify the corporation so served by letter, directed to its registered office, if any, or to an officer of the corporation known to the secretary of state. With the letter there shall be inclosed a copy of the process or other paper so served.

Source. R S 2 26-48

2A:26-37. Effect of service on secretary of state. Service of process upon the secretary of state as provided by section 2A 26-35, shall be as effective as if made upon the president or head officer of such corporation

Source R S 2 26-49

2A:26-38. Fee payable to secretary of state, part of taxable costs. When process has been served upon the secretary of state as provided by section 2A 26-35, plaintiff in the action shall pay to the secretary of state at the time of the service the fee prescribed by section 22 4-1, as amended, of the title Fees and Costs, of the Revised Statutes, which, if plaintiff prevails, shall be taxed as a part of the taxable costs

Source R S 2 26-50

2A:26-39. Process book of secretary of state; entries in. The secretary of state shall keep a "process book", in which shall be recorded alphabetically, by the name of the plaintiff and defendant therein, the title of each action in which process has been served upon him as provided by section 2A 26-35, the date of the process so served and the return day thereof, if any, and the date and hour when the service was made

Source R S 2 26-51

2A:26-40. Service on the commissioner of banking and insurance. When service of process is made upon the commissioner of banking and insurance, he shall keep a record of the service, showing the date and hour of service

Source This provision appears in R S 2 26-54, 2 26-57, 2 26-58 and 2 26-58 1, the provision in some of them differing slightly from that in the others. The provision was omitted from R S 2 26-56

2A:26-41. Service on commissioner of banking and insurance; fee; effect. When an insurance company of another state or a foreign country has constituted the commissioner of banking and insurance its attorney for service of process as provided by section 17 32-2 of the title Corporations and Institutions for Finance and Insurance of the Revised Statutes process in any civil action

commenced in any of the courts of this state against any such insurance company may be served upon the commissioner. The service herein provided for shall be made by leaving a copy of the process in the office of the commissioner with the fee prescribed by section 22 4-3 of the title Fees and Costs, of the Revised Statutes, which shall be taxed as a part of plaintiff's costs in the action

The service herein provided for shall be as effective as if made upon the insurance company itself
Source R S 2 26-53

2A:26-42. Notice to company of service on commissioner of banking and insurance; records of commissioner. When process has been served upon the commissioner of banking and insurance as provided by section 2A 26-41 and the fee mentioned in said section has been paid to him, he shall forthwith notify the insurance company of such service by letter prepaid, addressed to its secretary, or, if the insurance company is of a foreign government, to its resident manager, if any, in the United States

The commissioner shall also, within 2 days after the service upon him, forward a copy of the process served upon him, by letter prepaid, directed to the secretary or resident manager of the insurance company, as the case may be, or to such other person as may have been previously designated by the insurance company by written notice filed in the department of banking and insurance

Source R S 2 26-54

2A:26-43. Service on commissioner of banking and insurance; fee; effect. When a foreign fraternal beneficiary association has constituted the commissioner of banking and insurance its attorney for service of process as provided by section 17 39-3 of the title Corporations and Institutions for Finance and Insurance, of the Revised Statutes, original process in any civil action commenced in any of the courts of this state against any such association may be served upon the commissioner. The service herein provided for shall be made by leaving a copy of the process in the office of the commissioner with the fee prescribed by section 22 4-3 of the title Fees and Costs, of the Revised Statutes, which shall be taxed as a part of plaintiff's costs in the action

The service herein provided for shall be deemed sufficient service upon the association

Source R S 2 26-55

2A:26-44. Notice to association of service on commissioner of banking and insurance. When process is served upon the commissioner of banking and insurance as provided by section 2A 26-43 and the fee mentioned in said section has been paid to him, he shall forthwith notify the fraternal beneficiary association of such service by letter prepaid, addressed to its secretary or corresponding officer, and shall, within 2 days after the service upon him, forward, in the

same manner, to the secretary or corresponding officer, a copy of the process served on him
Source R S 2 26-56

2A:26-45. Service on commissioner of banking and insurance; fee; effect. In all civil actions brought in any court of this state against any banking, saving, trust, guaranty, safe deposit, indemnity, mortgage, investment, loan and building corporation or association organized under the laws of any other state or of any foreign government, original process may be served upon the commissioner of banking and insurance by leaving a copy of the same in the office of the commissioner together with the fee prescribed by section 22 4-3 of the title Fees and Costs, of the Revised Statutes, which shall be taxed as a part of the plaintiff's cost in the action

The service herein provided for shall be deemed sufficient service upon the corporation or association

When process is served upon the commissioner as attorney or agent for any corporation or association mentioned in this section, and the required fee is paid to him, the commissioner shall forthwith notify the corporation or association of such service by letter directed to its secretary, or, in the case of a corporation of a foreign country, to its resident manager, if any, in the United States, and shall, within 2 days after such service, forward by letter a copy of the process served upon him to such secretary or manager, or to such other person as may have been previously designated by the corporation or association by written notice filed in the office of the commissioner

Source R S 2 26-57

2A:26-46. Service on commissioner of banking and insurance; fee; effect. When any person, copartnership, association or corporation has applied to the commissioner of banking and insurance for or has been granted a license by the commissioner to conduct the business of making small loans as defined by section 17 10-2, as amended, of the title Corporations and Institutions for Finance and Insurance, of the Revised Statutes, and has constituted the commissioner his or its agent and attorney for the service of process upon him or it in any action or proceeding caused by the operation of such business as provided by section 17 10-3 of said title, the service of any such process shall be made in duplicate by leaving two copies thereof in the office of the commissioner, together with the fee prescribed by section 22 4-3 of the title Fees and Costs, of the Revised Statutes, which shall be taxed as a part of the plaintiff's costs in the action

When process has been served upon the commissioner as herein provided, he shall forthwith transmit one copy thereof by registered mail directed to the applicant or licensee, at his or its latest principal business address as the same appears on the records of the commissioner

The service herein provided for shall be deemed sufficient service upon the applicant or licensee

This section shall not apply to service of notices provided for by section 17 10-7 or section 17 10-10 of the title Corporations and Institutions for Finance and Insurance, of the Revised Statutes
Source R S 2 26-58

2A:26-47. Service on commissioner of banking and insurance; fee, notice to association; effect. When a savings and loan association of another state has constituted the commissioner of banking and insurance its attorney for service of process as provided by L 1946, c 56, §107 (C 17 12A-107), all original process in any civil action against any such foreign savings and loan association may be served on the commissioner. The service herein provided for shall be made by leaving a copy of the process in the office of the commissioner with the fee prescribed by section 22 4-3 of the title Fees and Costs, of the Revised Statutes, which shall be taxed as a part of the plaintiff's costs in the action

When such process is served upon the commissioner as herein provided he shall forthwith notify such foreign association of such service by letter directed to its secretary, and shall, within 2 days after such service, forward to such secretary, in the same manner, a copy of the process served on him. The service herein provided for shall be deemed sufficient service upon such association

Source R S 2 26-58 1

2A:26-48. Method of service on county or municipality. When an action is commenced in any court of this state against a county or municipality the complaint and the summons or other process shall be served forthwith after its delivery to the sheriff or other officer for service on the director or clerk of the board of chosen freeholders, or the presiding officer or clerk of the municipality, as the case may be, and a copy thereof shall be left with such officer. The return shall state on whom the complaint and process were served

Source R S 2 26-59

2A:26-49. Personal service; service by publication. A writ of scire facias shall be served by the sheriff or other person to whom it is directed in the same manner as a summons

If defendant has removed out of the jurisdiction of the court issuing such writ or cannot be found by the sheriff or other officer, plaintiff may cause the writ to be published for four successive weeks in a newspaper printed in this state at a place as near the last residence of defendant as can be conveniently ascertained and shall mail a copy thereof to defendant if his post-office address can be ascertained, at least 6 days before its return, or cause a copy of the writ to be served on defendant at any place within or without the state, at least 6 days before its return,

which publication or service shall constitute due service of such writ

Source R S 2 27-65

Note of Reporter If the procedure by writ of scire facias is superseded, in accordance with recommendations made to the supreme court, R S 2 27-65 will be rendered obsolete and should be repealed

Article 5 ARREST AND BAIL

2A:26-50. Arrest of female prohibited. No female shall be arrested or imprisoned by virtue of any mesne process or process of execution in any civil action

Source R S 2 27-66

2A:26-51. Capias; grounds; affidavits or proof in tort. A capias ad respondendum shall issue in a civil action founded upon a tort only when (a) the action is founded upon a seduction, an outrageous battery or a mayhem, or is for the recovery of damages for the misconduct or neglect of a public officer, or (b) the proof establishes special cause as heretofore for holding defendant to bail, and, in such cases, only upon proof, by affidavit, to the satisfaction of the court, in which the action is about to be commenced or is then pending, of the grounds upon which bail is required

Source R S 2 27-70

Note of Reporter Right to arrest of a defendant upon civil process would seem to entail matter of substance, to be governed by legislation. Statute is revised in respect of mode of proof and enlarged to allow order for arrest in a pending action as in an action about to be commenced, in order to conform to Rule 3 64-1

2A:26-52. Capias; grounds; affidavits or proof in contract. A capias ad respondendum shall not issue in a civil action founded upon contract except upon proof, by affidavit, to the satisfaction of the court, in which the action is about to be commenced or is then pending, that there is a debt or demand founded upon contract, express or implied, due to plaintiff from defendant, specifying the nature and particulars thereof, and establishing one or more of the following particulars

a That defendant is about to remove any of his property out of the jurisdiction of the court in which the action is about to be commenced or is then pending with intent to defraud his creditors, or

b That defendant has property or choses in action which he fraudulently conceals, or

c That defendant has assigned, removed or disposed of, or is about to assign, remove or dispose of, any of his property with intent to defraud his creditors, or

d That defendant fraudulently contracted the debt or incurred the demand

This section shall not apply to proceedings as for contempt to enforce civil remedies

Source R S 2 27-72

Note of Reporter See Note of Reporter under R S 2A 26-51

Article 6 DECLARATORY JUDGMENTS

2A:26-53. "Person" defined. As used in this article, "person" includes any person, partner-

ship, joint stock company, unincorporated association or society, and municipal or other corporation of any character

Source R S 2 26-66

2A:26-54. Construction and citation of article.

This article is declared to be remedial. Its purpose is to settle and afford relief from uncertainty and insecurity with respect to rights, status and other legal relations. It shall be liberally construed and administered, and shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it, and to harmonize, as far as possible, with federal laws and regulations on the subject of declaratory judgments. It may be cited as the uniform declaratory judgments law

Source R S 2 26-67

2A:26-55. Declaration of rights, status and other legal relations. All courts of record in this state shall, within their respective jurisdictions, have power to declare rights, status and other legal relations, whether or not further relief is or could be claimed, and no action or proceeding shall be open to objection on the ground that a declaratory judgment is demanded

The enumeration in sections 2A 26-56, 2A 26-57 and 2A 26-58 of this title of the questions determinable and rights declarable in a proceeding brought under the provisions of this article does not limit or restrict the exercise of the general powers conferred by this section in a proceeding for declaratory relief, in which a judgment will terminate the controversy or remove an uncertainty

Source R S 2 26-68

2A:26-56. Questions determinable and rights declarable. A person interested under a deed, will, written contract or other writing constituting a contract, or whose rights, status or other legal relations are affected by a statute, municipal ordinance, contract or franchise, may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract or franchise and obtain a declaration of rights, status or other legal relations thereunder

Source R S 2 26-69

2A:26-57. Contract construed. A contract may be construed either before or after a breach thereof.

Source R S 2 26-70

2A:26-58. Declaration of rights or legal relations of interested parties in relation to estates, wills and other writings. A person interested as or through an executor, administrator, trustee, guardian, receiver or other fiduciary, creditor, devisee, legatee, heir, next of kin, or cestui que trust, in the administration of a trust or the estate of a decedent, an infant, lunatic, insolvent or other person may have a declaration of rights or legal relations in respect thereto, to

a Ascertain any class of creditors, devisees, legatees, heirs, next of kin or others, or

b Direct the executors, administrators, trustees, guardians, receivers or other fiduciaries to do or abstain from doing any particular act in their fiduciary capacity, or

c Determine any question arising in the administration of the estate or trust, including the construction of wills and other writings
Source R S 2 26-71

2A:26-59. Parties interested as parties to proceedings. When declaratory relief is sought, all persons having or claiming any interest which would be affected by the declaration shall be made parties to the proceeding

Source R S 2 26-72

Note of Reporter The last two paragraphs of R S 2 26-72 have been eliminated. The matter is dealt with more explicitly in Rule 3 24-2 (see proposed amendment thereto)

2A:26-60. Persons not parties not prejudiced by declaration. No declaratory judgment shall prejudice the rights of persons not parties to the proceeding

Source R S 2 26-73

2A:26-61. Determination of issues of fact. When a proceeding under this article involves the determination of an issue of fact, such issue may be tried and determined in the same manner as issues of fact are determined in other civil actions in the court in which the proceeding is pending

Source R S 2 26-74

2A:26-62. Declaratory judgment; form and effect. A declaratory judgment may be either affirmative or negative in form and effect, and shall have the force and effect of a final judgment.

Source R S 2 26-75

2A:26-63. Further relief. Further relief based on a declaratory judgment may be granted whenever necessary or proper. The application therefor shall be by petition to a court having jurisdiction to grant the relief. If the application is deemed sufficient, the court shall, on reasonable notice, require any adverse party whose rights have been adjudicated by the declaratory judgment to show cause why further relief should not be granted forthwith.

Source R S 2 26-76

2A:26-64. Declaratory judgment refused. The court may refuse to render or enter a declaratory judgment, when, if rendered or entered, it would not terminate the uncertainty or controversy giving rise to the proceeding

Source R S 2 26-77

2A:26-65. Review of orders and judgments. All orders and judgments under the provisions of this article may be reviewed as are other orders and judgments

Source R S 2 26-78

2A:26-66. Costs. Costs in proceedings under this article may be awarded by the court as may seem equitable and just

Source R S 2 26-79

Article 7 SET-OFF

2A:26-67. Demand subject to set-off. If any 2 or more persons be indebted to each other, such debts or demands, not being for unliquidated damages, may be set off against each other; and if one of such debtors, or his executors or administrators, shall commence an action against the other, his executors or administrators, in any court of this state, it shall be lawful for the defendant at the trial, to set off as against the plaintiff the debts or demands which may be due and owing to him as aforesaid

Source R S 2 26-190

2A:26-68. Failure to present set-off. Any defendant failing to set off a debt or demand as authorized by section 2A 26-67 of this title shall thereafter be precluded from bringing any action for such debt or demand which might have been set off by virtue of said section 2A 26-67

Source R S 2 26-191

2A:26-69. Verdict and judgment on allowance of set-off. If, on the trial of an action mentioned in section 2A 26-68 of this title, the amount found due to defendant on his set-off is less than the amount found due to plaintiff on his cause of action, the jury shall allow and set off against the amount found due to plaintiff the amount found due to defendant, and find a verdict for plaintiff for the balance, upon which plaintiff shall have judgment and execution as in other cases

If the amount found due to defendant on his set-off equals or exceeds the amount found due to plaintiff, defendant shall have a verdict and judgment, which shall, if in excess of the amount due plaintiff, be for such excess. Upon such judgment defendant may sue, issue execution or bring any proceeding, as in other cases, except where plaintiff has sued in a representative capacity or as an executor or administrator, in which case the amount found due to defendant shall be deemed a debt of record, to be paid in the course of administration

Source R S 2 26-192

Note of Reporter Could sections 2A 26-67 to 2A 26-69 be properly incorporated in the rules governing counterclaim and set-off?

Article 8 JURY.

2A:26-70. Verdict by five-sixths of the jury. In any civil cause wherein a jury shall be impaneled, a verdict may be rendered by 10 or more of the jury agreeing where the trial is had by a jury of 12 persons and by 5 or more of the jury agreeing where the trial is had by a jury of 6 persons. Any verdict so rendered shall have the same force and effect as though it had been rendered by the entire jury

Source L 1948, c 120, p 831, §1

Note of Reporter Enacted pursuant to article I, section 9 of constitution of 1947 and retained accordingly

2A:26-71. Inapplicable to pending causes. This act (sections 2 27-233 1 to 2 27-233 4) shall not

apply to any cause commenced before September 15, 1948

Source L 1948, c 120, p 832, §3

Note of Reporter See Note of Reporter under R S 2A 26-70

2A:26-72. Blank

Article 9 DISQUALIFICATION OF JUDGE

2A:26-73. **What constitutes.** No judge of any court shall nominate or strike a jury or sit on the trial of or argument of any matter in controversy in a cause pending in his court, when he

a Is related in the third degree to any of the parties to the action, which degree shall be computed as at common law, or

b Has been attorney of record or counsel for a party to such action, or

c Has given his opinion upon a matter in question in such action, or

d Is interested in the event of such action

This section shall not be construed to prevent a judge from sitting on such trial or argument because he has given his opinion in another action in which the same matter in controversy came in question or on any question in controversy in the pending action in the course of previous proceedings therein, or because the board of chosen freeholders of a county or municipality in which he is a resident or liable to be taxed are or may be parties to the record or otherwise interested

Source R S 2 26-193

2A:26-74. **Challenges; triors; determination.** Challenges to a judge for any of the causes mentioned in section 2A 26-73 of this title shall be made before the trial or argument. The court may, in its discretion, try the challenges or appoint 3 disinterested persons as triors thereof. The finding of a majority of the triors shall be their determination

Source R S 2 26-194

Article 10 JUDGMENTS

2A:26-75. **Time from which judgment binds real estate.** No judgment shall affect or bind any real estate, but from the time of the actual entry of such judgment on the civil docket of the court

Source R S 2 27-252

Note of Reporter See Rule 3 58 for procedure to enter judgment. See R S 2 1A 15 to 19 (proposed new Rule 3 104-2 et seq)

2A:26-76. **Judgments of former circuit court; effect.** The judgment of a former circuit court of any county, properly entered and recorded, shall have the same force and effect as a judgment of the county court of the county, except that proceedings thereon shall be taken in the superior court, as provided in section 2A 2-21 et seq of this title

Source R S 2 27-251

Note of Reporter Chapter 368, P L 1948—C 2 5-22, etc (2A 2-21), provides for proceedings on a circuit court judgment to be taken in the superior court. See also C 2 16-90 (2A 16-61). It might seem sim-

pler therefore, as has been proposed, that the judgments of a circuit court be given the same force and effect as judgments of the superior court. However, the lien of the judgment cannot be made state-wide in effect until the judgment is docketed in the superior court. If then it should be provided that the judgment of a circuit court shall have the same force and effect as a judgment of the superior court, except that the lien of the judgment shall extend only throughout the county, problems will be presented as to the lien of an execution issued to a sheriff of another county. In view of these difficulties, it seemed to be better to revise this section in the manner above proposed

2A:26-77. **Setting aside fraudulent judgment on motion of judgment creditor.** A judgment entered in any court by confession or otherwise which was confessed or obtained for the purpose of defrauding the creditors of the defendant may, upon motion of any judgment creditor of the defendant, be set aside, and any execution thereon may be stayed, provided the motion is made within 1 year from the date of the entry of the judgment

Source R S 2 27-254

2A:26-78. **Interest of purchasers and mortgagees, etc., saved.** No proceedings to be relieved of a final judgment shall, unless the judgment be void, in any wise affect the title of a purchaser or mortgagee for value, of any property derived under such judgment or process issued thereon or the right of any person who has acquired an interest therein for value depending upon any such judgment or process, or of their respective successors in interest

Source R S 2 29-34 1

2A:26-79. **Judgment for conveyance of land; effect.** When a judgment of any court of this state shall be entered for a conveyance, release or acquittance of real estate or an interest therein, and the party or parties against whom the judgment shall be entered shall not comply therewith by the time appointed, or within 15 days after entry of the judgment if no time be appointed therein, the judgment shall be considered and taken, in all courts, to have the same operation and effect, and be available as if the conveyance, release or acquittance had been executed conformably to the judgment, and this notwithstanding any disability of such party by infancy, lunacy, coverature or otherwise

Source R S 2 29-61

2A:26-80. **Offset against judgment of taxes, etc., due municipality.** Whenever any judgment shall be or shall have been recovered in any court of competent jurisdiction in this state, against any municipality by any person who is or shall have been, at the time of the recovery of the judgment, indebted to such municipality upon any indebtedness of a public nature, including taxes, assessments and water rates which constitute an indebtedness, or who shall become so indebted before the satisfaction of the judgment, such municipality may apply to the court on motion for an order to reduce or extinguish the judgment, and any execution issued thereon, by

offsetting and crediting against the same any such indebtedness

Source R S 2 27-255

Note of Reporter The suggested amendment more definitely indicates how to secure the setoff and also allows for a partial credit. Attention is called to *Francis Realty v Newark*, 16 N J M 328. No attempt has been made to cover the situation disclosed in that case.

2A:26-81. Judgment of county court on appeal; effect on real estate. Where an appeal is taken from a municipal court to the county court or has been taken from a small cause court to the court of common pleas or the county court, the judgment of the court shall not be binding on real estate unless an order is entered in the minutes of the court directing the judgment to be recorded. From the time of the entry of the order, the judgment binds and shall bind all real estate of the judgment debtor in the county in which the court is or was held.

Such rule shall be a rule of course and may be entered at any time without notice. When entered, the judgment shall be recorded and indexed as other judgments of the court, the record shall consist of a transcript from the minutes of the court on the judgment.

Source R S 2 27-263 to 2 27-265

2A:26-82. Record of judgments of county court. The county clerk shall enter on record in a book, and make a complete alphabetical index thereto, of all judgments and proceedings in every civil action in the law division of the county court, and make notations of, record and index any assignment of, postponement of the lien of or warrant to satisfy, any judgment, in the manner as required of the clerk of the superior court by the rules of the supreme court with respect to like judgments, proceedings and papers of the superior court.

When a judgment is satisfied, the entry of satisfaction may be made at any discernible place on or at the entry of the judgment in the docket and any other record of the judgment.

The entry of the judgment shall constitute the record thereof, and a transcript duly certified by the clerk shall be deemed plenary evidence thereof.

Source R S 2 27-261

Note of Reporter It is not intended to change substantially the present practices of the county clerk.

2A:26-83. Warrant not revocable. A warrant of attorney to confess judgment shall not be revocable by the party making it.

Source R S 2 27-268

2A:26-84. Final judgments of county court. A party recovering a final judgment in any county court or who recovered a final judgment in a former county court, circuit court or court of common pleas, or his executor or administrator, may docket the same in the superior court.

Source R S 2 27-278

2A:26-85. Dockets kept by clerks of county courts. The clerk of every county court shall

provide and keep a docket, in which shall be entered, upon the request of any party thereto, any judgment of any court of this state not otherwise required to be recorded by the county clerk.

Source R S 2 27-279

2A:26-86. Docket entries by clerk of county court. The clerk of the county court, upon request being made, and on payment of the requisite fees, shall enter in such docket a statement of each judgment, containing

a The title of the court, the names at length of all the parties to the judgment, designating particularly against whom it is rendered, and the firm name of all copartnerships, if such appear in the pleadings,

b The style of the action, and the amount of the debt, damages and costs recovered, which shall be entered in figures and words at length, and

c The date of the actual entry of such judgment by notation thereof upon the civil docket.

Source R S 2 27-280

Note of Reporter Language changed to conform to Rule 3 104-2 as proposed.

2A:26-87. Certified transcripts of docketed judgments for clerk of superior court; filing and docketing in superior court. Each clerk of the county court, after docketing a judgment as provided by section 2A 26-86, shall upon request being made, immediately transmit a certified transcript thereof, from the docket, to the clerk of the superior court, who shall forthwith, on the receipt thereof and the payment of the fees therefor, file and enter the same in the civil judgment and order docket, and note thereon the time of receiving and entering such transcript.

Source R S 2 27-281

2A:26-88. Indexes to clerks, dockets; dockets public records. Each clerk of a county court shall make a complete index to the docket. The docket shall be a public record, open to inspection by the public.

Source R S 2 27-282

2A:26-89. Effect of docketing in superior court. Judgments docketed in the superior court shall, from the time of such docketing, operate as judgments obtained in the superior court.

Source R S 2 27-283

2A:26-90. No execution in lower court on judgment docketed in superior court. After a judgment has been docketed in the superior court no execution shall issue thereon out of the court in which it was rendered.

Source R S 2 27-284

2A:26-91. Effect of execution issued out of lower court on judgment afterwards docketed in superior court. If a judgment shall be docketed in the superior court after an execution shall have been issued thereon out of the court in which the judgment was rendered, the superior court shall have the same authority and control

over such execution as if it had issued out of the superior court

Source R S 2 27-285

2A:26-92. Revival of docketed judgment. Every judgment duly docketed in the superior court may be revived in the same manner, in the like cases, and with the like effect as if the judgment had been obtained in that court

Source R S 2 27-286

2A:26-93. Stay of execution on docketed judgment on appeal therefrom. If an appeal is taken from a judgment of a county court or certification thereof allowed and a proper bond or other security has been given and, theretofore or thereafter, the judgment appealed from is docketed in the superior court as hereinbefore provided, execution thereon shall be stayed in the superior court in the same manner as an execution in the county court

Source R S 2 27-287

2A:26-94. Appeal from docketed judgment. A judgment docketed in the superior court as hereinbefore provided may be appealed from to the appellate division of the superior court as if it had not been docketed

Source R S 2 27-288

2A:26-95. Marginal notation in docket of reversal on appeal from docketed judgment. If a judgment docketed in the superior court is reversed on appeal, the clerk of the superior court shall, when a certified copy of the mandate is delivered to him, file the same in his office and enter in the margin of the docket, opposite the entry of the judgment, the word "reversed" and the date of such reversal

Source. R S 2 27-289

2A:26-96. Requisites of assignment to entitle it to record. An assignment of a judgment, to be entitled to record, shall be in writing, and acknowledged or proved as conveyances of real estate are required to be acknowledged or proved to authorize the same to be recorded

Source R S 2 27-291.

2A:26-97. Record of assignment as notice. The record of an assignment of a judgment shall, from the time the assignment is left for record, be notice to all persons concerned that such judgment is so assigned except that a sheriff or other officer having in his hands an execution which had been delivered to him by the assignor of the judgment, shall not be liable to an assignee of the judgment without actual notice of such assignment, unless he fails to return such execution at the time when it is returnable

Source R S 2 27-293

2A:26-98. Record and certified copies of assignment as evidence. The record and certified copies of an assignment of a judgment shall have the same effect as evidence as have the record and certified transcripts of the record of deeds

Source R S 2 27-294

2A:26-99. Postponement of lien of judgment. All postponements of the lien of judgments ap-

pearing of record in the office of the clerk of the superior court or any county court shall contain a full description of the property as to which the judgment lien is proposed to be postponed, together with the book and page of the record of the judgment to be postponed

Source R S 2 27-295

2A:26-100. Rights transferred to moneys paid into court in satisfaction of judgment. When moneys are paid into court in satisfaction of a judgment or order, any interest in the judgment or order or claim thereon, including the lien for costs and compensation, if any, of the attorney for the party recovering the judgment or order, shall be transferred to the moneys paid into court

Source C 2 27-314 3

Article 11 INJUNCTIONS IN LABOR DISPUTES

2A:26-101. Restraining order or interlocutory or permanent injunction in disputes concerning terms or conditions of employment prohibited. No court of the state of New Jersey, nor any judge or judges thereof, shall issue any restraining order or interlocutory or permanent injunction to prohibit any person or persons (as these terms are hereinafter defined) from doing, whether singly or in concert, any of the following acts

a Ceasing or refusing to perform any work or to remain in any relation of employment,

b Becoming or remaining a member of any labor organization or of any organization of employers, regardless of any undertaking or promise hereafter made,

c Paying or giving to, or withholding from any person or persons any strike or unemployment benefits or insurance or other moneys or things of value,

d By all lawful means aiding any person or persons in any labor dispute who is or are being proceeded against in, or is or are prosecuting, any action or suit in any court of this state,

e Giving publicity to the existence of, or the facts involved in, any labor dispute, whether by advertising, speaking, patrolling, picketing, without fraud or violence, or by any other method not involving fraud or violence, and not in violation of any other law of the state of New Jersey,

f Assembling peaceably to act or to organize to act in promotion of their interests in a labor dispute,

g Advising or notifying persons of an intention to do any of the acts heretofore specified,

h Agreeing with other persons to do or not to do any of the acts heretofore specified

i Advising, urging, or otherwise causing or inducing without fraud or violence the acts heretofore specified regardless of any undertaking or promise hereafter made,

j Requiring as a condition of employment that all employees of a particular employer or group of employers shall be members of a particular labor organization

k The aforesaid acts are hereby declared, as a matter of public policy of the state of New Jersey, to be lawful and in no wise to constitute a tort or a nuisance

Source C 2 29-77 1, L 1941, c 15, p 27, §1

2A:26-102. Public policy in matter of injunctions in labor disputes. In the interpretation and application of sections 2A 26-103 to 2A 26-108 inclusive, the public policy of the state of New Jersey is hereby defined and declared as follows

Procedure that permits a plaintiff to obtain in any case involving or growing out of a labor dispute, as hereinafter defined sweeping injunctive relief that is not preceded by or conditioned upon notice to and hearing of the responding party or parties, or that issues after hearing based upon written affidavits alone and not wholly or in part upon examination, confrontation and cross-examination of witnesses in open court, is subject to abuse and contrary to the public policy of the state of New Jersey for the reason that

a The status quo cannot be maintained, but is necessarily altered by the injunction

b Determination of issues of veracity and of probability of fact from affidavits of the opposing parties that are contradictory and, under the circumstances, untrustworthy, rather than from oral examination in open court is subject to grave error

c Error in issuing the injunctive relief is usually irreparable to the opposing party, and

d Delay incident to the normal course of appellate practice frequently makes ultimate correction of error in law or in fact unavailing in the particular case

Source C 2 29-77 2, L 1941, c 15, p 28, §2

2A:26-103. Temporary or interlocutory injunctions in labor disputes; hearing and findings required; notice; duration of temporary restraining order; bond or undertaking. No court of the state of New Jersey nor any judge or judges thereof shall issue an interlocutory or permanent injunction in any case involving or growing out of a labor dispute, as herein defined, except after hearing the testimony of witnesses in open court (with opportunity for cross-examination) in support of the allegations of a complaint made under oath, and testimony in opposition thereto, if offered, and except after findings of all the following facts by the court or judge or judges thereof

a That unlawful acts have been committed and are likely to be continued unless restrained,

b That substantial and irreparable injury to plaintiff's property will follow unless the relief is granted,

c That as to each item of relief granted greater injury will be inflicted upon plaintiff by the denial thereof than will be inflicted upon defendants by the granting thereof,

d That plaintiff has no adequate remedy at law.

Such hearing shall be held after due and per-

sonal notice thereof has been given, in such manner as the court shall direct, to all known persons against whom relief is sought, provided, however, that if a plaintiff shall also allege that unless a temporary restraining order shall be issued without notice, a substantial and irreparable injury to plaintiff's property will be unavoidable, then in that case a temporary restraining order may be issued, provided, the plaintiff presents oral testimony under oath sufficient to justify the court in issuing a temporary injunction upon a hearing after notice

Such temporary restraining order shall be effective for no longer than 5 days, and at the expiration of said 5 days shall become void

No temporary restraining order or interlocutory injunction or permanent injunction shall be allowed, except upon condition that plaintiff shall first file with the court a bond or undertaking, in favor of the person or persons enjoined or restrained, in an amount to be fixed by the court issuing the restraining order or injunction, sufficient to secure to the person or persons enjoined their court costs, attorney and counsel fees taxed against the plaintiff, in the event that the injunctive relief sought is subsequently denied by the court or in the event that the order, judgment, or decree granting such injunctive relief is thereafter reversed by an appellate court

Source C 2 29-77 3, L 1941, c 15, p 29, §3

2A:26-104. When restraining order or injunctive relief not to be granted. No restraining order or injunctive relief shall be granted to any plaintiff who has failed to comply with any obligation imposed by law which is involved in the labor dispute in question, or who has failed to make every reasonable effort to settle such dispute either by negotiation or with the aid of any available governmental machinery of mediation or voluntary arbitration

Source C 2 29-77 4, L 1941, c 15, p 30, §4

2A:26-105. Findings of fact as basis for restraining order or injunction; acts to be enjoined; duration of permanent injunction. a No restraining order or interlocutory or permanent injunction shall be granted in a case involving or growing out of a labor dispute, except on the basis of findings of fact made and filed by the court in the record of the case prior to the issuance of such restraining order or injunction, and every restraining order or injunction granted in a case involving or growing out of a labor dispute shall include only a prohibition of such specific act or acts as may be expressly complained of in the complaint filed in such case and as shall be expressly included in said findings of fact made and filed by the court as provided herein

b No permanent injunction shall remain in full force more than 6 months from the date on which the judgment and order or either is filed, provided, however, that the duration of the injunction might be extended for another 6

months if after a further hearing initiated and conducted in the same manner as the original hearing, the court shall determine that the injunction shall be continued or modified in accordance with the findings of fact on the subsequent hearing

Source C 2 29-77 5, L 1941, c 15, p 30, §5

2A:26-106. Disobedience of restraining order or injunction; contempt; jury trial; selection of jury; challenges; fees; trial without jury. Whenever any person or persons shall be cited for disobeying, or shall be directed or ordered to show cause why they should not be adjudged in contempt of court for disobeying the restraining order, interlocutory injunction, or injunction above-mentioned, then the person or persons so cited or directed or ordered to show cause shall, on application to the court, have the facts concerning such dispute determined by a jury presided over by a judicial officer other than the one who issued such temporary restraining order, interlocutory injunction, or permanent injunction and shall order such jury trial. Such jury shall be summoned at the direction of the court from the panel of jurors summoned for duty in the county court for the term when the alleged violation of the order of interlocutory restraint or injunction, or the contempt, is to be tried, provided, however, that if the trial upon such violation or contempt is had at a time when there is no panel of jurors for the county court, the said jury shall be selected from the last preceding panel used in and for said court. In selecting the jurors, the person applying for the contempt order, or judgment and the person or persons to be tried for such violation or contempt shall each be entitled to challenge 6 members of the panel peremptorily and without assigning any cause or reason therefor. The procedure before the court presiding at the hearing on the citation in impaneling and selecting the jury and in admitting evidence shall be the same as that provided for civil cases tried in the superior court. The jurymen so summoned shall be entitled to the same fees for services as are now allowed in other civil trials. In the event that the person cited or directed or ordered to show cause as aforesaid shall not demand a jury trial, then and in that case, such dispute shall be determined and presided over by a judicial officer other than the one who issued such temporary restraining order, interlocutory injunction or permanent injunction

Source C 2 29-77 6, L 1941, c 15, p 31, §6

2A:26-107. Punishment for contempt. Punishment for a contempt specified in section 2A 26-106 may be by fine, not exceeding \$100, or by imprisonment not exceeding 15 days, in the jail of the county where the court is sitting, or both, in the discretion of the court, provided, however, that this limitation shall not apply to any contempt conviction based on violations committed by a defendant subsequent to his initial conviction

for violating any provision of the same injunction. Where a person is committed to jail, for the nonpayment of such a fine, he must be discharged at the expiration of 15 days, but where he is also committed for a definite time, the 15 days must be computed from the expiration of the definite time

Source C 2 29-77 7, L 1941, c 15, p 32, §7

2A:26-108. Definitions. For the purpose of this article

a A case shall be held to involve or to grow out of a labor dispute when the case involves persons who are engaged in industry, trade, craft, employment, or occupation, or who are members of an affiliated organization of employers or employees, whether such dispute is (1) between 1 or more employees and 1 or more employers, (2) between 1 or more employees and an association or associations of employees or employers, (3) between an association or associations of employees and any other association or associations of employees, (4) between 1 or more associations of employees and 1 or more employers or associations of employers, or when the case involves any conflicting or competing interests in a "labor dispute" (as hereinafter defined) of "persons participating or interested" therein (as hereinafter defined)

b A person or association shall be held to be a person participating or interested in a labor dispute if relief is sought against him or it, and if he or it is engaged in the industry, trade, craft, or occupation in which such dispute occurs, or has a direct or indirect interest therein, or is a member, officer, or agent of any association of employers or employees engaged in such industry, trade, craft, or occupation

c The term "labor dispute" includes any controversy concerning terms or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, or concerning employment relations, or any other controversy arising out of the respective interests of employer and employee, regardless of whether or not the disputants stand in the proximate relation of employer and employee

d The word "person" as used in this article shall include the plural thereof and shall include and be taken to mean any organization of such persons. Wherever used in this act, the words "plaintiff", "employer", "employee", and "proximate relation of employer and employee" shall include the plural thereof

Source C 2 29-77 8, L 1941, c 15, p 32, §8

2A:26-109. Severability clause. If any provision of this article or the application thereof to any person or circumstances is held or declared invalid or unconstitutional, the remainder of the article and the application of such provisions to other persons or circumstances shall not be affected thereby

Source C 2 29-77 9, L 1941, c 15, p 33, §9

Article 12 COSTS

2A:26-110. Costs allowed in discretion of court.

Except as otherwise provided by law, costs may be allowed in the discretion of the court to any party in any civil action, motion, appeal or proceeding, to be taxed according to law, whether or not he be successful therein

Source R S 2 27-376 and other statutes generally

Note of Reporter 1 Extent of revision. The sections R S 2 27-376 to 431 deal with the subject of costs in the courts of law. They are derived, in the main, from the practice act of 1903, the costs act of 1911, the practice act of 1912 and the costs act of 1912

The present sections represent more of a compilation of the above statutes rather than a revision of them. Many of them are essentially a repetition of them. In addition, with the coalescence of law and equity, it is desirable that the new material embrace the field covered by R S 2 29-129 to 134, which dealt with costs in chancery

Title 22, Fees and Costs, deals with the specific amounts allowable as costs for enumerated items, and, if desired, may be left as a separate title since the sections here involved contain general provisions as to the right to costs, and not as to the amount thereof

2 Sphere of subject matter. What should be dealt with by statute and what by rule of court? It is conceived that the legislature should enact a law creating a right to costs as an element of the damages to be recovered, and, similarly, provide for the amounts to be assigned for enumerated items. This would leave to rule of court purely procedural matters, viz, how the costs shall be taxed and by whom, methods for reviewing and correcting taxation of costs, and the like. It is on this separation of the field that the subject matter has been rewritten

So that the committee may have the basic authorities on which this view rests, they are briefly referred to below

In a case involving the allowance of counsel fees in chancery, the new court has said that the taxation of costs is essentially procedural, wherefore Rule 3 54-7, dealing with counsel fees, has repealed R S 2 29-131 and 132. In that opinion the court expressly stated that it was not then attempting to define the phrase "subject to law"

John S Westervelt's Sons v Regency, Inc 3 N J 472 (S Ct 1950)

See also, for another recent review, Katz v Farber, 4 N J 333 (S Ct 1950)

It is also settled, however, that at common law costs were not allowed as such, but were considered in determining damages

Textileleather Corp v Amer etc Co, 110 N J L 483 (E & A 1933)

Hence, as to courts of law, costs are held to be creatures of statute

Trenton, etc Co v Faley, 115 N J L 579 (E & A 1935)

The same is true of the court of chancery

Fitzsimmons v Bonavita, 77 N J Eq 277 (Ch 1910)

The general principle of the statutes on costs is that they are ordinarily allowed to the prevailing party

Reed v Chagaray, 20 N J L 616 (S Ct 1846)

The same principle is ordinarily applied in chancery

Bunting v Bunting, 87 N J Eq 20 (Ch 1917)

It has also been said that costs are controlled by the statute in force at the termination of the action

Igoe Bros v Nat'l Surety Co, 112 N J L 243 (E & A 1933)

This last case, however, while it may be an indication that the subject is, in part, adjective law, does not rule out the substantive character of a right to costs, because, since the right to costs, under our statutes, does not ordinarily come into being until judgment, the law of costs may be altered before judgment without constituting a deprivation of property without due process. Thus, the substantive nature of a right to costs created by statute is con-

sistent with the rule that the law at the termination of the action governs

2A:26-111. State or person prosecuting therefor. In an action brought by the state, or the governor, or any person for the use of the state, the plaintiff shall recover costs as any other plaintiff, but in no event shall the defendant recover any costs against such plaintiff, whether the action is dismissed, judgment shall pass in favor of the defendant or any other proceeding is taken

Source. R S 2 27-382

2A:26-112. Double costs on appeal after jury verdict. Where an appeal is taken in a civil action from a judgment of any court of record of this state after verdict of a jury, and the judgment is affirmed, the prevailing party shall, unless the appellate court shall in express terms adjudge to the contrary, be entitled to double costs on the appeal

Source R S 2 27-385 3

2A:26-113. Actions cognizable before county district court commenced in superior or county court. If an action cognizable before the county district court of any county is brought in the county court of the county or the superior court and the venue is laid in the county, and if the plaintiff does not recover above \$1,000, exclusive of costs, he shall not be entitled to costs, unless the parties resided in different counties when the action was commenced, in which event he shall be entitled to costs, but only in the amount allowable in the county district court

This section shall not extend to any action in which the title to real estate may, in any way, come in question, nor to any action in which the judge before whom it is tried shall, immediately after the verdict or the finding, certify that, in his judgment, the action should have been brought in the court in which it was instituted. Source R S 2 27-389, as am L 1950, c 141, p , §1

2A:26-114. Actions for assault, battery, imprisonment, libel or slander. If, in an action for damages based upon an assault, battery or imprisonment or for libel or slander, plaintiff does not recover damages to the amount of \$50, his costs shall not exceed the damages recovered. Source R S 2 27-401

2A:26-115. By whom taxed. Costs shall be taxed by the clerks of the respective courts upon application of the party entitled thereto, or, where taxation is necessary and proper to enable any party to proceed in the case, then on his application, or they may be taxed by the court. The clerk when taxing the costs shall sign the bill of costs

Source R S 2 27-405 and 2 27-414

2A:26-116. Time within which costs must be taxed. If costs are not taxed within 6 months next after the entry of a judgment or order on which costs are allowable, no costs shall thereafter be allowed or taxed, unless the court, upon

good cause shown, orders allowance and taxation thereafter.

Source R S 2 27-407 and 2 27-394

2A:26-117. Duties of taxing officer. The officer authorized to tax costs in any civil matter shall, whether or not objection is made, examine the bills presented to him for taxation, satisfy himself that all the items allowed are correct and legal, strike out all charges for fees, not expressly allowed by law, as to which it does not appear that the services charged for were actually and necessarily performed, and, so far as possible, classify and segregate the fees payable to attorneys and counselors, the clerk of the court, the court, the sheriff and other persons

Source R S 2 27-413

2A:26-118. Bond for costs by nonresident claimant. Where any plaintiff or any party asserting a counterclaim, cross-claim or third-party claim is a nonresident, he shall, if, at any time before trial, notice is given to him by an opposing party demanding security for costs, give bond in favor of the opposing party, or, if there is more than 1 making the demand, in favor of each of them, in the sum of \$100, with sufficient surety, conditioned to prosecute the action with effect and to pay costs if the action is dismissed or judgment passes against him. If there is more than 1 plaintiff or claimant, they may give bond jointly as aforesaid.

If the surety on the bond is an individual and not a corporation, he shall be a resident of this state

Source, R S 2 27-424

Note of Reporter 1 The word "any" is inserted before the word "plaintiff" so that if nonresident plaintiffs are joined with resident plaintiffs they must give bond. See *Kearney v Baptist*, 10 N J. Misc 431 (Cir Ct 1932)

2 Under *Gabrielle v Masselli*, 16 N J Misc 94 (1938), where a nonresident defendant cross-claims against another defendant, he must give security. This principle is extended to counterclaims against the plaintiff and third-party claims

3 The proposed amendment also codifies the practice stated in *Waterbury v Public Service Electric and Gas Co*, 12 N J Misc 362 (1933), holding that where there are plural plaintiffs and defendants, the plaintiffs may give bond jointly to each of the defendants in the sum of \$100, they are not each required to give bond in the sum of \$100 to each of the defendants. In *Lawrence v Commercial Casualty Co*, 22 N J Misc 179, it was held that where 12 of 18 defendants gave notice to plaintiff to post security for costs, the posting by plaintiff of one bond in the sum of \$100 did not satisfy the statute, but plaintiff was required to furnish bond to each defendant

4 In *Breech v. Piramide*, 4 N J. 215 (1950), the supreme court held that security for costs was not allowable in the district court. The committee of district court judges who have been working on the revision believe it unwise to provide for security for costs in the district courts

2A:26-119. Deposit in lieu of bond. The bond provided for in section 2A 26-118 of this title shall be filed with the court in which the action is pending, or, in lieu thereof, the nonresident party may deposit with the clerk cash in the amount of the bond or, if there is more than one

opposing party demanding security, then in the amount required to secure each of them

Source R S 2 27-425

2A:26-120. Proceedings stayed until bond filed or deposit made. Whenever a notice demanding security for costs is served upon a nonresident party, all proceedings on his claim shall be stayed until the required security is filed or deposit made

Source R S 2 27-426

Note of Reporter Under the proposed amendment to Rule 3 102-5 all bonds must be approved by a judge or surrogate and he may require an affidavit of the surety or other justification as provided for in this statute. If he does not require the same, the defendant may except to the surety and thereupon either a justification must be supplied or a new bond filed

It has been urged upon the committee that the court should on motion pass on the sufficiency of the sureties if an exception is taken to them, the old law did not require this and it would seem to put an added burden upon the court. Only a \$200 bond is involved

2A:26-121. Time for parties to plead after notice of security given. Upon filing bond or making deposit, the nonresident party shall give notice thereof to the opposing party or parties making the demand, with the names of the sureties on the bond and the residences of the individual sureties. The opposing party or parties shall then have the same time to plead as may have remained at the time of the service of the notice demanding the security

Source R S 2 27-427

2A:26-122. Bond or deposit filed before demand is made for security. Before security is demanded, the nonresident party may file the bond mentioned in section 2A 26-118 of this title or make deposit in lieu of it, and give notice thereof

Source R S 2 27-431

2A:26-123. Exception to bond. Where the nonresident party files a bond and with it an affidavit of the surety that he is a resident of this state and worth, above all debts and liabilities, more than double the amount of the bond, or in the case of a corporate surety, other sufficient justification, no exception may be taken to the surety. But if the affidavit or other sufficient justification is not filed, the party demanding the security may within 10 days after receiving the notice of the filing of the bond, give notice to the nonresident party that he excepts to the surety. Upon such exception, the nonresident party shall file the affidavit or other justification or file a new bond with a like affidavit or other justification, or make a deposit as aforesaid, and give the party making the demand notice thereof

Source R S 2 27-428 and 429

Article 13 MONEYS BROUGHT INTO COURT

2A:26-124. Application of surplus realized from sale. Whenever there shall be a surplus from the sale of any property sold by virtue of any order

or judgment in any court of this state, and such surplus shall be deposited in such court, and any person shall hold a judgment in any of the courts of this state against the owner of the property sold or against any other person who shall be entitled to such surplus, or any part thereof, the court shall, upon application made by or in behalf of such judgment creditor, and upon proof made to the satisfaction of the court that the residence of the person entitled to such surplus is unknown and cannot be ascertained, order and direct such surplus to be applied upon such judgment, although such creditor was not made defendant in such cause, in which case it shall not be necessary that the judgment creditor be admitted as a party defendant in such cause, but such application shall be entitled in the cause out of which such surplus was realized. The proof required by this section may be made by affidavit, or otherwise, as the court shall direct

Source R S 2 29-83

2A:26-125. Unclaimed deposit defined. "Unclaimed deposit" as used in this article shall mean any property or sum of money or portions thereof with all accumulations of interest thereon or increments thereto, heretofore deposited or paid into or which hereafter shall have been deposited or paid into the court of chancery or the superior court to the credit of a specific cause or account under the provisions of any rule, or order or decree of the chancellor, or order or judgment of the superior court, and has or shall have remained uncalled for or unclaimed for a period of 10 years

Such "unclaimed deposit" shall not include

a Any sum to the credit of any cause or account which has been reduced by withdrawal or increased by deposit, exclusive of interest credit, within a period of 10 years,

b Any sum to the credit of any cause or account with respect to which any proper paper or pleading has been filed with and docketed in such cause by the clerk in chancery or the clerk of the superior court within a period of 10 years

Source L 1947, c 72, p 436, §1, as am L 1949, c 32, p 107, §2

2A:26-126. Unclaimed deposit, when deemed abandoned. Whenever any property or sum of money has heretofore been deposited or hereafter shall have been deposited or paid into the court of chancery or the superior court by virtue of the provisions of any rule or decree or order of the chancellor or order or judgment of the superior court and shall have remained uncalled for or unclaimed for a period of 10 years, such unclaimed deposit shall be deemed to be abandoned and shall be payable to the state treasurer for the use of the state in accordance with the provisions of this article (Sections 2 29-82 1 to 2 29-82 12)

Source L 1947, c 72, p 426, §2, as am L. 1949, c 32, p 107, §3

2A:26-127. Petition listing unclaimed deposits; notice; posting of copies article. The attorney general, for and on behalf of the state and in the name of the state treasurer, shall present to the superior court a petition setting forth a list of such unclaimed deposits computed as of the 31st day of December in the year preceding the one in which the petition shall be filed, which the clerk of the superior court shall certify to him to be subject to the provisions of this article (sections 2.29-82 1 to 2 29-82 12), together with the title of the cause or account, the date of the original deposit and the existing balance thereof, computed as of the 31st day of December in the year preceding the one in which the petition shall be filed

On the filing of the said petition, the attorney general shall promptly mail a copy of the petition to the sheriff of each county of this state and to the sergeants at arms at the respective chambers of the chancery division of the superior court throughout the state. It shall be the duty of the sheriff to promptly post said copy of the petition upon the bulletin board of the court house of such county. The attorney general shall attach to the copy of said petition a notice stating that on a date not less than 30 days from the date of the filing of the petition, he will apply to the superior court at the court room of the chancery division of the superior court in the city of Trenton for an order to pay the unclaimed deposits listed in the petition to the state treasurer. The original notice shall be filed with the clerk of the superior court. Immediately following such posting, each sheriff and each sergeant at arms shall certify in writing to the superior court the date on which the copy of the petition and notice were posted. Such posting of copies of the petition and notice shall be deemed to be notice to all interested parties.

The attorney general shall send an additional copy of said petition and notice to the sergeants at arms at the respective chambers of the chancery division of the superior court and it shall be the duty of each sergeant at arms to keep said copy available for public inspection during regular office hours. The attorney general shall also cause to be posted on the bulletin board in the office of the clerk of the superior court a copy of the said petition and notice

Source L 1947, c 72, p 437, §3, as am L 1949, c 32, p 107, §4

2A:26-128. Petition to be filed at least once every 5 years. The attorney general, for and on behalf of the state and in the name of the state treasurer shall apply to the superior court, in the manner provided by this article, at least once in every 5 years, for the payment of unclaimed deposits to the state treasurer for the use of the state as of the 31st day of December of the year preceding the one in which

the petition shall be presented, which shall include as of such date, all unclaimed deposits which the clerk of the superior court shall have certified to him to be subject to the provisions of this article. Any such petition may be presented in any one year whenever the superior court shall so direct.

Source L 1947, c 72, p 438, §4, as am L 1949, c 32, p 109, §5

2A:26-129. Order for payment to state treasurer. The superior court upon being satisfied that the unclaimed deposits have remained uncalled for or unclaimed for a period of 10 years, may order such deposits paid to the state treasurer for the use of the state in accordance with the provisions of this article.

Source L 1947, c 72, p 438, §5, as am L 1949, c 32, p 109, §6

2A:26-130. Claimant, petition of; notice; hearing; order. At any time after any unclaimed deposit shall have been paid to the state treasurer, any person claiming an interest in and a right to any such deposit or any part thereof, may petition the superior court for an order directing the state treasurer to pay to the petitioner such amount as the superior court shall determine the petitioner is entitled to, which in no case shall include interest on such deposit from the date of payment to the state treasurer. Not less than 15 days' notice of the said application together with a copy of the petition, shall be served upon the state treasurer and the attorney general, and such service shall be deemed to be service upon the state of New Jersey. The superior court shall hear and determine the matter, and may make an order directing the state treasurer to pay to the petitioner such amount as he determines the petitioner is entitled to. The state treasurer upon receipt of a certified copy of the said order shall be authorized, empowered and required to pay such sum as the said order shall direct from any available funds in his hands and if there are no available funds he shall report the fact to the governor and the legislature and an appropriate item for the payment thereof shall be included in the next annual appropriation bill, unless the appropriation shall be previously made.

Source L 1947, c 72, p 438, §6, as am L 1949, c 32, p 109, §7

2A:26-131. Appeal from order on claimant's petition. Any person aggrieved by any order of the superior court made upon a petition for an order directing the state treasurer to pay an unclaimed deposit, may appeal to the appellate division of the superior court, provided such appeal be taken within 45 days after the making of the said order and prosecuted according to the rules applicable to appeals to the appellate division of the superior court.

Source L 1947, c 72, p 439, §7, as am L 1949, c 32, p 110, §8

2A:26-132. Termination of liability of superior court and clerk. Upon any payment to the state treasurer of an unclaimed deposit pursuant to the provisions of this article, any and all liability of the superior court and the clerk of the superior court to any person whomsoever in respect to such deposit, shall cease and be at an end.

Source L 1947, c 72, p 439, §8, as am L 1949, c 32, p 110, §9

2A:26-133. Public inspection of records and papers pertaining to unclaimed deposits. The records, accounts, files, dockets, and other papers pertaining to unclaimed deposits shall be withheld from indiscriminate public inspection, but shall be open to inspection during the usual office hours by a person having a right, title or interest in or to such unclaimed deposits or his duly authorized counsel, and to no other person except by order of the superior court made for that purpose.

Source L 1947, c 72, p 439, §9, as am L 1949, c 32, p 111, §10

2A:26-134. Permitting inspection except as authorized forbidden. It shall be unlawful for any person attached to or connected with or employed in or by the superior court or office of the clerk of the superior court, to suffer or permit the inspection of the records, accounts, files, dockets, and other papers pertaining to such unclaimed deposits, other than as authorized by this article, and any person who shall violate the provisions of this section shall be guilty of a misdemeanor.

Source L 1947, c 72, p 440, §10, as am L 1949, c 32, p 111, §11

2A:26-135. Maximum compensation of attorney or counsel representing claimant. Any payment or agreement for payment of compensation for the services of an attorney or counsel in respect to obtaining an order directing the payment of an unclaimed deposit by the state treasurer, in excess of 15% of the amount ordered or to be ordered paid shall be contrary to the public policy of this state and null and void, provided, that upon the making of an order directing the state treasurer to pay the amount of an unclaimed deposit, the superior court may allow and order a counsel fee, to be paid out of the moneys to which the petitioner is held to be entitled.

Source L 1947, c 72, p 440, §11, as am L 1949, c 32, p 111, §12

2A:26-136. Partial invalidity. In the event any section, part or provision of this article is held to be invalid, such holding shall not affect any other section, part or provision of this act, but the same shall be and remain in full force and effect.

Source L 1947, c 72, p 440, §12

Article 14 ACTIONS AGAINST ENEMIES IN WORLD WAR II.

2A:26-137. Actions during World War II against persons in enemy or enemy-occupied countries. In any action involving real or personal

property within this state, or any interest therein, in which service of process is required to be made upon any person who is or is believed to be, in a designated enemy country or enemy-occupied territory, in addition to the service of process upon such person otherwise required, a copy of such process shall be sent by registered mail to the attorney general of the United States as successor to the alien property custodian, Washington, District of Columbia

If the person upon whom process is required to be served shall not appear or answer within the time limited or granted, the court shall appoint a guardian ad litem for him, who shall appear and who may defend the action, and the action may proceed in all respects as if such person had been duly served in this state with process

For the purposes of this section (a) "designated enemy country" means any foreign country with which the United States of America was on March 25, 1943 at war and any other country with which the United States shall be at war thereafter during the course of the hostilities existing on March 25, 1943, (b) "enemy-occupied territory" shall be taken to mean any place under the control of any designated enemy country or any place with which, by reason of the existence of a state of war during such hostilities, the United States of America does not maintain postal communication

This and the next sections are declared to be remedial and emergency legislation, and shall remain in force only so long as a state of war shall exist between the United States and any designated enemy country They shall be liberally construed and administered

Source C 2 26-42 1 to 2 26-42 4, L. 1943, c 32, p 68, §1 to §4

2A:26-138. Payment of enemy property to United States attorney general. When an action mentioned in section 2A 26-6 or a proceeding in any such action is brought for the purpose of directing, approving or authorizing the payment of any money or the delivery, transfer or conveyance of any property to a person mentioned in that section or to his heirs-at-law, devisees, grantees, next-of-kin, issue, legatees, and personal representatives, or any other defendant, or for the purpose of adjudging that he is or they are entitled to any moneys or property or an interest therein, and it appears to be in the public interest that such payment, delivery, transfer or conveyance should be withheld, the court may direct by its judgment or order that such money be

paid or such property be delivered, transferred or conveyed to the attorney general of the United States as successor to the alien property custodian, if he will receive the same Upon such payment or delivery, transfer or conveyance, any fiduciary, or officer or other person in possession or having custody or control of said moneys or property, or any other person adjudged by the court to be liable for the payment of any money or the delivery of any property to such defendant, shall take therefor the receipt of the attorney general If the attorney general, within 60 days after receipt by him of a certified copy of said judgment or order, which shall be sent to him at his principal office by registered mail, shall not file with the clerk of the court a consent to accept and receipt for such money or property, the said fiduciary, officer or other person may, upon filing an affidavit stating the failure of the attorney general so to do, pay the said money or, if the court so orders, deliver, transfer or convey the said property to the clerk of the court, taking therefor the receipt of the said clerk

Such receipt signed by or on behalf of the attorney general or the said clerk, as the case may be, shall be a full and sufficient discharge, release and acquittance to the fiduciary, officer or other person for money so paid or the property so delivered, transferred or conveyed to the attorney general or the said clerk and against any claimant thereto entitled If the receipt is given to an executor or administrator, it may be recorded in the office of the surrogate, or the clerk of the court, appointing him, in the same manner in which releases for legacies and distributive shares may be recorded

Source C 2 26-42 9, L. 1943, c 178, p 504, §5

Article 15 TRANSFER OF ACTIONS

2A:26-139. Transfer of actions pending September 15, 1948. L 1948, c 367, p 1501, [C 2 16-70 to 2 16-86] entitled "An act concerning the administration of justice and regulating the causes and proceedings pending in the courts upon the taking effect of the judicial article of the constitution and which are transferred to the courts established by said judicial article", approved September 10, 1948, saved from repeal [The purpose of this act is to facilitate the transfer of causes pending in the courts on September 15, 1948]

2A:26-140

to

2A:26-203. Blank.

Chapter 27. EXECUTIONS.

Section

A General Provisions

- 2A 27-1 Sequence of execution, against goods and chattels and real estate, against terre tenants or heirs and devisees
- 2A 27-2 Record of execution against real estate

Section

- 2A 27-3 Capias or other execution against prisoner escaping from prison
- 2A 27-4 Execution against estate of person dying in execution

Section	
2A 27-5	Execution against taxing district
2A 27-6	Execution against school district or regional school board
2A 27-7	Blank
2A 27-8	Execution against corporation, names of directors and officers and schedule of property for execution officer
2A 27-9	Application of debts due to corporation in satisfaction of execution, delivery and assignment to execution officer
2A 27-10	Collection of and action on assigned debts by execution creditor

B Operation and Effect of Execution in General

2A 27-11	Time when execution effective
2A 27-12	Indorsement on writs of year and day of receipt thereof by officer
2A 27-13	Priorities between executions against goods and chattels of same person issued on same day
2A 27-14	Priorities among executions against real estate of same person
2A 27-15	Title of purchaser of personalty prior to actual levy but after delivery of writ to officer

C Property Subject to Levy

2A 27-16	Money
2A 27-16 1	Bank notes, bills and evidences of debt circulated as money
2A 27-17	Stock shares in banks or certain corporations
2A 27-18	Real estate hable to execution

D Property Exempt

2A 27-19	Proprietary rights and shares
2A 27-20	Amount, exceptions
2A 27-21	Inventory of goods and chattels subject to levy
2A 27-22	Appraisers, appointment
2A 27-23	Oath of appraisers
2A 27-24	Appraisement made
2A 27-25	Procedure after valuation, selection by execution defendant
2A 27-26	Sale of residue after selection
2A 27-27	Inventory, appraisement and selection annexed to and returned with writ
2A 27-28	Claim and set-off of exemption when executions issue to several counties
2A 27-29	Selection of exemption by wife or family or appraisers
2A 27-30	Selection of exemption on death of execution defendant
2A 27-31	Value, exceptions
2A 27-32	Life of exemption
2A 27-33	Release or waiver of exemption
2A 27-34	Prerequisites to creation of exemption
2A 27-35	Jury of appraisal, summoning, oath, appraisement
2A 27-36	Property worth more than \$1,000, set-off of part to debtor, sale of residue
2A 27-37	Notice to debtor to pay value in excess of \$1,000
2A 27-38	Sale of property, disposal of proceeds
2A 27-39	Bid at sale to exceed \$1,000
2A 27-40	Costs of setting off homestead
2A 27-41	Homestead reserved for family, sale, encumbrance or lease of homestead
2A 27-42	Sale or encumbrance, valid, when

E Claims to Property Levied Upon

2A 27-43	Notice to levying officer, stay of sale, application for venire for jury to try claim

Section	
2A 27-44	Verdict of jury, effect
2A 27-45	Disposal of property claimed according to judgment
2A 27-46	Indemnity to sheriff by creditor against demand of claimant

F Sales Under Execution

2A 27-47	Advertisement of sale of goods and chattels, posting
2A 27-48	Advertisement of sale of real estate to state amount of judgment or decree and street numbers of real estate
2A 27-49	Notice of time and place of sale of proprietary rights
2A 27-50	Adjournments of sale of real estate
2A 27-51	Unauthorized adjournments, amercement of officer
2A 27-52	Statement of execution sales, filing, effect
2A 27-53	Sale of real estate free of lien of judgments or recognizances on which executions not issued
2A 27-54	Deed to purchaser of real estate, recital of execution
2A 27-55	Title of purchaser
2A 27-56	Variances between deed and execution or execution and judgment
2A 27-57	Amendments to cure variances considered made
2A 27-58	Reversal of judgment or execution, effect as to purchaser of real estate sold
2A 27-59	Sale by sheriff or coroner for time being of property levied upon but not sold, special order
2A 27-60	Deed by sheriff after expiration of term of office to real estate sold under execution during term of office
2A 27-61	Deed to real estate sold under execution on death or disability of master of the superior court, sheriff or coroner
2A 27-62	Effect of sales under execution and conveyances by sheriffs or coroners for the time being
2A 27-63	Sales under execution, decree, order or judgment heretofore made validated

G Provisions in Aid of Execution

2A 27-64	Order forbidding transfer or other disposition of property or money
2A 27-65	Perjury in proceedings
2A 27-66	Receiver, appointment
2A 27-67	Powers and duties of receiver
2A 27-68	Receiver subject to authority and orders of court
2A 27-69	Order to debtor to pay in installments, modification

H Execution Against Rights and Credits

2A 27-70	Definition, construction of sections 2A 27-70 to 2A 27-82
2A 27-71	Manner of levy and taking
2A 27-72	Rights and credits taken and sold
2A 27-73	Sales, leave of court
2A 27-74	Liquidation of rights and credits by levying officer
2A 27-75	Action or other proceeding to liquidate by levying officer
2A 27-76	Receiver, appointment
2A 27-77	Title acquired by receiver
2A 27-78	Liquidation by receiver
2A 27-79	Disposition of money collected by receiver
2A 27-80	Receiver's bond

Section

- 2A 27-81 Order to garnishee to show cause
 2A 27-82 Order to garnishee to pay debt
 2A 27-83 Order to debtor to pay out of income

**I Execution Against Wages, Debts, Earnings,
 Salary, Income or Profits**

- 2A 27-84 When authorized, property subject to execution, application, issue of writ
 2A 27-85 Effect of execution
 2A 27-86 Number of executions issued and levied at same time
 2A 27-87 Payments by persons indebted to debtor
 2A 27-88 Failure to make payments
 2A 27-89 Modification of execution
 2A 27-90 Limitation on amount specified in execution
 2A 27-91 One execution on several judgments in same cause
 2A 27-92 Several executions to different counties on judgment rendered or docketed in superior court
 8A 27-93 Execution on judgment of county court on appeal from municipal court
 2A 27-94 No execution on judgment in action on judgment appealed from pending determination of appeal
 2A 27-95 Special execution when some of several defendants held to bail

A GENERAL PROVISIONS

2A:27-1. Sequence of execution; against goods and chattels and real estate; against terre tenants or heirs and devisees. In every writ of execution which shall be issued against real estate, the sheriff or other officer to whom such writ may be directed shall be commanded that he cause to be made, of the goods and chattels in his county of the party against whom such execution issues, the debt, damages and costs or sums of money mentioned in such execution, and that, if sufficient goods and chattels of such party cannot be found in his county, he cause the whole or the residue, as the case may require, of such debt, damages and costs or sum of money to be made of the real estate whereof such party was seized on the day when such real estate became liable to such debt, damages and costs or sum of money, specifying the day particularly, or at any time afterwards, in whose hands soever the same may then be. If, however, such an execution shall be issued against terre tenants, or heirs or devisees, the execution, unless they shall have made their estate liable by false pleading or otherwise, shall only command the sheriff or other officer that he cause to be made the debt, damages and costs or sum of money mentioned in such writ of the real estate whereof the ancestor, testator or decedent was seized on the day when such real estate became liable as aforesaid, or at any time afterwards, or at the time of his death, as the case may require.

Source R S 2 26-80

2A:27-2. Record of execution against real estate. Every writ of execution which shall be sued forth against real estate shall, before its delivery to the sheriff or other officer, be recorded in a book to be kept for that purpose by the

Section

- 2A 27-96 Levy under special execution, return non est inventus
 2A 27-97 Statement of money collected, etc., returned and filed with execution
 2A 27-98 One sale under executions issued out of superior court levied at same time, liability as trespasser
 2A 27-99 Dispute as to application of proceeds of executions out of different courts

**J Execution by or Against Particular Classes of
 Persons**

- 2A 27-100 Against survivors on death of some
 2A 27-101 Against executor, administrator, heir or devisee
 2A 27-102 Against estate of decedent without administration

K Capias Ad Satisfaciendum

- 2A 27-103 Against whom writ not to issue
 2A 27-104 Issue of writ on judgments founded on contract
 2A 27-105 Issue of writ on judgments in tort actions
 2A 27-106 Contempt proceedings not affected
 2A 27-107 Writ when defendant has made deposit in lieu of bail

clerk of the court out of which the same was issued, and such record so made shall be as good evidence as the writ itself, and the sheriff shall, within 10 days after the receipt of such writ, file a certified copy thereof with the clerk or register of the county where such real estate is situate.

Source R S 2 26-81

2A:27-3. Capias or other execution against prisoner escaping from prison. If a person committed to prison by virtue of an execution escapes therefrom, the creditor at whose suit the prisoner was charged in execution at the time of the escape may retake the escaped prisoner by any new capias, or alias capias ad satisfaciendum, or sue forth any other kind of execution on the judgment, as if the body of the prisoner had never been taken in execution.

Source R S 2 26-82

2A:27-4. Execution against estate of person dying in execution. A party, at whose suit, or to whom any person does or shall stand charged in execution for any debt or damages recovered, his executors or administrators, may, after the death of the party so charged and dying in execution, sue forth and have new execution against the goods and chattels and real estate, or any of them, of the person so deceased, in such manner and form, to all intents and purposes, as he or they, or any of them, might have had by the laws of this state if such person so deceased had never been taken or charged in execution, but no person, his executors or administrators, at whose suit any party shall be and die in execution, shall have or take any new execution against the real estate of such party so dying in execution, which shall, at any time after the judgment against such party so dying, and by reason whereof such party was taken or

charged in execution, be by him sold, bona fide, for the payment of any of his creditors, and the money which shall be paid for the real estate so sold, either paid or secured to be paid to any of his creditors, with their privity or consent, in discharge of his debts, or some part thereof, nor against any real estate of such party so dying in execution, which shall have been sold by reason of any other judgment against him so dying in execution

Source R S 2 26-83

2A:27-5. Execution against taxing district. When any execution shall be issued upon judgment against any taxing district, and there shall be found no property sufficient to satisfy the same by levy, the officer shall serve a copy of his execution upon the county board of taxation having jurisdiction over such taxing district, and the county board shall proceed in the manner and the execution shall be paid as provided by sections 54 4-43 and 54 4-44 of the title Taxation

Source R S 2 26-84

2A:27-6. Execution against school district or regional school board. Whenever an execution shall be issued against the board of education of a school district or a regional board of education of this state by any court of this state having authority to issue the same, upon a judgment against the board, and no property belonging to the district or regional board is found whereon to levy and sufficient to satisfy the execution, the sheriff or other officer to whom the execution is directed shall serve a certified copy thereof upon the county board of taxation having jurisdiction over such school district or regional board of education; and the county board of taxation shall proceed in the manner and the execution shall be paid as provided by sections 54 4-43 and 54 4-44 of the title Taxation

Source R S 2 26-85

2A:27-7. Blank

2A:27-8. Execution against corporation; names of directors and officers and schedule of property for execution officer. Every agent or person having charge or control of any property of a corporation shall, upon request therefor by any officer having for service a writ of execution against it, furnish to such officer the names of the directors and officers of the corporation, and a schedule of all its property, including debts due or to become due to it so far as he has knowledge thereof

Any such agent or person who shall neglect or refuse to comply with the provisions of this section shall be himself liable to pay to the execution creditor the amount due on the execution, with costs

Source R S 2 26-87

2A:27-9. Application of debts due to corporation in satisfaction of execution; delivery and assignment to execution officer. If any officer, holding an execution against a corporation, shall

be unable to find other property belonging to the corporation liable to execution, either he or the judgment creditor may elect to satisfy such execution, in whole or in part, by any debts due to the corporation, in which case the agent or person having custody of any evidences of such debts shall deliver the same to the officer holding the execution, for the use of the creditor, which delivery, with a transfer in writing to the officer, for the use of the creditor, and notice to the debtor, shall be a valid assignment thereof

Any such agent or person who neglects or refuses to comply with the provisions of this section shall be himself liable to the execution creditor for the amount due upon the execution, with costs

Source R S 2 26-88

2A:27-10. Collection of and action on assigned debts by execution creditor. When debts due to a corporation have been delivered, transferred and assigned to an officer holding an execution against the corporation, for the use of the execution creditor, pursuant to section 2A 27-9 of this title, the creditor may sue for and collect the same, subject to such equitable set-offs on the part of the debtor as in other assignments

Source R S 2 26-89

B OPERATION AND EFFECT OF EXECUTION IN GENERAL

2A:27-11. Time when execution effective. No writ of execution shall bind the property or the goods of the person against whom such writ is sued forth, but from the time that such writ shall be delivered to the sheriff, under-sheriff, coroner or other officer, his deputy or agent, to be executed

Source R S 2 26-90

2A:27-12. Indorsement on writs of year and day of receipt thereof by officer. In order to show the time when writs of execution against the goods only or against the goods and chattels and the real estate of the person against whom such writs are sued forth are delivered to the sheriff, under-sheriff, coroner or other officer, his deputy or agent, to be executed, such officer, his deputy or agent, shall, upon the receipt of any such writ, indorse thereon, without fee for so doing the time, the day of the month and year when he received the same

Source R S 2 26-91

2A:27-13. Priorities between executions against goods and chattels of same person issued on same day. If 2 or more writs of execution shall be delivered against the goods and chattels of the same person on the same day, the one first delivered shall be first executed and satisfied

Source R S 2 26-92

2A:27-14. Priorities among executions against real estate of same person. Where several writs of execution shall be issued against the goods and chattels and real estate of the same person, and sufficient cannot be found to satisfy all the

sums commanded to be made, the like priority and preference shall be given in such cases as is given by section 2A.27-13 of this title in writs of execution against the goods only, and all disputes respecting the same shall be adjudged and determined accordingly
Source R S 2 26-93

2A:27-15. Title of purchaser of personalty prior to actual levy but after delivery of writ to officer. The title of a purchaser who in good faith has purchased goods and chattels from an execution defendant and has paid for them prior to the actual levy of an execution thereon, without notice thereof, shall not be divested because the execution was delivered before the purchase was made
Source R S 2 26-94

C PROPERTY SUBJECT TO LEVY

2A:27-16. Money. Money belonging to a defendant in execution may be levied on and returned by virtue of an execution as so much money collected, without exposing the same to sale
Source R S 2 26-95

2A:27-16.1. Bank notes, bills and evidences of debt circulated as money. Bank notes and bills or other evidences of debt, circulated as money and belonging to a defendant in execution, may be taken and sold under the execution in the same manner as goods and chattels
Source R S 2 26-96

2A:27-17. Stock shares in banks or certain corporations. Shares or interests in any bank, insurance company or other joint stock company, incorporated under authority of this state or incorporated or established under authority of the United States, belonging to an execution defendant, may be taken and sold by virtue of an execution in the same manner as goods and chattels, except that a levy upon such shares shall be made subject to the provisions of section 14 8-39 of the title Corporations, General
Source R S 2 26-97

2A:27-18. Real estate liable to execution. All real estate shall be liable to be levied upon and sold by executions to be issued on judgments obtained in any court of record in this state, except county district courts and municipal courts, for the payment and satisfaction of the debt, damages, sum of money and costs so recovered or to be recovered, but no real estate of any testator or intestate shall be sold or in anywise affected by any judgment or execution against executors or administrators
Source R S 2 26-97 1

D PROPERTY EXEMPT

2A:27-19. Proprietary rights and shares. All proprietries, rights, share and shares of propriety and rights to unlocated lands shall be liable to levy and sale under an execution issued on a judgment for the payment of debt, damages and

costs or sum of money thereby recovered, as other real estate is liable to be levied upon and sold, but no such rights or shares shall be levied upon and sold except by execution issued out of the superior court

If the rights or shares are within the western division the writ shall be directed to the sheriff of Burlington county, if within the eastern division to the sheriff of Middlesex county
Source R S 2 26-98

2A:27-20. Amount; exceptions. Goods and chattels, shares of stock or interests in any corporation and personal property of every kind, not exceeding in value, exclusive of wearing apparel, \$200, and all wearing apparel, the property of a debtor having a family residing in this state, shall be reserved, both before and after his death, for the use of his family, and shall not be liable to be seized or taken by virtue of any execution or civil process whatever, issued out of any court of this state

Nothing herein contained shall be deemed or held to protect from sale under execution or other process any goods, chattels or property, for the purchase whereof the debt or demand for which the judgment on which such execution or process was issued, shall have been contracted, or to apply to process issued for the collection of taxes
Source R S 2 26-99

2A:27-21. Inventory of goods and chattels subject to levy. The sheriff or other officer having an execution or civil process against a defendant entitled to the exemption given by section 2A 27-20 of this title shall make a careful and particular inventory of the goods and chattels of every kind and description of the defendant which shall be subject to levy
Source R S 2 26-100

2A:27-22. Appraisers; appointment. After the making of the levy and the inventory required by section 2A 27-21 of this title, the sheriff or other officer shall appoint in writing 3 discreet and judicious persons of his county, indifferent between the parties to the execution to make a just and true appraisement of the goods and chattels levied on
Source R S 2 26-101

2A:27-23. Oath of appraisers. The appraisers, before acting under their appointment, shall be severally sworn faithfully, honestly and impartially to appraise the property levied on, according to the true and intrinsic value thereof, without reference to what the same might be supposed to bring at a sale under the execution or process

The oaths of the appraisers may be administered by the sheriff or other officer or by any person authorized to administer oaths, and shall be indorsed on the appointment, and, with the appointment, shall be filed in the office of the clerk of the county court of the county mentioned in section 2A 27-22 of this title
Source R S 2 26-102

2A:27-24. Appraisement made. The appraisers shall appoint a time and place where they will make their appraisement, and shall cause at least 5 days' notice in writing thereof to be given to the execution plaintiff or his attorney, at which time and place they shall, in the presence of the execution plaintiff or his attorney, if either see fit to attend, proceed with the appraisement, and set down in writing a particular account of the articles and things appraised, with their respective values annexed, and sign the same
Source R S 2 26-103

2A:27-25. Procedure after valuation; selection by execution defendant. If the value of the property as found by the appraisement does not exceed \$200, the sheriff or other officer shall allow the same to remain in the possession of the execution defendant for the use of himself and family

If the value exceeds \$200, the execution defendant may select from the inventory articles to the amount of \$200 to be reserved for the use of himself and his family, and shall annex to the inventory a written statement thereof, signed by himself
Source R S 2 26-104

2A:27-26. Sale of residue after selection. After an execution defendant has made his selection as provided by section 2A 27-25 of this title, the sheriff or other officer shall sell the residue of the property under the execution or process in payment, or towards payment of such execution or process
Source R S 2 26-105

2A:27-27. Inventory, appraisement and selection annexed to and returned with writ. The sheriff or other officer shall, in each case, annex his inventory and the account made by the appraisers, and the execution debtor's statement of his selection, if any, to the execution or process and return the execution or process to the court from which it issued
Source R S 2 26-106

2A:27-28. Claim and set-off of exemption when executions issue to several counties. When several executions into different counties shall issue on the same judgment the proceedings to set off the property under sections 2A 27-20 to 2A 27-27 of this title for the benefit of the family of the execution defendant shall be had in the county in which his family resides, and not in any other county to which execution shall have issued, except for the deficiency of goods and chattels of the execution defendant in the former county to make the amount reserved by law
Source R S 2 26-107

2A:27-29. Selection of exemption by wife or family or appraisers. If an execution defendant shall be absent from his place of residence when the appraisement by the appraisers is completed, and cannot readily be found, or refuses to make

selection from the goods and chattels inventoried and appraised as provided by section 2A 27-25 of this title, such selection may be made by the wife or family of such defendant, or by the appraisers, and the statement annexed to and returned with the execution shall be signed accordingly
Source R S 2 26-108

2A:27-30. Selection of exemption on death of execution defendant. If an execution defendant dies after execution issued, and a levy and sale of goods and chattels be made thereafter, the exemption selection to be reserved for the use of his family shall be made by the person or persons entitled to make such selection by section 3A 9-8 of the title Administration of Estates—Decedents and Others. If the property reserved for the benefit of the family of the decedent shall be set off under the provisions of said section 3A 9-8, the property so set off shall also be the property exempted from sale under execution
Source R S 2 26-109

2A:27-31. Value; exceptions. In addition to the property exempt by law from sale under execution, there shall be exempt by law from sale or execution, for debts contracted, the lot and buildings thereon, occupied as a residence and owned by the debtor, being a householder and having a family, to the value of \$1,000. No such property shall be exempt hereunder from sale for nonpayment of taxes or assessments, or for any labor done thereon, or materials furnished therefor, or for a debt contracted for the purchase thereof, or prior to the recording of the deed or notice as provided by section 2A 27-34 of this title
Source R S 2 26-110

2A:27-32. Life of exemption. The exemption given by section 2A 27-31 of this title shall continue after the death of the householder for the benefit of his widow and family, as long as some or one of them continue to occupy the homestead until the youngest child reaches the age of 21 years and until the death of the widow
Source R S 2 26-111

2A:27-33. Release or waiver of exemption. No release or waiver of the exemption given by section 2A 27-31 of this title shall be valid
Source R S 2 26-112

2A:27-34. Prerequisites to creation of exemption. To entitle any property to the exemption given by section 2A 27-31 of this title, the conveyance of the same shall show that it is designed to be held as a homestead hereunder, or, if already purchased or the conveyance does not show such design, a notice that the same is designed to be so held shall be executed and acknowledged by the person owning such property, which shall contain a full description thereof, and shall be recorded in the office of the clerk of the county in which such property is situate,

in a book to be provided for that purpose and to be known as the "homestead exemption book", and such notice and description as aforesaid shall be published once in each week for at least 6 weeks in 1 or more newspapers in the county in which such property is situate, or, if no newspaper be published in such county, in a newspaper published nearest the same

Source R S 2 26-113

2A:27-35. Jury of appraisal; summoning; oath; appraisement. If the officer holding an execution against the claimant of a homestead exemption believes that the property claimed as exempt is worth more than \$1,000 he shall summon 6 qualified jurors of the county, who, upon oath administered to them by the officer, shall appraise the property

Source R S 2 26-114

2A:27-36. Property worth more than \$1,000; set-off of part to debtor; sale of residue. If, in the opinion of the jury summoned pursuant to section 2A 27-35 of this title, the property may be divided without injury to the interests of the parties, they shall set off so much thereof, including the dwelling-house, as, in their opinion, shall be worth \$1,000, and the residue of such property may be advertised and sold by officer holding the execution

Source R S 2 26-115

2A:27-37. Notice to debtor to pay value in excess of \$1,000. If the value of the property shall, in the opinion of the jury, be more than \$1,000, and cannot be divided as provided by section 2A 27-36 of this title, the jury shall make and sign an appraisal of the value thereof, and deliver the same to the officer, who shall deliver a copy thereof to the execution debtor, or to some of his family of a suitable age to understand the nature thereof, with a notice thereto attached that, unless the execution debtor shall pay to such officer, the surplus over and above \$1,000 within 60 days thereafter, such property will be sold

Source R S 2 26-116

2A:27-38. Sale of property; disposal of proceeds. If the surplus mentioned in section 2A 27-37 of this title is not paid within 60 days as required by said section 2A 27-37, the officer shall advertise and sell the property, subject to the provisions of section 2A 27-39 of this title, and, out of the proceeds of such sale, pay the execution debtor \$1,000, which shall be exempt from execution for 1 year thereafter, and apply the balance on the execution

Source R S 2 26-117

2A:27-39. Bid at sale to exceed \$1,000. No sale pursuant to section 2A 27-38 of this title shall be made unless more than \$1,000 is bid for the property exposed to sale. If no such bid is made the officer may return the execution for want of property

Source R S 2 26-118

2A:27-40. Costs of setting off homestead. The costs and expenses of setting off a homestead as herein provided shall be charged and included in the officer's bill of costs upon the execution

Source R S 2 26-119

2A:27-41. Homestead reserved for family; sale, encumbrance or lease of homestead. If a homestead shall be declared as hereinbefore provided, it shall be reserved as such for the use of the debtor's family, and shall not be sold, aliened or encumbered by the owner thereof, nor leased for a longer term than 1 year, except as provided by section 2A 27-42 of this title, and no such lease shall be made for any time without the consent of the wife of the owner

Source R S 2 26-120

2A:27-42. Sale or encumbrance, valid, when. A sale, alienation or encumbrance of a homestead declared as hereinbefore provided shall be void unless the same be made with the full consent of the wife or husband, if any, of the owner, by deed duly acknowledged, and unless the consideration paid for the same be its full fair value, and the same, or \$1,000 thereof, shall be actually invested in the purchase of other lands and buildings, declared to be a homestead in the manner hereinbefore provided, and the title of such purchaser shall not be good until such purchase money is so invested, except in cases when such owner has removed out of the state

Source R S 2 26-121

E CLAIMS TO PROPERTY LEVIED UPON.

2A:27-43. Notice to levying officer; stay of sale; application for venire for jury to try claim. When, by virtue of an execution issued out of any court of this state, goods or chattels are levied on or taken into possession by a sheriff or other authorized officer, and claim is made thereto by a person other than the execution defendant, by notice in writing delivered to the officer executing the writ, the officer shall immediately delay his sale thereunder for 10 days, to enable the claimant to institute an action to establish the claim in the county court of the county wherein the goods and chattels were seized, which action shall proceed in a summary manner and shall be tried by jury

Source R S 2 26-122

2A:27-44. Verdict of jury; effect. The sheriff, upon complying with the judgment entered in any action brought under section 2A 27-43 of this title, shall be protected from any action for taking and seizing or delivering such property claimed to the claimant

Source R S 2 26-127

2A:27-45. Disposal of property claimed according to judgment. If the property to which claim has been made is found to belong to the claimant, the sheriff shall proceed no further with the execution as to that property; but if found

to belong to the same defendant he shall make disposal thereof as directed by the execution
Source R S 2 26-128

2A:27-46. Indemnity to sheriff by creditor against demand of claimant. If the execution creditor indemnifies the sheriff making the levy against the demand of the claimant, further proceedings in the claimant's action shall be suspended and the sale proceeded with as directed by the execution

Source R S 2 26-130

F SALES UNDER EXECUTION

2A:27-47. Advertisement of sale of goods and chattels; posting. No sale of goods or chattels shall be made by virtue of any execution without previous notice of the time and place of the intended sale, given by the officer making the levy, by advertisements, signed by the officer and posted at least 5 days before the time appointed for the sale in the office of the sheriff of the county or counties where the property is situate, which need not be posted at any other place

Source R S 2 26-131, as am L 1949, c 117, p 481, §1

2A:27-48. Advertisement of sale of real estate to state amount of judgment or decree and street numbers of real estate. All advertisements for the sale of real estate by virtue of executions issued out of any court of this state shall state the approximate amount of the judgment or decree sought to be satisfied by the sale, and, when practicable, the advertisements shall state the street numbers of the real estate to be sold

Source R S 2 26-132

2A:27-49. Notice of time and place of sale of proprietary rights. The sheriff making a sale under execution of the proprietary rights or shares mentioned in section 2A 27-19 of this title shall give notice, by advertisements, signed by himself, and put up in his office and by an advertisement in one of the newspapers published in this state, of the time and place of exposing such rights or shares to sale, at least 2 months before the time appointed for selling the same

Source R S 2 26-137, as am L 1949, c 117, p 482, §2

2A:27-50. Adjournments of sale of real estate. A sheriff or other officer selling real estate by virtue of an execution may make 2 adjournments of the sale, and no more, to a time not exceeding 1 month for each adjournment

Source R S 2 26-134

2A:27-51. Unauthorized adjournments; amercement of officer. If a sale of real estate under process of execution shall be adjourned oftener or for a longer time than allowed by section 2A 27-50 of this title, without permission in writing, previously obtained of the party at whose instance the writ of execution was issued, the sheriff or other officer shall be liable to the amount of the debt, or damages and costs, or sum or sums of money mentioned in such writ,

with interest, and for the recovery thereof may be amerced and proceeded against in the manner prescribed by law for neglect of duty in other cases on writs of execution

If, however, the sheriff or other officer shall, after 2 adjournments as authorized by said section 2A 26-134, sell the real estate, and bring the whole amount of the proceeds of such sale, after deducting his lawful fees, into the court from which such execution issued, at any time before the entry of such amercement against him as aforesaid, such sheriff or other officer shall be exonerated from all liability to such amercement
Source R S 2 26-135

2A:27-52. Statement of execution sales; filing; effect. When a sheriff or other officer makes a sale by virtue of an execution or executions to him directed, he shall, within 30 days thereafter, make and file, with his bill of costs or execution fees, in the office of the clerk of the court out of which the execution or executions issued, a true statement and calculation, in order of time, of the execution or executions by virtue of which the sale was made, the amount or amounts due thereon, respectively, at the time of the sale, the time or times of sale and the amount of sales. The statement shall be certified under the hand of the officer making and filing it, and shall be conclusive against the officer only. If there be more sales than 1, the statement shall be made and filed within 30 days after the final sale
Source R S 2 26-136

2A:27-53. Sale of real estate free of lien of judgments or recognizances on which executions not issued. Whereas, other judgments, and recognizances, besides those, or some of those, by virtue whereof the sale aforesaid was made, might affect the real estate so sold, if no provision be made to remedy the same, and whereas, the persons who have not taken, or will not take out executions upon their judgments, or recognizances, ought not to hinder or prevent such as do take out executions from having the proper effect and fruits thereof, therefore, in any such case, the purchaser, his heirs and assigns, shall hold the lands, tenements, hereditaments, and real estate by him or her purchased as aforesaid, free and clear of all other judgments and recognizances, whatsoever, on or by virtue of which no execution has been taken out and executed on the real estate so purchased
Source R S 2 26-137

2A:27-54. Deed to purchaser of real estate; recital of execution. A sheriff or other officer selling real estate by virtue of an execution to him directed, shall make to the purchaser thereof a deed of conveyance of the real estate sold, which shall recite the execution by virtue of which the real estate therein described was sold
Source R S 2 26-138

2A:27-55. Title of purchaser. The deed mentioned in section 2A 27-54 of this title shall

transfer to and vest in the purchaser as good and perfect an estate to the premises therein described as the execution debtor was seized of or entitled to at or before the judgment for the enforcement of which the execution issued, as fully to all intents and purposes as if the execution defendant had sold such real estate to such purchaser, and had received the consideration money and signed, sealed and delivered a deed for the same

Source R S 2 26-139

2A:27-56. Variances between deed and execution or execution and judgment. The deed mentioned in section 2A 27-54 of this title, shall be good and valid and received in evidence as such, notwithstanding any variance between the recitals in such deed and the execution or executions by virtue of which the real estate was sold, and notwithstanding any variance between such execution or executions and the judgment or judgments upon which the execution or executions were issued

Source R S 2 26-140

2A:27-57. Amendments to cure variances considered made. Any court of this state in which the record or exemplification of any judgment or execution is offered in evidence in support of any deed or conveyance made by a sheriff or other officer pursuant to an execution directed to him, shall consider the judgment or execution as amended in any particulars as to which they could have been, by rules of law or practice, amended at any time by the court in which the judgment was rendered or out of which the execution was issued, and the judgment or execution shall have the same force and effect as if it had been so amended

Source R S 2 26-141

2A:27-58. Reversal of judgment or execution; effect as to purchaser of real estate sold. If any judgment or execution, the execution having been recorded as required by law, by virtue whereof a sale shall be made of real estate, shall be reversed, such reversal shall only operate against the respondent on review his heirs, executors and administrators, to compel compensation to be made to the party aggrieved to the full value of the real estate so sold, and shall not be given in evidence, or be of any force or avail against any bona fide purchaser under such judgment or execution, but such purchaser, his heirs and assigns, shall hold the real estate so bona fide purchased, notwithstanding such reversal, if it be after such purchase

Source R S 2 26-142

2A:27-59. Sale by sheriff or coroner for time being of property levied upon but not sold; special order. Whenever any sheriff or coroner, or other person to whom any writ of execution has been or shall be directed has levied or shall levy the same execution on the goods and chattels or on the real estate of the party named therein, and such sheriff, coroner or other person has died

or shall die, or has or shall become disabled by law to discharge the duties of their respective office or appointment, or has removed or shall remove himself or themselves out of the jurisdiction of the state, and continue to reside thereout, without discharging the duties of their respective office or appointment, by a sale of the property or estate so levied on, then, or in either of such cases, the court, in which judgment is or shall be had, may proceed in a summary manner to order the sheriff or coroner, for the time being, of the county where the levy was made, to sell the property or estate so levied on, or so much thereof as may be sufficient to satisfy the whole or the residue of the moneys due on such execution, which sale the sheriff or coroner is hereby authorized and required to make, in as full and ample manner, to all intents and purposes, as if such execution had been originally directed to such sheriff or coroner, and shall be entitled to the same fees for services done, and liable to all the penalties and consequences of law for neglect of duty, as if such execution had been originally directed to such sheriff or coroner

Source R S 2 26-143

2A:27-60. Deed by sheriff after expiration of term of office to real estate sold under execution during term of office. If any real estate, levied upon by virtue of any valid writ of execution by any sheriff, shall have been or shall be sold by him under such levy during the term of his office, but shall not have been conveyed by deed by such sheriff during the term of his office, or if conveyed, the deed conveying the same shall have been lost before the record thereof, and the purchaser thereof shall have entered into and remained in possession of such real estate pursuant to such sale and purchase, such sheriff shall have full power and authority, after the expiration of his term of office, to make, execute and deliver to the purchaser from him of any such real estate, a good and sufficient deed in law, and if for any cause such sheriff is unable to make, execute and deliver his deed, the sheriff then in office is authorized and empowered to make, execute and deliver a good and sufficient deed in law to effectuate such conveyance, either of which deeds shall have the same force and effect as if such sheriff had made, executed and delivered the same during his term of office

Source R S 2 26-145, as am L 1948, c 160, p 897, §1

2A:27-61. Deed to real estate sold under execution on death or disability of master of the superior court, sheriff or coroner. If any master of the superior court or the sheriff or coroner of any county who has made or shall make sale of any real estate by virtue of an execution against the same shall abscond or depart from the state or be disqualified by law or shall die or have died, or in any way become incapable of making a deed or conveyance for the same, it shall be lawful for the court out of which such

execution issued, upon satisfactory proof that such sale has been fairly and legally made, to appoint another master of the superior court or the then sheriff or coroner of the county, who shall have full power on tender of the purchase-money, or if the purchase-money or any part of it has been paid, then on proof of such payment and on tender of the residue if any there be, to sign, seal and deliver to such purchaser or his legal representative a deed or conveyance of the real estate so sold, which deed shall be as good and valid and have the same force and effect as if the master, sheriff or coroner who made such sale had signed, sealed and delivered a deed or conveyance for the same in due form of law, and the moneys received on such conveyance shall be paid to the person entitled thereto by law

Source R S 2 26-146

2A:27-62. Effect of sales under execution and conveyances by sheriffs or coroners for the time being. Any sale to be made by a sheriff or coroner for the time being under authority of section 2A 27-59 of this title, of any estate, real or personal, and any conveyance to be made by such sheriff or coroner of any real estate so sold, shall be as good and effectual in the law, to all intents and purposes, as if the writ or writs of execution on which such property or estate was levied, had been originally directed to such sheriff or coroner

Source R S 2 26-147

2A:27-63. Sales under execution, decree, order or judgment heretofore made validated. No sale of any lands, tenements, hereditaments or real estate made prior to May 14, 1938 by virtue of any decree, order or judgment of any court of this state, or any execution or other process issued thereon, shall be invalidated by reason of any omission to advertise such sale or any adjournment thereof in the manner and for the length of time and in the number of newspapers then required by law, or by reason of any other irregularity or defect in such advertisement, but the purchaser or purchasers of such lands, tenements or hereditaments or real estate having paid the price therefor and having received his, her or their deed therefor, the said purchaser or purchasers, his, her or their heirs, successors or assigns shall be deemed to have as good and complete title thereto as if such sale or adjournment had been in all particulars duly advertised, provided, that no proceeding shall have heretofore been instituted in any court of law or equity to set aside said sale or the deed or of any proceedings in connection therewith

Source, L 1938, c 171, p 382, §1

G PROVISIONS IN AID OF EXECUTION.

2A:27-64. Order forbidding transfer or other disposition of property or money. In aid of execution, the court out of which the execution issued, upon proof by the oath of the party or

his or its agent or attorney or of any other person of fact and circumstances, showing that any person owes the debtor, or holds money or property in possession or action in trust for him or it, or for his or its use as aforesaid, may make an order forbidding the payment of such debt, or the transfer of such property or money by or to such debtor, or any third person until further order of the court

Source R S 2 26-151, as am L 1942, c 90, p 340, §3
Note of Reporter This merely confirms inherent authority See Whitfield v Kern, 125 N J Eq 515

2A:27-65. Perjury in proceedings. If any person, in any affidavit, deposition or answers to interrogatories taken in proceedings for discovery in aid of execution, shall willfully and corruptly swear falsely he shall be guilty of perjury

Source R S 2 26-156

2A:27-66. Receiver; appointment. Upon discovery in aid of execution, the court out of which the execution issued may make order appointing a receiver of the property and things in action belonging or due to or held in trust for the judgment debtor as aforesaid, at the time of the recovery of the judgment or at any time thereafter

Source R S 2 26-158

2A:27-67. Powers and duties of receiver. A receiver appointed under authority of section 2A 27-65 of this title shall have authority to receive, take into possession, and, if need be, sue in his own name as such receiver for the property and things in action specified in section 2A 27-64 of this title; and the receiver shall apply the same in payment of the judgment against the judgment debtor, the costs of the proceedings thereon and his reasonable compensation, to be taxed by the judge, and pay the residue into the court in which the judgment was recovered or docketed, for disposal according to law, and the judge shall order the judgment debtor to convey and deliver to such receiver all the property and rights in action and the evidence thereof

Source R S 2 26-159

2A:27-68. Receiver subject to authority and orders of court. A receiver appointed pursuant to section 2A 27-65 of this title shall be subject to the authority and orders of the court, from time to time to be given, and shall, on the fulfillment of his duties, or at other times when called upon, make report in writing to the court of his doings in the premises

Source R S 2 26-160

2A:27-69. Order to debtor to pay in installments; modification. If it should be disclosed that the judgment debtor is entitled to, and is in receipt of, an income or any property or money or things in action, held in trust for the debtor, except such trust funds as are exempt by law, the court out of which the execution issued, may

direct the judgment debtor to make payments at stated periods in installments, and upon such terms and conditions as the court may direct, out of such income, on account of the unsatisfied judgment. Application may be made at any time on behalf of the judgment creditor, his executor, administrator or assignee, or the judgment debtor, to modify the terms of such order, and the judge shall have power to make such modification.

Source R S 2 26-163

H EXECUTION AGAINST RIGHTS AND CREDITS.

2A:27-70. Definition; construction of sections 2A:27-70 to 2A:27-82. As used in sections 2A 27-70 to 2A 27-82 of this title, "rights and credits" includes all rights and credits which may be taken by writ of attachment against non-resident debtors, and also rights and credits of an equitable nature, except such trust funds as are exempt by law, and nothing contained in said sections 2A 27-70 to 2A 27-82 shall be construed as impairing the rights of an execution creditor under other provisions of this article or any law of this state relating to executions.

Source R S 2 26-168

2A:27-71. Manner of levy and taking. Rights and credits shall be levied upon and taken as property is taken under writs of attachment against nonresident debtors.

Source R S 2 26-169

2A:27-72. Rights and credits taken and sold. Rights and credits of a defendant in execution, or within his custody or control as a representative if he is sued in a representative capacity, may be levied upon, taken and sold or collected by virtue of such execution.

Source R S 2 26-170

2A:27-73. Sales; leave of court. Rights and credits levied upon shall not be sold without leave of the court or a judge thereof.

Sales of rights in real estate taken hereunder shall be made in the manner provided by law for judicial sales of real estate.

Sales of rights and credits in the nature of personal property shall be made in the manner provided by law for judicial sales of chattels.

Source R S 2 26-171

2A:27-74. Liquidation of rights and credits by levying officer. In lieu of a sale, the officer levying the execution may, in his own name as such officer, liquidate such rights and credits by collection, or, with the assent of the judgment creditor and subject to the provisions of sections 2A 27-70 to 2A 27-82 of this title, in any other manner.

Source R S 2 26-172

2A:27-75. Action or other proceeding to liquidate by levying officer. For the purpose of liquidation the officer levying the execution shall, at the request of the judgment creditor, sue or take proper judicial proceedings [at law or in equity], in his own name as such officer, to obtain such

recovery or relief as defendant or a receiver of defendant would be entitled to.

Source R S 2 26-173

2A:27-76. Receiver; appointment. After rights or credits have been levied upon and taken, a judge of the court out of which the execution issued may, upon application of either the judgment creditor or defendant and in his discretion, order the appointment of a receiver thereof.

2A:27-77. Title acquired by receiver. The receiver, the order for his appointment being filed, shall be vested with the title to the rights and credits which defendant had at the time of the levy upon the same.

Source R S 2 26-175

2A:27-78. Liquidation by receiver. The receiver shall liquidate such rights and credits by sale, subject to the provisions of sections 2A 27-69 to 2A 27-82 of this title, or by collection or otherwise, for which purpose he may sue or take proper judicial proceedings, in his own name as receiver, to obtain such recovery or relief as defendant would be entitled to if no execution had issued.

Source R S 2 26-176

2A:27-79. Disposition of money collected by receiver. The receiver shall apply money collected by him in payment of the amount due on the execution, with costs, and his necessary expenses, and, after retaining the reasonable compensation fixed for him by the court or a judge thereof, pay the balance into court.

Source R S 2 26-177

2A:27-80. Receiver's bond. The court or a judge thereof may, at any time and in its or his discretion, order the receiver to give bond for the faithful performance of his duties, in an amount and with such security as the judge may by order prescribe.

Source R S 2 26-178

2A:27-81. Order to garnishee to show cause. After a levy upon a debt due or accruing to the judgment debtor from a third person, herein called the garnishee, the court may order the garnishee and the judgment debtor to show cause why the debt, to an amount not exceeding the sum sufficient to satisfy the execution, should not be paid to the officer holding the execution or to the receiver appointed as herein authorized.

Source R S 2 26-179

2A:27-82. Order to garnishee to pay debt. Upon the return of the order to show cause mentioned in section 2A 27-81 of this title, or at the time to which the hearing thereon may be continued the garnishee, if he admits the debt, may be ordered to pay it to the execution officer or the receiver, in 1 payment or in installments as the court shall deem just. The order to pay may, on application and at any subsequent time, be modified as may be just.

Source R S 2 26-180

2A:27-83. Order to debtor to pay out of income. In case it is made to appear by affidavit that the judgment debtor is entitled to or is in receipt of income, other than from such trust funds as are exempt by law, and whether or not such income is derived from federal, state, county, municipal, or other governmental sources, the court may make an order requiring defendant to show cause why he should not be ordered to make payments on account of the execution out of such income, at stated periods, in installments and upon such terms as the court or judge may direct

Upon the return of the order to show cause, or at any time to which the hearing thereon may be continued, the court may make an order for such payments as aforesaid, and at any subsequent time, on application, may modify the terms thereof as may be just

Source R S 2 26-181, as am L 1942, c 57, p 295, §1

I EXECUTION AGAINST WAGES, DEBTS, EARNINGS, SALARY, INCOME OR PROFITS.

2A:27-84. When authorized; property subject to execution; application; issue of writ. When a judgment has been recovered and where any wages, debts, earnings, salary, income from trust funds, or profits are due and owing to the judgment debtor, or thereafter become due and owing to him, to the amount of \$18 or more a week, the judgment creditor may, on notice to the judgment debtor, unless the court otherwise orders apply to the court in which the judgment was recovered, or to the court having jurisdiction of the same, and upon satisfactory proofs, by affidavit or otherwise, of such facts, the court [if a court not of record, a judge or justice thereof], shall issue, or, if a court of record, a judge or justice thereof shall grant, an order directing that an execution issue against the wages, debts, earnings, salary, income from trust funds, or profits of the judgment debtor

Source R S 2 26-182

2A:27-85. Effect of execution. On presentation of the execution mentioned in section 2A 27-84 of this title by the officer to whom delivered for collection to the person or persons from whom such wages, debts, earnings, salary, income from trust funds or profits are due and owing, or thereafter become due and owing to the judgment debtor, such execution shall become a lien and a continuing levy upon the wages, debts, earnings, salary, income from trust funds or profits due or to become due to such judgment debtor to the amount specified therein

Source R S 2 26-183

2A:27-86. Number of executions issued and levied at same time. Only 1 execution against the wages, debts, earnings, salary, income from trust funds or profits of such judgment debtor shall be satisfied at one time, and where more than 1 execution has been issued or shall be issued pursuant to the provisions of section

2A 27-83 or section 2A 27-84 of this title against the same judgment debtor, they shall be satisfied in the order of priority in which such executions are presented to the person or persons from whom such wages, debts, earnings, salary, income from trust funds or profits are due and owing

Source R S 2 26-184

2A:27-87. Payments by persons indebted to debtor. Any person, agent, treasurer or other fiduciary officer of a private or public municipal corporation, including any county and the state, to whom an execution mentioned in section 2A 27-84 of this title is presented, and who shall at such time be indebted to the judgment debtor named in such execution, or who shall become indebted to such judgment debtor in the future, and while such execution shall remain a lien upon such indebtedness, shall pay over to the officer presenting the same, such amount of such indebtedness as such execution shall prescribe, until such execution shall be wholly satisfied, and such payment shall be a bar to any action therefor by any such judgment debtor

Source R S 2 26-185

2A:27-88. Failure to make payments. Failure or refusal to make the payments required by section 2A 27-87 of this title shall render such person, agent or officer so failing or refusing liable to an action therefor by the judgment creditor named in the execution Any amount recovered by the judgment creditor in such an action shall be applied to the payment of the execution

Source R S 2 26-186

2A:27-89. Modification of execution. Either party may apply at any time to the court from which an execution mentioned in section 2A 27-84 of this title shall issue upon such notice to the other party as such court shall direct for a modification of such execution, and upon such hearing, such court may make such modification of such execution as shall be deemed just, and such execution as so modified shall continue in full force and effect until fully paid and satisfied, or until further modified as herein provided

Source R S 2 26-187

2A:27-90. Limitation on amount specified in execution. In no case shall the amount specified in an execution issued out of any court against the wages, debts, earnings, salary, income from trust funds or profits due and owing, or which may thereafter become due and owing to a judgment debtor, exceed 10 per cent, unless the income of such debtor shall exceed the sum of \$2,500 00, in which case the judge of the court out of which the execution shall issue may order a larger percentage

Source L 1938, c 333, p 846, §2

2A:27-91. One execution on several judgments in same cause. One writ of execution may issue upon 1 or more judgments in the same cause

Source R S 2 27-320

2A:27-92. Several executions to different counties on judgment rendered or docketed in superior court. Upon all judgments recovered or docketed in the superior court, executions may issue at the same time to any county, without suggestion of the issuing of a prior execution to the county in which the venue may be laid
Source R S 2 27-321

2A:27-93. Execution on judgment of county court on appeal from municipal court. Execution on a judgment of a county court on appeal from a municipal court may issue immediately on the entry of the judgment
Source R S 2 27-322

2A:27-94. No execution on judgment in action on judgment appealed from pending determination of appeal. If a party against whom a judgment has been rendered appeals therefrom and the party in whose favor the judgment has been rendered brings an action on the judgment and recovers, execution shall not issue on the second judgment until the appeal from the first judgment has been determined
Source R S 2 27-323

2A:27-95. Special execution when some of several defendants held to bail. If, in an action in which 1 or more of several defendants, but not all, have been held to bail, judgment passes for plaintiff, the execution thereon shall be special, to the effect that it be made out of the goods, chattels and real estate of the defendants, and, for want of sufficient goods, chattels and real estate, to take the bodies of the defendants against whom the order to hold to bail has been made
Source R S 2 27-324

2A:27-96. Levy under special execution; return non est inventus. The sheriff or other officer, to whom an execution of the type mentioned in section 2A 27-94 of this title is delivered, may, to satisfy the judgment, seize and levy on the goods and chattels and real estate of all the defendants in his county, and take the bodies of such of the defendants as the execution commands him to take, or he may, after such levy, and by plaintiff's direction, return the execution non est inventus in order to fix the bail
Source R S 2 27-325

2A:27-97. Statement of money collected, etc., returned and filed with execution. The sheriff or officer to whom an execution is delivered shall, when he returns the execution and without making a charge therefor, return and file therewith, in the office of the clerk of the court out of which the execution issued, a verified statement of the amount of money, if any and the time when collected, the balance, if any due on the execution and the items of his bill of costs or execution fees. The statement shall be conclusive only against the sheriff or officer making it, and, until

returned and filed, no costs or fees on the execution shall be collectible from plaintiff in execution
Source R S 2 27-328

2A:27-98. One sale under executions issued out of superior court levied at same time; liability as trespasser. If more than 1 execution issued to different counties pursuant to section 2A 27-91 of this title is levied at the same time, no sale of the property of the person against whom such executions have issued shall be made under more than 1 of such executions, except to satisfy a deficiency remaining after a sale under that one

The court [or a judge thereof] may, for good cause, stay the proceedings on any 1 or more of such executions, direct under which execution a sale shall be first made or order the proceeds of any sale to be paid into court

If a sale shall be made contrary to the provisions of this section, the party at whose instance the executions have issued and his attorney shall be liable as trespassers to the adverse party for all damages he may sustain thereby
Source R S 2 27-330

2A:27-99. Dispute as to application of proceeds of executions out of different courts. In a controversy between execution creditors as to the application of money realized from the sale of the property of a judgment debtor under executions issued out of different courts, a judge of the superior court may, by order, direct into which of such courts the money so made shall be paid. The court into which such payment shall be directed to be made shall have jurisdiction to hear and decide the entire controversy. The judge may, at the time of making such order or thereafter, make an order to show cause before such court in such form as will present for decision the matter in controversy
Source R S 2 27-331

J. EXECUTION BY OR AGAINST PARTICULAR CLASSES OF PERSONS

2A:27-100. Against survivors on death of some. If 1 or more of several parties against whom a judgment has passed dies after judgment, execution may issue against such parties as if no death had occurred. The execution shall be operative only against the persons and property of the survivors
Source R S 2 27-333

2A:27-101. Against executor, administrator, heir or devisee. No execution shall issue against the proper goods and chattels or real estate of an executor, administrator, heir or devisee, unless he has made his estate liable by false pleading or otherwise
Source R S 2 27-335

2A:27-102. Against estate of decedent without administration. If a defendant, or 1 or more of several defendants against whom a judgment has passed, dies after judgment and the judgment is unsatisfied in whole or in part, then after 6

months after the death of such defendant, execution may, if the court shall so order, issue against the goods and chattels and real estate of the decedent as if the death had not occurred. If objection is made by any interested party, then no order for execution shall be made until 3 months after the date when notice of the existence of the judgment was first given to the executor or administrator.

Source R S 2 27-337, as am L 1938, c 373, p 943, §1

K CAPIAS AD SATISFACIENDUM.

2A:27-103. Against whom writ not to issue. No capias ad satisfaciendum shall issue in a civil action or an action for a penalty to take the body of.

a A female, or

b An infant under the age of 16 years, and, if above such age and under 21 years of age, it shall be within the discretion of the judge [or court commissioner] before whom application for the writ is made, after determining the infant's age and the nature of the offense or action complained of, to determine whether the writ shall issue, or

c A defendant who has been arrested on a capias ad respondendum in an action on contract on the ground of fraud in the inception of the contract, and as to whom it has been determined and certified on the record that such fraud did not exist as provided by section 2A 27-80 of this title.

Source R S 2 27-339

2A:27-104. Issue of writ on judgments founded on contract. A capias ad satisfaciendum shall not issue on a judgment founded upon contract, express or implied, except

a Where an order to hold the defendant to bail has been issued and remains in force, or

b When due proof is made to a judge of the

court [or a court commissioner], certified by such judge [or commissioner] and filed in the office of the clerk of the court wherein the judgment was recovered, establishing

1 The facts on which an order to hold to bail could issue under the provisions of section 2A 27-72 of this title, or

2 That defendant has rights or credits, money or effects in his own possession or the possession of some other person to his use, of the value of \$50 00 or over, which he unlawfully refuses to apply in payment of the judgment against him.

Source R S 2 27-340

2A:27-105. Issue of writ on judgments in tort actions. In all cases in which the first process shall be a summons, the writ of capias ad satisfaciendum shall not be issued against a defendant upon any judgment in an action of tort for injuries to the person or damages to property, unless the [judge of the] court finds that such injuries or damages were caused by the willful or malicious act of the defendant and an order is made that such writ be issued.

Source R S 2 27-341

2A:27-106. Contempt proceedings not affected. Nothing in either section 2A 27-101 or section 2A 27-102 of this title shall be construed to apply to proceedings as for contempt to enforce civil remedies.

Source R S 2 27-342

2A:27-107. Writ when defendant has made deposit in lieu of bail. If plaintiff, in an action in which defendant has been held to bail and defendant has made a deposit in lieu of bail recovers judgment for an amount in excess of the sum deposited by defendant, he shall have a capias ad satisfaciendum against defendant for the collection of the balance due on the judgment.

Source R S 2 27-343

Chapter 28. PROCEDURE ON TRIAL OF IMPEACHMENTS.

Section

2A 28-1 Expenses of trial, how and by whom paid

2A 28-2 Fund for payment of expenses

2A 28-3 Witness fees and mileage

Section

2A 28-4 Board and maintenance of indigent witnesses

2A 28-5 Board, maintenance, fees and mileage of witnesses

Note of Reporter The judicial article (article VI section I) of the 1947 constitution, in stating the names of the courts, does not include the court for trial of impeachments, which appeared in the 1844 constitution as one of the courts. The legislative power is continued in article VI section III of the 1947 constitution, but the senate when trying an impeachment should no longer be denominated a court. The only changes made in this chapter have been to eliminate the word "court" and also to eliminate the comptroller (whose function has been materially altered under the reorganization acts. See C 52 18A-7), and to make appropriate changes in the text in accordance with these changes in the law.

2A:28-1. Expenses of trial; how and by whom paid. The expenses incurred by the senate upon the trial of an impeachment or incurred under the direction of the senate by any officer thereof

in preparation for or in connection with the trial or by the managers appointed by the general assembly to conduct the trial of such impeachment, the fees and expenses of witnesses for the state, the compensation of the stenographer of the senate, and all other costs and expenses on behalf of the state, properly incurred in the preparation for, management or conduct of the trial, shall be paid by the state treasurer to the persons entitled thereto, upon the presentation of proper vouchers therefor approved by the president of the senate.

Source R S 2 28-1

2A:28-2. Fund for payment of expenses. For the purpose of providing funds for the payment

of the expenses enumerated in section 2A 28-1 of this title, the treasurer shall, upon the order of the president of the senate, pay the sergeant at arms of the senate or other officer designated by the senate to serve process, or pay the chairman of the board of managers appointed by the general assembly, such sum, not exceeding \$300 at one time, as will suffice to meet such expenses, and such officer shall, at the end of the trial, account to the treasurer for his disbursements from the fund so provided, forthwith pay into the state treasury any unexpended balance thereof and file with the treasurer vouchers for the money disbursed by him or under his direction

Source R S 2 28-2

2A:28-3. Witness fees and mileage. Every person summoned to attend the trial as a witness shall receive, from the party in whose behalf he is summoned, \$1 for each day's attendance and mileage at the rate of 6 cents for each mile required to be traveled in going from and returning to his residence by the most usual route of

travel between Trenton and the place of residence

No witness shall be required to attend upon the trial until 1 day's fee and mileage for 1 way is paid or tendered.

Source R S 2 28-3

2A:28-4. Board and maintenance of indigent witnesses. The senate may order the board and maintenance of any indigent person summoned as a witness on any trial, while in attendance upon the trial, to be paid by the sergeant at arms or other officer charged with the service of process, out of the money of the state in his hands, in the same manner as witnesses' fees are paid

Source R S 2 28-4

2A:28-5. Board, maintenance, fees and mileage of witnesses. All bills for the board and maintenance of indigent witnesses, and all payments to witnesses of fees and mileage, except those required to be made in advance, shall be paid only on the certificate of the clerk of the senate that the same are correct.

Source R S 2 28-5

Chapter 27A to Chapter 31. Blank.

Chapter 32. PROCEDURE IN COUNTY DISTRICT COURTS.

Section		Section	
	Article 1 General Provisions	2A 32-18	
2A 32-1	Definitions	to	
2A 32-2	Dockets, records, money, etc., transmitted by clerk to successor	2A 32-34	Blank
2A 32-3	Appeal to Appellate Division of Superior Court, practice and procedure		D Arrest
2A 32-4	Criminal practice and procedure	2A 32-35	When arrest or holding to bail authorized, proof required
2A 32-5	Blank	2A 32-36	Order for warrant, order and proof filed, service and return of warrant
	Article 2. Process	2A 32-37	Certified copy of order for warrant for defendant, use in proceedings to set aside arrest
	A General Provisions	2A 32-38	Warrant as protection to persons acting thereunder
2A 32-6	Blank	2A 32-39	Disposition of body of defendant pending time for hearing or trial
2A 32-7	Blank	2A 32-40	Blank
2A 32-8	Prepayment of fees condition precedent to performance of duties by officers	2A 32-41	Blank
2A 32-9	Neglect or refusal to execute or return process, penalty, recovery	2A 32-42	Defendant's recognizance, form and contents, filing
	B Summons or Warrant in General	2A 32-43	Application to set aside order for warrant, to whom made
2A 32-10	First process to compel appearance	2A 32-44	Order setting aside order for warrant, operation and effect
2A 32-11	Warrant against body of female prohibited —exceptions	2A 32-45	No second application to set aside order of arrest.
2A 32-12	By whom process served	2A 32-46	
	C Service of Process in Actions against Non-resident Chauffeurs, Operators or Owners of Motor Vehicles for Accidents or Collisions in This State	to	
2A 32-13	Director of Division of motor vehicles as agent for service of process, effect of service	2A 32-48	Blank
2A 32-14	Methods of service, notice to defendant, fees and expenses of service		Article 3 Forms of Actions and Pleadings
2A 32-15	Fees and expenses as taxable costs	2A 32-49	Counterclaim
2A 32-16	Record kept by commissioner of motor vehicles	2A 32-50	
2A 32-17	Provisions of 2A 32-13 to 2A 32-16 as extension of right of service of process out of district court	to	
		2A 32-86	Blank
			Article 4 Trial
			A General Provisions
		2A 32-87	
		to	
		2A 32-89	Blank.

Section	
2A 32-90	Stenographer to take testimony
2A 32-91	to
2A 32-100	Blank
2A 32-101	Failure of witness to attend or give evidence, fine
	B Trial by Jury
2A 32-102	Right to jury trial, demand
2A 32-103	Issue, number of jurors
2A 32-104	to
2A 32-110	Blank
2A 32-111	Oath of officer attending jury
2A 32-112	Blank
	C Evidence and Witnesses
2A 32-113	Subpoenas for witnesses
2A 32-114	Oath of witnesses
2A 32-115	Proof of book accounts
2A 32-116	Proof of partnership or incorporation by affidavit
2A 32-117	Production of instrument sued on
2A 32-118	Proof by affidavit in action on written instrument
2A 32-119	What affidavits must show
2A 32-120	Blank
2A 32-121	Blank
2A 32-122	Blank
	Article 5 Judgment and Execution
	A General Provisions
2A 32-123	to
2A 32-126	Blank
2A 32-127	Action for subsequent breaches of conditions in instrument not barred by recovery for breaches accrued
	B Execution
2A 32-128	When issued, form in general, body execution in alternative
2A 32-129	Execution against body of female or person under sixteen forbidden
2A 32-130	No execution against body when defendant refutes affidavits upon which order for arrest issued
2A 32-131	Execution against executor or administrator
2A 32-132	Execution against body politic or corporate
2A 32-133	Grounds for issue of body execution
2A 32-134	to
2A 32-140	Blank
2A 32-141	Delivery to jailer of body taken under execution
2A 32-142	Escape of person committed under body execution, liability of sheriff
2A 32-143	Body execution as protection to persons acting thereunder
2A 32-144	Confession of judgment to stay execution
2A 32-145	Execution upon expiration of stay upon confession of judgment
2A 32-146	No stay of execution on judgment rendered in action on judgment, exception
2A 32-147	Life of execution
2A 32-148	Successive executions
2A 32-149	Execution binding only from time of delivery to officer
2A 32-150	to
2A 32-152	Blank
2A 32-153	Execution without scire facias to revive judgment, special order after six years
2A 32-154	Alias and pluries executions out of same court

Section	
2A 32-155	Alias and pluries executions to another county
2A 32-156	Inventory of property levied on, inventory, levy and time of making annexed to execution, evidence of levy
2A 32-157	Advertisement and sale of property taken, disposition of proceeds
2A 32-157 1	Life of execution and return
2A 32-158	Claim to property levied on, delay of sale, application for jury, indemnity to officer by judgment creditor, abandonment of claim
2A 32-159	Writ for jury to try claim, procedure, notice to judgment creditor of trial
2A 32-160	Verdict on trial of claim
2A 32-161	Costs of trial of claim
2A 32-162	Death or disability of officer making levy, appointment of another to complete same
2A 32-163	Liability of officer to judgment creditor for neglect or default in making execution
2A 32-164	Discovery proceedings, powers of judge, appointment of receiver, service on corporations
2A 32-165	to
2A 32-179	Blank
2A 32-180	Execution against wages or income, constable or sergeant at arms of any county may execute writ
2A 32-181	to
2A 32-185	Blank

Article 6 Docketing Judgments

2A 32-186	Docketing final judgments in county court or superior court
2A 32-187	Docketing judgments by confession
2A 32-188	Judgment not to be docketed pending determination of new trial or appeal
2A 32-189	Statement and affidavit filed with clerk, transcript entry of judgment
2A 32-190	Issue and return of execution not necessary
2A 32-191	Clerk's dockets
2A 32-192	Indexes to dockets, dockets and indexes public records
2A 32-193	Operation and effect of docketed judgment in general
2A 32-194	Satisfaction of docketed judgment, entry
2A 32-195	Execution out of county court of superior court on docketed judgment
2A 32-196	No execution out of district court on docketed judgment, proceedings allowed in lower court
2A 32-197	No execution out of county court or superior court pending determination of new trial on appeal
2A 32-198	New trial notwithstanding judgment docketed and execution issued
2A 32-199	Stay of execution on docketed judgment pending determination of appeal
2A 32-200	Scire facias on docketed judgment
2A 32-201	Entry in docket of determination on appeal
2A 32-202	to
2A 32-222	Blank

Article 7 Dockets

2A 32-223	Clerk to keep, record of court
2A 32-224	Entries required
2A 32-225	Certified copies for parties
2A 32-226	Transcripts as evidence
2A 32-227	to
2A 32-258	Blank

Article 8 Mechanics' Liens.

2A 32-259	Practice and procedure

Section

Article 9 Proceedings Between Landlord and Tenant**A General Provisions**

- 2A 32-260 Tenancy created by agent, termination by owner, recovery of possession or rentals
- 2A 32-261 Dismissal of action involving title of land
- 2A 32-262 to
- 2A 32-264 Blank
- B Summary Proceedings for Recovery of Premises**
- 2A 32-265 Removal of tenant in certain cases, jurisdiction
- 2A 32-266 Lessor's affidavit, contents, filing
- 2A 32-267 Summons, contents and service, right to jury trial
- 2A 32-268 Notices and summons, substituted service, service by posting
- 2A 32-269 Discontinuance upon payment into court of rent in arrears, receipt
- 2A 32-270 Proof of notice to quit prerequisite to judgment
- 2A 32-271 Judgment for possession, warrant for removal, issuance
- 2A 32-272 Execution of warrant, use of force
- 2A 32-273 Review, landlord liable for unlawful proceedings
- 2A 32-274 Removal of proceedings into superior court
- 2A 32-275 to
- 2A 32-278 Blank

Article 1 GENERAL PROVISIONS

2A:32-1. Definitions. As used in this chapter, unless the context indicates a contrary intent

"Court" or "district court" means a county district court

"Judge" means a judge of the county district court or a county judge sitting as a district court judge or an ex-officio judge of the district court

"Presiding judge" means the judge designated as presiding judge of a district court having branch parts

"Clerk" means clerk of a county district court and includes supervising clerks where so designated and the county clerk who acts where such court is held by a county judge

"Deputy clerk" means deputy clerks in the county district courts and those former clerks where district courts have been consolidated into county district courts and who have not been designated as supervising clerks

"Party", "adverse party", or "prevailing party" includes plaintiffs, defendants, appellants and respondents, as the case may be, and their attorneys if they appear by attorney, in respect to service of notices and the like

"Constable" means only those constables designated by the court and includes all "sergeants at arms" of a county district court

"Officer" means constables when designated by the court and all "sergeants at arms".

"Plaintiff" includes "plaintiffs", "person or persons", and "corporation" or "corporations" instituting an action or proceeding

"Defendant" includes "defendants", "person or

Section

Article 10 Replevin

- 2A 32-279 Replevin proceedings, jurisdiction
- 2A 32-280 to
- 2A 32-312 Blank

Article 11 Attachment

- 2A 32-313 to
- 2A 32-350 Blank

Article 12 Division of Small Claims

- 2A 32-351 to
- 2A 32-355 Blank
- 2A 32-356 Commencement of action, summons fee, signed written statement of claim, entry in docket, other information given to clerk
- 2A 32-357 Blank
- 2A 32-358 Notice to defendant, service
- 2A 32-359 to
- 2A 32-366 Blank
- 2A 32-369 Blank
- 2A 32-370 Docketing judgment in court of common pleas
- 2A 32-371 Appeals
- 2A 32-372 Costs
- 2A 32-373 Additional costs when frivolous or vexatious claim or defense made, collection
- 2A 32-374 Costs on vacation of judgment

persons", "corporation" or "corporations", proceeded against

Source R S 2 32-1

2A:32-2. Dockets, records, money, etc., transmitted by clerk to successor. The clerk of every county district court shall, on the appointment and qualification of his successor, turn over to such successor all writings, books, records, papers, moneys held on deposit, seal, and property in his custody pertaining to such court

Source R S 2 32-9

2A:32-3. Appeal to appellate division of superior court; practice and procedure. In civil actions appeals may be taken from final judgments or determinations of the county district courts to the appellate division of the superior court within the time and in the manner prescribed by the rules made and promulgated by the supreme court. The practice and procedure governing all such appeals shall be as provided by the said rules, and the appellate division of the superior court shall have jurisdiction to hear and determine the same, and to affirm, reverse or modify the judgment or determination of the county district court, as fully as in the case of other appeals heard by said division in other civil actions of a legal nature

Source C 2 32-10 12, L 1948, c 385, p 1571, §12

2A:32-4. Criminal practice and procedure. Whenever the county district court is authorized by law to exercise criminal jurisdiction, the practice and procedure in respect to such jurisdiction shall be substantially as provided by sections 2A 9-1 to 2A 9-18, both inclusive, of the Revised Statutes, subject to such rules as the

supreme court shall promulgate and make applicable to the county district courts

Source C 2 32-10 14, L 1948, c 385, p 1571, §14

2A:32-5. Blank

Article 2 PROCESS

A GENERAL PROVISIONS

2A:32-6. Blank

2A:32-7. Blank

2A:32-8. Prepayment of fees condition precedent to performance of duties by officers. No clerk or other officer of the county district court shall be required to execute any process or perform any service under the provisions of this chapter until his legal fees for so doing have been paid

Source R S 2 32-16

2A:32-9. Neglect or refusal to execute or return process; penalty; recovery. If any officer shall neglect or refuse to execute or return any writ or other process to him directed and delivered by virtue of any law or rule of court relating to county district courts, he shall, for each such offense, forfeit and pay a sum not exceeding \$300 00 to the party aggrieved, to be recovered in a civil action with costs

Source R S 2 32-17

B SUMMONS OR WARRANT IN GENERAL

2A:32-10. First process to compel appearance. Except as otherwise specially provided by law, the first process to compel an appearance shall be a summons, or a warrant in the nature of a *capias ad respondendum*. A summons may be used in any case whatsoever, the warrant shall only be used in the cases provided in sections 2A 32-35 to 2A 32-45 of this title

Source R S 2 32-18

2A:32-11. Warrant against body of female prohibited; exceptions. No warrant shall issue out of a county district court against the body of a female, except where specifically provided for by law.

Source R S 2 32-19

2A:32-12. By whom process served. All process issued out of county district court shall be served only by the sergeant at arms of the district court or such officer as shall be especially designated by the judge or presiding judge of the court

Source R S 2 32-20

C SERVICE OF PROCESS IN ACTIONS AGAINST NONRESIDENT CHAUFFEURS, OPERATORS OR OWNERS OF MOTOR VEHICLES FOR ACCIDENTS OR COLLISIONS IN THIS STATE

2A:32-13. Director of division of motor vehicles as agent for service of process; effect of service. Any chauffeur, operator or owner of any motor vehicle, not licensed as required by the provisions of article 2 of chapter 3 of Title 39, Motor Vehicles and Traffic Regulation (§39 3-3 et seq), who shall accept the privilege extended by law

to nonresident chauffeurs, operators and owners of driving such a motor vehicle or having the same driven or operated in this state without a New Jersey registration or license, shall, by the acceptance and the operation of such motor vehicle within this state, make and constitute the director of division of motor vehicles of the state of New Jersey his or their agent for the acceptance of process in any civil action or proceeding, which process may be issued out of any county district court of this state, against such chauffeur, operator or the owner of such motor vehicle, arising out of or by reason of any accident or collision occurring within this state, in which a motor vehicle operated by such chauffeur or operator or such owner is involved. The acceptance of such privilege or the operation of such motor vehicle shall be the signification of such chauffeur or operator or such owner of his or their agreement that any such process issuing out of any county district court as aforesaid against him or them which is so served shall be of the same legal force and validity as if served upon him or them personally

Source C 2 32-34 1, R S 2 32-34 1, as am L 1941, c 57, p 142, §1

2A:32-14. Methods of service; notice to defendant; fees and expenses of service. An action against nonresident chauffeurs, operators and owners of a motor vehicle, as mentioned in section 2A 32-13 of Revised Statutes, shall be filed in a county district court where the venue lies, pursuant to court rules, and plaintiff shall pay to the clerk, in addition to the ordinary filing fees, a fee of \$200 for each nonresident defendant to be paid over to the director of division of motor vehicles of this state, which fee, together with an original copy of the summons and complaint and a copy for each nonresident defendant, shall be mailed by the clerk to said director, and such service shall be sufficient upon such nonresident chauffeur, operator or owner, if

a Notice of such service and a copy of the summons and complaint are forthwith sent by registered mail to the defendant by the director of division of motor vehicles, or such person acting for him in his office, and

b Defendant's return receipt and the affidavit of the director of division of motor vehicles, or such person acting for him in his office, of the compliance herewith are appended to the summons and complaint and filed in the office of the clerk of the court wherein the action may be pending; and

c The date of such mailing and the date of the receipt of the return card as aforesaid are properly indorsed on the summons and complaint, and signed by the director of division of motor vehicles, or someone acting for him; or

d Notice of such service and a copy of the summons and complaint are forthwith sent by registered mail by the director of division of motor vehicles, or someone acting for him in

his office, to the sheriff or other process server in the jurisdiction in which the defendant resides, with directions that such sheriff or other process server or a person acting for such sheriff or other process server shall serve the same upon the defendant in the same manner that service is legally effected in that jurisdiction, and the return of such sheriff or other process server or person acting for such sheriff or other process server in such jurisdiction shall be appended to or indorsed upon the original summons and complaint and returned to the director of division of motor vehicles, and thereafter filed in the office of the clerk of the court wherein such action may be pending in this state, and in the event that the plaintiff directs that notice be given in this manner he shall deposit with the clerk of the court where such action is pending sufficient money to effectuate the same, in addition to the fee of \$200 as heretofore provided to be forwarded to the director of division of motor vehicles, or

e Notice of such service and a copy of the summons and complaint may be served on the defendant personally by any official or private individual, wherever such service may be made, and upon such service being made an affidavit shall be taken by the person effecting such service, showing the person served and the time and place of such service, which affidavit shall then be appended to the original summons and complaint and returned to the director of division of motor vehicles, and be thereafter filed in the office of the clerk of the court wherein such action may be pending in this state, and in the event that notice be given in this manner the plaintiff shall pay the costs thereof, or

f Notice of such service and a copy of the summons and complaint may be served on the defendant in any other manner that the county district court in which the cause is pending shall deem sufficient and expedient

Source R S 2 32-34 2

2A:32-15. Fees and expenses as taxable costs. Any fees paid by the plaintiff to the director of the division of motor vehicles for service and the costs of giving notice as aforesaid shall be taxed in his costs if he prevails in the action

Source 2 32-34 4

2A:32-16. Record kept by commissioner of motor vehicles. The director of division of motor vehicles shall keep a record of all processes served pursuant to sections 2A 32-13 to 2A 32-15 of this title, which shall show the day and hour of such service

Source R S 2 32-34 5

2A:32-17. Provisions of sections 2A:32-13 to 2A:32-16 as extension of right of service of process out of county district court. Sections 2A 32-16 to 2A 32-18 of this title shall be construed to extend the right of service of process issued out of any county district court upon nonresidents

and not as limiting any provision of law for the service of process now or hereafter existing
Source R S 2 32-34 6

2A:32-18

to

2A:32-34. Blank

D ARREST

2A:32-35. When arrest or holding to bail authorized; proof required. A warrant in the nature of a *capias ad respondendum* shall issue out of a county district court only

Action on contract and defendant not freeholder and nonresident of county. a When the action is founded upon contract, express or implied and defendant is not a freeholder and resident of the county in which the process issues, and due proof is made on oath to the satisfaction of the judge of the amount of the debt or damages claimed, and that there is a debt or demand founded upon contract, express or implied, due plaintiff from defendant, specifying the nature and particulars of the debt or demand, and establishing to the satisfaction of the judge by the oath of plaintiff or another that (1) defendant, with intent to defraud his creditors, is about to remove his property or part of it out of the jurisdiction of the court in which the action is about to be commenced, or (2) that defendant has property or rights of action which he fraudulently conceals, or (3) that defendant fraudulently contracted the debt or incurred the obligation respecting which the action is brought, or

Action founded on tort and defendant not freeholder and nonresident of county. b Where the action is founded on tort and defendant is not a freeholder and resident of the county in which the process issues, and due proof is made on oath to the satisfaction of the judge of the amount of the debt or damages claimed, and of such other facts as would warrant a judge of the superior court in making an order to hold to bail in a tort case, or

Defendant a freeholder and resident and fraudulently disposes of real estate. c When defendant is a freeholder and resident of the county in which the process issues, and due proof is made on oath to the satisfaction of the judge that defendant has assigned or disposed of, or is about to assign or dispose of, all of his real estate situate in the county, with intent to defraud his creditors, in which case defendant may be held to bail in like manner and upon the same proof as would warrant his arrest in case he were not a freeholder and resident in the county in which the process issues

Source R S 2 32-35

2A:32-36. Order for warrant; order and proof filed; service and return of warrant. Upon proof made as provided by section 2A 32-35 of this title the judge shall make and subscribe an order that

a warrant issue against defendant for such amount as the proof justifies and requires. Before the warrant issues the order and the affidavit or affidavits upon which the order is founded, together with plaintiff's complaint, shall be filed with the clerk.

The warrant commanding defendant's arrest shall be returnable forthwith after its service and a copy thereof, together with a copy of plaintiff's affidavit and complaint, shall be served on the defendant at the time of his arrest, and the officer making such arrest and service shall make a return thereof on the original warrant. Source R S 2 32-36

2A:32-37. Certified copy of order for warrant for defendant; use in proceedings to set aside arrest. The clerk shall, upon payment of the fees therefor, furnish to defendant or his agent a certified copy of the order mentioned in section 2A 32-36 of this title and the affidavits upon which the order is founded, which may be used before a judge of the superior court, who may make order thereupon in the same manner as if the original order and affidavits were produced before him.

Source R S 2 32-37

2A:32-38. Warrant as protection to persons acting thereunder. A warrant issued pursuant to the provisions of this chapter shall be a full and complete protection to any person or officer taking or detaining the body of a defendant thereunder, against liability for any act done or committed pursuant to the commands thereof in or about such taking or detention prior to the service of the order mentioned in section 2A 32-44 of this title, certified by the clerk of the county district court with whom it has been filed.

Source R S 2 32-38

2A:32-39. Disposition of body of defendant pending time for hearing of trial. The officer serving the warrant shall, according to the tenor thereof, forthwith bring defendant before the judge who issued the warrant, or in his absence before any county district court judge, who, in his discretion, shall thereupon either cause defendant to enter into recognizance as herein-after provided, or, if no recognizance is entered into, command the officer to take defendant to the county jail, to be there detained in custody until the hearing or trial of the cause, not exceeding 3 days from the time of the return of the warrant, or the judge may direct the officer to hold defendant in custody until plaintiff is notified and have time to appear and proceed to the hearing or trial.

Source R S 2 32-39

2A:32-40. Blank.

2A:32-41. Blank

2A:32-42. Defendant's recognizance; form and contents; filing. The recognizance mentioned in section 2A 32-39 of this title shall be entered

into by defendant with sufficient surety, in the amount of the demand specified in the warrant, and with the condition that the defendant shall, at all times render himself amenable to the order and process of the court, pending the action, and that he shall appear before the court or any officer thereof, when so required by the order of the court and that, if he does appear and judgment is rendered against him in the said action, he shall pay the said judgment and costs of said action, or surrender himself to the officer on the execution to be thereafter issued against him, which bond shall be duly acknowledged and shall be approved by the court.

The recognizance shall be filed with the clerk of the county district court out of which the warrant issued. If the judge of that court is not present to take the recognizance, a judge of any county district court may take the recognizance for the benefit of the plaintiff in the action.

Source R S 2 32-42

2A:32-43. Application to set aside order for warrant; to whom made. A defendant arrested upon a warrant as herein provided may, at any time before the trial of the cause, apply to a judge of the superior court to have the order for arrest set aside. Reasonable notice of the application shall be given to plaintiff or his attorney. Giving bond or entering recognizance by defendant as herein provided shall not constitute a waiver of defendant's right to make such application.

Source R S 2 32-43

2A:32-44. Order setting aside order for warrant; operation and effect. If the superior court judge finds the proof insufficient to warrant an arrest, he may make an order directing the setting aside of the order therefor. The order to set aside shall be filed with the clerk of the county district court out of which the warrant issued. The recognizance, if any, given by the defendant shall thereby become void. The action shall thereafter proceed as if it had been begun by summons, the defendant shall be considered in-court and the matter shall proceed as other cases commenced by summons.

Source R S 2 32-44

2A:32-45. No second application to set aside order of arrest. When a judge has made an order for a warrant pursuant to section 2A 32-36 of this title and an application to a judge of the superior court to set aside such order as provided by section 2 32-43 of this title has been denied, defendant shall not be allowed to renew his application.

Source R S 2 32-45

Article 3 FORMS OF ACTIONS AND PLEADINGS.

2A:32-49. Counterclaim. A defendant may counterclaim any cause of action including matters formerly pleaded by recoupment or set-off against a plaintiff or a co-defendant, in the county

district court, in accordance with rules of court

When the counterclaim exceeds the jurisdiction of the county district court, the action may be removed to the superior court pursuant to court rules

Where the defendant's cause of action is for liquidated damages and is within the jurisdiction of the county district court, the defendant shall file a counterclaim therefor, or in default thereof be thereafter barred from maintaining any action thereon or counterclaiming the same in any future action by the same plaintiff

Source R S 2 32-49, as am L 1950, c 219, p 552, §9

2A:32-50

to

2A:32-62. Blank

Note of Reporter It is suggested that sections 2 32-54 to 2 32-62 be repealed R S 2 40-1 et seq provides a method of arbitration and award for use in all courts No apparent reason exists to have a special arbitration and award statute for county district courts

The proceeding, in any event, is seldom, if ever, used

2A:32-63

to

2A:32-67. Blank

Note of Reporter It is suggested that sections 2 32-63 to 2 32-67 concerning "Reference of Matters of Account" be repealed The subject is properly one of court rule and is covered by Rules 3 53

2A:32-68

to

2A:32-81. Blank

Note of Reporter This section deals with depositions Procedure in depositions in all courts should be uniform

We suggest that Rule 7 6-4 be amended See copy of proposed amended rule

2A:32-82

to

2A:32-86. Blank

Note of Reporter It is suggested that these sections be repealed and that Rule 7 6-3 be amended See copy of proposed amended rule

Article 4 TRIAL

A GENERAL PROVISIONS

2A:32-87. Blank.

2A:32-88. Blank

Note of Reporter It seems to us that sections 2 32-87 and 2 32-88 should be repealed District court judges are required to decide cases within four weeks after submission under rules of administration A 13, and in cases where decision is reserved, parties are notified by regular mail

Lawyers should watch their cases and by use of due diligence will know when decision is due

If the sections should be left in, it is suggested that ordinary mail be substituted for registered mail because of the present high cost of registered mail

2A:32-89. Blank

2A:32-90. Stenographer to take testimony.

Whenever either party to any cause in a county district court makes application to the court for the appointment of a stenographer to take

down the testimony therein, and to transcribe the proceedings at the trial or any hearing in such cause the judge shall designate a certified court reporter, who shall be duly sworn to take testimony in the cause, at the expense of the party making the application

Before the trial of the action is commenced, the stenographer shall be sworn in accordance with law

Source R S 2 32-92

2A:32-91

to

2A:32-100. Blank

2A:32-101. Failure of witness to attend or give evidence; fine. Every person subpoenaed as a witness, who shall not appear, or appearing shall refuse to give testimony in any action in a county district court, shall forfeit and pay for every such default or refusal, unless some reasonable cause be assigned, such fine not exceeding \$50, nor less than \$1 00, as the judge shall think proper to impose In default of the payment of such fine the offender shall be committed to the county jail of the county in which the court is established until the fine is paid, unless sooner discharged by order of the court The fine, when collected, shall be paid over to the treasurer of the county in which the court is established

Source R S 2 32-101

B TRIAL BY JURY

2A:32-102. Right to jury trial; demand. Either party to an action commenced in a county district court may demand a trial by jury

Source R S 2 32-102

2A:32-103. Issue; number of jurors. In any action where the debt, demand or matter in dispute exceeds \$50, the jury shall consist of 12 persons, if such debt, demand or matter is not in excess of \$50, the jury shall consist of 6 persons.

Source R S 2 32-103

2A:32-104

to

2A:32-110. Blank

2A:32-111. Oath of officer attending jury. To the officer appointed to attend the jury the clerk shall administer the following oath or affirmation

"You do swear, in the presence of Almighty God (or do affirm, as the case may require), that you will, to the utmost of your ability, keep every person sworn on this jury together in some private or convenient place, without meat or drink, water excepted, and that you will not suffer any person to speak to them, nor speak to them yourself, except by order of the court, and except to ask them if they have agreed on a verdict, until they have so agreed"

Source R S 2 32-111

2A:32-112. Blank

C EVIDENCE AND WITNESSES

2A:32-113. Subpoenas for witnesses. Subpoenas for witnesses may issue out of any county district court into any county of this state
Source R S 2 32-113

2A:32-114. Oath of witnesses. To every witness produced at the trial of a cause in a county district court the clerk of the court, or the officer in attendance upon the court, shall administer the following oath or affirmation

"You do swear, in the presence of Almighty God (or do affirm, as the case may require), that the evidence you shall give to the court and the jury in this matter in difference between, plaintiff, and, defendant, shall be the truth, the whole truth and nothing but the truth"

Source R S 2 32-114

2A:32-115. Proof of book accounts. When the nature of plaintiff's demand is such that his book or account of original entries would be competent evidence, and a default has been entered against the defendant, or the defendant appearing, does not require the production of the originals, a copy of the entries therein, so far as they relate to plaintiff's demand, together with a statement of the credits or allowances, if any, to which defendant is entitled, shall be received in evidence, with the same effect as if the originals were produced and proved, provided, the copy and statement shall be accompanied by affidavit, stating that the copy is a true copy of the original entries, that all credits and allowances to which defendant is entitled appear on the statement, or that defendant is not entitled to any credits or allowances, and the amount or balance claimed by plaintiff is justly due and owing to him

Source R S 2 32-115

2A:32-116. Proof of partnership or incorporation by affidavit. When a copy of the entries mentioned in section 2A 32-115 of this title may be used as therein provided, a partnership or incorporation may be proved by affidavit, and a partnership or incorporation may also be proved by affidavit in any action in which, under the provisions of this chapter, affidavits may be used as proof

Source R S 2 32-116

2A:32-117. Production of instrument sued on. In an action on a promissory note, bill of exchange, check, draft or other written contract, simple or under seal, for the payment of money only, the instrument sued on must be produced at the hearing or its absence accounted for by affidavit

Source R S 2 32-117

2A:32-118. Proof by affidavit in action on written instrument. In an action on a promissory note, bill of exchange, check, draft, or other written contract, simple or under seal, or if, in

an action of contract for the payment of money only, the damages or amount recoverable are a matter of calculation only or can be readily ascertained, and a default has been entered against the defendant, or, the defendant appearing, consents thereto, plaintiff may prove his case by affidavit, which shall contain a copy of the instrument sued on, if any, and shall set forth and aver such facts and circumstances as would warrant a recovery if the facts and circumstances were proved by witnesses

Source R S 2 32-118

2A:32-119. What affidavits must show. In all cases where proof is made by affidavit, it must appear by the affidavit that affiant has competent knowledge of the facts sworn to

Source R S 2 32-119

2A:32-120

to

2A:32-122. Blank.

Article 5 JUDGMENT AND EXECUTION

A GENERAL PROVISIONS

2A:32-123

to

2A:32-124. Blank

2A:32-125. Blank

Note of Reporter The Committee feels that much abuse has grown out of this section and that it should be eliminated in its entirety

2A:32-126. Blank

2A:32-127. Action for subsequent breaches of conditions in instrument not barred by recovery for breaches accrued. When the condition of a bond, bill or contract is for the performance of more than a single act, an action brought thereon in a county district court in respect of breaches occurring before the commencement of the action shall not bar other actions for breaches occurring thereafter

Source R S 2 32-127

B EXECUTION

2A:32-128. When issued; form in general; body execution in alternative. When a judgment shall be given against a plaintiff or defendant in an action in a county district court, execution shall issue thereon, under the seal and at the hand of the clerk, commanding the officer to levy and make the amount of the judgment and costs out of the goods and chattels of the judgment debtor, or, for want of sufficient goods and chattels to levy upon and make the same, to take the body of the judgment debtor as herein-after provided and convey him to the county jail

Source R S 2 32-128

2A:32-129. Execution against body of female or person under 16 forbidden. No execution shall issue against the body of a female, nor against the body of a person under 16 years of

age If a judgment debtor is over 16 years of age and under 21 years of age, it shall be within the discretion of the judge, after ascertaining his age and the nature of the offense or action complained of, to determine whether a body execution shall issue

Source R S 2 32-129

2A:32-130. No execution against body when defendant refutes affidavits upon which order for arrest issued. When a warrant of arrest has issued against a defendant in an action in a county district court, he may, upon the trial of the cause, give testimony as to the truth of the affidavits upon which the order for the warrant was made, and, if it shall appear that defendant was not in fact guilty of the fraud alleged, the court shall so certify upon the record of the cause, and make order therein that no execution shall issue against his body if judgment pass against him If such an order is made execution shall issue only against defendant's goods and chattels

Source R S 2 32-130

2A:32-131. Execution against executor or administrator. Execution on judgments against executors or administrators shall issue out of a county district court in accordance with the rules of court

Source R S 2 32-131

2A:32-132. Execution against body politic or corporate. Execution on judgments against bodies politic or corporate shall issue out of a county district court against the goods and chattels thereof, which may be levied on and sold according to law

Source R S 2 32-132

2A:32-133. Grounds for issue of body execution. An execution against the body shall be granted only in the following cases

a Where a warrant has issued upon an order made in accordance with the provisions of section 2A 32-36 of this title and such order has not been set aside,

b Where no warrant having been issued for the same cause of action, due proof is made on oath or affirmation to the satisfaction of the judge of the county district court that the judgment debtor, at the time when execution is applied for, is not a freeholder in the county where such district court is established and judgment has been rendered in an action of tort for injuries to the person or damages to property caused by the willful or malicious act of the defendant,

c When no warrant has issued for the same cause of action, and this action being founded upon contract, express or implied, due proof is made to the satisfaction of the judge, by affidavit or affidavits filed, establishing the particulars specified in paragraph "a" of section 2A 32-35 of this title or establishing that the judgment debtor has rights or credits, moneys or effects,

either in his own possession or in the possession of any other person or persons to his use, of the value of \$10 or over, which he unlawfully and fraudulently refuses to apply in payment of such judgment

This section shall not be construed to take away the right to a body execution in replevin cases

Source R S 2 32-133

2A:32-134

to

2A:32-140. Blank

2A:32-141. Delivery to jailer of body taken under execution. When execution is issued against the body as provided by this article, the officer to whom the writ is directed, for want of goods and chattels whereon to levy, shall, according to the tenor thereof, take the body of the person against whom the execution is issued and convey and deliver him to the keeper of the common jail of the county, who shall keep such person in safe custody in such jail until the judgment upon which the execution issued is fully paid, with costs, or until he is thence delivered according to law

The officer shall, at the same time, deliver to the jailer a copy of the execution and take the jailer's receipt upon the execution and return such receipt to the clerk of the court, who shall record the same in his docket

Source R S 2 32-141

2A:32-142. Escape of person committed under body execution; liability of sheriff. If the keeper or jailer, to whom the body of a person taken under execution has been delivered as provided by section 2A 32-141 of this title, suffers the person so committed to his custody to go or be at large out of the jail, except by virtue of some writ of habeas corpus, or by virtue of an order entered in accordance with rules of court, or otherwise delivered by due course of law, until the judgment upon which the execution issued is fully paid, with costs, such sufferance shall be deemed to be an escape, for which the sheriff of the county shall be responsible to the judgment creditor to the amount of the judgment and all costs, recoverable by the judgment creditor in an action at law, with costs

Source R S 2 32-142

2A:32-143. Body execution as protection to persons acting thereunder. A writ of execution against the body, issued pursuant to the provisions of this article, shall be a full and complete protection to any officer taking or detaining the body of a judgment debtor thereunder against liability for any act done or committed pursuant to the commands of the writ in or about such taking or detention

Source R S 2 32-143

2A:32-144. Confession of judgment to stay execution. If defendant in an action commenced

in a county district court appears therein either at the return of the summons or warrant, or by consent without process, or on the day the judgment is rendered, or before execution is issued, whether or not the action has been defended, and, with a good and sufficient freeholder of and resident in the county, join in confession of judgment to the adverse party, with costs, no execution shall issue until 1 month from the time of rendering the judgment by confession, if it is for not more than \$50 00 nor less than \$25 00, or until 3 months thereafter, it is for more than \$50 00 and not more than \$200 00, or until 6 months thereafter, if it is for more than \$200 00

Source R S 2 32-144

2A:32-145. Execution upon expiration of stay upon confession of judgment. At the expiration of the time for which the issue of execution has been stayed as provided by section 2A 32-144 of this title, execution may issue out of the county district court against the judgment debtor and the freeholder for the amount due on the original judgment, with interest and costs. The execution herein provided for shall issue in the name and be of the same effect as if the original judgment had been against both the judgment debtor and the freeholder

Source R S 2 32-145

2A:32-146. No stay of execution on judgment rendered in action on judgment; exception. When an action is brought upon any judgment entered in a county district court and judgment in such action is rendered for the plaintiff therein, no stay of execution shall be allowed thereon, provided the time limited by section 2A 32-144 of this title for stay of execution shall have expired since the first judgment, and if not, such further stay of execution shall be allowed as, with the time already past since the date of the first judgment, will make up the time allowed for stay of execution as is directed by said section 2A 32-144

Source R S 2 32-146

2A:32-147. Life of execution. Executions issued out of a county district court pursuant to the provisions of this article shall be operative and effective against the goods and chattels levied on for 1 year from the date of the issue thereof, unless sooner satisfied. Thereafter they shall be void

Source R S 2 32-147

2A:32-148. Successive executions. A judgment creditor may have a subsequent execution or executions, which shall be operative and effective and become void in the same manner as the first execution

Source R S 2 32-148

2A:32-149. Execution binding only from time of delivery to officer. A writ or execution issued out of a county district court shall bind the property or goods of the person against whom it

is issued from the time only of its delivery to the officer for execution

Source R S 2 32-149

2A:32-150

to

2A:32-152. Blank

2A:32-153. Execution without scire facias to revive judgment; special order after 6 years. An execution may issue without a revival of the judgment by scire facias at any time within 20 years from its recovery. If more than 6 years have elapsed since the recovery of the judgment, a special order of the judge shall be necessary before the execution issue, upon proof to the satisfaction of the judge of the amount remaining due upon the judgment. But no order shall be required for the issuance of an alias or subsequent execution

Source C 2 32-153, L 1942, c 76, p 319, §1

2A:32-154. Alias and pluries executions out of same court. Upon the return of an original execution unsatisfied, the clerk of the court issuing it may issue an alias execution. Upon the return of the alias execution unsatisfied the clerk may issue a pluries execution. The alias and pluries executions may be levied on the goods and chattels of the judgment debtor, made returnable and be executed as the original execution

Source R S 2 32-154

2A:32-155. Alias and pluries executions to another county. When an execution has been returned unsatisfied, the clerk of any county district court, upon the demand of the plaintiff, may issue an alias or pluries execution, directed to any officer of any county in the state, so designated in the writ, which shall be executed and returned by the officer to whom it shall be delivered, in the same manner as if it had been issued out of a court of competent jurisdiction in his county

Source R S 2 32-155

2A:32-156. Inventory of property levied on; inventory, levy and time of making annexed to execution; evidence of levy. The officer to whom an execution issued out of a county district court is directed shall make an inventory in writing of such and so much of the property of the judgment debtor as he intends to levy upon. The inventory and levy, with a statement of the actual time of the making thereof, shall be annexed to the execution, shall be signed by the officer, under his oath of office, and shall, at all times, be received as evidence of the levy and of the time of its making, as contemplated by this article

Source R S 2 32-156

2A:32-157. Advertisement and sale of property taken; disposition of proceeds. An officer levying on goods and chattels under any execution shall give notice of the time and place appointed for

the sale of the goods and chattels levied upon. The notice shall be by advertisement, signed by the officer, posted at least 5 days before the time appointed for sale in 3 public places in the county where the goods and chattels were taken and shall describe the goods and chattels taken. At the time and place so appointed, or on an adjourned date publicly announced at the time and place so appointed, the officer shall expose the goods and chattels to public sale, strike them off to the highest bidder, and shall, forthwith make his return to the writ and pay the money arising from the sale to the judgment creditor or his attorney, or, in their absence, to the clerk of the county district court.

2A:32-157.1. Life of execution and return. A writ of execution issued out of a county district court shall remain valid and effective for the purpose of a levy for 1 year from its issuance date, unless sooner satisfied, and the officer shall make a return to the clerk of the proceedings had by him on such writ forthwith after a satisfaction thereof, otherwise within 1 year.
Source R S 2 32-157

2A:32-158. Claim to property levied on; delay of sale; application for jury; indemnity to officer by judgment creditor; abandonment of claim. When a written claim to goods and chattels levied on or taken under an execution is made to the officer in possession thereof by a person other than the judgment debtor, the officer shall immediately delay his sale of the goods and chattels for 10 days, to permit the claimant to apply to a judge of the court out of which the execution issued for a jury to try and determine his claim to the property. The claimant shall also forthwith file with the clerk of the court a copy of his claim so made to the officer.

If the judgment creditor indemnifies the officer against claimant's demand, the sale shall take place at the time and place advertised.

If the claimant shall fail to file a copy of his claim with the clerk as aforesaid or, having filed said copy, does not within the 10 days apply to said court and have his claim tried and determined, he shall be deemed to have abandoned it, and the officer shall proceed as if no claim had been made, and shall not be liable in an action therefor thereafter.

Source C 2 32-158, L 1943, c 65, p 262, §1

2A:32-159. Writ for jury to try claim; procedure; notice to judgment creditor of trial. It shall be lawful for the judge to whom application is made as provided by section 2A 32-158 of this title to order a writ for a jury of 6 qualified jurors, to direct a return thereof to be made to him and to proceed therein as in other cases of trial by jury. The claimant shall give 2 days' written notice to the judgment creditor of the time and place of the trial of his claim.
Source. R. S 2 32-159

2A:32-160. Verdict on trial of claim. If the jury finds that the goods and chattels belong to the claimant, the officer shall proceed no further with the execution. If it is found that they belong to the judgment debtor the officer shall proceed with the execution as directed therein.

The verdict of the jury shall protect the officer from liability for any action for taking and seizing the goods and chattels or delivering them to the claimant.

Source R S 2 32-160

2A:32-161. Costs of trial of claim. The costs of a trial of claim to property levied on shall be taxed by the clerk as in other cases, and shall be paid by the judgment creditor if the verdict of the jury is for the claimant, and by the claimant if the verdict is against him; and either party, the creditor or the claimant, whichever was successful in the proceeding, may have a writ of execution for the costs so taxed.

Source R S 2 32-161

2A:32-162. Death or disability of officer making levy; appointment of another to complete same. When an officer, by whom a levy has been made pursuant to an execution issued out of a county district court, dies or by reason of inability is unable to act further thereon, the judge may, upon proof made to his satisfaction of such death or inability and of the amount, if any, remaining due upon the execution, appoint an officer to proceed with and complete the execution of such writ, and who shall, when so appointed, have the same power and, in all things yet to be done, proceed in the same manner as he would have proceeded had the execution been delivered to him originally and he had done what, up to the time of his appointment, was done by his predecessor. The officer so appointed shall not, however, be liable for any error or default of the officer to whom the execution was originally delivered.

Source R S 2 32-162

2A:32-163. Liability of officer to judgment creditor for neglect or default in making execution. If, by reason of the negligence of an officer in the performance of any of the duties imposed upon him by this article respecting an execution, the execution creditor fails to recover the amount, or any part thereof, to which he is entitled under the execution, with costs, the constable shall be liable to the execution creditor therefor, recoverable in an action of contract, with double costs.
Source R S 2 32-163

2A:32-164. Discovery proceedings; powers of judge; appointment of receiver; service on corporations. In cases where the amount due on any judgment, exclusive of costs, shall be \$25 00 or more, each of the judges of the several county district courts of this state shall, upon petition for discovery in aid of execution, have the same powers, jurisdiction and authority as are vested in or exercised by any of the judges of the

county courts of this state, to order the judgment debtor whether such debtor be an individual or a corporation to appear before the court, and make discovery on oath concerning his or its property or things in action, and to make an order forbidding the payment of debts or transfer of moneys or property due or belonging to such debtor or any third person, and to appoint a receiver of the property and things in action belonging, or due to, or held in trust for such debtor at the time judgment is recovered, or at any time afterward. Such order may be served upon any corporate judgment debtor in the same manner as a summons is served upon a corporate defendant in the said county district court and shall be responded to by the treasurer or other officer of the corporation having the custody of, supervision or control over its books of accounts, and financial records, who shall appear and make discovery concerning the property and things in action of the corporation pursuant to said order.

Source C 2 32-164, L 1942, c 109, p 374, §1

2A:32-165

to

2A:32-170. Blank

Note of Reporter The procedure should be uniform in all courts. See R S 2 26-148 to 2 26-166 as revised.

2A:32-171

to

2A:32-179. Blank

Note of Reporter Repeal these sections. The same subject is covered by R S 2 26-168 to 2 26-181 which applies to all courts.

2A:32-180. Execution against wages or income; constable or sergeant at arms of any county may execute writ. When a judgment has been recovered in any district court of this state, and where any wages, debts, earnings, salary, income from trust funds or profits are due and owing to the judgment debtor, or shall thereafter become due and owing to him, to an amount of \$18 00 or more a week, the judgment creditor may, in accordance with the rules of court, apply to the court in which the judgment was recovered, for an order directing that an execution issue against the wages, debts, earnings, salary, income from trust funds or profits of the judgment debtor. Such an execution may issue directed to any constable and/or sergeant at arms of any county in the state, so designated in the writ, which shall be executed and returned by the constable to whom it shall be delivered, in the same manner as if it had been issued out of a court of competent jurisdiction in his county.

Source C 2 32-180, L 1943, c 73, p 282, §1

2A:32-181

to

2A:32-185 Blank**Article 6 DOCKETING JUDGMENTS**

2A:32-186. Docketing final judgments in county court or superior court. Any final judgment of a

county district court, when not less than \$10 00, including costs, remains due thereon, may be docketed by the party recovering the same, his executors, administrators or assigns, either in the county court of any county or directly in the superior court, in the manner and with the effect hereinafter provided.

Any judgment recovered in a county district court against any heir or devisee of a decedent by creditors of the decedent may be docketed in the county court, and execution issued thereon in the same manner as if such action had originally been instituted in the county court.

This section shall not apply to judgments recovered in a county district court in actions to enforce a mechanic's lien claim, which shall be docketed as required by section 2A 60-153 of this title.

Source R S 2 32-186

2A:32-187. Docketing judgments by confession.

A judgment confessed as provided by section 2A 32-144 of this title may be docketed in the county court of the proper county as other judgments of a county district court are docketed, and, when so docketed, shall be a lien upon the property of the freeholders confessing it, but no execution shall issue thereon out of the court in which it is docketed until the expiration of the time during which execution thereon out of the county district court has been stayed as provided by said section 2A 32-144.

Source R S 2 32-187

2A:32-188. Judgment not to be docketed pending determination of new trial or appeal. During the pendency of a motion for a new trial, or an appeal, on a judgment of a county district court, no statement for docketing shall issue nor shall the judgment be docketed.

Source R S 2 32-188

2A:32-189. Statement and affidavit filed with clerk; transcript entry of judgment. The clerk of each county court or the clerk of the superior court, as the case may be, shall, when there has been filed in his office a statement, signed by the clerk of the county district court in which the judgment was entered and sealed with the seal of the county district court, containing the name of the court, the names of the parties to the action in which the judgment was rendered, the name of the attorney, if any, of the party in whose favor the judgment was rendered, the amount and date of the judgment and the date of issue and return of execution, if any, which statement shall be accompanied by an affidavit of the party, his attorney or agent, in whose favor the judgment was rendered that, at the time of the filing of the statement a certain stated amount, not less than \$10 00, was still due on the judgment, enter in his docket a transcript of the judgment in words at length, containing the name of the district court in which the judgment was rendered, the style of the action, the names in full of the parties to the action, the name of

the attorney, if any, of the party in whose favor the judgment was rendered, the amount recovered with costs, the substance of the return of the constable serving the process, and the amount stated to be due in the affidavit

Source R S 2 32-189

2A:32-190. Issue and return of execution not necessary. It shall not be necessary, before obtaining the statement mentioned in section 2A 32-189 of this title, that execution issue out of and be returned into the county district court. The statement may be made and filed at any time after judgment entered in the county district court, with the same effect as if execution had been issued and returned. If, however, execution has issued, the statement shall not be made and filed before a return has been made to the execution

Source R S 2 32-190

2A:32-191. Clerks' dockets. The clerk of each county court and the clerk of the superior court shall provide and keep a docket, in which shall be entered, upon compliance with the provisions of this chapter, the judgments mentioned in sections 2A 32-186 and 2A 32-187 of this title. The docket of the clerk of the superior court may be that one in which judgments of other courts are docketed

Source R S 2 32-191

2A:32-192. Indexes to dockets; dockets and indexes public records. The clerk of the county court and the clerk of the superior court shall each make and keep a complete alphabetical index to the dockets required by them to be kept by section 2A 32-191 of this title

The dockets and the indexes thereto shall be public records, to which all persons desiring to examine the same shall have access

Source R S 2 32-192

2A:32-193. Operation and effect of docketed judgment in general. A judgment docketed in a county court or in the superior court in the manner herein provided shall, from the time of its docketing, operate as though it were a judgment obtained in an action originally commenced in the court wherein it has been docketed

Source R S 2 32-193

2A:32-194. Satisfaction of docketed judgment; entry. Satisfaction of a judgment docketed as herein provided may be entered in the same manner and upon the same evidence as satisfaction of an original judgment of either a county court or the superior court is entered

Source R S 2 32-194

2A:32-195. Execution out of county court or superior court on docketed judgment. Execution may issue on a judgment docketed as herein provided out of either a county court or the superior court, with the same effect as to the real and personal property of the judgment debtor as if issued on a judgment originally ob-

tained in the court wherein the judgment has been docketed

Source R S 2 32-195

2A:32-196. No execution out of district court on docketed judgment; proceedings allowed in lower court. After a judgment has been docketed as herein provided, no proceedings shall be had thereon in the county district court except the granting of a new trial, or the taking of an appeal

Source R S 2 32-196

2A:32-197. No execution out of county court or superior court pending determination of new trial or appeal. If a judgment has been docketed before the grant of a new trial or an appeal taken, no execution shall issue thereon out of a county court or the superior court pending the final determination of such proceedings

Source R S 2 32-197

2A:32-198. New trial notwithstanding judgment docketed and execution issued. If a judgment has been docketed and execution issued thereon out of a county court or the superior court before the grant of a new trial by the county district court or an appeal taken, the county district court may nevertheless grant a new trial, and, if granted, no further proceedings shall be had on the execution pending the determination of the new trial

Source R S 2 32-198

2A:32-199. Stay of execution on docketed judgment pending determination of appeal. If a judgment recovered in a county district court is, either before or after being docketed as herein provided, removed from the county district court by appeal and the necessary bonds have been given, execution from the court in which the judgment has been docketed shall be stayed and suspended until the final determination of the appeal

Source R S 2 32-199

2A:32-200. Scire facias on docketed judgment. A judgment docketed as herein provided may be revived by scire facias in the county court or in the superior court in the same manner, in the like cases and with the like effect as if such judgment had been obtained in an action commenced in such court

Source R S 2 32-200

2A:32-201. Entry in docket of determination on appeal. If a judgment docketed as herein provided is reviewed upon appeal, and a duly certified transcript of the judgment of the court upon the appeal shall be delivered to the clerk of the court wherein the judgment is docketed, such clerk shall file the transcript in his office, and enter, in short form, in the margin of the docket, opposite the entry of the judgment the substance of the determination upon the appeal

Source R S 2 32-201

2A:32-202

to

2A:32-222. Blank**Article 7 DOCKETS.****2A:32-223. Clerk to keep; record of court.**

Each clerk of a county district court shall keep a docket, which shall be a record of the court of which he is the clerk

Source R S 2 32-223, L 1898, c 228, p 562, §25 [C S p 1961, §25]

2A:32-224. Entries required. When an action or proceeding is commenced in a district court the clerk thereof shall enter in his docket

a The names of plaintiff and defendant;

b The style and nature of the action and the sum demanded or penalty sued for,

c The time of issuing process, when returnable and the return made thereto by the officer;

d The time when the complaint or counterclaim was filed by any of the parties,

e The time of taking the bond or recognizance,

f The time of the making or filing of any order, affidavit, pleading or other paper in the cause,

g All adjournments,

h The jury, when and by whom demanded, the writ for a jury and when issued and how returned,

i The time of trial, the names of the jurors and witnesses,

j A description of each paper offered in evidence,

k The verdict and judgment and when given;

l The execution or executions, when issued, indorsements thereon, and how returned by the officer,

m The appeal, when and by whom demanded;

n All proceedings before the court touching the action,

o The items of costs in each case and the amount paid by each party

Source R S 2 32-224

2A:32-225. Certified copies for parties. Each clerk of a county district court shall, when required upon payment of the lawful fees, give to either party to a cause, a certified copy of the proceedings mentioned in section 2A 32-224 of this title

Source R S 2 32-225

2A:32-226. Transcripts as evidence. A transcript of the docket entries in a cause, certified to be a true transcript by the clerk under the seal of the court, shall be admitted in evidence in any court of the state, with the same effect as if the docket were then and there produced

Source R S 2 32-226

2A:32-227

to

2A:32-258. Blank.

Note of Reporter The whole article on forcible entry and detainer (R S 2 32-240 to 2 32-258) is omitted because obsolete and better handled by civil action for possession

Article 8 MECHANICS' LIENS

2A:32-259. Practice and procedure. The practice and procedure in actions commenced in a county district court to enforce a mechanic's lien claim shall conform, as nearly as may be, to the provisions of article 10 of chapter 60 of this title (§2A 60-105 et seq) and otherwise to the practice and procedure prescribed for actions in the county district courts

If the defendant cannot be found in this state the summons may be served on him as provided by section 2A 60-139 of this title

Source R S 2 32-259

Article 9 PROCEEDINGS BETWEEN LANDLORD AND TENANT**A GENERAL PROVISIONS****2A:32-260. Tenancy created by agent; termination by owner; recovery of possession or rentals.**

If real estate is leased by an agent of the owner thereof, in his own name or as agent, the owner, his assignee or grantee may terminate the tenancy as the agent might do. The owner or his duly authorized agent, assignee or grantee may institute and maintain proceedings in any county district court to recover the possession or the rentals thereof in their own names or in the name of the former agent, in the same manner and with the same effect as though the real estate had been leased in their own names.

Source. R S 2 32-260

2A:32-261. Dismissal of action involving title

of land. If upon trial of a landlord and tenancy proceeding the plaintiff shall not be able to prove, by lease or other evidence, his right to the possession of the premises claimed by him without proving title to lands, tenements and hereditaments, the cause shall be dismissed, provided however that an assignee or grantee of a landlord may, at the trial or hearing, offer in evidence a deed or other writing for the purpose of showing the assignment or grant by the landlord, which deed or other writing may be received for the purpose of showing the right to possession of the premises for the recovery of which the proceedings are brought

Source R S 2 32-261, 2 58-25, 2 58-31.

2A:32-262

to

2A:32-264. Blank**B SUMMARY PROCEEDINGS FOR RECOVERY OF PREMISES**

2A:32-265. Removal of tenant in certain cases; jurisdiction. Any lessee or tenant at will or at sufferance, or for a part of a year, or for 1 or more years, of any houses, buildings, lands or tenements, and the assigns, under tenants or legal representatives of such tenant or lessee, may be removed from such premises by the county district court of the county within which

such premises are situated, in the manner hereinafter prescribed in the following cases

a Where such person holds over and continues in possession of all or any part of the demised premises after the expiration of his term, and after demand made and written notice given by the landlord or his agent, for delivery of possession thereof, which notice shall be served either personally upon the tenant or such person in possession by giving him a copy thereof or by leaving a copy of the same at his usual place of abode with a member of his family above the age of 14 years, or where for any reason such service cannot be had, then the same may be served by posting or affixing a copy thereof upon the door or other conspicuous part of such dwelling or demised premises occupied by the tenant;

b Where such person shall hold over after a default in the payment of rent, pursuant to the agreement under which the premises are held,

c Where such person shall be so disorderly as to destroy the peace and quiet of the other tenants living in said house or the neighborhood, or shall willfully destroy, damage or injure the premises, or shall constantly violate the landlord's rules and regulations governing said premises, provided, such tenant has accepted in writing said rules, or such rules are made a part of the lease, or shall commit any breach or violation of any of the covenants or agreements in the nature thereof contained in the lease for the premises where a right of re-entry is reserved in the lease for a violation of such covenants or agreements in the nature thereof, and shall hold over and continue in possession of the demised premises or any part thereof, after the landlord or his agent for that purpose has caused a written notice of the termination of said tenancy to be served upon said tenant, and a demand that, said tenant remove from said premises so occupied by him within 3 days from the service of such notice, which notice shall specify the cause of the termination of the tenancy, and shall be served either personally upon the tenant or such person in possession by giving him a copy thereof, or by leaving a copy thereof at his usual place of abode with some member of his family above the age of 14 years

Source R. S. 2 32-265

2A:32-266. Lessor's affidavit; contents; filing.

A landlord or lessor, his legal representatives, agents or assigns, may make oath in writing to the facts which, according to section 2A 32-265 of this title, authorize such proceedings against a tenant, and describing therein the premises claimed, and if proceedings are begun under paragraph "b" of said section 2A 32-265, the oath shall state the amount of rent claimed to be in default. The oath shall be filed with the clerk of the county district court, having jurisdiction of such matters pursuant to section 2A 32-265 of this title.

Source R. S. 2 32-266

2A:32-267. Summons; contents and service; right to jury trial. On filing the affidavit mentioned in section 2A 32-266 of this title, the clerk shall issue a summons, describing the premises, in respect of which such proceeding is had, and requiring such tenant or any person in or claiming possession thereof, forthwith to remove from or surrender the same, or to show cause before the court, at a certain place and time to be therein specified, not less than 5 nor more than 15 days from the date of the summons, why possession of such premises should not be delivered to the claimant. The aforesaid affidavit shall be annexed to the summons and returned therewith, and a copy of the affidavit shall be served with the summons. The summons shall be served in the same manner as other writs of summons issued out of such court. Either party may demand and have a trial by jury of 12 persons

Source C. 2 32-267, L. 1944, c. 184, p. 691, §1

2A:32-268. Notices and summons; substituted service; service by posting.

Where, for any reason, service of any of the notices required by section 2A 32-265 of this title, or a summons issued under section 2A 32-267 of this title and the affidavit mentioned in section 2A 32-267 of this title, cannot be served as provided in said sections 2A 32-265 and 2A 32-267, such notices or summons and affidavits may be served upon any person actually occupying the premises, either personally or by leaving same with a member of his family above the age of 14 years, or when admission to the dwelling or premises occupied by the tenant or persons holding under him, is denied to the officer attempting to serve such summons, or to the person attempting to serve such notice, or when the tenant or occupant and all members of his family above the age of 14 years are absent from said premises, or if there is no person actually occupying the premises, the officer or other person may post or affix a copy of the same upon the door or other conspicuous part of such premises, which posting shall be deemed to be a lawful service

Source C. 2 32-268, L. 1944, c. 183, p. 690, §1

2A:32-269. Discontinuance upon payment into court of rent in arrears; receipt.

If, in proceedings instituted under paragraph "b" of section 2A 32-265 of this title, the tenant or person in possession of the demised premises shall at any time on or before entry of final judgment, pay to the clerk of the court out of which the summons has issued, the rent claimed to be in default by the oath filed with the clerk, together with the accrued costs of the proceedings, all proceedings shall be stopped and the receipt of the clerk shall be evidence of such payment. The clerk shall forthwith pay all moneys so received to the landlord or to the person making oath for him

Source. C. 2 32-269, L. 1943, c. 66, p. 263, §1

2A:32-270. Proof of notice to quit prerequisite to judgment. No judgment for possession in cases specified in paragraph "a" of section 2A 32-265 of this title shall be ordered unless

a The tenancy, if a tenancy at will or from year to year, has been terminated by the giving of 3 months' notice to quit, which notice shall be taken and deemed to be sufficient, or

b The tenancy, if a tenancy from month to month, has been terminated by the giving of 1 month's notice to quit, which notice shall be deemed and taken to be sufficient, and

c It shall be shown to the satisfaction of the judge by due proof that the notice herein required has been given

Source R S 2 32-270, R S 2 58-22

2A:32-271. Judgment for possession; warrant for removal; issuance. If no sufficient cause is shown to the contrary when the cause comes on for trial and it shall appear to the judge that the summons has been duly served and, in cases arising under paragraph "b" of section 2A 32-265 of this title, that the rent claimed and costs accrued have not been paid, the court shall enter a judgment for possession and issue a warrant to any officer of the court, commanding him to remove all persons from the premises, and to put the claimant into full possession thereof, and to levy and make the costs out of the goods and chattels of the person in possession. The claimant shall, if required by the defendant, prove to the satisfaction of the judge, or of the jury if there be a trial by jury, the facts which, according to said section 2A 32-265 authorize the proceedings against the tenant

When there is no appearance by or on behalf of any tenant named therein, or if any defendant shall appear, but make no defense, the court may, if the summons has been duly issued and served, hear and determine the cause upon the affidavit filed, without the production of any witnesses or other proofs

No warrant of removal shall issue until the expiration of 3 days after entry of judgment for possession

Judgments for possession may be re-opened in accordance with the rules of court

Source R S 2 32-271

2A:32-272. Execution of warrant; use of force. An officer, to whom a warrant is issued by virtue of section 2A 32-271 of this title, shall obey the command of and faithfully execute the same, and may, if necessary to the execution thereof, use such force as may be necessary

2A:32-273. Review; landlord liable for unlawful proceedings. Proceedings had by virtue of section 2A 32-265 of this title shall not be appealable except on the ground of lack of jurisdiction. The landlord, however, shall remain liable in a civil action for unlawful proceedings under section 2A 32-265 to 2A 32-277 of this title

source R S 2 32-273

2A:32-274. Removal of proceedings into superior court. At any time after the issuance of a summons in a summary proceeding for the removal of a tenant, but prior to the original or adjourned return date thereof, either the landlord or person in possession may apply to a judge of the superior court, who may, if he shall deem it of sufficient importance, order the cause transferred from the county district court to the superior court. Upon the filing of a copy of said order with the clerk of the county district court, he shall forthwith forward all papers filed in the proceeding to the clerk of the superior court which court shall thereupon have full and exclusive jurisdiction of the case

The proceedings in the superior court shall be in accordance with rules of court

Source R S 2 32-274

Article 10 REPLEVIN

2A:32-275

to

2A:32-278. Blank

2A:32-279. Replevin proceedings; jurisdiction. Replevin proceedings may be brought in a county district court if the subject matter of the suit is within the territorial jurisdiction of the court and the value thereof does not exceed \$1,000 00

Replevin proceedings in a county district court shall follow the practice and procedure of the superior and county courts in such actions, except that the writ shall be executed by an officer of the county district court

Source R S 2 32-279

Note of Reporter Replevin proceedings in the county district courts are very similar to replevin proceedings in the superior and county courts and the respective statutes are much alike. It is therefore recommended that except for 2A 32-279 which is being retained to give jurisdiction in replevin proceedings to county district courts the replevin section of the county district court chapter be repealed and that replevin proceedings in the county district courts follow the practice and procedure of the superior and county courts in such matters

2A:32-280

to

2A:32-312. Blank

Article 11 ATTACHMENT

2A:32-313

to

2A:32-350. Blank.

Note of Reporter We recommend that the entire attachment article of the county district court act be repealed and that the practice and procedure in attachment in the superior and county courts be made applicable to the county district courts. This can be accomplished by the enactment of two new sections in place of the entire attachment article of the district court act. These new sections are 2A 32-313 and 2A 32-314 and are included with the proposed new legislation

We realize that the adoption of our suggestion will work some material changes in the present practice in attachment in the district court, but we are in favor of the changes since, in our opinion, they would improve the present practice in addition to making it uniform with the upper courts

Article 12 DIVISION OF SMALL CLAIMS

2A:32-351

to

2A:32-355. Blank

2A:32-356. Commencement of action; summons fee; signed written statement of claim; entry in docket; other information given to clerk. An action in the division of small claims shall be commenced by plaintiff therein paying to the clerk a summons fee of \$210 for 1 defendant, and 40 cents for each additional defendant, together with the fee for serving the summons as provided in section 22 2-45 of the Revised Statutes. The rules of practice and procedure in the county district courts shall apply to the division of final claims

Source C 2 32-356, L 1946, c 183, p 769, as am §1, L 1947, c 402, p 1267, §1

2A:32-357. Blank

2A:32-358. Notice in the nature of a summons to defendant. A notice shall be issued by the clerk, which he shall cause to be served upon defendant in the same manner, as a summons is served out of the county district court. The notice shall be signed by the clerk, bear the seal of the court and be tested as writs are tested, and, after setting forth the name of the court, shall read substantially as follows

To . . . (here insert name of defendant)

. . . (here insert name of plaintiff) asks judgment in this court against you for . . . (here insert amount claimed in dollars and cents) upon the following claim . . . (here insert the nature of the claim as it appears on the docket, but no list of items need be included)

The court will give a hearing upon this claim at . . . (here insert the location of the court) at . . . (here insert the hour) o'clock in the . . . (here insert "forenoon" or "afternoon" as the case may be) on . . . (here insert the date, including the day of the week, as may be prescribed by rules of court)

Unless you appear, judgment may be entered against you by default. If your defense is sup-

ported by witnesses, account books, receipts or other documents, you should produce them at the hearing

Source R S 2 32-358

2A:32-359

to

2A:32-369. Blank

2A:32-370. Docketing judgment in court of common pleas. Judgments recovered in the division of small claims of a county district court may be docketed in county courts as judgments in the county district court proper are docketed

Source R S 2 32-370

2A:32-371. Appeals. Appeals from judgments entered in the division of small claims shall be had and taken as appeals are had and taken from judgments of the county district court proper

Source R S 2 32-371

2A:32-372. Costs. The actual cash disbursements of the prevailing party for any fees paid to the clerk and witness and officers' fees shall be allowed as costs

Source C 2 32-372, L 1946, c 182, p 769, §1

2A:32-373. Additional costs when frivolous or vexatious claim or defense made; collection. No costs, other than those mentioned in section 2A 32-372 of this title, shall be allowed either party, except by special order of the court. The court may, in its discretion, award costs, not exceeding 10 dollars, exclusive of or in addition to the cash disbursements, against a party, whether the prevailing party or not, who has set up a frivolous or vexatious claim or defense, and enter judgment and issue execution therefor, or set off the same against the amount recovered, as justice may require

Source R S 2 32-373

2A:32-374. Costs on vacation of judgment. When a judgment is vacated, the court, in its discretion, may award costs not exceeding 10 dollars, for or against either party and enter judgment and issue execution therefor

Source R S 2 32-374

Chapter 33. PROCEDURE IN SMALL CAUSE COURTS.

Section

- 2A 33-1 Judgments which may be docketed
2A 33-2 Statement of justice and affidavit of plaintiff filed with clerk of court of common pleas
2A 33-3 Statement by clerk of court of common pleas when justice's docket filed with him
2A 33-4 Clerk's docket, entries therein, force and effect as judgment of court of common pleas

2A:33-1. Judgments which may be docketed. L 1903, c 165, p 274, §72 (R S 2 33-101) saved from repeal

Note of Reporter This section provides that judgments of the small cause courts for not less than \$10 may be docketed in the court of common pleas in the county in which the small cause court is located

Section

- 2A 33-5 Index to docket, dockets and indexes public records
2A 33-6 Scire facias undocketed judgment
2A 33-7 Effect of judgment on entry of rule for record, executions thereon
2A 33-8 Issue, number of jurors

2A:33-2. Statement of justice and affidavit of plaintiff filed with clerk of court of common pleas. L 1903, c 165, p 274, §72 (R S 2 33-112) saved from repeal

Note of Reporter This section provides for the filing of a statement by the justice of the peace before whom such judgments as are referred to in 2A 33-1

are recovered, with the clerk of the court of common pleas, together with an affidavit of plaintiff's attorney which sets forth that such judgment to be docketed is still due and unpaid

2A:33-3. Statement by clerk of court of common pleas when justice's docket filed with him. L 1903, c 165, p 275, §73 (R S 2 33-103) saved from repeal.

Note of Reporter This section provides that after deposit of the dockets of a justice of the peace, which dockets contain the entry of judgments of causes tried before such justices, the clerk of common pleas may draw up a statement of such judgment and that such statement, when so made and certified and accompanied by plaintiff's affidavit, shall be as effective for the purpose of docketing in the court of common pleas as if such statement had been made by such justice

2A:33-4. Clerk's docket; entries therein; force and effect as judgment of court of common pleas. L 1903, c 165, p 275, §74 (R S 2 33-104) saved from repeal

Note of Reporter This section provides that the clerk of the court of common pleas will keep a docket in which shall be entered such statements as are required by 2A 33-2 and 2A 33-3 of this title. This section also provides that such entries made by the clerk shall have the same force and effect as a judgment of the court of common pleas

2A:33-5. Index to docket; dockets and indexes

public records. L 1903, c 165, p 275, §77 (R S 2 33-105) saved from repeal

Note of Reporter This section provides that the clerk of the court of common pleas shall keep an index to the docket mentioned in 2A 33-4 of this title and that such dockets shall be public records

2A:33-6. Scire facias undocketed judgment. L 1903, c 165, p 275, §76 (R S 2 33-107) saved from repeal

Note of Reporter This section provides that such judgments as are docketed under this chapter may be revived by scire facias in the court of common pleas as if they were original judgments of such court

2A:33-7. Effect of judgment on entry of rule for record; executions thereon. L 1903, c 165, p 278, §89 (R S 2 33-130) saved from repeal

Note of Reporter This section provides that a judgment of the court of common pleas on appeal from a small cause court shall, from the time of the entry of a rule as provided in the form of practice, bind all real estate in the county wherein the court is held, belonging to the person against whom the judgment is rendered and that execution against all the goods and real estate of such person may issue out of the court of common pleas upon the entry of such rule

2A:33-8. Issue; number of jurors. In any action where the debt, demand or matter in dispute exceeds \$50, the jury shall consist of 12 persons, if such debt, demand or matter is not in excess of \$50, the jury shall consist of 6 persons
Source R S 2 33-56

Subtitle 7. ASSIGNMENTS FOR BENEFIT OF CREDITORS; INSOLVENT DEBTORS.

Chapter 34. ASSIGNMENTS FOR CREDITORS.

Section	Article 1. Blank.	Section	
2A 34-1 to 2A 34-6	Blank	2A 34-22	Advice and direction of court
Article 2 Requisites and Validity, Preferences		2A 34-23	Continuing assignor's business
2A 34-7	Assignments must be for equal benefit, preferences void	2A 34-24	Blank
2A 34-8	Transfer of property within four months of assignment to give preference void, recovery of property	2A 34-25	Assignee to sell real estate, manner of sale
2A 34-9	Assignor to acknowledge assignment for recording as deed	2A 34-26	Assignee may submit sales of personalty for confirmation
2A 34-10	Assignor to annex inventory and list of creditors with their claims, to assignment	2A 34-27	Limitation of actions against assignee for taking or disposing of property
2A 34-11	Legality of assignments	2A 34-28	Reconveyance to assignor upon composition with creditors, proceedings
Article 3 Management and Administration of Assigned Estates		Article 4 Presentation and Proof of Claims, Dividends	
2A 34-12	Assignee to record assignment	2A 34-29	Creditor presenting claim must disclose mortgages or pledges
2A 34-13	Publication and mailing of notice, extension of time	2A 34-30	Claims due or to become due are presentable
2A 34-14	Assignee to file inventory and valuation	2A 34-31	Claims filed after time share only in subsequent dividends
2A 34-15	Bond of assignee, additional security	2A 34-32	Claims filed after time, notice, exceptions, adjudication
2A 34-16	Assignee not to proceed until bond, etc., filed	2A 34-33	Assignee to file list of creditors, statement of claims, and proof of notice
2A 34-17	Blank	2A 34-34	Notice of filing such list and statement, proof of mailing
2A 34-18	Discharge of surety from liability for future acts of assignee	2A 34-35	Extending time for compliance with sections 2 34-27 and 2 34-28
2A 34-19	Exemptions to assignor	2A 34-36	Assignee's inventory, list of creditors and statement of claims to be proved and recorded
2A 34-20	Assignee's general powers as successor to assignor	2A 34-37	Exceptions to claims, notice, hearing, and adjudication
2A 34-21	Assignee's powers as representative of creditors, setting aside conveyances and transfers	2A 34-38	Wages of clerks, mechanics, and laborers, preferred
		2A 34-39	Landlord's lien on assignor's goods

Section

- 2A 34-40 Landlord's rights where assignor's goods removed
 2A 34-41 Secured creditor entitled to dividends only upon unsecured balance
 2A 34-42 Assignee to proceed to make dividends
 2A 34-43 Blank
 2A 34-44 Blank

Article 5 Death, Resignation or Removal of Assignee

- 2A 34-45 Death or incapacity of assignee, successor
 2A 34-46 Removal for maladministration, neglect, or other cause, successor
 2A 34-47 Blank
 2A 34-48 Blank
 2A 34-49 Estate vests in new assignee, accounting and delivery by predecessor
 2A 34-50 Powers and duties of new assignee
 2A 34-51 Bond of new assignee

Article 6 Accounting and Compensation of Assignee

- 2A 34-52 Final and intermediate accounts, exceptions, settlement conclusive

Article 1. Blank.

2A:34-1

to

2A:34-6. Blank See proposed additional legislation.

Article 2 REQUISITES AND VALIDITY, PREFERENCES

2A:34-7. Assignments must be for equal benefit; preferences void. Every conveyance or assignment made by a debtor residing in this state, of his entire estate in trust to an assignee or assignees for the creditors of such debtor, shall be made for the equal benefit of such creditors in proportion to their several demands, to the net amount that shall come to the hands of the assignee for distribution. All preferences attempted to be made in any such assignment of one creditor over another, or whereby any one creditor shall be first paid or have a greater proportion in respect of his claim than another, shall be deemed fraudulent and shall render the assignment void.

The debtor referred to in the preceding paragraph is hereinafter referred to as the assignor, and the said conveyance or assignment as a general assignment.

Source R S 2 34-1

2A:34-8. Transfer of property within 4 months of assignment to give preference void; recovery of property. If any person being insolvent or in contemplation of insolvency shall, within 4 months before the making of a general assignment, and in contemplation thereof, mortgage, pledge, assign, pay or transfer any of his property, or procure or suffer any of his property to be taken, attached or levied upon, or any lien or encumbrance to be acquired thereon by legal process or otherwise, with a view to giving a preference to any creditor or person having a claim against him, or who is under any liability for him, such preferential transaction shall be void as against the assignee. The assignee may

Section

- 2A 34-53 Blank
 2A 34-54 Effect of discharge of sureties
 2A 34-55 Disposition of unclaimed money
 2A 34-56 to
 2A 34-58 Blank

Article 7 Assignments by Corporations.

- 2A 34-59 Any corporation may assign
 2A 34-60 Corporation deemed resident of what county
 2A 34-61 Assignee as party to receivership suit
 2A 34-62 Removal of assignee and transfer of estate to receiver
 2A 34-63 Blank

Article 8 Assignments by Partners

- 2A 34-64 Inclusion of individual estate
 2A 34-65 Partnership and individual estates to be kept separate
 2A 34-66 One partner must reside in state, proceedings had in what county

recover the property given by way of preference, or the value thereof, from the person so receiving the same or so benefited thereby.

Source R S 2 34-2

2A:34-9. Assignor to acknowledge assignment for recording as deed. The assignor shall acknowledge the general assignment or cause the same to be proved according to law, so that it may be recorded as a deed to real estate.

Source R S 2 34-3

2A:34-10. Assignor to annex inventory and list of creditors with their claims, to assignment. The assignor shall annex to the general assignment an inventory, under oath or affirmation, of his estate, real and personal, together with a list of his creditors and the amount of their respective claims according to the best of his knowledge. Such inventory shall in nowise be conclusive as to the quantum of the assignor's estate, but the assignee shall be entitled to any other property which may belong to the assignor at the time of the assignment.

Source. R S 2 34-4

2A:34-11. Legality of assignments. All assignments for the benefit of creditors not made in accordance with the provisions of this chapter shall be null and void.

Source R S 2 34-5

Article 3 MANAGEMENT AND ADMINISTRATION OF ASSIGNED ESTATES

2A:34-12. Assignee to record assignment. The assignee, upon receiving a general assignment acknowledged or proved as mentioned in section 2A 34-3 of this title, shall forthwith record the same in the county where the assignor resides and in any other counties or states where he may deem it necessary.

Source R S 2 34-6

2A:34-13. Publication and mailing of notice; extension of time. The assignee shall also forthwith give public notice by advertising at least

once a week for 4 weeks successively in a newspaper printed in this state and circulating in the neighborhood where the creditors reside. Such notice shall make known that a general assignment has been made, and the time thereof, and shall set forth a general description of any business carried on by the assignor and the place where the same was so carried on, and that all claims of creditors against the estate must be presented under oath or affirmation to the assignee within 3 months from the date of the general assignment, or be barred from participating in a dividend of said estate.

The assignee shall also, within 30 days after the date of the general assignment, mail a copy of such notice, with postage prepaid, to every creditor of the assignor, addressed to him at his usual post-office address, so far as the assignee can ascertain the same.

In case of failure to give such notice, or mail the same as above provided, the probate division of the county court of the county where the assignor resides may extend and fix the time for the presentation of claims and the giving and mailing notice thereof as aforesaid.

Source R S 2 34-7

2A:34-14. Assignee to file inventory and valuation. The assignee shall also forthwith exhibit to the surrogate of the county wherein the assignor resides, and file with the clerk of the court, under oath or affirmation, a true inventory and valuation of the estate so far as has come to his knowledge.

Source R S 2 34-8

2A:34-15. Bond of assignee; additional security. The assignee shall, after filing the inventory and valuation as required by section 2A 34-8 of this title, forthwith enter into bond to the county court, in such amount and with such security as a judge of the county court may approve, for the faithful performance of his trust, which bond shall be filed with the surrogate.

In case at any time the security given by any assignee under and by virtue of this chapter shall be shown to be insufficient, a judge of the county court shall direct said assignee to give such additional security, by bond to the court as aforesaid, as the judge shall deem proper.

Source R S 2 34-9

2A:34-16. Assignee not to proceed until bond, etc., filed. Until the inventory, valuation and bond required by sections 2A 34-8 and 2A 34-9 of this title are filed, the assignee shall not proceed to the discharge of his trust under the general assignment, further than may be necessary for the preservation of the assigned estate, but a judge of said county court, before such inventory, valuation and bond are filed, may, by order, authorize the assignee to perform such other acts in the administration of the trust as such

judge may deem necessary for the protection of the trust.

Source R S 2 34-10

2A:34-17. Blank

2A:34-18. Discharge of surety from liability for future acts of assignee. A surety or the representatives of any surety upon the bond of an assignee may apply to the court wherein such bond is directed to be filed or which may have jurisdiction of such assignee, to be relieved from further liability as such surety for the acts or omissions of the assignee which may occur after the granting of the order relieving such surety and to require the assignee to show cause why he should not account, such surety be relieved from such future liability and the assignee be required to give a new bond.

Source R S 2 34-12

2A:34-19. Exemptions to assignor. In case of any general assignment, other than a general assignment of partnership property, there shall be reserved of the goods and chattels of any assignor having a family residing in this state, goods and chattels to the value of \$200, and all wearing apparel for the use of the assignor and his family. The assignee shall at the written demand of the assignor, as soon after the assignment is executed as conveniently may be, cause a just and true appraisement of the assignor's goods and chattels at their actual value. The appraisement shall be made by appraisers appointed by the court. The assignee shall thereafter set apart for the use of the assignor and his family such of the goods and chattels as the assignor may select from the appraisement, not exceeding in value the said sum of \$200.

Source R S 2 34-13

2A:34-20. Assignee's general powers as successor to assignor. Every assignee shall have as full power and authority to dispose of all of the assigned estate, except as otherwise may be provided, as the assignor had at the time of the general assignment. He may sue for and recover in his proper name everything belonging or appertaining to the estate. He may, subject to the approval of the court, compromise, settle and compound all claims, disputes and litigations of the assignor, refer the same to arbitration, agree with any person concerning the same, redeem all mortgages and conditional contracts, and generally act as and do whatsoever the assignor might have lawfully done in the premises.

Source R S 2 34-14

2A:34-21. Assignee's powers as representative of creditors; setting aside conveyances and transfers. The assignee, in addition to the powers which he may exercise as the successor to the assignor, shall also at all times be the representative of the creditors of the assignor, and shall have the same power to set aside convey-

ances, and to recover or reach assets for the benefit of the creditors as a creditor would have who was the holder of a judgment and levy against the assignor and his property at the date of the assignment, and all conveyances, mortgages and transfers of property, real or personal, made by the assignor, which are void or voidable as against the creditors of the assignor, shall in like manner be void or voidable as against the assignee

Source R S 2 34-15

2A:34-22. Advice and direction of court. The assignee may at any time apply to the court for its advice and direction in regard to any matter or thing connected with the administration of his trust

Source R S 2 34-16

2A:34-23. Continuing assignor's business. Upon proceedings under section 2A 34-16 of this title, the court may authorize the assignee to continue for such a period and under such conditions as the court may prescribe, any business of the assignor in which the assigned estate, or any part thereof, is invested

Source R S 2 34-17

2A:34-24. Blank

2A:34-25. Assignee to sell real estate; manner of sale. Whenever any assignee shall take any real estate of the assignor under a general assignment, he shall, except as hereinafter provided, proceed to advertise and sell the same in the manner prescribed for an executor or administrator directed to sell lands by an order of the court for the payment of the debts of a decedent

Whenever any assignee shall deem it to be for the best interest of the creditors to sell the whole or any portion of such real estate at private sale, the assignee shall have power to contract for such sale, subject to the confirmation of the court. In case of confirmation of the said contract pursuant to rule of court appertaining thereto, the assignee shall perform the contract and convey the real estate in accordance therewith

Source R S 2 34-19

2A:34-26. Assignee to submit sales of personalty for confirmation. The assignee shall submit all contracts for sale of personal property of the estate, whether by public or private sale, to the court for confirmation

Source R S 2 34-20

2A:34-27. Limitation of actions against assignee for taking or disposing of property. All actions at law or suits in equity which may be brought against any assignee on account of the taking, appropriating, selling or disposing of any property by him as a part of the trust estate, shall be commenced within 9 months from the time when the cause of action shall arise, and not afterwards

Source R S 2 34-21

2A:34-28. Reconveyance to assignor upon composition with creditors; proceedings. If after a general assignment the assignor shall make an agreement of compromise or composition with his creditors, the assignee may reassign and reconvey to the assignor all the trust estate in his hands, free and discharged from the trust, upon compliance with the provisions of this section

Source R S 2 34-22

Article 4 PRESENTATION AND PROOF OF CLAIMS, DIVIDENDS

2A:34-29. Creditor presenting claim must disclose mortgages or pledges. Every creditor presenting a claim to an assignee under the provisions of this chapter shall set forth therein any mortgage or pledge of property of the assignor, or lien thereon, which he holds, or which stands as security for his debt. Upon failure so to do, a creditor shall be deemed to have waived and abandoned such mortgage, pledge or lien, as against the assignee

Source R S 2 34-23

2A:34-30. Claims due or to become due are presentable. Any creditor may present not only any debt due, but any debt to become due, making in such case a reasonable rebate when interest is not accruing on the same

Source R S 2 34-24

2A:34-31. Claims filed after time share only in subsequent dividends. If any creditor shall not exhibit his claim within 3 months from the date of a general assignment, or within such other time as may be fixed by the court for that purpose, his claim shall be barred of a dividend, except that any creditor may, at any time prior to the making of a final dividend, present his claim under oath or affirmation to the assignee, and share in any dividend made after such presentation

Source R S 2 34-25

2A:34-32. Claims filed after time; notice; exceptions; adjudication. Upon the presentation of any claim after time as authorized by section 2A 34-25 of this title, the assignee, before allowing the same, shall give notice thereof by mail, with postage prepaid, to the other creditors who have proved their claims, as directed by section 2A 34-28 of this title in relation to claims proved in time. The claim shall be subject to the same exceptions by the assignee or the other creditors as a claim filed in time and may be proceeded with and adjudicated upon in the manner provided in section 2A 34-31 of this title

Source R S 2 34-26

2A:34-33. Assignee to file list of creditors, statement of claims, and proof of notice. At the expiration of the time for the presentation of claims, notice having been duly given and mailed as provided in section 2A 34-7 of this title, the assignee shall file with the surrogate a true list,

under oath or affirmation, of all the creditors of the assignor who have proved their claims before him, with a true statement of their respective claims, and due proof of the publication and mailing of the notice above-mentioned. Such proof shall give in detail the names of the persons to whom, with the respective addresses to which, and the time when, such notices were mailed.

Source R S 2 34-27

2A:34-34. Notice of filing such list and statement; proof of mailing. Within 10 days after the filing of the list of creditors and the statement of their claims as required by section 2A 34-27 of this title, the assignee shall mail notice, with the postage prepaid, of such filing to every creditor who has proved his claim, addressed to the creditor at his usual post-office address, so far as the assignee can ascertain, and shall, within said 10 days, also file with the surrogate due proof of the mailing of such notice.

Source R S 2 34-28

2A:34-35. Extending time for compliance with sections 2A:34-33 and 2A:34-34. In case of failure to comply with the provisions of sections 2A 34-33 and 2A 34-34 of this title, the said court may extend and fix the time of any of the duties of the assignee which he may have failed to perform.

Source R S 2 34-29

2A:34-36. Assignee's inventory, list of creditors and statement of claims to be proved and recorded. The inventory and list of creditors, with the statement of claims, as required by sections 2A 34-8 and 2A 34-27 of this title to be filed by the assignee, shall be recorded by the surrogate in a book provided for that purpose and called "assignee's book".

Source R S 2 34-30

2A:34-37. Exceptions to claims. At any time within 60 days after the list of creditors and statement of claims have been filed as required by section 2A 34-27 of this title and notice thereof has been mailed to the creditors as directed in section 2A 34-28 of this title, the assignee, or any creditor or other person interested, by himself or attorney, may file in the court exceptions to the allowance or rejection by the assignee of claim or demand of any creditor exhibited as aforesaid.

Source R S 2 34-31

2A:34-38. Wages of clerks, mechanics, and laborers, preferred. The wages of clerks, mechanics and laborers due from the assignor at the time of the general assignment, shall be preferred and shall be paid by the assignee before any other claim or debt. In case any such wages have been earned, or partly earned, at the time of the assignment, but are not then payable,

the same shall be equitably apportioned and shall be paid as preferred debts up to the said time of the assignment. No payment of more than \$300 shall be made as a preferred debt to any one person. In case any claim shall receive a preference to the extent of \$300 under this section, any balance thereof remaining unpaid shall be entitled to all dividends to be calculated upon such balance as a general claim.

Source R S 2 34-32

2A:34-39. Landlord's lien on assignor's goods. Where the assignor is a tenant, all of his goods and chattels on the premises, in his possession, shall be subject to a lien for the payment of rent due to the landlord, and the claim for rent in favor of the landlord, not exceeding 1 year's rent, shall be first paid and satisfied by the assignee out of the goods and chattels of the tenant which were on the demised premises at the time of the assignment.

Source R S 2 34-33

2A:34-40. Landlord's rights where assignor's goods removed. If the tenant, his assignee, or any other person, shall remove any goods and chattels from the demised premises, after the assignment, the landlord, at any time within 40 days after such removal, may seize such goods and chattels in whose hands soever the same may be found, as a distress for his rent, and proceed with the same in the manner directed by law concerning distresses, whether the rent by the terms of the lease be due or not, making a rebate on the sum not due, as is required where a party suing out execution pays rent not due to the landlord.

Source R S 2 34-34

2A:34-41. Secured creditor entitled to dividends only upon unsecured balance. Any creditor whose debt stands secured by any mortgage, pledge or lien, shall have a right to dividends only upon the balance of his debt after deducting the value of his mortgage, pledge or lien. Such value may be ascertained by agreement between him and the assignee, or by the court upon application of the creditor or the assignee. After such ascertainment the mortgage, pledge or lien, if the same shall not have been realized on, shall stand as security only for the amount which has been so ascertained.

Source R S 2 34-35

2A:34-42. Assignee to proceed to make dividends. If no exceptions to any claim or demand are filed as provided in section 2A 34-31 of this title, or in case any exceptions are filed, then after they have been adjudicated or settled, the assignee shall proceed to make, from time to time, fair and equal dividends among said creditors from the assets which shall come to hand in proportion to their claims.

Source R S 2 34-36,

Article 5 DEATH, RESIGNATION OR REMOVAL OF ASSIGNEE**2A:34-43.** Blank**2A:34-44.** Blank

2A:34-45. Death or incapacity of assignee; successor. In case the assignee shall die or become incapable of executing his trust the court shall, upon application of any party interested, appoint some suitable person or persons in his stead

Source R S 2 34-39

2A:34-46. Removal for maladministration, neglect, or other cause; successor. In case any assignee shall embezzle, waste or misapply any part of the trust estate in his hands or under his control, or shall neglect or refuse to execute his trust, or to perform and obey any order or judgment of the court in respect of his trust, or shall remove from the state, or for a reasonable or just cause manifested to the court shall desire to be relieved from his office, then the court may remove the assignee and appoint a suitable person or persons in his stead

Source R S 2 34-40

8A:34-47. Blank.**2A:34-48.** Blank.

2A:34-49. Estate vests in new assignee; accounting and delivery by predecessor. Upon the appointment of any new assignee as aforesaid the entire trust estate, in whatsoever form the same then may be, shall forthwith vest in him. The court may compel the removed assignee, or the personal representative of the former assignee, to account in said court for his trust, to deliver possession of the estate in his hands to his successor, to pay over to such successor any balance found due on the accounting, and to execute such conveyance of the trust estate to his successor as the court may direct.

Source R S 2 34-43

2A:34-50. Powers and duties of new assignee. Every new assignee shall have all the powers and perform all the duties not already performed, conferred and imposed by the assignment or by this chapter upon the original assignee

Source R S 2 34-44

2A:34-51. Bond of new assignee. Every new assignee shall enter into bond to the court for the faithful performance of his trust, in such amount and with such security as a judge of the court shall direct.

Source R S 2 34-45

Article 6 ACCOUNTING AND COMPENSATION OF ASSIGNEE

2A:34-52. Final and intermediate accounts. As soon as may be after the determination of all claims, the assignee shall render, on oath or affirmation, a final account to the court. The

court may, in its discretion, upon the application of the assignee or any creditor, order the assignee to render an intermediate account

The settlement and judgment of the court shall be conclusive on all parties except for assets which may afterward come to hand, or for fraud or apparent errors

Source R S 2 34-46

2A:34-53. Blank

2A:34-54. Effect of discharge of sureties. From and after making of the order of discharge as provided by the rule of court appertaining thereto, all liability of every such surety named in such order, under or by virtue of his undertaking as such surety shall cease, terminate and be at an end, but the personal liability of such assignee for the benefit of creditors shall nevertheless be and remain as if no such order had ever been made

Source R S 2 34-48

2A:34-55. Disposition of unclaimed money. When an assignee for the benefit of creditors states his final account, and there remains a balance, dividend sum or sum of money to be paid to a person or his guardian if he be under any disability, and the person or his guardian fails to claim the same within 3 months from the time the account is passed, the assignee may proceed to pay the same into the court wherein his account was rendered, in the manner and with the consequences provided by sections 3A 26-13 to 3A 26-15 of the title Administration of Estates—Decedents and Others, and the person entitled to such money may obtain the same by proceeding in the manner provided by section 3A 26-16 of said title

Source R S 2 34-49

2A:34-56**to****2A:34-58.** Blank**Article 7 ASSIGNMENTS BY CORPORATIONS**

2A:34-59. Any corporation may assign. Any corporation organized under the laws of this state may make a general assignment under the provisions of this chapter

Source R S 2 34-53

2A:34-60. Corporation deemed resident of what county. A corporation making a general assignment shall be deemed, for the purposes of this subtitle, a resident of the county in which its principal office is located, and the probate division of the county court and the surrogate of such county shall have jurisdiction in the premises

Source R S 2 34-54

2A:34-61. Assignee as party to receivership suit. The assignee may be made a party defendant to any complaint filed in the chancery division of the superior court to have the corpo-

ration adjudged insolvent and a receiver thereof appointed, and may be enjoined, restrained and removed in such proceeding and subjected to all orders and judgments therein. The court may, if it sees fit, appoint the assignee of the corporation receiver thereof.

Source R S 2 34-55

2A:34-62. Removal of assignee and transfer of estate to receiver. In case a corporation shall, at any time after the making of a general assignment, be adjudged insolvent and a receiver thereof be appointed by the superior court, the said court may, whenever it may deem it to the interest of the stockholders or creditors, remove the assignee and direct and compel him to transfer and convey the trust estate in his hands to the receiver to be administered under the direction of said court. The assignee shall thereupon present his accounts to the court for settlement and allowance.

Source R S 2 34-56

2A:34-63. Blank

Article 8 ASSIGNMENTS BY PARTNERS

2A:34-64. Inclusion of individual estate. When a general assignment is made by partners in business, it may include only the partnership property or may also include the several estates of the partners, or any of the partners may also make a separate general assignment of his individual estate.

Source R S 2 34-58

2A:34-65. Partnership and individual estates to be kept separate. In all cases where a general assignment includes both a partnership and an individual estate the same shall be kept separate in all proceedings under this chapter, and all notices and accounts in relation thereto shall plainly distinguish between the different estates, and all proceedings, orders and judgments shall recognize the rights and equities of the different classes of creditors, to the end that the property assigned may be equitably applied to the payment of the claims of such creditors.

Source R S 2 34-59

2A:34-66. One partner must reside in state; proceedings had in what county. In order to bring a general assignment of partners in business within the operation of this subtitle, it shall be sufficient if any one of them resides in this state, in which case the proceedings shall be had in the county where such partner resides. In case the partners or any of them reside in different counties of this state, then the proceedings may be had in any one of such counties, but in that case the assignee shall cause the proceedings to be had in the county where the principal place of business of the partners is located, if the assignee knows of any such principal place of business and any partner resides in such county.

Source R S 2 34-60

Chapter 35. INSOLVENT DEBTORS; RELIEF FROM ARREST OR IMPRISONMENT; PROCEDURE; DISCHARGE.

Section		Section	
	Article 1 Persons Entitled to Relief	2A 35-14	Discharge of debtor from confinement on assignment of property
2A 35-1	Debtors in actual confinement		Article 4 Concealment of Property by Debtor, Procedure
2A 35-2	Persons arrested on civil process on giving inventory and bond	2A 35-15	Remand of debtor to prison on offer to prove concealment of property, payment by creditor for debtor's support or discharge of debtor, reimbursement of creditor
2A 35-3	Persons arrested on civil process and released under bond	2A 35-16	Discharge of remanded debtor from custody on giving bond
2A 35-4	Officer's return on releasing person arrested, liability for escape	2A 35-17	Complaint by debtor for discharge from debts, time for filing, contents
2A 35-5	Persons imprisoned under order, writ or process of the county court	2A 35-18	to
	Article 2 Complaint and Hearing	2A 35-22	Blank
2A 35-6	Presentation to county court, contents	2A 35-23	Remand of debtor to prison on proof of fraudulent concealment or disposition of property
2A 35-7	to		Article 5 Discharge of Debtor
2A 35-9	Blank	2A 35-24	Discharge as immunity from imprisonment
2A 35-10	Perjury on examination of debtor in court		Article 6 New Applications on Refusal of Discharge
2A 35-11	Blank	2A 35-25	When and how made, procedure thereon
	Article 3 Assignee for Debtor and Assignment of Property		
2A 35-12	Appointment of assignee authorized		
2A 35-13	Assignment of property to assignee, exemptions		

Article 1 PERSONS ENTITLED TO RELIEF

2A:35-1. Debtors in actual confinement. Any person, in actual confinement for debt or damages in any jail of this state, who is willing to deliver up to his creditor or creditors all his

estate, both real and personal, toward their payment, may present a complaint, verified by affidavit, in the manner provided in section 2A 35-6 of this title, for the benefits of this chapter.

Source R S 2 35-1

2A:35-2. Persons arrested on civil process on giving inventory and bond. Any person arrested or held in custody by any officer in any civil action upon mesne process or process of execution, or upon an attachment for not performing an award, or who is surrendered in discharge of his bail, shall be discharged from arrest or custody by the officer upon compliance with the following requirements

a He shall make out and deliver to the officer making the arrest, or in whose custody he may be, a true and perfect inventory, under oath or affirmation, of all of his personal property and real estate, or any interest therein,

b He shall give bond to the plaintiff at whose suit he is arrested, with sufficient security, in double the sum for which he is arrested or taken in execution. If the security is individual and not corporate, the surety or sureties shall be freeholders and resident of the county. Such bond shall be conditioned as follows

1 That he will appear before the county court of the county wherein the arrest was made on or before a certain designated date, not exceeding 3 months and ask such court for the benefits of the insolvent laws of this state,

2 That he will in all things comply with the requirements of this chapter, and will appear in person at every term of the county court of the county wherein the arrest was made until duly discharged as an insolvent debtor, and

3 That, if refused a discharge, he will surrender himself immediately thereafter to the sheriff or keeper of the jail of such county, there to remain until discharged by due course of law

In case of the forfeiture of such bond by breach of any condition therein, the plaintiff, his executors or administrators, may bring an action thereon, and recover the debt, damages and costs due from such person, and for which such arrest was made

Source R S 2 35-2

2A:35-3. Persons arrested on civil process and released under bond. Any person arrested as stated in section 2A 35-2 of this title and who has given the bond therein prescribed, may apply for his discharge under this chapter, at any term of the county court of the county wherein such arrest was made, as fully and effectually as if he were actually confined in the common jail of such county

Source R S 2 35-3

2A:35-4. Officer's return on releasing person arrested; liability for escape. When the officer has discharged the defendant from arrest under mesne process, upon giving bond as provided in section 2A 35-2 of this title, he shall so return on the process to the court or judge issuing the same, and shall also return therewith the inventory and bond taken by him pursuant to said section 2A 35-2. The plaintiff may thereupon proceed to judgment, and have execution against the personal and real property of the defendant,

as in other cases allowed by law. When the defendant shall be discharged upon execution, the officer shall so return the same with the bond and inventory. The delivery of the bond to the plaintiff shall exonerate the officer from any liability for escape

Source R S 2 35-4

2A:35-5. Persons imprisoned under order, writ or process of the county court. Any person who has been or shall be imprisoned in any civil action by virtue of any order, writ or process made by or issued out of a county court may, by the court making or out of which the order, writ or process issued, in its discretion and whenever in its judgment the ends of justice require it, be discharged from such imprisonment

Source R S 2 35-5

Article 2 COMPLAINT AND HEARING

2:35-6. Presentation to county court; contents.

Any person in actual confinement, or any person discharged on bond under authority of section 2A 35-2 of this title, may present a complaint, verified by affidavit, to the county court of the county wherein he is so imprisoned or was arrested, at any term thereof, setting forth the cause of his imprisonment or arrest, and containing a just and true account of all his real and personal estate, a full and true inventory of all his deeds, bonds, notes, books of account, vouchers and securities whatsoever, and a list of all his creditors, with the moneys due and owing to each of them, to the best of his knowledge

Source R S 2 35-6

2A:35-7

to

2A:35-9. Blank

2A:35-10. Perjury on examination of debtor in court. If, on the examination of an insolvent debtor in court, with respect to his discharge from imprisonment, he shall knowingly swear falsely to the interrogatories or questions proposed by the court to him, he shall be guilty of perjury

Source R S 2 35-10

Article 3 ASSIGNEE FOR DEBTOR AND ASSIGNMENT OF PROPERTY

2A:35-11. Blank

2A:35-12. Appointment of assignee authorized. If the court and the creditors who may attend are satisfied that the conduct of the debtor has been fair, upright and just, the court shall forthwith appoint one or more respectable, judicious and responsible freeholders of the county where such debtor is imprisoned or was arrested as assignee or assignees of the debtor

Source R S 2 35-12

2A:35-13. Assignment of property to assignee; exemptions. The debtor shall forthwith execute to the assignee appointed pursuant to section 2A 35-12 of this title an assignment of all his

real and personal estate, except such apparel for himself, his wife and children, and such tools and implements of his trade or occupation, as the court may judge proper, not exceeding the value of \$25 in the whole, and except also such property of the debtor as is or may be by law exempted from execution

Source R S 2 35-13

2A:35-14. Discharge of debtor from confinement on assignment of property. Upon making the assignment required by section 2A 35-13 of this title and filing the same in the office of the clerk of the court, the court may, by order, direct the sheriff to discharge the debtor from confinement on account of any debts previously contracted by him

Source R S 2 35-14

Article 4 CONCEALMENT OF PROPERTY BY DEBTOR, PROCEDURE

2A:35-15. Remand of debtor to prison on offer to prove concealment of property; payment by creditor for debtor's support or discharge of debtor; reimbursement of creditor. If the creditor at whose suit the debtor is imprisoned or was arrested, or any other creditor, is not satisfied with the truth and honesty of the declaration and confession of the debtor or with the truth and fairness of the account and inventory exhibited pursuant to section 2A 35-9 of this title, and such creditor shall offer and undertake to prove to the satisfaction of the court, on a return day set by the court that the debtor has concealed or secreted some part of his estate, and has not fairly, fully and honestly delivered up to the use and benefit of his creditors the whole thereof, the court shall remand the debtor to prison and direct the debtor and the dissatisfied creditor or creditors to appear before the court on the return day set by the court, but only if such dissatisfied creditor or creditors shall agree, by writing under his or their hands, to allow and pay for the support of the debtor any sum not exceeding \$2 per week that the court may direct, to be paid to the debtor or left with the jailer at such time and in such sum as the creditor may choose, but such allowance shall not be withheld for a space longer than one week at any one time. On failure of payment of such weekly sum, the debtor shall, on application to the court, be forthwith, by order as aforesaid, discharged. If the dissatisfied creditor succeeds in proving that the debtor has concealed and kept back any part of his estate, he shall be reimbursed the expense of supporting the debtor out of the estate of such debtor

Source R S 2 35-15

2A:35-16. Discharge of remanded debtor from custody on giving bond. A debtor remanded to prison pursuant to section 2A 35-15 of this title may execute and deliver to the sheriff or keeper of the jail of the county a bond, with one or more

sufficient sureties, in double the sum for which the debtor was arrested or held in custody, or taken in execution, to any creditor undertaking to show concealment of property by the debtor, as provided in said section 2A 35-15, conditioned that the debtor shall, in all things remaining, fully and honestly comply with the requirements of this chapter, and shall appear before the court according to law and, if refused a discharge, surrender himself immediately thereafter to the sheriff or keeper of the jail of the county, there to remain until discharged by due course of law, which bond, if forfeited, may be prosecuted for the use of such creditor. The surety or sureties, if individual and not corporate, shall be freeholders and resident in the county

On receipt of such bond the sheriff or jail keeper shall discharge the debtor from custody, and all subsequent proceedings shall be had in like manner, as near as may be, as if the debtor had been remanded to prison and been actually in prison under such remand

Source R S 2 35-17

2A:35-17. Complaint by debtor for discharge from debts; time for filing; contents. Within 30 days after a debtor has been remanded to prison pursuant to section 2A 35-15 of this title or discharged on bond pursuant to section 2A 35-16 of this title, he shall file in the office of the clerk of the court a complaint verified by affidavit to the following effect

a That, as against his creditors, he ought to be discharged from custody for debt, because he has become an insolvent debtor within the purview of this chapter,

b That (stating the date and place) he has complied with this chapter, in all things for the benefit and to the use of his creditors, and by virtue thereof should, as against his creditors, be discharged from custody for debt;

c And that he therefore asks for such discharge according to the provisions of this chapter

The time herein limited for filing the debtor's complaint may, whenever special circumstances satisfactory to such court appear and by order of the court, be extended to such time and upon such terms as shall seem proper, but only upon application for such an extension, made before a judgment is recovered in an action upon the debtor's bond because of a failure to file the complaint within the time originally limited

Source R S 2 35-18

2A:35-18

to

2A:35-22. Blank

2A:35-23. Remand of debtor to prison on proof of fraudulent concealment or disposition of property. If it appears to the satisfaction of the court to which an application is made for the benefits of this chapter or by the verdict of a jury if demanded by the debtor, that the debtor has concealed or kept back any part of his

estate or property, or made any conveyance, deed, mortgage, judgment, sale, transfer, assignment or other disposition of his estate, real, personal or mixed, with intent to defraud his creditors, the debtor shall, in either case, be refused his discharge, and the court shall remand him to prison, there to remain in close confinement until discharged by due course of law

Source R S 2 35-25

Article 5 DISCHARGE OF DEBTOR

2A:35-24. Discharge as immunity from imprisonment. Every insolvent debtor, who has given up all his estate and conformed in all things to the directions of this chapter, shall, so far as regards the imprisonment of his person, forever thereafter be discharged from all debts due at the time of the assignment, or contracted for before that time, though payable afterwards

Source R S 2 35-28

Article 6 NEW APPLICATIONS ON REFUSAL OF DISCHARGE

2A:35-25. When and how made; procedure thereon. If the court fails or refuses, for any reason, to discharge a person as an insolvent debtor, and such person surrenders himself immediately to the sheriff or keeper of the jail of the county, he may thereupon make out and deliver to the sheriff or keeper a new inventory and new bond as provided by section 2A 35-2 of this title, whereupon he shall be discharged from arrest or custody pursuant to sections 2A 35-2 and 2A 35-3 of this title, and may make a new application to the court for the benefits of this chapter upon which application the same proceedings shall be had for that purpose, as fully and effectually as if no previous application had been made

Source R S 2 35-29

Chapter 36. INSOLVENT DEBTORS; ADMINISTRATION AND DISTRIBUTION OF ESTATE OF DEBTOR.

Section

Article 1. Assignee.

- 2A 36-1 Oath of assignee
- 2A 36-2 Succeeding assignee.
- 2A 36-3 Powers of succeeding assignee
- 2A 36-4 Compensation and expenses of assignee

Article 2. Collection, Recovery and Liquidation of Assets.

- 2A 36-5 Estate vested in assignee
- 2A 36-6 Books of account kept
- 2A 36-7 Releases by assignor not to bar assignee from recovering debts or property
- 2A 36-8 Disposal, recovery and redemption of property
- 2A 36-9 Arbitration, settlement or compounding of debts due assignor
- 2A 36-10 Blank
- 2A 36-11 Consent of creditors to proceedings in the superior court

Article 1 ASSIGNEE

2A:36-1. Oath of assignee. An assignee appointed pursuant to section 2A 35-12 of this title shall, immediately after the property of the debtor has been assigned pursuant to section 2A 35-13 of this title, take and subscribe in writing an oath or affirmation, to be administered by the judge of the court, to the following effect

"I, A. B, do solemnly swear (or affirm) that I will well and faithfully manage the insolvent's estate, and keep and render a true account of all that shall come to my hands of the same. So help me God"

The oath shall be filed with the clerk of the court

Source R S 2 36-1

2A:36-2. Succeeding assignee. Upon the death or removal from the state of any assignee appointed pursuant to section 2A 35-12 of this title, the court making such appointment may, on

Section

- 2A 36-12 Conveyances by debtor after arrest void, recovery by assignee
- 2A 36-13 Receipt or secretion of property by debtor after assignment, perjury, bar to discharge
- 2A 36-14 Liquidation of estate by assignee

Article 3 Distribution of Estate of Debtor.

- 2A 36-15 Dividends, when payable
- 2A 36-16 Publication and posting of notice of dividends
- 2A 36-17 General meeting of creditors, assignee to call
- 2A 36-18 Arbitration of controversies over debts due creditors
- 2A 36-19 Time for proof of debts
- 2A 36-20 Debts not due allowed as due
- 2A 36-21 Debtor as bail, allowance for liability thereon.

application, appoint another in his place, and an entry of the order and appointment shall be made in the minutes of the court

Source. R S 2 36-2

2A:36-3. Powers of succeeding assignee. A succeeding assignee, appointed pursuant to section 2A 36-2 of this title shall have all the powers, rights and interests in the estate of the insolvent debtor that were vested in the deceased or removed assignee, and may execute all such conveyances and do all such lawful acts and things as the dead or removed assignee might or ought to have done, and the same shall be as valid as if done by the deceased or removed assignee

If there shall be a coassignee or assignees not dead or removed, the succeeding assignee shall and may act, do and complete all things with him or them, as the deceased or removed assignee might or ought to have done

Source. R S 2 36-3

2A:36-4. Compensation and expenses of assignee. An assignee shall be allowed out of the insolvent's estate such sum as the court may deem adequate for his services and expenses
Source R S 2 36-4

Article 2 COLLECTION, RECOVERY AND LIQUIDATION OF ASSETS

2A:36-5. Estate vested in assignee. An assignee appointed under authority of chapter 35 of this title (§2A 35-1 et seq), or this chapter, shall be invested with as ample title to all personal and real property assigned to him as the assignor had
Source R S 2 36-5

2A:36-6. Books of account kept. The assignee shall keep regular books of account, to which every creditor shall have recourse at all reasonable times
Source R S 2 36-6

2A:36-7. Releases by assignor not to bar assignee from recovering debts or property. No release by the assignor, his executor, administrator or any trustee for him, subsequent to the assignment of his property executed pursuant to the provisions of chapter 35 of this title (§2A 35-1 et seq), or this chapter, shall bar the assignee from recovering any debts or other property included in such assignment
Source R S 2 36-7

2A:36-8. Disposal, recovery and redemption of property. The assignee may dispose of all property assigned to him, or which ought by virtue of chapter 35 of this title (§2A 35-1 et seq), or this chapter, to be assigned to him, execute good and sufficient deeds to the same, redeem all mortgages and conditional contracts, and recover in his own name everything belonging or appertaining to the estate, real or personal, of the debtor
Source R S 2 36-8

2A:36-9. Arbitration, settlement or compounding of debts due assignor. The assignee may refer to arbitration, settle, compound and agree with any person or persons indebted to the assignor, in such manner as shall from time to time be agreed upon between them
Source R S 2 36-9

2A:36-10. Blank

2A:36-11. Consent of creditors to proceedings in the superior court. No proceeding in the superior court shall be commenced by any assignee without the consent of the major part in value of the creditors, at a meeting to be held for that purpose
Source R S 2 36-11

2A:36-12. Conveyances by debtor after arrest void; recovery by assignee. All conveyances, deeds, mortgages, judgments, sales, transfers, assignments or other disposition of, for or upon any of his estate, real or personal, made, given

or executed after his arrest by any debtor shall be void as against his creditors and the assignee appointed hereunder

The assignee may recover such estate or the value thereof against any person who may have purchased or in any manner come into the possession thereof after such arrest
Source R S 2 36-12

2A:36-13. Receipt or secretion of property by debtor after assignment; perjury; bar to discharge. Any debtor who, after the assignment of his estate, receives any debt or debts previously due to him, or secretes any part of his estate, or any book or writings relating thereto, with intent to defraud his creditors, shall, on being convicted thereof on indictment, be adjudged guilty of willful and corrupt perjury, and suffer accordingly, and shall be totally precluded from all benefit and advantage whatever, to which he might otherwise be entitled
Source R S 2 36-13

2A:36-14. Liquidation of estate by assignee. The assignee shall proceed to convert the estate of the debtor into money as soon as conveniently may be, and upon such credit as the major part in value of the creditors may direct
Source R S 2 36-14

Article 3 DISTRIBUTION OF ESTATE OF DEBTOR

2A:36-15. Dividends; when payable. Within 18 months after the assignment, the assignee after paying the fees of the jail keeper and reserving such compensation for his services as shall be allowed under section 2A 36-4 of this title, shall proceed to divide all moneys which have come into his hands from the disposition of the assigned estate, among all of the creditors who have proved their debts, in proportion to the respective debts

If the whole estate be not then distributed, the assignee shall within 1 year thereafter, make a second division of any moneys subsequently received, and so from year to year, until a just and equal distribution of the whole estate is made
Source R S 2 36-15

2A:36-16. Publication and posting of notice of dividends. The assignee shall, before making any dividend pursuant to section 2A 36-15 of this title, give 3 months' notice of the time and place of the making thereof, by advertising the same in 1 or more newspapers of this state published nearest the place of the debtor's confinement

If any creditor of the debtor resides in another state and, in the opinion of the court, the circumstances require a more extended publication, the assignee shall give such further notice of the time and place of making the dividend as the court shall direct
Source R S 2 36-16

2A:36-17. General meeting of creditors; assignee to call. The assignee shall, at least 1 month before any dividend is made, appoint a

day, by public notice as directed in section 2A 36-16 of this title, for a general meeting of all such creditors as shall choose to attend to examine and ascertain the debts due to each creditor

Source R S 2 36-17

2A:36-18. Arbitration of controversies over debts due creditors. Any controversy over a debt due to any creditor, shall be determined as follows the assignee shall nominate 2 arbitrators, not being creditors of the insolvent, and the creditor, whose debt is in controversy, shall nominate 2 others, and their names shall be separately written on 4 pieces of paper, as nearly of the same size as possible, which shall be rolled up in the same manner and put into a covered box, from which the assignee shall draw out 3 of the pieces of paper, and the persons whose names are so drawn shall finally settle the controversy

If any arbitrator so chosen refuses or is incapable of acting within a reasonable time, a new choice shall be made in the same manner If any creditor refuses to nominate arbitrators on his part, the assignee shall nominate them for him

Source R S 2 36-18

2A:36-19. Time for proof of debts. If any creditor neglects or refuses to give notice of and prove his debt within 18 months after the assignment, and a division of the whole estate is made, such creditor shall not be entitled to a dividend, and all of the money shall be divided among the other creditors If the whole of the debtor's estate has not been divided upon the first division, and such creditor proves his debt before the time appointed for a second division, he shall, before a second division is made among the other creditors, have his first dividend No creditor shall be admitted to prove his debt, in order to entitle himself to share in the insolvent's estate after the second division, but shall, by this chapter and chapter 35 of this title (§2A 35-1 et seq), be debarred from any share thereof

Source R S 2 36-19

2A:36-20. Debts not due allowed as due. All persons who have given credit to the insolvent

debtor on valuable consideration for any sum of money or other matter or thing, which was not due or payable at the time of the presentation of the complaint, verified by affidavit, by the debtor to be admitted and discharged from custody, shall be considered as creditors whose debts are then due, and shall receive a dividend in the same proportion as the other creditors, deducting only a rebate of lawful interest for what shall be received on such debt computed from the time of actual payment to the time the debt would have become due

Source R S 2 36-20

2A:36-21. Debtor as bail; allowance for liability thereon. A debtor who has, before presenting a complaint, verified by affidavit, for the benefits of chapter 35 of this title (§2A 35-1 et seq), become bail in any case on account of which he has reason to think judgment may be had against him, may, upon making an oath that, at the time he entered into such bail, he believed himself possessed of an estate sufficient to answer any probable demand upon him as such bail, add to the list of his creditors his liability as such bail and annex such sum as he thinks he may become liable for on that account The assignee shall thereupon reserve for 18 months such dividend as a creditor for a like sum would be entitled to receive

Any person obtaining a judgment against the debtor as such bail, within 18 months after the filing of the debtor's complaint for a discharge, shall be considered as a creditor entitled to the benefit of section 2A 36-20 of this title, but if no such judgment has been so recovered the money so reserved shall be divided among the other creditors pro rata

If, within 18 months after the filing of the debtor's complaint, a judgment is obtained for any sum against a debtor as bail and after a division of the debtor's estate among his creditors, and the debtor has failed, wholly or in part, to proceed as provided by the first paragraph of this section, the person obtaining such judgment shall recover against the debtor, either for the whole or the part omitted, as the case may be, so much as other creditors ought to have received for a like debt, and no more

Source R S 2 36-21

Chapter 37. PRISON LIMITS.

Section

2A 37-1 County prison limits
2A 37-2 Bond for prison limits
2A 37-3 Forfeiture of bond, action thereon by sheriff or plaintiff

Section

2A 37-4 Assignment of bond to plaintiff on forfeiture thereof, action thereon
2A 37-5 Bond for prison limits by debtor refused discharge from imprisonment

2A:37-1. County prison limits. The prison limits or boundary lines of such limits shall be the county or boundary lines of the county in which the county prison or work house is located

Source R S 2 37-1

2A:37-2. Bond for prison limits. Each prisoner in a civil action, giving bond to the sheriff, with sufficient sureties, in double the sum for which he is committed, to keep within the prison limits or bounds prescribed by section 2A 37-1 of this

title, shall be at liberty to be at large therein. If the sureties in the bond are individuals and not corporate they shall be freeholders of and residents in the county.

Source R S 2 37-2

2A:37-3. Forfeiture of bond; action thereon by sheriff or plaintiff. If a prisoner at large within the prison limits after giving the bond required by section 2A 37-2 of this title voluntarily and intentionally goes out of and beyond the prison limits, such action on his part shall constitute an absolute forfeiture of his bond, and the sheriff to whom the bond has been given shall, or the plaintiff at whose suit the prisoner was committed to custody, if the bond has been assigned to him pursuant to section 2A 37-4 of this title, may, sue on the bond, although the prisoner may have returned within the prison limits before the commencement of such action, any law, custom or usage to the contrary notwithstanding.

Source R S 2 37-3

2A:37-4. Assignment of bond to plaintiff on forfeiture thereof; action thereon. If the bond mentioned in section 2A 37-2 of this title is forfeited, the sheriff, at the request of plaintiff or his attorney, shall assign the bond to plaintiff, by indorsement, and by attestation under his hand and seal in the presence of 2 or more witnesses. Plaintiff may then bring an action on the bond.

Source R S 2 37-4

2A:37-5. Bond for prison limits by debtor refused discharge from imprisonment. Any person in actual confinement for debt or damages in any jail in this state may give bond for the prison limits as provided by section 2A 37-2 of this title, and thereupon be discharged from imprisonment, except within such limits, notwithstanding any former verdict or judgment rendered against him on any application for the benefit of the provisions of chapter 35 of this title (§2A 35-1 et seq.).

Source R S 2 37-5

Subtitle 8. SPECIFIC CIVIL ACTIONS, REMEDIES AND PROCEEDINGS.

Chapter 38. ADOPTION OF ADULTS.

Section

2A 38-1 Civil action in county court

2A 38-2 Age of plaintiff

2A 38-3 Filing of consent

Section

2A 38-4 Judgment of adoption

2A 38-5 Effect of judgment of adoption, inheritance

2A:38-1. Civil action in the county court. An unmarried person of full age, a husband with his wife's consent, a wife with her husband's consent or a husband and wife jointly may institute a civil action in the county court of the county in which the plaintiff or plaintiffs, or the person to be adopted, may reside, for permission to adopt an adult person and for the change of name of such adult.

Source R S 2 39-1

2A:38-2. Age of plaintiff. The plaintiff shall be at least 15 years older than the person sought to be adopted.

Source R S 2 39-2

2A:38-3. Filing of consent. When an action is instituted under this chapter there shall be filed with the complaint the consent in writing of the person to be adopted to the adoption, and a request for the adoption and change of name, which consent and request shall be acknowledged by the person to be adopted as deeds are required by the law of this state to be acknowledged.

Source R S 2 39-3

2A:38-4. Judgment of adoption. The county court, if satisfied from the testimony adduced that the facts stated in the complaint are true and that the plaintiff is or the plaintiffs are of

good moral character and of reputable standing in his community, and it appears that the adoption will be to the advantage and benefit of the person to be adopted and that his best interests will be thereby promoted, shall adjudge the adoption and designate the name by which the person so adopted shall thereafter be known.

Source R S 2 39-5

2A:38-5. Effect of judgment of adoption; inheritance. The judgment of adoption, when entered, shall have the following effect and consequences:

a The natural parents of the person adopted, if living, shall be divested of all legal rights and obligations due from them to the person adopted and from the person adopted to them;

b The person adopted shall be free from all legal obligations, or otherwise to his natural parents, if living,

c The adopting parent or parents of the person adopted shall be invested with every legal right in relation to the person adopted as if the person adopted had been born to them in lawful wedlock; and

d The person adopted shall be invested with every legal right, privilege and obligation in relation to the rights of inheritance to real estate or to the distribution of personal estate on the death

of the adopting parent or parents as if born to them in lawful wedlock

Except, however, that

a The person adopted shall not be capable of taking property expressly limited to the heirs of the body of the adopting parent or parents, nor property coming from the collateral kindred of the adopting parent or parents by right of representation, and

b On the death of the adopting parent or parents and the subsequent death of the person adopted, without issue, the property of the deceased adopting parent or parents shall descend to and be distributed among the next of kin of the adopting parent or parents and not to the next of kin of the person adopted, and

c If the adopting parent or parents shall have other child or children born in lawful wedlock,

the children by birth and the person adopted shall, respectively, inherit from and through each other as if all had been children of the same parents born in lawful wedlock, and

d Where a parent has procured a divorce, or a surviving parent, having lawful custody of a child, lawfully marries again, or where an adult unmarried person who has become a foster parent and has lawful custody of a child, marries, and such parent or foster parent consents that the person who thus becomes the stepfather or the stepmother of the person so adopted may adopt the person so adopted, the parent or foster parent so consenting shall not thereby be relieved of any of his or her parental duties toward, or be deprived of any of his or her rights over the person so adopted or to his property by descent or succession

Source R S 2 39-7

Chapter 39. ALIENATION OF AFFECTIONS, BREACH OF CONTRACT TO MARRY, CRIMINAL CONVERSATION AND SEDUCTION

Section

2A 39-1 Rights of action abolished
2A 39-2 Blank
2A 39-3 Blank
2A 39-4 No rights of action in future
2A 39-5 Filing or service of process prohibited

Section

2A 39-6 Contracts, instruments, etc., in payment, etc., of claims or abolished causes of action void, actions on contracts, etc., unlawful
2A 39-7 Violations of chapter, misdemeanor, fine or imprisonment
2A 39-8 Construction of chapter
2A 39-9 Laws not affected

2A:39-1. Rights of action abolished. The rights of action formerly existing to recover sums of money as damage for the alienation of affections, criminal conversation, seduction or breach of contract to marry are abolished from and after June 27, 1935

Source R S 2 39A-1

2A:39-2. Blank

2A:39-3. Blank

2A:39-4. No rights of action in future. No act done in this state after June 27, 1935, shall operate to give rise, either within or without this state, to any of the rights of action abolished by this chapter. No contract to marry made or entered into in this state after June 27, 1935, or made or entered into hereafter, shall operate to give rise, either within or without this state, to any action or right of action for the breach thereof

Source R S 2 39A-4

2A:39-5. Filing or service of process prohibited. It shall be unlawful for any person, either as a party or attorney, or an agent or other person in behalf of either, to file or serve, cause to be filed or served or threaten to file or serve, or to threaten to cause to be filed or served, any process or pleading, in any court of this state, setting forth or seeking to recover a sum of money upon any cause of action

abolished or barred by this chapter, whether such cause of action arose within or without this state

Source R S 2 39A-5

2A:39-6. Contracts, instruments, etc., in payment, etc., of claims or abolished causes of action void; actions on contracts, etc., unlawful. All contracts and instruments of every kind, nature or description, which have been executed after June 27, 1935, or which hereafter may be executed within this state in payment, satisfaction, settlement or compromise of any claim or cause of action abolished or barred by this chapter, whether such claim or cause of action arose within or without this state, are hereby declared to be contrary to the public policy of this state and absolutely void

It shall be unlawful to cause, induce or procure any person to execute such a contract or instrument, or cause, induce or procure any person to give, pay, transfer or deliver any money or thing of value in payment, satisfaction, settlement or compromise of any such claim or cause or action, or to receive, take or accept any such money or thing of value as such payment, satisfaction, settlement or compromise

It shall be unlawful to commence or cause to be commenced, either as party or attorney, or as agent or otherwise in behalf of either, in any court of this state, any proceeding or action seeking to enforce or recover upon any such contract or instrument, knowing it to be such,

whether the same shall have been executed within or without this state

This section shall not apply to the payment, satisfaction, settlement or compromise of any causes of action which are not abolished or barred by this chapter, or any contracts or instruments executed prior to June 27, 1935, or to the bona fide holder in due course of any negotiable instrument which has been executed since that date or which hereafter may be executed
Source R S 2 39A-6

2A:39-7. Violations of chapter; misdemeanor; fine or imprisonment. Any person who shall violate any of the provisions of this chapter shall be guilty of a misdemeanor, which shall be punishable by a fine of not less than \$1,000 nor more than \$5,000, or by imprisonment for a term of not less than 1 year nor more than 5 years, or by both such fine and imprisonment, in the discretion of the court
Source R S 2 39A-7

2A:39-8. Construction of chapter. This chapter shall be liberally construed to effectuate the objects and purposes thereof and the public policy of the state as hereby declared. If the application of this chapter or any part thereof, to any person or circumstances shall be adjudged by any court of competent jurisdiction to be invalid or ineffectual for any reason, such judgment shall not affect the application of this chapter or part to any other person or circumstances
Source R S 2 39A-8

2A:39-9. Laws not affected. Nothing contained in this chapter shall be construed as a repeal of any of the provisions of the penal law or the criminal procedure law or of any other law of this state relating to criminal or quasi-criminal actions or proceedings
Source R S 2 39A-9

Chapter 39A. Blank.

Chapter 40. ARBITRATION AND AWARD.

Section

Article 1 Arbitration Generally

- 2A 40-1 Submission to arbitration, award made rule of court, parties to submit to award
- 2A 40-2 Failure to perform or execute award, penalty, process
- 2A 40-3 Fraudulent award void, setting aside
- 2A 40-4 Oath of arbitrators
- 2A 40-5 Witnesses, process to appear, failure to appear or testify, penalty
- 2A 40-6 to
- 2A 40-9 Blank

Article 2 Arbitration Arising Out of Contract

- 2A 40-10 Arbitration provisions in contract, validity and effect
- 2A 40-11 Who may submit to arbitration, agreement for judgment upon award by specified court
- 2A 40-12 Nonperformance of agreement, petition to court for order of arbitration, notice of application

Article 1 ARBITRATION GENERALLY

2A:40-1. Submission to arbitration; award made rule of court; parties to submit to award. Any matter in contention, for which there is no remedy other than a civil action, may be arbitrated by the parties thereto, who may agree that their submission of the matter in contention to the award or umpirage of any person or persons shall be made a rule of a court of record chosen by the parties, which agreement, to be inserted in their submission, or the condition of the bond, or promise may provide that they will respectively submit to such award or umpirage. Either party may apply to the court chosen by the parties for an order requiring the parties to

Section

- 2A 40-13 Blank
- 2A 40-14 Stay of action or proceedings subject to arbitration
- 2A 40-15 Naming arbitrators or umpire
- 2A 40-16 Blank
- 2A 40-17 Hearing by arbitrators, witnesses, fees, summons
- 2A 40-18 Application for confirmation of award, notice
- 2A 40-19 Vacation of award, rehearing
- 2A 40-20 Modification or correction of award, order
- 2A 40-21 to
- 2A 40-23 Blank
- 2A 40-24 Force and effect of judgment
- 2A 40-25 Appeal from judgment upon award
- 2A 40-26 Contracts made before July 4, 1923, unaffected

submit thereto and be finally concluded by the arbitration or umpirage pursuant to the submission

Source R S 2 40-1

2A:40-2. Failure to perform or execute award; penalty; process. In case of disobedience to such arbitration or umpirage, the party neglecting or refusing to perform and execute such arbitration or umpirage, or any part thereof, shall be subject to all the penalties of contemning an order of court when he is a plaintiff or defendant in such court

Source R S 2 40-2

2A:40-3. Fraudulent award void; setting aside. Any arbitration or umpirage, procured by cor-

ruption or undue means, shall be judged void, and accordingly be set aside by the court issuing the original order on motion made, within 60 days after such arbitration or umpirage has been made and published to the parties

Source R S 2 40-3

2A:40-4. Oath of arbitrators. Every arbitrator shall before proceeding to act, take an oath faithfully and fairly to hear and examine the cause in question and make a just and true report according to his best skill and understanding, which oath any judge of any court of record, shall administer

Source R S 2 40-4

2A:40-5. Witnesses; process to appear; failure to appear or testify; penalty. Subpoenas for witnesses to appear before the arbitrators, may be issued by them and witnesses may be sworn before the arbitrators

A witness, failing to appear when so subpoenaed, or, if appearing refusing to be sworn and give evidence, shall be liable to the same fines and penalties as if his default or refusal were committed in a court of record

Source R S 2 40-5

2A:40-6

to

2A:40-9. Blank

Article 2 ARBITRATION ARISING OUT OF CONTRACT

2A:40-10. Arbitration provisions in contract; validity and effect. A provision in a written contract to settle by arbitration a controversy that may arise therefrom or the refusal to perform the whole or a part thereof or a written agreement to submit an existing controversy to arbitration pursuant to section 2A 40-11 of this title shall be valid, enforceable and irrevocable, except upon such grounds as exist at law or in equity for the revocation of a contract

Source R S 2 40-10

2A:40-11. Who may submit to arbitration; agreement for judgment upon award by specified court. Two or more persons may submit in writing to arbitration a controversy existing between them at the time of their agreement to submit, which arises out of a contract or the refusal to perform the whole or a part thereof or the violation of any other obligation. They may also agree that a judgment of a court of record, specified in writing, shall be rendered upon the award made pursuant to the submission. If the court is so specified, they may also specify the county in which the judgment shall be entered. If the writing does not specify, judgment may be entered in any county

Source R S 2 40-11

2A:40-12. Nonperformance of agreement; petition to court for order of arbitration; notice of application. A party aggrieved by the failure, neglect or refusal of another to perform under

a written agreement providing for arbitration, may apply to the superior court or the county court of the county where either party resides, for an order directing that the arbitration proceed in the manner provided for in the agreement

Source R S 2 40-12

2A:40-13. Blank

2A:40-14. Stay of action or proceeding subject to arbitration. In an action or proceeding brought upon an issue arising out of an agreement providing for the arbitration thereof, the judge upon being satisfied that the issue involved is referable to arbitration, shall stay the action, if the applicant for the stay is not in default in proceeding with the arbitration, until an arbitration has been had in accordance with the terms of the agreement

Source R S 2 40-14

2A:40-15. Naming arbitrators or umpire. If a method is provided in the agreement for naming or appointing an arbitrator or an umpire, it shall be followed, but if not so provided, or if one is provided and a party thereto shall fail to avail himself thereof, or for other reasons there shall be a lapse in the naming of an arbitrator or an umpire or in filling a vacancy, either party may apply to the judge to designate and appoint an arbitrator or an umpire, as the case may require, who shall act thereunder with the same force and effect as if specifically named therein. The arbitration shall be by a single arbitrator unless otherwise provided

Source R S 2 40-15

2A:40-16. Blank

2A:40-17. Hearing by arbitrators; witnesses; fees; summons. When more than 1 arbitrator is agreed upon, all the arbitrators shall sit at the hearing of the case, unless by written consent, all parties agree to a less number. The arbitrator so sitting may require the attendance of any person as a witness and, in a proper case, to bring with him any book or written instrument. The fees for the attendance shall be those allowed witnesses before masters by section 22 1-4 of the title Fees and Costs

Subpoena shall issue in the name of and be signed by the arbitrators, or a majority of them, and shall be directed to the person therein named and served in the same manner as a subpoena to testify before a court of record. If any person so subpoenaed to testify shall refuse or neglect to obey such subpoena, the judge, upon motion, may compel his attendance before the arbitrator or punish him for contempt in the manner now provided for the attendance of witnesses or their punishment in the courts

Source R S 2 40-17

2A:40-18. Application for confirmation of award; notice. The award must be in writing and acknowledged or proved in like manner as a deed for the conveyance of real estate and delivered to one of the parties or his attorney

A party to the arbitration may apply, within 3 months after the award is made, unless the parties shall extend the time in writing, to the judge for an order confirming the award, which shall be granted unless the award is vacated, modified or corrected as prescribed in sections 2A 40-19 and 2A 40-20 of this title

Source R S 2 40-18

2A:40-19. Vacation of award; rehearing. The judge shall, upon application made to him by a party to the arbitration, make an order vacating the award, in any of the following cases

a Where the award was procured by corruption, fraud or undue means,

b Where there was either evident partiality or corruption in the arbitrators, or any thereof,

c Where the arbitrators were guilty of misconduct in refusing to postpone the hearing, upon sufficient cause being shown therefor, or in refusing to hear evidence, pertinent and material to the controversy, or of any other misbehaviors prejudicial to the rights of any party,

d Where the arbitrators exceeded or so imperfectly executed their powers that a mutual, final and definite award upon the subject matter submitted was not made

When an award is vacated and the time within which the agreement required the award to be made has not expired, the court may, in its discretion, direct a rehearing by the arbitrators.

Source R S 2 40-19

2A:40-20. Modification or correction of award; order. The court shall, upon application made to it by a party to the arbitration, make an order modifying or correcting the award, in any of the following cases

a. Where there was an evident miscalculation of figures or an evident mistake in the description of a person, thing or property referred to therein,

b Where the arbitrators awarded upon a matter not submitted to them unless it affects the merit of the decision upon the matter submitted, and

c Where the award is imperfect in a matter of form not affecting the merits of the controversy

The order shall modify and correct the award, to effect the intent thereof and promote justice between the parties

Source R S 2 40-20

2A:40-21

to

2A:40-23. Blank

2A:40-24. Force and effect of judgment. The judgment so entered shall have the same force and effect, in all respects, as, and is subject to, all the provisions of law relating to a judgment in an action and may be enforced as if rendered in an action in the court in which it is entered

Source R S 2 40-24

2A:40-25. Appeal from judgment upon award. An appeal may be taken from an order confirming, modifying, correcting or vacating an award or from a judgment entered upon an award, as from an order or judgment in an action

Source R S 2 40-25

2A:40-26. Contracts made before July 4, 1923, unaffected. This article shall not apply to contracts made prior to July 4, 1923

Source R S 2 40-26

Chapter 41. ASSIGNMENTS AND ACTIONS BY ASSIGNEES.

Section

2A 41-1 Contracts for sale of real estate, etc , assignable, action by assignee in own name, defenses

2A:41-1. Contracts for sale of real estate, etc., assignable; action by assignee in own name; defenses. All contracts for the sale and conveyance of real estate, all judgments and decrees recovered in any of the courts of this state or of the United States or in any of the courts of any other state of the United States and all other choses in action arising on contract shall be assignable, and the assignee may sue thereon, but, in such action, there shall be allowed all set-offs, discounts and defenses, not only against the plaintiff, but also against the assignor before notice of such assignment shall be given to the defendant The assignment of a sealed instru-

ment by writing not under seal shall be as valid as if under seal

The assignee for a valuable consideration of any chose in action may, although the assignor be dead, sue for and recover the same in his own name, and the defendant in any such action may set up any defense thereto arising before he shall have received notice of such assignment, in the same manner and with the like effect as if the assignor had been living and the action had been brought in his name

The right of action given by this section shall apply to such actions in a district court, if such court shall otherwise have jurisdiction thereof.

Source R S 2 41-1

Chapter 42. ATTACHMENT.

Section

- 2A 42-1 Construction of act
- 2A 42-2 Issuance of writ, grounds
- 2A 42-3 Blank
- 2A 42-4 Blank
- 2A 42-5 Attachment against property of joint debtors
- 2A 42-6 Property exempt
- 2A 42-7 Wages and personal property not attachable in certain cases
- 2A 42-8 Foreign corporations, nonresident or absconding defendants against whom attachment may issue
- 2A 42-9 Attachment of legacy or distributive share for claims against legatee or next of kin
- 2A 42-10 Blank
- 2A 42-11 Blank
- 2A 42-12 Personal property bound from time of execution of writ
- 2A 42-13 Lien of writ on real estate of defendant, amendment of return to writ, rules and orders for disposal of real estate, conveyances by defendant void

Section

- 2A 42-14 Continuance of lien
- 2A 42-15 Conveyance of attached real estate after lien of attachment fixed
- 2A 42-16 Lien of judgment on defendant's real estate
- 2A 42-17 Custody of personal property attached
- 2A 42-18 Blank
- 2A 42-18 to
- 2A 42-23 Blank
- 2A 42-24 Blank
- 2A 42-25 Actions by sheriff to obtain possession of attached property in hands of third person
- 2A 42-26 to
- 2A 42-29 Blank
- 2A 42-30 Effect of sales of personalty by sheriff
- 2A 42-31 Blank
- 2A 42-32 Sale by sheriff under execution
- 2A 42-33 Death of defendant not to abate proceedings
- 2A 42-34 Errors, amendments, affidavits, pleadings, process

2A:42-1. Construction of act. This act shall be liberally construed, for the detection of fraud, the advancement of justice and the benefit of creditors

Source L 1948, c 358, p 1432, §2

Note of Reporter 2 42-86 is stricken

Sub-paragraph a thereof is stricken, since applying claimants are eliminated from the act under the redraft herewith submitted for following reasons Applying claimants (applying creditors) were provided for only under the Act of 1901 by which plaintiff obtained a writ as a matter of course, which allowed an attachment against all property found, without limitation, irrespective of the amount claimed by plaintiff An auditor was appointed who received claims from other creditors and he distributed the assets, paying plaintiff's claim in full and the remaining creditors pro rata (R S 2 42-62) R S 2 42-62 of the old act is continued in the present act by R S 2 42-126 Under the Act of 1903, the writ issued only upon court order, which limited the amount of the writ (R S 2 42-76) and no other creditors could come in nor was an auditor appointed The present act provides for the limited type of attachment similar to that allowed by the 1903 act and, as redrafted, directs that the writ shall issue for such sum as the court shall fix (R S 2 42-90) When the court makes the order, it will not then be known whether there are other creditors and the writ will, therefore, be issued in some amount related to plaintiff's claim alone Ordinarily, there will be no surplus property attached to which applying claimants may look R S 2 42-126 is stricken under the redraft as submitted

In referring to applying claimants under our act, the court, in *Blatchford v Conover*, 40 N J E 205, 210-211 (1885), said

"The attachment act in force in this state possesses peculiar features which distinguish proceedings under it from proceedings under attachment acts of sister states In most of the other states the writ is sued out by a creditor for his benefit alone, and no other creditor being allowed to participate in the fruits of the attachment, the property attached is sold under process of execution issued upon the judgment of the plaintiff in the attachment"

There appear to be only 4 states in which provisions have been made for auditors or trustees in attachment proceedings for the benefit of applying claimants

Sub-paragraph b is stricken since "defendant" obviously refers only to the defendant in attachment throughout the act, and under R S 2 42-88 the affidavit upon which the writ is issued is now entitled in the cause

Sub-paragraph c is stricken The word "judge" is also stricken throughout the act The word "court" as used in the act includes "judge" under Rule 3 102-1

Sub-paragraph d is stricken since "plaintiff" obviously refers only to the claimant in attachment and under R S 2 42-88 the affidavit is now entitled in the cause

Source L 1948, c 358, p 1432, §1

2A:42-2. Issuance of writ; grounds. A writ of attachment may issue out of the superior or county courts upon the application of any resident or nonresident plaintiff against the property, real and personal, of any person, corporation or organization against whom or which a summons might issue, upon proof establishing

a The facts on which plaintiff would be entitled to an order in a civil action that a writ of *capias ad respondendum* issue, and in such cases the attachment may issue against a female, corporation or organization as though she or it were liable to arrest in a civil action, except that, in actions founded upon a tort, an attachment shall not issue against a corporation upon which a summons can be served, or

b That plaintiff has a cause of action, the nature and particulars of which he shall specify, and that defendant absconds from his creditors or is a nonresident of this state, and that summons cannot be served on him, but an attachment shall not issue hereunder against the rolling stock of a common carrier of another state or against the goods of a nonresident in transit in the custody of a common carrier of this or another state, or

c That a cause of action existed against a decedent, the nature and particulars of which shall be specified, which survives against his heirs, devisees, executors, administrators or trustees, that they, or some of them, are unknown or nonresident, that summons cannot be served upon them, and that there is property in this

state by law liable to answer such cause of action

d That plaintiff has a claim of an equitable nature for which a money judgment is demanded against the defendant, the nature and particulars of which he shall specify, and that the defendant absconds from his creditors or is a nonresident of this state and that summons cannot be served on him, the writ of sequestration as original process in such actions being hereby superseded Source L 1948, c 358, p 1432, §3

Note of Reporter Sub-paragraph c of 2 42-88 conflicts with R S 2 42-97. The former is derived from the Act of 1903 (R S 2 42-72-c) and the latter from the Act of 1901 (R S 2 42-10). Sub-paragraph c is limited to heirs or devisees while R S 2 42-97 includes not only heirs or devisees but executors, administrators and trustees as well. Sub-paragraph c refers to both unknowns and nonresidents while R S 2 42-97 refers to nonresidents alone. Suggest a revision of sub-paragraph c and the entire repeal of R S 2 42-97.

The following revision of the above paragraph c is suggested

c "That a cause of action existed against a decedent, the nature and particulars of which shall be specified, which survives against his heirs, devisees, executors, administrators or trustees, that they, or some of them, are unknown or nonresident, that summons cannot be served upon them, and that there is property in this state by law liable to answer such cause of action"

The clause "in all cases where it might have issued against the decedent immediately prior to his decease" found in R S 2 42-97 is omitted from the above since same, as contained in the act of 1901, was construed to refer only to the liquidated character of the debt *Jordan v Moore*, 82 N J L 552. Since the above proposal covers both liquidated and unliquidated claims (cause of action) that clause would be superfluous.

Have added "the nature and particulars of which shall be specified" and "that summons cannot be served upon them" since there appears to be no reason for distinguishing between cases coming within this section and R S 2 42-88(b) with respect to the requirement of showing inability to serve a summons and that the nature and particulars of the claim be specified.

2 42-88, sub-paragraph d, derived from the act of 1901 (R S 2 42-5-b), should be repealed. Sub-paragraph b of R S 2 42-88 is derived from the act of 1903 (R S 2 42-72-(b)) and includes both liquidated and unliquidated claims and requires both nonresidence and inability to serve a summons. Sub-paragraph d however, requires only nonresidence, regardless of the inability to serve summons with respect to liquidated claims. With sub-paragraph b covering both liquidated and unliquidated claims, sub-paragraph d should be repealed.

The added clauses in 2 42-88, sub-paragraph e that the defendant "absconds from his creditors" and "that summons cannot be served on him" are intended to make the practice in equitable actions conform to the requirements in a legal action as prescribed by sub-paragraph b.

2 42-89 is derived from the act of 1903 (R S 2 42-73). In view of Rule 3 17-4, this statute is unnecessary.

2A:42-3. Blank

2A:42-4. Blank

2A:42-5. Attachment against property of joint debtors. An attachment may issue against the separate and joint estate of joint debtors or any of them, either by their names or the name of the partnership or by whatever name they may be generally distinguished, or against their heirs, executors or administrators, or the heirs, execu-

tors or administrators of any of them. The estate so attached, whether separate or joint, may be sold or assigned for the payment of the joint debt.

In case of fraud by one of several joint debtors which accrues to the benefit of all the joint debtors an attachment may issue against the separate estate of such joint debtor or against the joint property of all.

Source L 1948, c 358, p 1435, §7

Note of Reporter This section is derived from the act of 1903 (R S 2 42-74). The word "or" found at the end of the fourth line has been changed to "of" in conformance with the said Act of 1903.

R S 2 42-93 should be repealed. It is derived from the act of 1901 (R S 2 42-4). This provision of the 1901 act has been construed in only one case, *Black v Emack*, 11 N J Misc 363 (Sup Ct, Donges, J, alone, 1933), where the court held that, notwithstanding this provision, the writ would be quashed for failure to perform other provisions of the act within the time required. The rule concerning dismissal for failure to prosecute conflicts with this section.

2A:42-6. Property exempt. Household goods and furniture not exceeding \$200 in value of a defendant having a family residing in this state shall be exempt from attachment, except for a debt incurred in the purchase thereof.

If the sheriff believes that the goods and furniture exceed such value, he may attach and include them in his inventory and appraisal, and the family entitled to the exemption shall forthwith, on demand by the sheriff, select, from the inventoried and appraised property, goods and furniture to the value of \$200. A failure to make the selection shall be deemed to be a waiver of the exemption.

Source L 1948, c 358, p 1435, §9

Note of Reporter Substitute "defendant" for "debtor".

This section is derived from the act of 1901 (R S 2 42-6) which was limited to liquidated claims with the word "debtor" as therein employed having reference only to one so indebted. The word "defendant" is broad enough to include both liquidated and unliquidated claims.

2A:42-7. Wages and personal property not attachable in certain cases. Wages or other compensation for labor or services due to a nonresident employee shall not be attached at the action of a nonresident creditor or his assigns, nor shall the personal property in this state of a nonresident be attached at the action of a nonresident creditor, if such property is exempt from liability by the law of the state of which the debtor and creditor are residents.

Source L 1948, c 358, p 1435, §10

Note of Reporter The words "for debts" should be stricken in order that this section may be applicable to unliquidated as well as liquidated claims. This section is derived from the act of 1901 (R S 2 42-7) which was limited to liquidated claims, and the word "debts" as used therein was intended to apply only to such claims.

2A:42-8. Foreign corporations; nonresident or absconding defendants against whom attachment may issue. An attachment may issue against

a Corporations not created by the laws of this state but authorized to do business in this state,

in any case where the laws of the state in which such a foreign corporation is created permit attachments against corporations created by the laws of this state when authorized to do business in such foreign state, and

b Any nonresident or absconding defendant, notwithstanding that provision is made by rule of court for substituted service of summons upon him or it.

Source L 1948, c 358, p 1436, §11, as am L 1950, c 222, p 556, §1

Note of Reporter Strike sub-paragraph a of 2 42-96 since R S 2 42-88, 1st par, includes attachments against females

Strike sub-paragraph b since R S 2 42-88, 1st par, includes corporations. This provision concerning corporations is derived from act of 1901 (R S, 2 42-8), while R S 2 42-88, 1st par, in respect to corporations, is derived from act of 1903 (R S 2 42-72). The requirements for an attachment against corporations under the act of 1903 are different than those under the act of 1901 and both R S, 2 42-88 and R S 2 42-96(b) therefore cannot stand together. Harris Pleading and Practice in N J, section 179 (1939)

Strike sub-paragraph c since R S 2 42-88, 1st par, includes "any person, corporation or organization". Sub-paragraph d has been amended to make same more intelligible

Have added the word "absconding" to sub-paragraph e since R S 2 42-88(b) includes absconding debtors against whom attachments may issue and the statute concerning substituted service referred to in sub-paragraph e (L 1948, c 355, §4) extends to absconding defendants upon whom service cannot be made within the state

2 42-97 should be stricken. See Note of Reporter under R S 2 42-88(c) with proposed revision intended to include both R S 2 42-88(c) and R S 2 42-97

2 42-98 should be repealed. It was derived from the Act of 1901 (R S 2 42-11) and was intended to implement R S 2 42-10 of the same act, now found in R S 2 42-97. However, with the repeal of R S 2 42-97 as suggested and with R S 2 42-88(c) as revised, containing the provision "and that there is property in this state by law liable to answer such cause of action", derived from the act of 1903 (R S, 2 42-72(c)), there is no need for this section, R S 2 42-98. The clause in this section concerning joinder of defendants is covered by the rules

2 42-99 is copied from the act of 1901 (R S 2 42-12). Since there will be no applying claimants under revision as submitted, this section is stricken. See Note of Reporter under 2 42-86, sub-paragraph a

2A:42-9. Attachment of legacy or distributive share for claims against legatee or next of kin. A legacy or distributive share of an estate in the hands of an executor, administrator or trustee may be attached in an action based upon a claim against the legatee or next of kin

Source L 1948, c 358, p 1436, §15

Note of Reporter This section is derived from the act of 1901 (R S 2 42-13). "Claims against" in the title has been substituted for "debts of" in order to include unliquidated as well as liquidated claims

2A:42-10. Blank.

2A:42-11. Blank.

2A:42-12. Personal property bound from time of execution of writ. The writ shall bind the attached goods and chattels, rights and credits, moneys and effects of defendant attached from the time of the execution of the writ.

Source L 1948, c 358, p 1437, §18

2A:42-13. Lien of writ on real estate of defendant; amendment of return to writ; rules and orders for disposal of real estate; conveyances by defendant void. The writ, from the time of its issue, becomes and remains a lien on the real estate of the defendant in the county, even though the officer fails to attach the same or part thereof, and the defendant cannot thereafter assign, transfer or convey the same or any interest therein. The writ shall also be a lien upon all real estate acquired by defendant in the county after the issue of the writ and before final judgment, and the court may order the clerk to amend the return to the writ by annexing thereto a description of such real estate, and may make orders for the disposal thereof. All conveyances by the defendant pending the attachment shall be void against the plaintiff

Source L 1948, c 358, p 1437, §19

Note of Reporter Under the attachment act in effect prior to the act of 1901 (revision approved 1874, section 18, page 45), the writ, even though issuing out of the supreme court, bound lands only "in any county into which such writ shall have been issued", and with respect to lands subsequently acquired by defendant before final judgment, the writ also bound lands situate only "in such county". Under the same act (revision approved 1874, section 10, page 43) where lands were located in more than one county, a separate writ was issued into each of such counties

Under the act of 1901 (R S 2 42-20), the one writ, if issued out of the supreme court, became a lien on defendant's lands "throughout the state", but as to lands acquired subsequently and before final judgment, the writ became a lien only as to lands in the county

There appears to be no reason for extending the effect of the writ to lands belonging to defendant at the time of its issuance throughout the state, but limiting the writ to after-acquired lands located only in the county. These provisions, as contained in the 1901 act (R S 2 42-20) are carried over into this section (R S 2 42-104)

Since R S 2 42-91 of the present act directs that the writ issue to the sheriff of the county "wherein the property to be attached is located or found" and since other sections of the present act prescribe various duties of the sheriff with respect to attached realty, it is suggested that the provisions of the act, as it existed prior to 1901, in having the writ made a lien with respect to lands then owned or after-acquired by the defendant, but situated only in the county of the sheriff to whom the writ is issued, should be restored, leaving lands in other counties to be attached by additional writs as provided by R S 2 42-91, which provides for "further writs" etc

The same practice applies in case of personalty situated in more than one county

The words "throughout the state, if issued from the superior court, and if issued from the county court, on defendant's real estate" are stricken in order to carry out the above purposes.

2A:42-14. Continuance of lien. The lien given by section 2A:42-13 of this act shall continue to be a lien until the claim of plaintiff is satisfied, the attachment is discharged or judgment is given against plaintiff. The attached property, unless released as in this act provided, shall, during the pendency of the action, remain as security for any judgment which may be entered in the action.

Source L 1948, c 358, p 1438, §20

Note of Reporter This section is derived from the Act of 1901 (R S 2 42-21) with the exception of the

last sentence, which is derived from the Act of 1903 (R S 2 42-79) The words "and the applying claimants are" are stricken since there is no provision for applying claimants under the revision as submitted

2A:42-15. Conveyance of attached real estate after lien of attachment fixed. Any conveyance or transfer of the attached real estate or any interest therein, made after the issue of the writ of attachment, shall be absolutely void as against plaintiff, and the judgment, and execution issued thereon under said writ, made pursuant to the provisions of this act

Source L 1948, c 358, p 1438, §21

Note of Reporter This section applies only to realty since it makes the attachment binding from the time of its issue and not its execution As to personality, the writ is binding from the time of its execution, as provided by R S 2 42-103 This section is derived from the Act of 1901 (R S 2 42-22) which, in turn, was copied from 1 comp stat page 138, section 8, which only affected lands R S 2 42-104 also provides that the writ binds real estate without execution thereof, viz, "even though the officer fails to attach the same or part thereof" To eliminate any doubt that this section is applicable to real estate only, the word "property" in the title and in the body of the section is changed to "real estate"

The words "and the applying claimants" are stricken since they are eliminated under the act as revised The words "sale and conveyance" refer to sales by the auditor, and are therefore stricken with words "issued thereon" substituted

2A:42-16. Lien of judgment on defendant's real estate. The judgment in the action shall be a lien on defendant's real estate acquired either before or after the entry thereof.

Source. L 1948, c 358, p 1438, §22

2A:42-17. Custody of personal property attached. Personal property of a defendant attached as provided by this act shall remain in the safekeeping of the sheriff to answer and abide the judgment of the court

Source L 1948, c 358, p 1438, §23

Note of Reporter. This section is derived from act of 1901 (R S 2 42-24) and is intended to apply to bonds given by a garnishee only and not by a defendant Goldberg v Farber, 6 N J Misc 257, affd 105 N J L 239 The words "by garnishee" are therefore added to the heading to avoid any uncertainty as to the application of this section A bond by defendant is provided for under R S 2 42-116

The provision allowing the bond to be in an amount no "greater than the amount of the claims of plaintiff and applying claimants when founded upon contract, or in an amount to be fixed by the court if the claims of plaintiff and applying claimants are founded in tort" is stricken since a garnishee's responsibility to plaintiff should not be any greater than the value of the property held by him It was so provided in R S 2 42-24, the source of this section

The following provision from R S 2 42-24 is therefore restored to this section, viz, "conditioned that such property, or the full value thereof to be estimated by the appraisal, shall be forthcoming to answer the judgment of the court", and the present provisions, concerning the amount of the bond, are stricken

The words "and approved", referring to the bond, are stricken since approval of bonds is provided for under Rule 3 102-5

The words "in such amount and form and" are stricken since the conditions of the bond are specifically set forth in this section as revised

The words "in no event be in an amount less than the" are stricken and the words "be in double the appraised" are substituted thus restoring the pro-

visions of R S 2 42-24, the source of this section, and making the amount of the bond given by a garnishee uniform in all cases

2A:42-18

to

2A:42-24. Blank

2A:42-25. Actions by sheriff to obtain possession of attached property in hands of third person. The court may order the institution and prosecution of appropriate actions and proceedings by the sheriff to obtain possession of any attached property in the hands of a third person, including the collection of attached choses in action and legacies and distributive shares in the estate of a decedent

Source L 1948, c 358, p 1441, §32

2A:42-26

to

2A:42-29. Blank

2A:42-30. Effect of sales of personalty by sheriff. Every sale of the attached personal property made by the sheriff under this act or under the rules of court pertaining to attachments shall be as valid and effectual in law as if executed by defendant at and before the time when the attachment became a lien thereon

Source L 1948, c 358, p 1443, §38

Note of Reporter This section is derived from the Act of 1901 (R S 2 42-59) and was intended to apply only to sales under R S 2 42-56 and 57 With the repeal of R S 2 42-120 (old R S 2 42-56) and the amendment to R S 2 42-121 (old R S 2 42-57), the instant section should be limited to such sales permitted by R S 2 42-121, as amended, viz, sales of personalty by the sheriff before judgment This section has been revised accordingly

2A:42-31. Blank

2A:42-32. Sale by sheriff under execution. A sale by a sheriff of the attached property pursuant to an execution issued pursuant to the rules of court pertaining to attachments and a conveyance made pursuant thereto shall convey all the title to such property had by a defendant therein at the time that the writ of attachment became a lien thereon or by him acquired at any time afterwards

Source L 1948, c 358, p 1443, §40

Note of Reporter The words "became a lien thereon" are added to make the execution sale by the sheriff effective with respect to the defendant's title as of the date that the writ became a lien on the property or thereafter acquired See additional Note of Reporter under R S 2 42-124

The words "or corner" are stricken since if the sheriff cannot act a coroner may be designated under R S 40 41-16

Section 2 42-126 is derived from the act of 1901 (R S 2 42-62) and should be repealed It was applicable only to sales by the auditor under the 1901 act and not to execution sales by the sheriff pursuant to R S 2 42-60 and 61 (now R S 2 42-124 and 125) No auditor is provided for under the new act

Section 2 42-127 is derived from the 1901 act (R S 2 42-63) It was only applicable to cases where an auditor made distribution pursuant to R S 2 42-62, but had no application to execution sales by the sheriff pursuant to R S 2 42-60 and 61

Since the sale by the sheriff is the only sale allowed under the new act, this section has no purpose and should be repealed

2A:42-33. Death of defendant not to abate proceedings. The death of defendant after the issue and filing of the writ of attachment shall

not abate the action, which shall proceed to judgment, as if defendant were alive

Source L 1948, c 358, p 1444, §43

Note of Reporter: This section is derived from the Act of 1901 (R S 2 42-64). The stricken material is related only to proceedings in which the auditor was concerned

Chapter 43. BONDS; ACTIONS AND PROCEEDINGS ON.

Section

2A 43-1 Application for prosecution, jurisdiction, applicant liable for costs

2A 43-2 Applications for relief by other persons aggrieved, levy to satisfy

Section

2A 43-3 Continuing liability on bond

2A 43-4 Claims included in action on bond of municipal tax collector

2A:43-1. Application for prosecution; jurisdiction; applicant liable for costs. The governor or person administering the government may, upon application in writing by any person, aggrieved or supposing himself to be aggrieved by the neglect, default, misconduct or malpractice in office of any public official under bond to the state, order an action upon such bond to be commenced and prosecuted in the superior court, in the name of the state of New Jersey, and at the costs of the applicant

Source R S 2 43-2

2A:43-2. Applications for relief by other persons aggrieved. After judgment in an action on an official bond and before such judgment is satisfied and discharged of record, any other person aggrieved by the neglect, default, misconduct or malpractice of the officer in his office whose bond is in action may apply to the superior court for relief in the pending proceeding

Source R S 2 43-4

2A:43-3. Continuing liability on bond. A judgment in an action upon an official bond, although satisfied and discharged of record, shall not operate to discharge the public officer or his sureties from liability on the bond, but new actions may be commenced on such bond as often as circumstances require

Source R S 2 43-7

2A:43-4. Claims included in action on bond of municipal tax collector. In an action by a municipality on the bond of a tax collector, there may be included all claims of such municipality in its own right or in the right of another person or corporation for public moneys which have come into the hands of such collector for any purpose whatever and for which he is legally chargeable

Source R S 2 43-8

Chapter 44. Blank.

Chapter 45. BREACH OF CONTRACT OF SALE OF REAL ESTATE; DAMAGES RECOVERABLE.

Section

2A 45-1 Expense of examining title and making survey recoverable

2A:45-1. Expense of examining title and making survey recoverable. When any person shall contract to sell real estate and shall not be able to perform in accordance with such contract because of a defect in the title to the real estate the person with whom such contract was made, or his legal representatives or assigns, may, in a civil action, recover from the vendor,

not only the deposit money, with interest and costs, but also the reasonable expenses of examining the title and making a survey of the property, unless the contract shall provide otherwise. This section shall not limit the recovery where the purchaser seeks to recover for the deceit or fraud of the vendor

Source R S 2 45-1

Chapter 46. Blank.

Chapter 47. DEATH BY WRONGFUL ACT.

Section

- 2A 47-1 When action lies
 2A 47-2 Persons entitled to sue or make claim
 2A 47-3 Limitation of actions

Section

- 2A 47-4 Persons entitled to amount recovered, distribution
 2A 47-5 Assessment of damages by jury
 2A 47-6 To whom amount recovered paid, release or cancellation of judgment

2A:47-1. When action lies. When the death of a person is caused by a wrongful act, neglect or default, such as would, if death had not ensued, have entitled the person injured to maintain an action for damages resulting from the injury, the person who would have been liable in damages for the injury if death had not ensued shall be liable in an action for damages, notwithstanding the death of the person injured and although the death was caused under circumstances amounting in law to a felony

Source R S 2 47-1

2A:47-2. Persons entitled to sue or make claim. Every action commenced under this chapter shall be brought in the name of an administrator ad prosequendum of the decedent for whose death damages are sought, except where decedent dies testate and his will is probated, in which event the executor named in the will and qualifying, or the administrator with the will annexed, as the case may be, shall bring the action

Source R S 2 47-2, as am L 1938, c 175, p 386, §1

2A:47-3. Limitation of actions. Every action brought under the provisions of this chapter shall be commenced within 2 years after the death of the decedent, and not thereafter

Source R S 2 47-3

2A:47-4. Persons entitled to amount recovered, distribution. The amount recovered in proceedings under this chapter shall be for the exclusive benefit of the widow, surviving husband, dependent children of the decedent, or the descendants of any such children, the dependent natural parents of the decedent, the dependent adopting parents of a legally adopted child and the dependent next of kin of the decedent, except the natural parents of a decedent who was legally

adopted, and shall be distributed to them in the proportions provided by law for the distribution of the personal property of intestates, except that where the decedent leaves a surviving widow or husband, but no dependent children or descendants of such children, the widow or surviving husband shall be entitled to the whole of the amount so recovered, which amount shall be paid to her or him

Source R S 2 47-4, as am L 1943, c 79, p 297, §1, L 1948, c 429, p 1670, §1

2A:47-5. Assessment of damages by jury. In every action brought under the provisions of this chapter the jury may give such damages as they shall deem fair and just with reference to the pecuniary injuries resulting from such death to the widow, surviving husband, and next of kin of the deceased

Source R S 2 47-5

2A:47-6. To whom amount recovered paid, release or cancellation of judgment. When an action is commenced by an administrator ad prosequendum under authority of this chapter, no payment in settlement thereof or in satisfaction of a judgment rendered therein shall be made to him, but such payment shall be made only to the duly appointed general administrator of the estate of the decedent

No release or cancellation of a judgment, whether by warrant or otherwise, by an administrator ad prosequendum or by his attorney of record or attorney in fact shall release the person making payment from liability to the widow, surviving husband or next of kin of decedent, operate as a valid cancellation of the judgment or be an authority to the clerk of any court to cancel the judgment of record

Source R S 2 47-6

Chapter 48. DEBTS OR OBLIGATIONS FRAUDULENTLY CONTRACTED OR INCURRED.

Section

- 2A 48-1 Remedies of person defrauded

Section

- 2A 48-2 Chapter liberally construed

2A:48-1. Remedies of person defrauded. Whenever a debt is fraudulently contracted or an obligation fraudulently incurred, the person defrauded at any time thereafter may institute a civil action, to recover the money owing on such contract or obligation although, by the terms of

the contract or obligation, the debt contracted or the money secured to be paid thereby is not then due or payable, and the person defrauded may, upon discovery of the fraud, either rescind the contract entirely and recover the property

obtained by the fraud, or, sue on the contract to recover the money owing thereon

The plaintiff in such an action shall have all rights to which he would be entitled if the debt or obligation was due and payable at the time of the commencement of the action

Source R S 2 48-1

2A:48-2. Chapter liberally construed. This chapter shall be construed in the most liberal manner for the detection of fraud, the advancement of justice and the benefit of creditors

Source R S 2 48-2

Chapter 49. DISTRESS GENERALLY.

Section

2A 49-1 Liability for unreasonable or wrongful distress

2A 49-2 Property exempt

2A 49-3 Place of impounding chattels

Section

2A 49-4 Distraint for levying of penalty inflicted or money directed to be paid by law, warrant and sale by judge or magistrate

2A 49-5 Particular laws not affected

2A:49-1. Liability for unreasonable or wrongful distress. An unreasonable or wrongful distress taken without judgment shall render the distraining party liable in damages to the party aggrieved

Source R S 2 49-1 and 2 49-2

2A:49-2. Property exempt. Implements of a person's trade, shall not be distrained for any cause whatsoever, while other distress or chattels may be found sufficient for the levy

Source R S 2 49-3

2A:49-3. Place of impounding chattels. Chattels distrained or taken by distress, at one time, for any cause whatsoever, shall be impounded together or the distraining party shall be liable in treble damages to the party aggrieved

Source R S 2 49-5

2A:49-4. Distraint for levying of penalty inflicted or money directed to be paid by law; warrant and sale by judge or magistrate. Where any judge or magistrate is required or authorized to issue a warrant of distress for the levying of a penalty inflicted, or sum of money directed to be paid by any law, and no mode is provided for the disposal of the distress, the judge or

magistrate may order the chattels, to be so distrained, sold and disposed of within the time to be limited in the warrant, which time shall not be less than four nor more than ten days, unless the penalty or sum of money, together with reasonable charges, to be taxed by the judge or magistrate, of taking and keeping the distress, be sooner paid

Reasonable charges of taking, keeping and selling the distress, to be taxed as aforesaid, shall be deducted by the officer making the distress out of moneys arising from the sale, and the overplus, of any, after such charges, and also said penalty or sum of money shall be satisfied and paid, shall be returned on demand to the owner of the chattels so distrained. The officer executing the warrant shall show the same to the person whose chattels are distrained, and give him a copy thereof

Source R S 2 49-6

2A:49-5. Particular laws not affected. Section 2A 49-4 of this title shall not be construed to affect the manner and time of the sale of a distress where such is particularly provided for by law

Source R S 2 49-7

Chapter 50. DIVORCE AND NULLITY OF MARRIAGE—ALIMONY AND MAINTENANCE—CARE AND CUSTODY OF CHILDREN.

Section

Article 1 Causes for Nullification and Divorce

2A 50-1 Causes for judgments of nullity

2A 50-2 Causes for divorce from bond of matrimony

2A 50-3 Causes for divorce from bed and board

2A 50-4 Imprisonment after desertion

2A 50-5 Divorce from bed and board, limited or permanent

2A 50-6 Divorce from bed and board, property rights

2A 50-7 Collusion, adultery not condoned

Article 2 Jurisdiction

A In General

2A 50-8 Jurisdiction stated

2A 50-9 Blank

Section

B How Acquired

2A 50-10 Jurisdiction in nullity proceedings—residence requirements, service of process

2A 50-11 Jurisdiction in divorce proceedings, residence requirements, service of process

2A 50-12 Jurisdiction by acknowledgment of service of process, appearance, etc

2A 50-13 Counterclaims

Article 3 Parties and Counsel

2A 50-14 Minors may prosecute or defend matrimonial actions

2A 50-15 Parent or guardian may prosecute or defend

2A 50-16 Co-respondent in adultery actions

Section

Article 4 Practice and Procedure**A Fees**

- 2A 50-17 Fees in matrimonial actions
 2A 50-18 Accounting for fees

B Judgments and Appeals

- 2A 50-19 Judgment nisi
 2A 50-20 Judgment final
 2A 50-21 Effect of judgment on legitimacy of issue
 2A 50-22 Resumption of name, surname of husband
 2A 50-23 Judgments of other states or countries, full faith and credit, exception

Article 5 Alimony and Maintenance

- 2A 50-24 Alimony, maintenance, custody and maintenance of children, security, failure to obey order, sequestration, receiver, modification of orders
 2A 50-25 Abandonment of wife, support of wife and children, debts during maintenance
 2A 50-26 Remarriage of former wife, no order touching alimony, vacation of prior order
 2A 50-27 Attachment, bond
 2A 50-28 Bond for costs

Article 1 CAUSES FOR NULLIFICATION AND DIVORCE

2A:50-1. Causes for judgments of nullity. Judgments of nullity of marriage may be rendered in all cases, when

a Either of the parties has another wife or husband living at the time of a second or other marriage,

b The parties are within the degrees prohibited by law When any such marriage shall not have been annulled during the lifetime of the parties the validity thereof shall not be inquired into after the death of either party,

c The parties, or either of them, were at the time of marriage physically and incurably impotent, provided the party making the application shall have been ignorant of such impotency or incapability at the time of the marriage, and has not subsequently ratified the marriage,

d The parties, or either of them, were at the time of marriage incapable of consenting thereto and the marriage has not been subsequently ratified provided that where the party capable of consent is the applicant, such party shall have been ignorant of the other's incapacity at the time of the marriage and shall not have confirmed the marriage subsequently to the regaining of capacity by the other party,

e At the suit of the wife, when she was under the age of 18 years at the time of the marriage, unless such marriage be confirmed by her after arriving at such age;

f At the suit of the husband, when he was under the age of 18 years at the time of the marriage, unless such marriage be confirmed by him after arriving at such age No judgment of nullity shall be made where a child of the parties has been born, either before or after

Section

Article 6 Care and Custody of Children

- 2A 50-29 Custody of children of parents divorced in another state or country, complaint to superior court, notice to persons interested, judgment, exclusion from hearing, records not open to general public inspection
 2A 50-30 Custody of children of divorced or separated parents within jurisdiction of superior court, removal from jurisdiction, consent, security
 2A 50-31 Custody of children of parents living separately, complaint to superior court, powers of court, judgments or orders, mother's right to custody, exclusion from hearing, records not open to public inspection
 2A 50-32 Parents' right to custody equal, preference of father over mother, orders and judgment of court, removal of child from state
 2A 50-33 Death of parent of custody, reversion of custody to surviving parent, appointment of guardian by superior court, removal
 2A 50-34 Mother entitled to custody of child, father failing to support it, father's right of visitation
 2A 50-35 Habeas corpus to determine custody of child, access to child
 2A 50-36 to
 2A 50-41 Blank

the marriage, or is likely to be born, unless the court upon an examination of all the facts of the case shall be of the opinion that such judgment will not be against the best interests of the child

Judgments of nullity of marriage may be rendered under the general equity jurisdiction of the superior court

Source. C 2 50-1, L 1948, c 320, p 1283, §1

Note of Reporter 1 The term nullity has been used throughout to conform with Rule 3 82(c)

2 The last paragraph was added so that a reader of the statute is cognizant of the fact that there are other grounds for nullity under the general equity jurisdiction

3 It is recommended that a footnote contain a cross reference to R S 37 1-1

4 Some members of the committee feel that the statute should use the common term "ratified" instead of the two terms "ratified" and "confirmed" However, the language of the present statute was retained because there was a final opinion that there is a slight difference between the two words

5 It is to be observed that the present statute contains the provision with regard to the best interests of the child in paragraph f only It is submitted that this sentence should be applicable as well to paragraph e Although the substantive intent of the legislature is not clear, the cases, however, do not seem to differentiate between suits brought by the wife and those brought by the husband

2A:50-2. Causes for divorce from bond of matrimony. Divorce from the bond of matrimony may be adjudged for the following causes

a Adultery;

b Willful, continued and obstinate desertion for the term of 2 years;

c Extreme cruelty, whether the acts of cruelty have been heretofore or are hereafter committed, provided, that no complaint for divorce on the ground of extreme cruelty shall be filed until after 6 months from the date of the last act of cruelty complained of in the complaint, but this proviso shall not be held to apply to any counterclaim

Source. C 2 50-2, as am L 1948, c 320, p. 1284, §2

2A:50-3. Causes for divorce from bed and board. Divorce from bed and board may be adjudged for the following causes

- a Adultery,
- b Willful, continued and obstinate desertion for the term of 2 years,
- c Extreme cruelty

Source C 2 50-3, as am L 1948, c 320, p 1285, §3

2A:50-4. Imprisonment after desertion. Willful and obstinate desertion shall be construed to be "continued" within the meaning of this chapter, even though after such desertion has begun the deserting party has been imprisoned in this or any other state or country upon conviction by due process of law for a crime, misdemeanor or offense, not political, committed in this or any other state or country, or for any other reason shall have been under restraint either by due process of law or his voluntary act

Source R S 2 50-6

2A:50-5. Divorce from bed and board; limited or permanent. In all cases of divorce from bed and board the court may adjudge a separation forever thereafter, or for a limited time, as shall seem just and reasonable, with a provision that in case of a reconciliation at any time thereafter the parties may apply for a revocation or suspension of the judgment. Upon such application the court shall make such order as may seem just and reasonable

Source C 2 50-4, as am L 1948, c 320, p 1285, §5

2A:50-6. Divorce from bed and board; property rights. For and during the time that any judgment for divorce from bed and board shall remain in force and effect all property rights of the parties shall be as though a judgment of absolute divorce had been entered

In any property transaction had by either of the parties in such status the fact of the existence of such judgment shall be distinctly recited and reference to the public record thereof shall be clearly set forth

Source L 1949, c 272, p 843, §1

2A:50-7. Collusion; adultery not condoned. If it appear to the court that the adultery complained of shall have been occasioned by the collusion of the parties, and done with an intention to procure a divorce, or that the party complaining was consenting thereto, or that both parties have been guilty of adultery not condoned, no divorce shall be adjudged

Source C 2 50-5, as am L 1948, c 320, p 1285, §5

Article 2 JURISDICTION

A IN GENERAL

2A:50-8. Jurisdiction stated. The superior court shall have jurisdiction of all causes of divorce or nullity and of alimony and maintenance by this chapter directed and allowed

Source C 2 50-7, L 1948, c 320, p 1285, §6, C 2 50-8, L 1948, c 320, p 1286, §7

2A:50-9. Blank.

B HOW ACQUIRED

2A:50-10. Jurisdiction in nullity proceedings—residence requirements; service of process. A Jurisdiction in suits for nullity of marriage may be acquired when either party is a bona fide resident of this state at the time of the commencement of the action, and

By service of process upon the defendant as may be prescribed by the rules of court

Source C 2 50-9, L 1948, c 320, p 1286, §8

2A:50-11. Jurisdiction in divorce proceedings; residence requirements; service of process. A Jurisdiction in suits for divorce, either absolute or from bed and board, may be acquired

1 When, at the time the cause of action arose, either party was a bona fide resident of this state, and has continued so to be down to the time of the commencement of the action, except that no action for absolute divorce shall be commenced for any cause other than adultery, unless one of the parties has been for the 2 years next preceding the commencement of the action a bona fide resident of this state, or

2 When, since the cause of action arose, either party has become, and for at least 2 years next preceding the commencement of the action has continued to be, a bona fide resident of this state; provided the cause of action alleged was recognized in the jurisdiction in which such party resided at the time the cause of action arose, as a ground for the same relief asked for in the action in this state, and

By service of process upon the defendant as may be prescribed by the rules of court

Source C 2 50-10, C 2 50-11, L 1948, c 320, p 1286, §9, C 2 50-12, L 1948, c 320, p 1287, §10, L 1948, c 320, p 1288, §11

Note of Reporter The foregoing sections, classified 2A 50-10 and 2A 50-11, consolidate the necessary jurisdictional requirements regarding residence and process formerly included in 2 50-9 to 12 inclusive. In addition all reference to method of service is left to rules of court as strictly procedural. It is submitted that the included recommendations clarify the existing statute with less language

2A:50-12. Jurisdiction by acknowledgment of service of process, appearance, etc. In divorce and nullity actions, the jurisdiction of the court over the defendant's person for all purposes of the action shall be fully established by the filing of an acknowledgment of service of process, or of an appearance, or of an answer by the defendant pro se, or by an attorney on his behalf duly authorized thereto as may be prescribed by rules of court

2A:50-13. Counterclaims. Whenever the court shall have acquired jurisdiction of any action under the provisions of this chapter, the defendant therein may, by counterclaim, state any claim or claims for relief which exist at the time of the service of the counterclaim

Source C 2 50-13, as am L 1948, c 320, p 1288, §12

Article 3 PARTIES AND COUNSEL

2A:50-14. Minors may prosecute or defend matrimonial actions. A man who has attained the age of 18 years and a woman who has attained the age of 16 years may prosecute or defend any matrimonial action in his or her proper person or by his or her attorney.

Source C 2 50-14, L 1948, c 320, p 1288, §13, C 2 50-36, L 1948, c 320, p 1291, §24

Note of Reporter 1 This section incorporates the right of minors to prosecute or defend suits for divorce, nullity and maintenance Combine 2 50-14 and 2 50-36.

2 It was further suggested, although not incorporated in the foregoing language, that the words "be served" be added since the present practice permits service upon minors in the same manner as service upon adults. Apparently the special requirements of service upon minors in other civil actions does not obtain in matrimonial causes.

3 It is further suggested that a new rule, numbered 3 17-2A incorporating the same language as the foregoing statute be added to the section of the rules dealing with parties.

2A:50-15. Parent or guardian may prosecute or defend. A parent or guardian shall not be prevented, under the provisions of this chapter from prosecuting or defending any action respecting the marriage status or relation of such infant.

Source R S 2 50-15

2A:50-16. Co-respondent in adultery actions. Where a person is named as co-respondent in any pleading seeking relief on the ground of adultery, the party making the charge shall give the co-respondent written notice of the charge within the time and in the manner prescribed by the rules of court.

Source R S 2 50-16

Note of Reporter. 1 This section conforms with Rule 3 86, leaving the method of service of notice to the rule.

2 A new rule is suggested to cover the right of the co-respondent to be made a party.

Article 4 PRACTICE AND PROCEDURE

A FEES.

2A:50-17. Fees in matrimonial actions. Except in cases in forma pauperis, before any matrimonial action is approved for trial the plaintiff or counterclaimant shall pay to the clerk of the superior court, for the use of the state, the sum of \$50 00 and in litigated actions the additional sum of \$10 00.

Source L 1948, c 323, p 1301, §1

2A:50-18. Accounting for fees. On or before the 10th day of each month the clerk shall pay to the state treasurer all such fees which were received by him or his assistants during the preceding month and shall render a full and itemized statement or account of all such fees which may have been charged or which may be accrued or become payable during the month preceding the making of such statement.

Source L 1948, c 323, p 1301, §2

B JUDGMENTS AND APPEALS

2A:50-19. Judgment nisi. If after the hearing of any cause the court shall be of opinion that the plaintiff or counterclaimant is entitled to a judgment of nullity of marriage under this chapter or under the general equity jurisdiction of the court or a judgment for divorce from the bonds of matrimony, a judgment nisi shall be entered.

Source C 2 50-29, as am L 1948, c 320, p 1289, §18, L 1949, c 146, p 527, §1

2A:50-20. Judgment final. A judgment nisi shall become final after the expiration of 3 months from the entry thereof, unless appealed from or proceedings for review are pending, or the court before the expiration of such period for sufficient cause, upon its own motion, or upon the application of any party, whether interested or not, otherwise orders, and at the expiration of 3 months, the final judgment shall be entered, unless prior to that time cause be shown to the contrary.

Source C 2 50-30, as am L 1948, c 320, p 1290, §19

2A:50-21. Effect of judgment on legitimacy of issue. A judgment of nullity of marriage shall not render illegitimate the issue of any marriage so dissolved, except where the marriage, not being a ceremonial one, is dissolved because either party had another wife or husband living at the time of a second or other marriage. Such marriage shall be deemed void ab initio, and the issue thereof shall be illegitimate.

Source C 2 50-33, as am L 1948, c 320, p 1290, §22

2A:50-22. Resumption of name; surname of husband. The court, upon or after granting a divorce from the bonds of matrimony to either spouse, may allow the wife to resume any name used by her before the marriage, and may also order the wife to refrain from using the surname of the husband as her name.

Source R S 2 50-34

2A:50-23. Judgments of other states or countries; full faith and credit; exception. Full faith and credit shall be given in all courts of this state to a judgment of nullity of marriage or divorce by a court of competent jurisdiction in another state of the United States when the jurisdiction of such court was obtained in the manner and in substantial conformity with the conditions prescribed in sections 2A 50-10, 2A 50-11 and 2A 50-12 of this title. Nothing herein contained shall be construed to limit the power of any court to give such effect to a judgment of nullity or divorce by a court of a foreign country as may be justified by the rules of international comity; provided, that if any inhabitant of this state shall go into another state or country, in order to obtain a judgment of divorce for a cause which occurred while the parties resided in this state, or for a cause which is not ground for divorce under the laws of this

state, a judgment so obtained shall be of no force or effect in this state

Source C 2 50-35, as am L 1948, c 320, p 1290, §23

Article 5 ALIMONY AND MAINTENANCE

2A:50-24. Alimony; maintenance; custody and maintenance of children; security; failure to obey order; sequestration; receiver; modification of orders. Pending any matrimonial action brought in this state or elsewhere, or after judgment of divorce or maintenance, whether obtained in this state or elsewhere, the court may make such order touching the alimony or maintenance of the wife, and also touching the care, custody, education and maintenance of the children, or any of them, as the circumstances of the parties and the nature of the case shall render fit, reasonable and just, and require reasonable security for the due observance of such orders, and upon neglect or refusal to give such reasonable security, as shall be required, or upon default in complying with the order, may award and issue process for the immediate sequestration of the personal estate, and the rents and profits of the real estate of the party so charged, and appoint a receiver thereof, and cause such personal estate and the rents and profits of such real estate, or so much thereof as shall be necessary, to be applied toward such alimony and maintenance as to the said court shall from time to time seem reasonable and just, or enforce the performance of the said orders or judgments by such other lawful ways and means as is usual, and according to the source and practice of the court, orders so made may be revised and altered by the court from time to time as circumstances may require

Source. C 2 50-37, as am L 1948, c 320, p 1291, §25

Note of Reporter The language has been broadened to include maintenance actions. It appears from the cases that the power of the court to modify maintenance orders pending the action or after judgment, exists by virtue of case made law. It is submitted that the statute should be all inclusive

2A:50-25. Abandonment of wife; support of wife and children; debts during maintenance. If a husband, without justifiable cause, shall abandon his wife or separate himself from her and refuse or neglect to maintain and provide for her, the court may order suitable support and maintenance to be paid and provided by the husband for the wife and children, or any of them, by their marriage, or to be made out of his property and for such time as the nature of the case and circumstances of the parties render suitable and proper in the opinion of the court. The court may compel the defendant to give reasonable security for such maintenance and allowance and may, from time to time, make further orders touching the same as shall be just and equitable and enforce such judgment and orders in the manner mentioned in section 2A:50-24 of this title. During the time such maintenance

shall be allowed, the husband shall not be chargeable with the debts of the wife.

Source. C 2 50-39, as am L 1948, c 320, p 1292, §27

2A:50-26. Remarriage of former wife; no order touching alimony; vacation of prior order. If after the judgment of divorce the wife shall remarry, the court shall not make any order touching the alimony of such wife except that the court, upon application of the former husband, on notice and upon proof of the marriage of the former wife after the judgment of divorce, must modify any order or judgment touching the alimony of the former wife by vacating and annulling any and all provisions in any such order or judgment, or both, directing the payment of money for the support of the former wife.

Source C 2 50-38, as am L 1948, c 320, p 1292, §26

2A:50-27. Attachment; bond. When a husband cannot be found within this state to be served with process, his estate, property and effects within this state and the rents and profits thereof may be attached to compel his appearance and performance of any judgment or order which may be made in the action.

Where the proceedings are by process of attachment and the defendant does not appear, the judgment shall be enforceable only out of and against the estate attached

Source C 2 50-40, as am L 1948, c 320, p 1293, §28

Note of Reporter At first it was recommended that this statute be deleted in view of the present provisions in the rules regarding attachment. However, after mature deliberation, it was determined that the attachment provided by this statute is indigenous to matrimonial actions, and differ from the usual attachment in civil actions

2A:50-28. Bond for costs. In any suit mentioned in sections 2A 50-25 and 2A 50-27 of this title the court may, if application is made before answer filed, order a bond to be given in the sum of \$100.00 by 1 or more sufficient sureties, with condition to pay such costs as shall or may be awarded by the court to be paid to the defendant

Source C 2 50-41, as am L 1948, c 320, p 1293, §29

Article 6 CARE AND CUSTODY OF CHILDREN.

2A:50-29. Custody of children of parents divorced in another state or country; complaint to superior court or juvenile and domestic relations court; notice to persons interested; judgment of court; exclusion from hearing; records not open to general public inspection. After a divorce in any other state or country, if minor children of the marriage are inhabitants of this state, the superior court or the juvenile and domestic relations court, on the complaint of either parent, or of a next friend in behalf of the children, such notice being given to parents as the court shall direct, may make such judgment concerning their care, custody, education and maintenance as if the divorce had been obtained in this state. If the minor child or minor children have not, at the time of filing of the complaint,

reached the age of 16 years, and if it is represented to the court that evidence will be adduced involving the moral turpitude of either parent, or of such minor child or children, or that evidence will be adduced which may reflect upon the good reputation or social standing of the child or children, then the court shall admit to the hearing of such case only such persons as are directly interested in the matter being then heard. The records of such proceedings, including the complaint and accompanying affidavits thereto, shall be withheld from indiscriminate public inspection, but shall be open to inspection by the parents, or their attorneys, and to no other person or persons except by order of the court made for that purpose.

Source C 9 2-1, as am L 1948, c 321, p 1294, §1

2A:50-30. Custody of children of divorced or separated parents within jurisdiction of superior court or juvenile and domestic relations court; removal from state; consent; security. When the [court of chancery] superior court or the juvenile and domestic relations court has jurisdiction over the custody and maintenance of the minor children of parents divorced or separated or living separate, and such children are natives of this state, or having resided 5 years within its limits, they shall not be removed out of its jurisdiction against their own consent, if of suitable age to signify the same, nor while under that age without the consent of both parents, unless the court, upon cause shown, shall otherwise order. The court, upon application of any person in behalf of such minors, may require such security and make such orders and processes as shall be deemed proper to effect the purpose of this section.

Source C 9 2-2, as am L 1948, c 321, p 1295, §2

2A:50-31. Custody of children of parents living separately; complaint to superior court or juvenile and domestic relations court; powers of court; judgments and orders; mother's right to custody; exclusion from hearing; records not open to public inspection. When the parents of minor children live separately, or are about to do so, the superior court or the juvenile and domestic relations court, upon complaint of either parent, shall have the same power to make judgments or orders concerning their care, custody, education and maintenance as concerning children whose parents are divorced. The minor child when in the actual care and custody of the mother in such cases, shall not be taken by the father of such child forcibly or against the will of the mother from her custody, and the court having jurisdiction in the premises shall have authority to make such orders and judgments as will protect the mother in the maintenance of such control and custody until otherwise ordered by the court having jurisdiction. If the minor child or minor children have not, at the time of the filing of the complaint, reached the age of 16 years, and if it

is represented to the court that evidence will be adduced involving the moral turpitude of either parent, or of such minor child or children, or that evidence will be adduced which may reflect upon the good reputation or social standing of the child or children, then the court shall admit to the hearing of such case only such persons as are directly interested in the matter then being heard. The records of such proceedings, including the complaint and accompanying affidavit or affidavits thereto, shall be withheld from indiscriminate public inspection, but shall be open to inspection by the parents, or their attorneys, and to no other person or persons except by order of the court made for that purpose.

Source C 9 2-3, as am L 1948, c 321, p 1295, §3

2A:50-32. Parents' right to custody equal; preference of father over mother; orders and judgment of court; removal of child from state. In making an order or judgment relative to the custody of the children pending a controversy between their parents, or in regard to their final possession, the rights of both parents, in the absence of misconduct, shall be held to be equal, and they shall be equally charged with their care, nurture, education and welfare, and the happiness and welfare of the children shall determine the custody or possession.

The court may make the necessary orders and judgments from time to time in relation to such custody or possession, but the father, as such, shall not have preference over the mother as to the award of custody of such minor child if the best interests of the child otherwise may be protected, and in no case shall the court having jurisdiction in this state over the person and custody of any minor permit such child to be removed from this state where the mother or father resides in this state and is the suitable person who should have the custody of such child for its best welfare.

Source C 9 2-4, as am L 1948, c 321, p 1296, §4

2A:50-33. Death of parent of custody; reversion of custody to surviving parent; appointment of guardian by superior court; removal. In case of the death of the parent to whom the care and custody of the minor children shall have been awarded by the superior court or the juvenile and domestic relations court, or in the case of the death of the parent in whose custody the children actually are, when the parents have been living separate and no award as to the custody of such children has been made, the care and custody of such minor children shall not revert to the surviving parent without a judgment of the superior court or the juvenile and domestic relations court to that effect, and the superior court shall have the right, upon complaint of a next friend on behalf of the children, to appoint such friend or other suitable person, guardian of such minor children, and shall have the right to remove such guardian,

and to appoint a new guardian or guardians and to make such orders, from time to time, as the circumstances of the case and the benefit of the children shall require

Source C 9 2-5, as am L 1948, c 321, p 1297, §5

2A:50-34. Mother entitled to custody of child; father failing to support it; father's right of visitation. In any controversy or legal proceeding involving the right as between parents to the custody of their child under 14 years of age, the father who has failed and has been able to support such child for a period of 5 years or more shall not be entitled to the care, custody or control of such child at or during any time, and the mother having the custody and having supported such child during such period shall be entitled at all times to the care, custody and control thereof. Any order of court at law or in equity made prior to April 13th, 1929, respecting the care, custody or control of such child, upon application to the court by the mother, shall be modified to conform to the provisions of this section, if the father shall have been

able and failed to support such child for a period of 5 years or more. Nothing in this section, however, shall prevent the father from visiting such child while in the mother's custody or under her control upon such terms and conditions as the court may order

Source R S 9 2-6

2A:50-35. Habeas corpus or order of court to determine custody of child; access to child. When any husband and wife shall live in a state of separation without being divorced, and shall have any minor child of the marriage, the superior court upon a writ of habeas corpus or the juvenile and domestic relations court upon summons, shall award the custody of such child and make such order relating thereto, for the access of either parent to such child, at such times and under such circumstances, as the court may deem expedient

Source C 9 2-7, as am L 1948, c 321, p 1297, §6

2A:50-36

to

2A:50-41. Blank

Chapter 51. POSSESSION OF REAL ESTATE.

Section

- 2A 51-1 Notice to landlord by tenant
- 2A 51-2 Damages recoverable
- 2A 51-3 Conclusiveness of judgment

Section

- 2A 51-4
- to**
- 2A 51-54 Blank

2A:51-1. Notice to landlord by tenant. A tenant served with summons in an action for possession of real estate in his possession, shall forthwith notify his landlord or his agent or attorney thereof, or forfeit to his landlord the value of 3 years' rent of the premises, recoverable by a civil action

Source R S 2 51-7, as am L 1948, c 373, p 1525, §7

2A:51-2. Damages recoverable. The plaintiff may recover of the defendant as damages, in his claim or action for mesne profits, the full value of the use and occupation of the premises for the time, not exceeding 6 years before the commencement of the action, the defendant was in possession thereof, which damages shall not include the value of the use of improvements made by defendant

If permanent improvements are made on the premises in good faith by the defendant, or those under whom he claims, while holding adversely to the plaintiff under color of title obtained by a fair bona fide purchase from a person in possession, and supposed to have a legal right and title thereto, the value of such permanent improvements shall be allowed to the defendant, and set off against the damages of the plaintiff but only to the extent of such damages

Source R S 2 51-48

2A:51-3. Conclusiveness of judgment. Subject to the provisions of sections 2 26-27 to 2 26-39 of this title requiring notice of the pendency of action to be given, where such notice is required, a judgment in an action for possession of real estate shall be conclusive as to any matter, including the right of possession and the title to the premises, established by the judgment, upon the party against whom it is recovered and all persons claiming from, through, or under such party, by title arising after commencement of such action

Source R S 2 51-45, as am L 1948, c 373, p 1532, §33

Note of Reporter At common law the judgment in ejectment was not conclusive as to the matter of title and perhaps not even as to the matter of possession. See *Van Blarcom v Kip*, 26 N J L 351, 360 (Sup Ct 1857), *Obert v Obert*, 10 N J Eq 98, 99 (Ch 1854) affirmed 12 N J Eq 423 (E & A 1858), 50 C J S 243. This statute was enacted in 1857 in order to change this rule of the common law, and it seems as well to leave it on the books, showing, however, clearly that other issues besides the right to possession and title to the premises may be joined in the present action for possession of real estate

2A:51-4

to

2A:51-54. Blank

Chapter 52. ESCAPES.

Section	
2A 52-1	What constitutes escape
2A 52-2	Safe-keeping of persons arrested, in custody or committed under body execution
2A 52-3	Liability for escape of person arrested, in custody or committed under body execution

2A:52-1. What constitutes escape. Any person committed to prison upon contempt, mesne process or execution, shall be actually detained within such prison until lawfully discharged. If, at any time, a prison keeper permits any person committed to his custody upon contempt, mesne process or execution to go or be at large out of prison, except by virtue of a writ of habeas corpus, court order, or as otherwise provided by law, such shall be deemed to be an escape.

Source R S 2 52-1

2A:52-2. Safe-keeping of persons arrested, in custody or committed under body execution. Every person who, by virtue of a body execution, has been or shall be taken or arrested by the officer to whom such execution has been directed, and every person who has been or shall be committed to the custody of such officer in execution, shall be kept safely in prison, without bail, except as authorized by law, until the debt or damages giving rise to the execution shall be paid and satisfied.

Source R S 2 52-2

2A:52-3. Liability for escape of person arrested, in custody or committed under body execution. If a sheriff or other officer in authority

Section	
2A 52-4	Plea of retaking on fresh pursuit in action of escape, false affidavit, punishment
2A 52-5	Blank

permits or allows any person committed pursuant to section 2A 52-2 of this title to go out of prison or be at large by bail or otherwise, except as authorized by law, without the consent of the execution creditor, he shall be liable to the execution creditor for the debt or damages for which such person has been committed, recoverable by the execution creditor from the sheriff or other officer, with costs, in a civil action in the court which issued the execution.

Source R S 2 52-3

2A:52-4. Plea of retaking on fresh pursuit in action of escape; false affidavit; punishment. In an action of escape against a sheriff, prison keeper or other officer no retaking on fresh pursuit shall be given in evidence unless the sheriff, prison keeper or other officer shall file with the court an affidavit that the person for whose escape the action is brought did escape without his consent or knowledge.

The making of a false affidavit shall be a misdemeanor, punishable by a fine of not to exceed \$1500.

Source R S 2 52-5

2A:52-5. Blank.

Chapter 53. ESCHEATS.

Section	
2A 53-1	Action for escheat of real property
2A 53-2	to
2A 53-14	Blank
2A 53-15	Definitions
2A 53-16	Property of intestate dying without heirs
2A 53-17	Property of owners remaining unknown 14 years
2A 53-18	Escheator, appointment by attorney general
2A 53-19	Duties of escheator

2A:53-1. Action for escheat of real property. Whenever the attorney general shall be informed or shall have reason to believe that any person has died seized of real property within the state without having devised and without heirs capable of inheriting such property, he shall bring an action for the escheat of the property to the state.

Source R S 2 53-1 to 2 53-14, 2 53-18, 2 53-21, 2 53-21 1, 2 53-26, 2 53-31

2A:53-2

to

2A:53-14. Blank

Section	
2A 53-20	Judgment, disposition of property, fees
2A 53-21	Operation and effect of judgment
2A 53-22	Discovery
2A 53-23	Costs
2A 53-24	Appeal
2A 53-25	Property sold, purchaser's title absolute
2A 53-26	Access to public papers and reports
2A 53-27	Copies of judgments to state treasurer
2A 53-28	Severability clause

2A:53-15. Definitions. The term "personal property" as used in sections 2A 53-15 to 2A 53-22 shall mean and include moneys, negotiable instruments, choses in action, interest, debts or demands due to the escheated estate, stocks, bonds, deposits, machinery, farm crops, live stock, fixtures, and every other kind of tangible or intangible property and the accretions thereon, up until the time of the filing of the complaint in an action of escheat, but shall not mean and include real property or property in the custody of any court in this state, nor any per-

sonal property covered by sections 17A 9-18 to 17A 9-26

Unless a different meaning clearly appears from the context, the word, phrase or term "owner", "beneficial owner", "person", "person having custody or possession", "person having any interest", "person entitled to", or any word, term or phrase of similar import, shall mean, include and refer to corporations, companies, associations, societies, firms, partnerships, joint stock companies, fiduciaries of any nature, as well as individuals

Source C 2 53-15, L 1946, c 155, p 713, §1, as am L 1947, c 357, p 1157, §1

2A:53-16. Property of intestate dying without heirs. If any person, who, at the time of his death, is the owner of any personal property within this state, shall die intestate and without heirs or known kindred, capable of inheriting the same, and without leaving a surviving spouse, such personal property, of whatsoever nature the same may be, shall escheat to the state provided such death shall have occurred after April 25, 1946

Source C 2 53-16, L 1946, c 155, p 713, §2

2A:53-17. Property of owners remaining unknown 14 years. Whenever the owner, beneficial owner, or person entitled to any personal property within this state, has been or shall be and remain unknown for the period of 14 successive years, or whenever the whereabouts of such owner, beneficial owner or person, has been or shall be and remain unknown for the period of 14 successive years, or whenever any personal property wherever situate has been or shall be and remain unclaimed for the period of 14 successive years, then, in any such event, such personal property shall escheat to the state

Source C 2 53-17, L 1946, c 155, p 713, §3, as am L 1947, c 357, p 1158, §3

2A:53-18. Escheator; appointment by attorney general. Whenever, by reason of any information filed with the attorney general, or which comes to his notice so that he shall become aware of the fact that any personal property has escheated or is supposed to have escheated to this state under the provisions of this act, he shall appoint some suitable person or persons to act as escheator of such property

Source C 2 53-18, L 1946, c 155, p 714, §5

2A:53-19. Duties of escheator. Such escheator, when so appointed, shall proceed to collect and furnish to the attorney general or to such member of the bar of this state as he may designate, all the facts, information and evidence necessary to successfully prosecute the escheat

Source C 2 53-20, L 1946, c 155, p 714, §6

2A:53-20. Judgment; disposition of property; fees. Upon the entry of a judgment escheating personal property, the person having such property in his possession shall forthwith deliver the

same to the treasurer of the state of New Jersey. If such personal property be in the form of money, the treasurer shall pay the same into the general funds of the state, if in the form of negotiable securities, he shall sell the same and deposit the proceeds thereof into the treasury of the state, and if in the form of other personal property, it shall be his duty to give public notice thereof and shall then proceed to sell the said property at public or private sale, as he may deem to the best interests of the state, and shall deposit the proceeds thereof in the general funds of the state.

Before so depositing the proceeds of said escheated property in the public fund, he shall deduct therefrom 5% of the moneys so received, and shall pay the same to the escheator as a reward for having supplied the information and evidence upon which the escheat has been successfully prosecuted and shall pay such other fees and costs as the judgment shall direct

Source C 2 53-23, L 1946, c 155, p 715, §9

2A:53-21. Operation and effect of judgment. Any judgment entered in an action for the escheat of personal property shall automatically operate as a full, absolute and unconditional release and discharge of the person having such property in possession or custody from any and all claim, demand, or liability to any person whatever other than the state treasurer with respect to such property, and such judgment may be pleaded as an absolute bar to any action brought against such person with respect to such property by any person other than the state treasurer

Source C 2 53-23 1, L 1946, c 357, p 1161, §6, suppl, to L 1946, c 155

2A:53-22. Discovery. In order to ascertain if any person has knowledge of or is in possession of any escheatable property, it shall be lawful for the attorney general or his deputy to obtain discovery on motion in the superior court requiring any such person or persons to divulge any information they may have concerning the possession or location of any property subject to escheat, or any other information pertinent to the recovery of such property by the state of New Jersey or which information may lead to the discovery of such escheatable property

Source C 2 53-24, L 1946, c 155, p 716, §10

2A:53-23. Costs. All actions for the escheat of personal property shall be without costs to the state or to the parties defendant except that the court may impose such costs or counsel fees against a defendant where such defendant shall be found by the court to have defended the escheat action without reasonable cause or justification

Source C 2 53-25, L 1946, c 155, p 717, §11

2A:53-24. Appeal. Any person aggrieved by a judgment of the court, declaring or denying the escheat of any personal property, may appeal

therefrom in the same manner as appeals are had in other civil actions

Source C 2 53-27, L 1946, c 155, p 717, §13

2A:53-25. Property sold; purchaser's title absolute. The title to property acquired by purchasers sold in accordance with a judgment for the escheat of personal property shall be absolute

Source C 2 53-28, L 1946, c 155, p 717, §15

2A:53-26. Access to public papers and reports. The attorney general or his deputy shall at all reasonable times have access to and be entitled to certified copies of all public papers and reports filed with any department of the state government, free from any cost, charge or fee

Source C 2 53-29, L 1946, c 155, p 717, §15

2A:53-27. Copies of judgments to state treasurer. Upon the final adjudication in any escheat proceedings provided herein, the attorney general shall cause a duly certified copy of the judgment to be transmitted to the state treasurer

Source C 2 53-30, L 1946, c 155, p 717, §16

2A:53-28. Severability clause. The provisions of the act now contained in sections 2A 53-15 to 2A 53-28 are severable, and in the event of any section hereof being declared unconstitutional, it is hereby declared as the legislative intent that such unconstitutional provision shall not affect any other section of this act

Source C 2 53-32, L 1946, c 155, p 718, §18

Chapter 54. Blank.

Chapter 55. FIRE ALARM SYSTEMS, DAMAGES CAUSED BY INJURIES TO OR TAMPERING WITH.

Section

2A 55-1 Liability for damages

2A:55-1. Liability for damages. A person violating any of the provisions of section 2A 148-4 of this title shall be liable for the damages caused

thereby, recoverable in a civil action by the person injured

Source R S 2 55-1

Chapter 56. FORCIBLE ENTRY AND DETAINER.

Section

2A 56-1 Unlawful entry prohibited

2A 56-2 Forcible entry and detainer defined

2A 56-3 Forcible detainer defined

2A 56-4 Estates included in sections 2A 56-1 to 2A 56-3

2A 56-5 Unlawful detainer defined

Section

2A 56-5 1 Unlawful detainer, notice

2A 56-6 Actions cognizable before district court

2A 56-7 Title not inquired into

2A 56-8 Other actions not barred

2A 56-9 Liability of sheriff

2A:56-1. Unlawful entry prohibited. No person shall enter upon any real estate and detain and hold the same, except where entry is permitted by law, and then only in a peaceable manner

Source R S 2 56-1

2A:56-2. Forcible entry and detainer defined. If any person shall enter upon any real estate and detain or hold the same with force, whether or not any person be in it, by any kind of violence whatsoever, or by threatening to kill, maim or beat the party in possession, or by such words, circumstances or actions as have a natural tendency to excite fear or apprehension of danger, or by putting out of doors, or carrying away the goods of the party in possession, or by entering peaceably and then, by force or frightening by threats, or by other circumstances of terror, turning the party out of possession, such person shall be guilty of a forcible entry and detainer within the meaning of this chapter

Source R S 2 56-2.

2A:56-3. Forcible detainer defined. No person lawfully or peaceably entering upon any real estate shall hold or keep the same with force, and whatever words or circumstances, conduct or actions, will make an entry forcible under this chapter shall also make a detainer forcible

Source R S 2 56-3

2A:56-4. Estates included in sections 2A:56-1 to 2A:56-3. Sections 2A 56-1 to 2A 56-3 of this title shall apply to all estates, whether freehold or less than freehold

Source R S 2 56-4

2A:56-5. Unlawful detainer defined. If any tenant or other person in possession of any real estate under a tenant, shall willfully and without force, hold over any real estate after demand and notice in writing given for the delivery of the possession thereof a lessor or the person to whom the remainder or reversion of such real estate shall belong, such tenant or other person,

so holding over, shall be guilty of an unlawful detainer

Source R S 2 56-5

2A:56-5.1. Unlawful detainer; notice. A person taking possession of real property, without the consent of the owner and without color of title, and willfully and without force holding or detaining the same after demand and written notice given for the delivery of the possession thereof, by the owner shall be guilty of an unlawful detainer

Source R S 2 56-5 1

2A:56-6. Actions cognizable before district court. The forcible entries and detainers, forcible detainers and unlawful detainers defined in this chapter shall be cognizable before a district court of the county in which they are committed

Source R S 2 56-6

2A:56-7. Title not inquired into. Title shall not be an issue in any action commenced by virtue of this chapter, provided, however, that the foregoing provision shall not be construed to affect the right of any person to plead occupation or possession as authorized by statute

Source R S 2 56-12

2A:56-8. Other actions not barred. A judgment obtained in an action commenced under this chapter shall not bar the party injured from bringing an action for trespass against the party offending

Source R S 2 56-23

2A:56-9. Liability of sheriff. If any sheriff shall neglect or refuse to execute or return process directed and delivered to him by virtue of this chapter, he shall, for every such offense, forfeit and pay \$200 to the party aggrieved, to be recovered, with costs, by a civil action

Source R S 2 56-27

Chapter 57. GAMING AND LOTTERIES; CIVIL LIABILITY AND PENALTIES.

Section	
2A 57-1	Gaming transactions unlawful
2A 57-2	Liability of stakeholder or person receiving wager
2A 57-3	Gaming transactions, obligations and securities void
2A 57-4	Transfer of property on gaming consideration to vest title in heirs or representatives of transferor
2A 57-5	Action by loser to recover money or property lost at gaming, with costs, limitation

Section	
2A 57-6	Popular action to recover money or property lost at gaming, limitation, costs
2A 57-7	Discovery of money or property lost at gaming
2A 57-8	Penalty for erecting, etc, lottery, action by common informer, disposition of penalty, jurors and witnesses
2A 57-9	Conveyances or transfers of property in pursuance of lottery void

2A:57-1. Gaming transactions unlawful. All wagers, bets or stakes made to depend upon any race or game, or upon any gaming by lot or chance, or upon any lot, chance, casualty or unknown or contingent event, shall be unlawful

Source R S 2 57-1

2A:57-2. Liability of stakeholder or person receiving wager. Whoever pays, delivers or deposits any money, property or thing in action upon the event of any wager or bet prohibited by this chapter or by any law of this state, may sue for and recover the same of the winner, or person to whom the same shall be paid or delivered, or of the stakeholder or other person in whose hands the same shall be deposited, or any part thereof, whether or not the same shall have been delivered or paid over by such depository or stakeholder and whether or not any such wager or bet be lost

Source R S 2 57-2

2A:57-3. Gaming transactions, obligations and securities void. All promises, agreements, notes, bills, bonds, contracts, judgments, mortgages, leases or other securities or conveyances which shall be made, given, entered into or executed by any person, the whole or part of the consideration of which is for any money, property or thing in action whatsoever laid, won or bet

in violation of section 2A 57-1 of this title, or for reimbursing or repaying any money knowingly lent or advanced to help or facilitate such violation, shall be utterly void and of no effect

Source R S 2 57-3

2A:57-4. Transfer of property on gaming consideration to vest title in heirs or representatives of transferor. If any sale, conveyance, lease or mortgage of either real or personal estate as is made void by section 2A 57-3 of this title shall be made, the same shall inure to the use of the heirs or legal representatives of the vendor, lessor or mortgagor, and shall vest the whole estate and interest so attempted to be transferred in such property, to all intents and purposes, in such heirs or legal representatives in the same manner as though the vendor, bargainor, lessor or mortgagor had died intestate. All conveyances or other devices made to evade this section shall be utterly void

Source R S 2 57-4

2A:57-5. Action by loser to recover money or property lost at gaming, with costs; limitation. If any person shall lose any money, goods, chattels or other valuable thing, in violation of section 2A 57-1 of this title, and shall pay or deliver the same or any part thereof to the winner, or to any person to his use, or to a

stakeholder, such person may sue for and recover such money, or the value of such goods, chattels, or other valuable thing, from such winner, or from such depository, or from such stakeholder, whether the same has been delivered or paid over by such stakeholder or not, with costs of suit, in a civil action founded on this chapter, but such suit shall be brought within '6 calendar months after payment or delivery as aforesaid
Source R S 2 57-5

2A:57-6. Popular action to recover money or property lost at gaming; limitation; costs. If the person who shall lose and pay such money, or lose and deliver such thing or things as aforesaid, shall not, within the time aforesaid, without collusion, sue for the money or other thing or things so lost and paid, or delivered, any other person may sue for and recover the same, with costs of suit, from such winner, depository or stakeholder as aforesaid, the one moiety thereof to the use of the person suing for the same, and the other moiety to the use of the state, but such suit shall be instituted within 6 calendar months from and after the expiration of the time limited in section 2A 57-5 of this title for the loser to sue for the same
Source R S 2 57-6

2A:57-7. Discovery of money or property lost at gaming. Every person who, by virtue of this chapter, shall or may be liable to be sued for moneys or other things so won, paid or deposited, as aforesaid, shall make discovery in accordance

with such procedure as may be established by rule of court, either before or after action is commenced, concerning the money or other things so won, paid or deposited as aforesaid
Source R S 2 57-7

2A:57-8. Penalty for erecting, etc., lottery; action by common informer; disposition of penalty; jurors and witnesses. No person shall, within this state, publicly or privately, erect, set up, open, make or draw any lottery prohibited by the laws of this state, and any person who shall offend in the premises shall forfeit, for every such offense, \$2,000, to be recovered with costs in a civil action by any person who will sue for the same

Of each and every penalty recovered under this section there may be appropriated a portion, which shall not exceed 1% of such penalty, to be assessed by the jury hearing the cause, or by the court if the cause be determined without a jury, to the informer, and the residue of such penalty not so appropriated to the informer shall be appropriated to the use of the county in which the action for the recovery thereof shall have been prosecuted
Source R S 2 57-8

2A:57-9. Conveyances or transfers of property in pursuance of lottery void. Every conveyance or other transfer of any property, real or personal, made in pursuance of any lottery forbidden by the laws of this state, shall be void and of no effect
Source R S 2 57-9

Chapter 57A. IDIOTS AND LUNATICS; DISCHARGE FROM ARREST ON CIVIL PROCESS.

Section

2A 57A 1. Arrest or imprisonment in civil action prohibited, discharge on habeas corpus

2A:57A-1. Arrest or imprisonment in civil action prohibited; discharge on habeas corpus. No idiot or lunatic, during the time of his lunacy, shall be committed or detained in prison for want of bail, or his body taken in execution in any civil action, or in any action for a penalty In case any idiot or lunatic shall be arrested and

detained in custody in any civil action, contrary to the true intent and meaning of this section, he shall be discharged, on motion, by the court out of which the process on which he is so held issued, or upon a writ of habeas corpus
Source R S 2 57A-1

Chapter 58. LANDLORD AND TENANT; RIGHTS AND REMEDIES.

Section

Article 1 Lien of Landlord

- 2A 58-1 Landlord's lien for rent, amount, taking goods or chattels to satisfy
2A 58-2 Levy subject to landlord's lien, time of sale, notice
2A 58-3 Goods and chattels removed openly and in day-time, notice to defendant

Article 2 Liability for Rent and Penalties for Holding Over

- 2A 58-4 Undertenants liability for rent
2A 58-5 Holding over by tenant after giving notice of quitting, double rent recoverable

Section

- 2A 58-6 Willful holding over by tenant after expiration of term, notice to deliver possession, penalty

Article 3 Civil Action for Re-entry

- 2A 58-7 Civil action for nonpayment of rent, service of summons
2A 58-8 Judgment and execution bar to relief, except appeal
2A 58-9 Injunction against proceeding, payment of money and costs into court
2A 58-10 Plaintiff accountable for amount realized on execution, deficiency paid by lessee.

Section

- 2A 58-11 Dismissal on payment of rent and costs, resumption of lease
 2A 58-12 Rights of mortgagee, payment of rent and costs

Article 4 Actions for Rent

- 2A 58-13 Action for rent upon lease for life
 2A 58-14 Death of tenant for life, remedy for recovery of rent
 2A 58-15 Action for use and occupation, evidence at trial
 2A 58-16 Warrant or writ of removal, discretion to stay issuance in cases of hardship
 2A 58-17 Payment for continued occupancy not to create new tenancy
 2A 58-18 Effective date and duration of act, prohibition against stay, application, municipalities not under rent control
 2A 58-19 Leases for indefinite terms with rent payable monthly, dispossession, disorderly tenant

Article 5 Rent Control

- 2A 58-20 Legislative finding regarding shortage of housing space
 2A 58-21 Purpose of article
 2A 58-22 Rental areas, area rent control boards, county rent control boards
 2A 58-23 Maximum rents, June 1, 1950 used as basis, unlawful acts
 2A 58-24 Regulations, prohibiting certain practices, surveys, hearings, office space, employees
 2A 58-25 Adjustments in rents, basis
 2A 58-26 Appeal from order of county board
 2A 58-27 Proceedings for recovery of possession, grounds
 2A 58-28 Exemptions from article
 2A 58-29 Form of regulations or orders, exceptions as to certain housing space, studies and hearings, witnesses
 2A 58-30 Violations
 2A 58-31 Enforcement of article, legal assistance
 2A 58-32 Waiver of provisions
 2A 58-33 Inconsistent provisions
 2A 58-34 Partial invalidity
 2A 58-35 Definitions

Article 1 LIEN OF LANDLORD

2A:58-1. Landlord's lien for rent; amount; taking goods or chattels to satisfy. No goods or chattels whatsoever, being in or upon any real estate, which is or shall be leased for term of life or lives, year or years, at will or otherwise, shall be liable to be taken, by virtue of any execution, attachment or other process, unless the party sued out the same shall, before the removal of such goods or chattels from the premises by virtue of such process, pay to the landlord of such premises, or his bailiff, all rent due for such premises at the time of the taking of such goods or chattels by virtue of such process, or which shall have accrued up to the day of the removal of the goods and chattels from the premises, whether, by the terms of lease, the day of payment shall have come or not, making a rebate of interest on the sum, the time of payment of which, by the terms of the lease, shall not have come, provided always that the arrears of rent do not amount to more than 1 year's rent. If the arrears of rent shall exceed 1 year's rent, the party at whose action such process is

Section

- 2A 58-36 Article inoperative while federal rent control laws are in force
 2A 58-37 Termination of article
 2A 58-38 Termination in municipalities over 18,000 by resolution of governing body, reinstatement
 2A 58-39 Termination in municipalities under 18,000, reinstatement
 2A 58-40 Article inoperative in municipalities from which rent control has been removed, exception
 2A 58-41 Effective date

Article 6 Distress for Rent

- 2A 58-42 Property subject to distraint
 2A 58-43 Limitation of right to distraint
 2A 58-44 Distraint after term or estate ended
 2A 58-45 Exemptions, amount
 2A 58-46 Time for owner of distrained property to replevy, inventory and appraisal, aid of sheriff
 2A 58-47 Sale of distrained property, notice
 2A 58-48 Impounding and sale on premises
 2A 58-49 Selection of articles to be exempted, when by appraisers
 2A 58-50 Procedure if landlord fails to proceed with appraisement, selection
 2A 58-51 Provisions applicable to undertenants
 2A 58-52 Officers aiding in execution, fees
 2A 58-53 Distress for residue
 2A 58-54 Pound breach or rescue, remedy, damages
 2A 58-55 Wrongful distress and sale, remedy
 2A 58-56 Wrongful acts after distraint, remedy, damages, tender of amends
 2A 58-57 Actions against distrainor, costs in certain cases
 2A 58-58 Property followed and seized, disposition, bona fide purchasers
 2A 58-59 Forfeiture for carrying off
 2A 58-60 Seizure of property locked up, breaking and entering
 2A 58-61 Remedy after estate for life ended
 2A 58-62 Remedy of executor or administrator of testator or intestate

sued out may, upon paying the landlord or his bailiff 1 year's rent, proceed to execute his process as he might heretofore have done, and the sheriff or other officer may and shall levy and pay to the plaintiff, as well the money so paid for rent as the money to be made by virtue of such process

Source R S 2 58-1

2A:58-2. Levy subject to landlord's lien; time of sale; notice. If any goods or chattels, being in or upon any real estate leased as provided by section 2A 58-1 of this title, shall be taken by virtue of any execution, attachment or other process and removed from the leased premises, the same shall not be sold by the sheriff or other officer so taking and removing them until 10 days after such removal, and not then unless the party at whose action such goods or chattels are so taken shall, before the sale thereof, pay to the landlord of such premises, or his bailiff, such sum as he may be entitled to receive for rent under the provisions of said section 2A 58-1, provided the landlord or his bailiff shall, before the expiration of the 10 days above-mentioned,

give notice to the sheriff or other officer holding such process of the amount of rent in arrear, and claim the same, which notice may be served by delivering the same to the sheriff or other officer, or by leaving a copy thereof at his usual place of abode

Source R S 2 58-2

2A:58-3. Goods and chattels removed openly and in daytime; notice to defendant. No such goods and chattels shall be removed from the leased premises by the sheriff or other officer, except openly and in the daytime, and not then unless such officer shall, at the time of such removal, give notice thereof to the defendant, or, in his absence, to some person of his family residing on such premises, of such removal

Source R S 2 58-3

Article 2 LIABILITY FOR RENT AND PENALTIES FOR HOLDING OVER

2A:58-4. Undertenant's liability for rent. When premises shall be underlet by any tenant, the undertenant shall be liable to the lessor or landlord for the rent which shall accrue from and after notice in writing served for that purpose upon the undertenant, or which shall be unpaid by the undertenant at the time of such notice, and the lessor or landlord shall have all the remedy for the recovery of the same by distress, but the rent to be paid by such undertenant shall in no case exceed the amount agreed to be paid by the first tenant. If only a part of the premises shall be underlet, payment shall be required only for the part underlet, at a rate proportioned to the rent agreed to be paid by the first tenant or lessee

Source R S 2 58-4

2A:58-5. Holding over by tenant after giving notice of quitting; double rent recoverable. If a tenant of real estate shall give notice of his intention to quit the premises by him held at a time specified in such notice, and shall not deliver up the possession of such real estate at the time specified in the notice, such tenant, his executors or administrators, shall, from such time, pay to his landlord or lessor, his heirs or assigns, double the rent which he should otherwise have paid, to be levied, sued for and recovered at the same times and in the same manner as the single rent before the giving of such notice could be levied, sued for and recovered, and such double rent shall continue to be paid during all the time such tenant shall continue in possession after the giving of such notice

Source R S 2 58-5

2A:58-6. Willful holding over by tenant after expiration of term; notice to deliver possession; penalty. When a tenant for any term of life or lives, year or years, or other persons coming into possession of any real estate by, from or under, or by collusion with such tenant, willfully holds over any such real estate after the de-

termination of such term and after demand made and notice in writing for delivering the possession thereof, given by his landlord or lessor, or by the person to whom the remainder or reversion of such real estate shall belong, or his agent thereunto lawfully authorized, the person so holding over shall, for and during the time he so holds over or keeps the person entitled out of possession of such real estate as aforesaid, pay to the person so kept out of possession, his executors, administrators or assigns, at the rate of double the yearly value of the real estate so detained, for so long a time as the same is detained, which amount shall be recoverable by a civil action in any court of competent jurisdiction, and, in any such action the defendant shall give special bail, and, against such action, shall have no relief in equity

Source R S 2 58-6

Article 3 CIVIL ACTION FOR RE-ENTRY

2A:58-7. Civil action for nonpayment of rent; service of summons. A landlord or lessor to whom 1 year's rent in arrear is due, and who shall have the right to re-enter the demised premises for nonpayment thereof, may without a formal demand or re-entry, file a complaint and serve a summons in a civil action for the possession, of such premises. If the summons cannot be legally served, or no tenant be in actual possession of the premises, the landlord or lessor may affix the same upon the door of the demised messuage if such action be for the recovery of any messuage, and if not, then upon a conspicuous part of the real estate described in the complaint, which affixing shall be deemed legal service thereof. The service or affixing shall take the place of a demand and re-entry

Source R S 2 58-7, as am L 1948, c 338, p 1324, §1

2A:58-8. Judgment and execution bar to relief, except appeal. A lessee or other person claiming or deriving title under a lease who suffers judgment in said action for possession and execution to be executed thereon, without paying the rent and arrears, together with full costs and without filing any complaint for relief in equity within 6 months after the execution is executed, shall be barred and foreclosed from all relief or remedy in law or equity other than by appeal for reversal of the judgment, and the landlord or lessor shall, from thenceforth hold the demised premises discharged from the lease. If in such action for the possession of the demised premises there should be a verdict for the defendant or plaintiff's action be dismissed therein, the defendant shall recover his full costs

Source R S 2 58-8, as am L 1948, c 338, p 1325, §2

2A:58-9. Injunction against proceeding; payment of money and costs into court. A person claiming a right, title or interest in law or equity in the lease, who shall, within the time mentioned in section 2A 58-8 of this title, file a complaint for relief in equity, shall not have or continue an injunction against the proceedings in the action

for possession of the demised premises, unless he shall, within 20 days next after the plaintiff in such action for possession of the demised premises shall file a true and perfect answer, bring into court and lodge with the proper officer, the sum of money as such plaintiff shall, in his answer, swear to be due and in arrear over and above all just allowances and also the costs taxed in the action, there to remain till the hearing of the cause or to be paid to the plaintiff on good security, subject to the order or judgment of the court

Source R S 2 58-9, as am L 1948, c 388, p 1325, §3

2A:58-10. Plaintiff accountable for amount realized on execution; deficiency paid by lessee. If the complaint mentioned in section 2A 58-9 of this title shall be filed within the required time and after execution is executed, the plaintiff shall be accountable only for so much as he shall bona fide and without self-neglect, make of the demised premises from his time of entering into actual possession thereof. If the amount so made by the plaintiff shall be less than the rent reserved on the lease, the lessee, or his assignee, before he shall be restored to his possession, shall pay the plaintiff the money that fell short of the reserved rent, for the time the plaintiff held the lands

Source R S 2 58-10, as am L 1948, c 338, p 1326, §4

2A:58-11. Dismissal on payment of rent and costs; resumption of lease. If the tenant or his assignee shall at any time before the trial in the action for possession of the demised premises, pay or tender to the lessor or landlord, his executor, administrator or attorney, or pay into the court where the action for possession of the demised premises shall be pending, all the rents and arrears, together with the costs, all further proceedings in the action shall be dismissed. If the lessee, his executors, administrators or assigns, shall, upon the complaint filed, mentioned in section 2A 58-9 of this title, be relieved in equity, he shall have, hold and enjoy the demised lands, according to the lease thereof made, without a new lease being made to him

Source R S 2 58-11, as am L 1948, c 388, p 1326, §5

2A:58-12. Rights of mortgagee; payment of rent and costs. Nothing contained in sections 2A 58-7 and 2A 58-8 of this title shall extend to bar the right of a mortgagee of such lease, or any part thereof, who shall not be in possession, if he shall, within 6 months after judgment is obtained and execution executed, pay all rent in arrear, costs and damages sustained by the lessor, or person entitled to the remainder or reversion and perform the covenants and agreements which on the part and behalf of the first lessee should be performed

Source R S 2 58-12

Article 4 ACTIONS FOR RENT

2A:58-13. Action for rent upon lease for life. A person having rent in arrear or due upon a

lease for life may bring a civil action for the arrears in the same manner as he might have done if the rent was reserved and due upon a lease for years

Source R S 2 58-13

2A:58-14. Death of tenant for life; remedy for recovery of rent. When a tenant for life shall die before or on the day on which rent was reserved or made payable, upon a lease of real estate which determined on the death of the tenant for life, the executors or administrators of the tenant for life may in a civil action recover from the undertenant of the real estate, the whole, if the tenant for life dies on the day the same was made payable, or if before that day, then a proportion thereof, according to the time the life tenant lived in which the rent was growing due, making all just allowances or a proportional part thereof, respectively

Source R S 2 58-14

2A:58-15. Action for use and occupation; evidence at trial. The landlord, his heirs or assigns, may, where the agreement is not by deed, recover a reasonable satisfaction for the real estate, held or occupied by the defendant, in a civil action, for the use and occupation of what was so held or enjoyed

If in evidence on the trial of the action, a parol lease or agreement not being by deed, whereon a certain rent was reserved, shall appear, the plaintiff's claim shall not therefor be dismissed, but he may make use thereof as an evidence of the quantum of the damages to be recovered

Source R S 2 58-15

2A:58-16. Warrant or writ of removal; discretion to stay issuance in cases of hardship. Notwithstanding any other provisions of law, in any action brought by a landlord against a tenant to recover possession of premises used for dwelling purposes, if it shall appear that by the issuance of the warrant or writ the tenant will suffer hardship because of the unavailability of other dwelling accommodations the judge may stay the issuance of the warrant or writ and cause the same to issue at such time as he shall deem proper under the circumstances, but in no case shall such judge stay the issuance of any such warrant or writ for possession for a longer period than 6 months after the date of entry of the judgment of possession, provided, however, that in no case shall the issuance of the warrant or writ be stayed or the stay thereof be longer continued, as the case may be, if the tenant should (a) fail to pay to the landlord all arrears in rent or the amount that would have been payable as rent if the tenancy had not been interrupted, or both, together with the accrued costs of the action, or (b) during the stay, fail to continue to pay to the landlord the amount that would be due if the tenancy had not been interrupted, or (c) during the stay, become so disorderly as to destroy the peace and

quiet of the other tenants living in the same building or in the neighborhood, or (d) during the stay, wilfully destroy, damage or injure the premises

Source L 1949, c 17, p 58, §1, as am L 1949, c 307, p 993, §1

2A:58-17. Payment for continued occupancy not to create new tenancy. In no event shall any payment made by the tenant to the landlord for continued occupancy of the premises, as provided in section 2A 58-16, be deemed to create a new tenancy

Source L 1949, c 17, p 59, §2

2A:58-18. Effective date and duration; prohibition against stay, application; municipalities not under rent control. Sections 2A 58-16 and 2A 58-17 shall take effect on July 1, 1949, but shall become inoperative on and after July 1, 1951, and from the 28th of April, 1950 until July 1, 1951, the prohibition against the issuance of a stay for a longer period than 6 months, in section 2A 58-16, shall be inapplicable in any case where the landlord is a municipality, board of education, or other political subdivision of the state and the action or proceeding is brought to recover possession of premises occupied by a tenant or tenants to whom the premises were rented by the United States of America or an agency thereof by reason of the status of a veteran or veterans, and which premises have been transferred and conveyed by the United States of America or an agency thereof to the said municipality, board of education, or other political subdivision, and in any such case, the judge may stay the issuance of a warrant or writ for possession, for a period longer than 6 months but not beyond the operative period of sections 2A 58-16 and 2A 58-17. After August 1, 1950, this act shall be inoperative in any municipality wherein there shall be no rent control, under federal or state regulations, or wherein rent control shall have been decontrolled under any such regulations

Source L 1949, c 17, p 59, §4, as am L 1950, c 85, p 150, §1

2A:58-19. Leases for indefinite terms with rent payable monthly; dispossession; disorderly tenant. In any letting where no term is agreed upon and the rent is payable monthly, the landlord shall not, so long as the tenant pays the rent as agreed, dispossess the tenant before the 1st day of April succeeding the commencement of such letting without giving the tenant 3 months' notice in writing to quit provided however that such tenant may at any time be removed under the provisions of R S 2A 32-265 (b) and (c)

Source R S 2 58-32

Article 5 RENT CONTROL

2A:58-20. Legislature finding regarding shortage of housing space. The legislature hereby finds and declares that a serious public emer-

gency exists due to the continued critical shortage of housing space within the state of New Jersey resulting from the economic effects and conditions created by the prosecution of world war II and the aftermath of hostilities

Source L 1950, c 234, p 582, §1

2A:58-21. Purpose of this article. It is hereby declared to be in the interest of the health, safety and general welfare of the people of New Jersey to prevent unwarranted and abnormal increases in rents, to alleviate the effects of the critical shortage in housing space and living accommodations caused by the economic dislocations of world war II and the aftermath of hostilities, and to protect persons living in the state of New Jersey from undue impairment of their standard of living during the present emergency and critical housing shortage. To the end that these purposes may be effectively carried out the provisions hereof are enacted

Source L 1950, c 234, p 582, §2

2A:58-22. Rental areas; area rent control boards; county rent control boards.

a For the purposes of this article, the governor shall divide the state into 5 or more rental areas, and for each of such areas an area rent control board shall be created by the governor in the department of conservation and economic development. Each such board shall be designated by an appropriate number. In constituting such areas the governor shall take into consideration density of population, rental housing accommodations in relation to population, and such other factors as he may deem to be related

Each area rent control board shall consist of not less than 5 members who are citizens of the area and who, insofar as practicable, as a group are representative of the affected interests in the area. The members of such boards shall be appointed by the governor and shall serve at the pleasure of the governor. The governor shall designate one of the members of each such board to serve as chairman thereof. Members of such boards shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties. Any vacancy in the membership of any of said boards occurring from any cause shall be filled in the same manner as the original appointment

b There is hereby established in each of the counties of this state, a county rent control board, which shall consist of the members of the county board of taxation in such county as said board is now or may hereafter be duly and legally constituted

Source. L 1950, c 234, p 582, §3

2A:58-23. Maximum rents; June 1, 1950 used as basis; unlawful acts. It shall be unlawful, regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, or any notice of increase in rent or eviction served upon any tenant, for any person to demand

or receive any rent for housing space in excess of the lawful rent established or fixed for such housing space as of June 1, 1950, except as otherwise hereinafter provided, to evict, dispossess or institute any action for the repossession of housing space except as hereinafter provided, or to willfully do or attempt to do any act in violation of this article or any regulation or order issued under authority of this article

Source L 1950, c 234, p 583, §4

2A:58-24. Regulations; prohibiting certain practices; surveys; hearings; office space; employees.

a Each area rent control board, subject to the approval of the commissioner, shall establish, and may from time to time amend, modify, or repeal, such reasonable regulations as may be necessary to effectuate the purposes of this article as set forth in section 2A 58-21 hereof, and such purposes, together with other pertinent factors prescribed herein, shall be deemed to be the standards upon which such regulations may be made. Such regulations shall be effective in the area for which such board was established.

Whenever in the judgment of an area rent control board such action is necessary or proper in order to effectuate the purposes of this article, the board may, subject to the approval of the commissioner, by regulation or order (1) regulate or prohibit speculative or manipulative practices or renting or leasing practices, including practices relating to the recovery or possession of housing space, and (2) assure the maintenance of the same living space, essential services, furniture, furnishings and equipment as were provided on April 1, 1950. Regulations adopted by any area rent control board under this article may contain such provisions as the board deems necessary to prevent the circumvention or evasion thereof.

b. The commissioner shall approve the regulations issued by the respective area rent control boards before they shall become effective and shall act in an advisory capacity in assisting the boards to effectuate the purposes of this article.

c Each area rent control board shall from time to time conduct surveys within the area for which such board was established for the purpose of ascertaining whether the demand for rental housing space within such area, or portion thereof, has been reasonably met to the end that such board may formulate plans and policies for the gradual decontrol of housing space within such area, or portion thereof, at the earliest practical time.

d Each area rent control board in the area for which such board was established, shall conduct hearings and promulgate regulations in accordance with the provisions of this act. Hearings may be conducted by a single member of such area board or its agent. All findings and determinations shall be reviewed and approved by a majority of said board. Any regulation

promulgated by such board, or any amendment, modification or repealer thereof, shall take effect only when approved by a majority of said board and the commissioner.

e The county rent control board or its agent or agents designated by a majority of the board in the county in which the housing space is located shall conduct hearings and make appropriate orders thereon in accordance with the provisions of this article and the applicable regulations established hereunder. Hearings may be conducted by a single member of such county board or its agent. All findings and determinations shall be reviewed and approved by a majority of said board.

f The area rent control boards and the commissioner may utilize the services and office space of state, county or local agencies, boards and departments and utilize such voluntary and uncompensated services as may be available and as they deem desirable or necessary to carry out their functions and duties under this article. The commissioner may appoint such employees, on a temporary basis, as he deems necessary to assist him and the area rent control boards in the performance of their duties under this article and shall fix their compensation within the limits of available appropriations therefor. Such appointments shall be only for the duration of the emergency herein declared and shall not be subject to the provisions of Title 11 of the Revised Statutes of 1937 as amended and supplemented. The commissioner may also designate such of his powers as he may deem desirable and necessary for the efficient performance of his duties in effectuating the purposes of this article.

Source L 1950, c 234, p 583, §5

2A:58-25. Adjustments in rents; basis. The county rent control board, under regulations promulgated in accordance with the provisions hereof by the area rent control board for the area in which such county is situated may, upon proper application and after a hearing, upon notice to all parties in interest, by appropriate order, allow such adjustments in the rent for any housing space as shall be deemed just and equitable by said county board. In arriving at this determination, the county board shall give due consideration to the changes, since January 1, 1942, in the following factors concerning the property in question:

1 Taxes;

2 Costs of maintenance and operation of the property;

3 The kind, quality and quantity of services furnished or the kind, quality and quantity of services due the tenant and being withheld by the landlord, and

4 Any increase in the present rental of said space over the rent pertaining on June 1, 1946.

The county board also may give consideration

to such other factors as may bear upon the application before it

The county rent control board is authorized, after hearing, to order a decrease in the lawful rent payable for any housing space where, on petition filed, it shall be satisfied that the landlord is withholding services, furniture, furnishings and equipment rightfully due the tenant

No rent adjustment approved by the county rent control board shall be retroactive

Except as may be authorized by regulation of the area rent control board for the area in which such county is situated, adopted, in accordance with the provisions hereof, after public hearing conducted by such area rent control board on adequate notice to the affected interests in such county In no event shall any increase in rent be allowed by any county rent control board which will result in an increase in rent in excess of 10% of the lawful rent for the housing space, the subject matter of any application to the board, as of June 1, 1950, provided, however, that no increase shall be allowed by any county rent control board where the same, together with any increase in rent for the housing space granted or permitted by the federal housing expediter, or any office thereof, or under or pursuant to any federal law since June 30, 1947, is equal to or more than 10% of the lawful rent for the housing space as of June 30, 1947 The area rent control board for the area in which such housing space is situated, in adopting any regulations pursuant to this paragraph establishing any maximum allowable rent increase for such housing space, shall ascertain and give due consideration to the lawful rent established or fixed for such housing space as of June 1, 1950, the lawful rent established or fixed for comparable housing space as of June 1, 1950, the availability or unavailability of vacant housing space in the area, the ratio of vacant housing space to total housing space in the area, and any other factors relevant to the determination of fair and equitable rents

Source L 1950, c 234, p 585, §6

2A:58-26. Appeal from order of county board.

Either party who may feel aggrieved by an order of the county board may appeal therefrom to the county court of the county in which the housing space in question is located The county court shall speedily hear the case de novo, without a jury In determining such appeal, the court shall be governed by the provisions of this article and the regulations promulgated hereunder

Source L 1950, c 234, p 587, §7

Note of Reporter The time within which an appeal may be taken from orders and determinations of the board is properly governed by the rules of civil procedure See Rule 1 2-5

2A:58-27. Proceedings for recovery of possession; grounds. Proceedings may be instituted and maintained in any court of competent jurisdiction for the recovery of possession of any

housing space only under the following conditions

a On account of default in the payment of rent, provided the complainant shall allege in the complaint or affidavit and prove to the satisfaction of the court that the rent charged is not greater than the lawful rent established for such housing space as of June 1, 1950, or such other rent therefor as may have been fixed pursuant to sections 2A 58-24 and 2A 58-25 of this article

b In cases where a person owns or acquires an enforceable right to buy and take possession of the housing space and seeks in good faith for his own use to recover or obtain possession of the housing space owned or acquired as herein set forth, subject, however, to such regulations governing such cases as shall be promulgated, in accordance with the provisions hereof, by the area rent control board for the area in which such housing space is situated, and

c In all other cases as may be provided by the regulations, promulgated in accordance with the provisions hereof, of the area rent control board for the area in which such housing space is situated

No judgment for possession of housing space pursuant to the provisions of subsections b and c shall be entered by any court unless the complainant shall satisfy the court that he has complied with all the provisions of this article and the applicable regulations issued thereunder

All issues concerning compliance with the provisions of this article and the regulations issued thereunder shall first be determined by the judge in a summary manner

Source L 1950, c 234, p 587, §8

2A:58-28. Exemptions from article. Any additional housing space created by new construction subsequent to June 30, 1950, shall be exempt from the provisions of this article and the regulations issued under its authority, provided, however, that when such space shall have been rented at a rental fixed by the owner thereof, the provisions of this article and the applicable regulations issued hereunder shall thereafter apply

Source L 1950, c 234, p 588, §9

2A:58-29. Form of regulations or orders; exceptions as to certain housing space; studies and hearings; witnesses. a Any regulation or order issued in accordance with the provisions of this article by any area rent control board may be in such form and may contain such classifications and differentiations, and may provide for such adjustments or reasonable exceptions, as in the judgment of such area rent control board are necessary or proper in order to effectuate the purposes of this article Under regulations to be prescribed in accordance with the provisions hereof by each area rent control board, it shall provide for exceptions with reference to housing space rented, leased or subleased for seasonal use, housing space situated on a farm and oc-

cupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon, and housing space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part or all of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the housing space is a part

b The area rent control boards and the commissioner are authorized to make such studies and investigations, to conduct such hearings and to obtain such information as they deem necessary or proper to assist them in the performance of their functions under this article, or in the administration and enforcement of this article and regulations and orders thereunder

c The area rent control boards and the county rent control boards or any member of such boards may administer oaths and affirmations and may, whenever necessary, by subpoena require any person to appear and testify or to appear and produce documents or both at any designated place

d In case of contumacy by, or refusal to obey a subpoena served upon, any person pursuant to subsections b or c, the county court for any county in which such person is found or resides, upon application by any area or county rent control board, or the commissioner, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof

e Witnesses subpoenaed under this section shall be paid the same fees and mileage as are paid witnesses in courts of law

f Any person subpoenaed under this section shall have the right to make a record of his testimony and to be represented by counsel

Source L 1950, c 234, p 589, §10

2A:58-30. Violations. Any person who shall willfully violate any of the provisions of this article or any regulation thereunder, or who shall willfully aid and abet the violation of any of the provisions of this article or the regulations thereunder or attempt to do any of the foregoing shall be adjudged a disorderly person and shall upon conviction be dealt with as provided in chapter 205 of Title 2 of the Revised Statutes of New Jersey and the supplements thereto and amendments thereof

Source L 1950, c 234, p 590, §11

2A:58-31. Enforcement of article; legal assistance. Whenever any area or county rent control board, or the commissioner has reason to believe that any person is liable to punishment under this article, it or he may certify their respective findings to the attorney general, who shall cause appropriate proceedings to be brought. The attorney general shall furnish to the area

rent control boards, the commissioner, and the county rent control boards, the necessary legal assistance required for the administration of this article

Source L 1950, c 234, p 590, §12

2A:58-32. Waiver of provisions. Any waiver of any of the provisions of this article shall be unenforceable and void unless approved by the appropriate area rent control board and the commissioner

Source L 1950, c 234, p 590, §13

2A:58-33. Inconsistent provisions To the extent that the provisions of this article are inconsistent with the provisions of any other law, the provisions of this article shall be controlling

Source L 1950, c 234, p 590, §14

2A:58-34. Partial invalidity. If any provision of this article or the application of such provision to any person or circumstances shall be held invalid or unconstitutional, the validity and constitutionality of the remainder of the article and the applicability of such provisions to other persons or circumstances shall not be affected thereby

Source L 1950, c 234, p 590, §15

2A:58-35. Definitions. Unless expressly otherwise provided, whenever used in this article, the following terms shall mean or include

a "Housing space" Any building or structure, or any part thereof or land appurtenant thereto, or any real or personal property, rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property, but not including dwelling space in any hotel or established guest house, commonly regarded as a hotel or established guest house, as the case may be, in the community in which it is located

b "Landlord" An owner, lessor, sublessor, receiver, trustee, executor, assignee, or other person receiving or entitled to receive rent for the use or occupancy of the whole or a part of any housing space

c "Tenant" A lessee, sublessee, licensee, or other person entitled to the possession or to the use or occupancy of the whole or a part of any housing space

d "Exception" Any exemption, in whole or in part, from the provisions of this article or any applicable regulation issued hereunder

e "Services" Repairs, decorating and maintenance, the furnishing of light, steam, heat, hot and cold water, telephone, elevator service, cleaning service, linen service, janitor service, the removal of refuse and any other facility or privilege connected with and furnished by the landlord for the use or occupancy of the housing space

f "Rent" The consideration, including any bonus, benefit, or gratuity, charged or received

by the landlord, his agents, or other representatives for the use or occupancy of the whole or any part of any housing space created prior to the effective date of this article, and including the services in connection therewith

g. "Commissioner" The commissioner of conservation and economic development

h. "Person" An individual, corporation, partnership, association, or any other organized group of individuals or the legal successor or representative of any of the foregoing

Source L 1950, c 234, p 591, §16

2A:58-36. Article inoperative while federal rent control laws are in force. The provisions of this article shall not be or become operative so long as rent control established by the federal price administrator pursuant to the emergency price control act of 1942, as amended, or other duly authorized officer or agency of the United States pursuant to any federal law, is in force and effect whether or not by the terms of such federal act or law or by administrative regulation or order, it is limited or confined to, or excepts any rent control area or other area or region in this state, or any type, category or other classification of housing accommodations or space heretofore or hereafter subject to control of rents, or housing accommodations or space heretofore or hereafter constructed

Source L 1950, c 234, p 592, §17

2A:58-37. Termination of article. The provisions of this article and all regulations and orders thereunder shall, unless extended by act of the legislature, terminate on June 30, 1952, or upon the date specified in a proclamation by the governor declaring that the further continuance of the provisions of and the authority granted by this article are not necessary in the interests of the public health, safety and general welfare, whichever date is the earlier, or the operation of this article may be suspended and restored by proclamation of the governor prior to the termination date hereof, except that as to offenses committed, or rights or liabilities incurred, prior to such termination date, the provisions of this article and such regulations and orders thereunder shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution with respect to any such right, liability or offense

Source L 1950, c 234, p 592, §18

2A:58-38. Termination in municipalities over 18,000 by resolution of governing body; reinstatement. The provisions of this article shall terminate in any municipality having a population exceeding 18,000, as ascertained by the federal census for the year 1940, and in which such provisions shall have been in actual operation if (a) the governing body of such municipality shall by resolution find that there no longer exists a shortage of rental housing accommodations or space in the municipality as to require

rent control in such municipality, and shall file a certified copy of such resolution with the area rent control board for the area in which such municipality is situated and with the commissioner, and (b) such area rent control board shall approve such resolution Upon the filing of a notice of such approval by such area rent control board with the commissioner and the governing body of such municipality, the provisions of this article and the regulations issued or to be issued hereunder shall terminate in such municipality.

The provisions of this article shall be reinstated in any municipality in which it shall have terminated as above provided in this section if. (a) the governing body of such municipality shall by resolution find that there exists a shortage in rental housing accommodations or space in the municipality as to require rent control in such municipality, and shall file a certified copy of such resolution with the area rent control board for the area in which such municipality is situated and with the commissioner, and (b) such area rent control board shall approve such resolution Upon the filing of a notice of such approval by such area rent control board with the commissioner and the governing body of such municipality, the provisions of this article and the regulations issued or to be issued hereunder shall be in full force and effect in such municipality

Source L 1950, c 234, p 593, §19

2A:58-39. Termination in municipalities under 18,000; reinstatement. On and after the expiration of 60 full calendar days during which the provisions of this article shall have been in actual operation in any municipality having a population not exceeding 18,000, as ascertained by the federal census for the year 1940, such provisions shall terminate in such municipality unless (a) the governing body of such municipality, prior to the expiration of such 60-day period shall by resolution find that there exists a shortage in rental housing accommodations or space in the municipality as to require rent control in such municipality, and shall file a certified copy of such resolution with the area rent control board for the area in which such municipality is situated and with the commissioner, and (b) such area rent control board shall approve such resolution Upon the filing of a notice of such approval by such area rent control board with the commissioner and the governing body of such municipality, the provisions of this article and the regulations issued or to be issued hereunder shall continue and be in full force and effect in such municipality

The provisions of this article shall be reinstated in any municipality in which it shall have terminated as above provided in this section if (a) the governing body of such municipality shall by resolution find that there exists a

shortage in rental housing accommodations or space in the municipality as to require rent control in such municipality, and shall file a certified copy of such resolution with the area rent control board for the area in which such municipality is situated and with the commissioner, and (b) such area rent control board shall approve such resolution. Upon the filing of a notice of such approval by such area rent control board with the commissioner and the governing body of such municipality, the provisions of this article and the regulations issued or to be issued hereunder shall be in full force and effect in such municipality

Source L 1950, c 234, p 593, §20

2A:58-40. Article inoperative in municipalities from which rent control has been removed; exception. The provisions of this article shall not become operative as to any housing accommodations or space in any municipality from which rent control shall have been removed and is not in effect on June 1, 1950, under and pursuant to any federal law or action by administrative regulation or order of any duly authorized officer or agency of the United States pursuant to such federal law, unless (a) the governing body of such municipality shall by resolution find that there exists a shortage in rental housing accommodations or space in the municipality as to require rent control in such municipality, and shall file a certified copy of such resolution with the area rent control board for the area in which such municipality is situated and with the commissioner, and (b) such area rent control board shall approve such resolution. Upon the filing of a notice of such approval by such area rent control board with the commissioner and the governing body of such municipality, the provisions of this article and the regulations issued or to be issued hereunder shall be in full force and effect as to and with respect to the housing accommodations or space in such municipality, and neither the provisions of section 2A 58-38 nor the provisions of section 2A 58-39 hereof shall be applicable with respect to such municipality

Source L 1950, c 234, p 594, §21

2A:58-41. Effective date. This article shall take effect June 30, 1950, except that any appointment permitted by this article may be made, and any rental area or area rent control board authorized pursuant to section 2A 58-22 hereof may be constituted or created, prior to such date

Source L 1950, c 234, p 595, §22

Article 6 DISTRESS FOR RENT

2A:58-42. Property subject to distraint. A lessor or his duly authorized agent may, for arrears of rent, distraint

a The goods and chattels of his tenant, found upon the leased premises, except such as are by law exempt from distraint and except the chattels of another in possession of the tenant,

b The hogs, horses, cattle or stock of his tenant, found upon the leased premises or upon premises appurtenant thereto, except the property of another in the tenant's possession, and

c All fruits or products of the soil severed from the soil and remaining upon any part of the land charged with such rent

d All fruits or products of the soil, growing or being upon the leased premises, which the lessor or his agent may sever and remove from such premises to a safe and proper place on the premises or, if there be no such place thereon, to some other place to be procured by the lessor, due notice of which place shall be given to the tenant or left at his place of abode

The property so subject to distraint shall be appraised, sold and disposed of at the time and in the manner hereinafter provided

Source R S 2 58-34

2A:58-43. Limitation of right to distraint. No lessor shall at one time distraint for more than 1 year's arrears of rent, and such distraint shall be made within 6 months after the rent becomes due, or, if the rent is payable in installments, within 6 months after the entire year's rent has become due

Source R S 2 58-35

2A:58-44. Distraint after term or estate ended. A person having rent in arrear and due upon a lease for term of life years, or at will ended or determined, may distraint for the same after determination of the respective leases, in the same manner as he might have done if the lease had not been ended or determined

The distress shall be made within 6 calendar months after the determination of the lease, and during the continuance of the landlord's title or interest, and during the possession of the tenant from whom the arrears became due, or if the landlord's title and interest shall have ceased, or the tenant has removed from the leasehold premises, then within 30 days after the end and determination of the term of tenancy, but not thereafter

Source R S 2 58-36

2A:58-45. Exemptions; amount. Property subject to distress, of every kind, not exceeding in value, exclusive of wearing apparel, the sum of \$200, and all wearing apparel, the property of any tenant having a family residing in this state, shall be reserved, as well after as before the death of the tenant, for the use of his family, and shall not be liable to be sold as, or for, a distress of rent, by force of this article or of any usage or law of this state

Source R S 2 58-37

2A:58-46. Time for owner of distrained property to replevy; inventory and appraisal; aid of sheriff. If the tenant or owner of property distrained for rent shall not, within 10 days next after the distress taken and notice thereof, with the cause of the taking left at the main dwelling

house or other most conspicuous place on the premises charged with the rent distrained for, replevy the same, with sufficient security to be given to the sheriff, according to law, the person distraining may, after the distress, notice and expiration of 10 days, on 2 days' notice to the tenant, cause the goods and chattels to be inventoried and appraised by 3 sworn appraisers

The sheriff, or undersheriff of the county, or a constable of the place wherein the distress shall be taken, shall aid and assist therein and shall have power to summon 3 appraisers for such service and shall swear them well and truly to appraise the same, at the true and intrinsic value thereof, according to their best understanding

Source R S 2 58-38

2A:58-47. Sale of distrained property; notice. After the inventory and appraisal, as aforesaid, the person distraining shall sell at public vendue the property so distrained. He shall give 5 days' public notice by advertising the articles to be sold and the time and place of sale, in at least 3 of the most public places in the municipality where the distress shall be made, and sell the same for the best price that can be secured towards satisfaction of the rent and charges of the distress, appraisal and sale, leaving the overplus, if any, with the sheriff, undersheriff or constable for the owner's use

Source R S 2 58-39

2A:58-48. Impounding and sale on premises. A person lawfully taking a distress for rent may impound or otherwise secure the distress so made, on the part of the premises most convenient for the purpose, and may appraise, sell and dispose of the same thereon in like manner as a distress taken for rent off the premises by virtue of this article. A person may go upon the place where the distress is impounded or secured, in order to view, appraise, buy or remove the same on account of the purchaser thereof

Source R S 2 58-40

2A:58-49. Selection of articles to be exempted; when by appraisers. From the inventory of the property appraised under section 2A 58-46 of this title, the tenant, or in his absence, his agent, attorney, or member of his family, may select articles, the value of which, according to the appraisal, shall not exceed \$200 in accordance with section 2A 58-45 of this title. If the tenant, or member of his family, his agent or attorney, cannot readily be found, the selection may be made by the appraisers and the property so selected shall be left for the use of the family

Source R S 2 58-41

2A:58-50. Procedure if landlord fails to proceed with appraisal; selection. If the landlord, his attorney or agent shall not within 2 days after being served with a written request from his tenant to proceed and have the distrained prop-

erty appraised in the manner directed in section 2A 58-46 of this title, the tenant may, after 5 days' notice thereof to his landlord, his attorney or agent, apply to the sheriff or a constable of the county and have the property inventoried and appraised as aforesaid. The property exempted for the use of the family of the tenant may be selected in the manner provided in section 2A 58-49 of this title, and with like effect

Source R S 2 58-42

2A:58-51. Provisions applicable to undertenants. The provisions contained in sections 2A 58-45, 2A 58-49 and 2A 58-50 of this title shall also apply to the case of undertenants

Source R S 2 58-43

2A:58-52. Officers aiding in execution; fees. All sheriffs and constables shall aid in the execution of the foregoing provisions, and for such services they, the clerks and the appraisers therein mentioned, shall be entitled to the fees provided for in sections 22 2-6, 22 2-19 and 22 4-8 of the title Fees and Costs

Source R S 2 58-44

2A:58-53. Distress for residue. When the value of the property distrained shall not amount to the full value of the arrears distrained for, the distraining party or his legal representatives may, from time to time, distrain for the residue of the arrears. Such distress shall be made within the time limited by this article

Source R S 2 58-45

2A:58-54. Pound breach or rescue; remedy; damages. A person aggrieved by any pound breach or rescue of any property distrained for rent and impounded or otherwise secured by virtue of this article, shall in a civil action recover treble damages and costs of action against the offender or the owner of the property distrained, if it be afterwards found to have come into his use or possession

Source R S 2 58-46

2A:58-55. Wrongful distress and sale; remedy. If a distress and sale shall be made for rent pretended to be in arrear and due when in fact it is not due the person distraining or to him in whose name or right the distress is taken, the owner of the property distrained, his executor or administrator may, by a civil action, recover double the value of the property so distrained and sold, together with full costs of action, against the person so distraining, his executor or administrator

Source R S 2 58-47

2A:58-56. Wrongful acts after distraint; remedy; damages; tender of amends. When a distress is made for rent justly due and an irregularity or unlawful act shall afterwards be done by the party distraining, or his agent, the distress shall not therefor be deemed unlawful nor the party making it deemed a trespasser ab initio. The party aggrieved thereby may recover full satisfaction for the special damage sustained thereby,

and no more, in a civil action. When the plaintiff shall recover in the action he shall be paid his full costs of action and have like remedies for the same as in other cases of costs.

No tenant shall recover in an action for the unlawful act or irregularity, if tender of amends is made by the party distraining or his agent, before the action is brought.

Source R S 2 58-48

2A:58-57. Actions against distrainor; costs in certain cases. In a civil action brought against any person entitled to rents or services of any kind, his bailiff or receiver, or other persons, relating to any entry upon the premises chargeable with such rents, or to any distress or seizure, sale or disposal of any property, if the plaintiff's action shall be dismissed, the defendant shall recover double costs.

Source R S 2 58-49

2A:58-58. Property followed and seized; disposition; bona fide purchasers. If a tenant of real estate shall remove from the premises his property, subject to distraint, leaving the rent or any part thereof unpaid, the landlord, or person lawfully empowered by him, may, within 30 days next after such removal, take and seize the same wherever found as a distress for the arrears of rent and sell or otherwise dispose of it in the manner as if it had actually been distrained by the landlord upon the premises for the arrears of rent. Property shall not be taken or seized as a distress which shall have been sold bona fide or for a valuable consideration before the seizure, to a person not privy to the fraud.

This section shall extend to all cases where rent has accrued and shall be unpaid, upon a lease or contract made, although by the terms thereof the rent shall not be payable.

Source R S 2 58-50

2A:58-59. Forfeiture for carrying off. A tenant removing or conveying away any of his property, as aforesaid, or any person willfully and knowingly aiding or assisting therein, shall forfeit and pay to the landlord, his heirs or assigns, from whose estate the property was carried off, double the value of the property so removed or concealed by him, to be recovered by a civil action in any court of record.

Source R S 2 58-51

2A:58-60. Seizure of property locked up; breaking and entering. When property is removed by a tenant, lessee, his servant, agent, or other person assisting therein, and put, placed or kept in any place locked up, fastened or otherwise secured, to prevent the said property from being taken and seized as a distress for arrears of rent, the landlord, lessor, his heirs or assigns or his steward, bailiff, receiver or other person empowered to take and seize the said property,

first calling to his assistance a constable or peace officer in the county wherein the same is concealed, who shall aid and assist therein, may, in the daytime, break open and enter the place, take and seize the said property for the arrears of rent as he might have done by virtue of this article if the said property had been put in an open place.

If the place where the said property is secured is a dwelling house, oath shall first be made before some judge or justice, of a reasonable ground to suspect that the said property is therein.

Source R S 2 58-52

2A:58-61. Remedy after estate for life ended.

If any person who now hath or hereafter shall have any rents or fee-farms, for term of life or lives, of any other person or persons and the said rent or fee-farm now be or hereafter shall be due and behind, and unpaid in the life of such person or persons for whose life or lives the estate of the said rent or fee-farm did depend or continue, and after the said person or persons do die, then he unto whom the said rent or fee-farm was due, his executors or administrators, shall and may have a civil action in the nature of an action of debt against the tenant in demesne, who ought to have paid the same when it was first due, his executors or administrators, and also may distrain for the same arrearages upon the lands and tenements out of which the said rents or fee-farms were issuing and payable, in the like manner and form, as he ought or might have done, if the person or persons by whose death the aforesaid estate in the said rents and fee-farms was determined and expired, were in full life, and the avowry for the taking of the same distress to make in manner and form aforesaid, and make appraisement and sale of such distress in manner aforesaid.

Source R S 2 58-53

2A:58-62. Remedy of executor or administrator of testator or intestate. Whereas, by the common law, the executors or administrators of tenants in fee-simple, tenants in fee-tail and tenants for term of life, of rent-service, rent-charge, rent-seck and fee-farms, have no remedy to recover such arrearages of the said rents or fee-farms, as were due unto their testators or intestates in their lives, nor may the heirs of such testator, nor any person having the reversion of his estate after his decease, distrain or have any lawful action to levy any such arrears of rents or fee-farms, for remedy whereof, be it enacted, that the executors or administrators of any such person or persons, unto whom any such rent or fee-farm is or shall be due, and not paid at the time of his or their death, shall and may have a civil action in the nature of an action of debt for all such arrearages against the tenant or tenants, who ought to have paid

the said rent or fee-farm, so being behind in the life of the testator or intestate, or against the executors or administrators of such tenant or tenants, that it shall be lawful for every such executor or administrator of any such person or persons, unto whom such rent or fee-farm is or shall be due, and not paid at the time of his or their death as aforesaid, to distrain for the arrearages of all such rents and fee-farms, upon the lands, tenements and hereditaments which were, are or shall be charged with the payment of such rents or fee-farms, and chargeable to the distress of the testator or intestate, so long as the said lands, tenements or hereditaments continue, remain, and be in the seisin or posses-

sion of the said tenant in demesne, who ought immediately to have paid the said rent or fee-farm, so being behind, to the said testator or intestate, in his lifetime, or in the seisin or possession of any other person or persons claiming the said lands, tenements and hereditaments only by or from the said tenant, by purchase, gift or descent, in like manner and form as the said testator or intestate might or ought to have done in his lifetime, and the said executors or administrators shall, for the same distress, lawfully make avowry upon their matter aforesaid, and make appraisement and sale of such distress in the manner aforesaid.

Source R S 2 58-54

Chapter 59. LIBEL AND SLANDER.

Section

2A 59-1 Privileged communications

2A:59-1. Privileged communications. The privileged character attaching to the publication of judicial or other proceedings shall extend to the publication in any newspaper of official statements issued by police department heads, county prosecutors and coroners in investigations in progress or completed by them, and which are accepted in good faith by the publisher of any newspaper, and the privileged character thereof shall be a good defense to any action for libel, unless malice in fact be shown by the plaintiff therein

Source R S 2 59-1

Section

2A 59-2 Damages recoverable

2A 59-3 Blank

2A:59-2. Damages recoverable. The defendant, in an action for libel against the owner, manager, editor, publisher or reporter of any newspaper, magazine, periodical, serial or other publication in this state, may give proof of intention, and plaintiff, unless he shall prove either malice in fact or that defendant, after having been requested by plaintiff in writing to retract the libelous charge in as public a manner as that in which it was made, failed to do so within a reasonable time, shall recover only his actual damage proved and specially alleged in the complaint

Source R S 2 59-2

2A:59-3. Blank

Chapter 60. LIENS—BONDS OF AND MONEY PAID TO CONTRACTORS ON PUBLIC WORKS.

Section

Article 1 Aircraft

- 2A 60-1 Definitions
- 2A 60-2 Right of lien, detention, priorities
- 2A 60-3 Removal of aircraft, seizure, costs of seizure
- 2A 60-4 Statement of amount claimed, offer by owner and demand for possession, deposit of amount claimed with court, regaining possession, costs
- 2A 60-5 Replevin, aircraft delivered to owner
- 2A 60-6 Bond in lieu of cash deposit
- 2A 60-7 Complaint filed by keeper of hangar, trial, judgment
- 2A 60-8 Failure to bring action, damages, judgment, return of balance of deposit
- 2A 60-9 Entry of appearance by owner of aircraft
- 2A 60-10 Sale of aircraft if proceedings not taken by owner
- 2A 60-11 Notice of sale, advertisement
- 2A 60-12 Disposition of proceeds of sale

Article 2 Common Carriers

- 2A 60-13 Sale of perishable goods, application to court, procedure
- 2A 60-14 Sale of unclaimed property, when authorized

Section

- 2A 60-15 Notice of sale
- 2A 60-16 Sale of perishable property, notice
- 2A 60-17 Proceeds of sale, disposition
- 2A 60-18 Report of person making sale
- 2A 60-19 Refund to owner of proceeds of sale, petition
- Article 3 Garage Keepers and Automobile Repairmen**
- 2A 60-20 Definitions
- 2A 60-21 Right of lien, detention, priorities
- 2A 60-22 Removal of vehicle from keeper's control, seizure
- 2A 60-23 Statement of amount claimed, offer by owner of reasonable amount and demand for possession, regaining vehicle, costs
- 2A 60-24 Replevin, motor vehicle delivered to owner
- 2A 60-25 Bond in lieu of cash deposit
- 2A 60-26 Complaint filed by garage keeper, trial, judgment
- 2A 60-27 Failure to bring action, damages, judgment, return of balance of deposit
- 2A 60-28 Entry of appearance by owner
- 2A 60-29 Sale of motor vehicle if proceedings not taken by owner
- 2A 60-30 Notice of sale, advertisement
- 2A 60-31 Disposition of proceeds of sale

Section

Article 4 On Goods and Chattels in Possession, for Labor or Materials Used in Construction or Repair Thereof

- 2A 60-32 Lien not impaired by taking judgment for money due, enforcement by levy and sale under execution
- 2A 60-33 Sale by public auction to enforce lien
- 2A 60-34 Proceeds of sale, balance
- 2A 60-35 Blank

Article 5 Hospitals and Physicians

- 2A 60-36 Hospital or physician entitled to lien for services rendered to injured person as a result of an accident
- 2A 60-37 Definitions
- 2A 60-38 To what lien attaches
- 2A 60-39 Amount of hospital lien
- 2A 60-40 Amount of physicians' lien
- 2A 60-41 Accidents or injuries under workmen's compensation law excepted
- 2A 60-42 Notice of lien, filing, contents, fees
- 2A 60-43 Notice of person injured and persons liable for payments
- 2A 60-44 Release of claims, enforcement of lien for action
- 2A 60-45 Statement of physicians for injuries and amount of charges
- 2A 60-46 Discharge of lien, procedure, fees
- 2A 60-47 Blank

Article 6. Hotel Keepers

- 2A 60-48 "Hotel" and "guest" defined
- 2A 60-49 Lien of hotel, apartment hotel, inn and boarding house proprietor
- 2A 60-50 Sale of detained property, notice, disposition of proceeds, liability of proprietor for negligent loss, amount of liability
- 2A 60-51 Blank

Article 7 Livery Stables, and Boarding and Exchange Stable Keepers

- 2A 60-52 Right of lien, retention of property when amount due unpaid
- 2A 60-53 Sale of detained property, disposition of proceeds
- 2A 60-54 Blank

Article 8 On Lumber or Boats Found Adrift

- 2A 60-55 Compensation to persons taking up and securing drift lumber or boats
- 2A 60-56 Drift lumber or boats taken up to be secured and kept, advertisement thereof, sale and disposition of proceeds
- 2A 60-57 Affidavit of claimant
- 2A 60-58 Rights and title of owners of lumber or boats taken up

Article 9 Maritime

- 2A 60-59 Definitions
- 2A 60-60 Application for article
- 2A 60-61 Debt continuing lien upon vessel, preferences
- 2A 60-62 Writ to enforce lien, application, before whom made
- 2A 60-63 Application for writ, contents, verification, service
- 2A 60-64 Issue of writ, subsequent writs
- 2A 60-65 Execution and return of writ, inventory annexed
- 2A 60-66 Notice of issue of writ, contents
- 2A 60-67 Blank
- 2A 60-68 Filing of complaints by other attaching creditors
- 2A 60-69 Cessation of lien if complaint not filed within time limited
- 2A 60-70 Discharge of writ, application, by whom made

Section

- 2A 60-71 Bond of applicant for discharge of writ
- 2A 60-72 Writ discharged on delivery of bond
- 2A 60-73 Bond held for benefit of attaching creditors
- 2A 60-74 Complaint in action on bond, contents
- 2A 60-75 Blank
- 2A 60-76 Sale of vessel, order, contents
- 2A 60-77 Modification of order for sale, sale of apparel
- 2A 60-78 Procedure on sale, notice
- 2A 60-79 Return of proceedings on sale, retention of proceeds
- 2A 60-80 Notice to attend distribution of proceeds, publication
- 2A 60-81 Distribution of proceeds, contest of claims
- 2A 60-82 Pro rata distribution if proceeds insufficient to satisfy exhibited liens
- 2A 60-83 Lien not enforceable against vessel seized under process of United States courts
- 2A 60-84 Lien on vessel causing damage to another
- 2A 60-85 Application for writ by owner of damaged vessel, contents
- 2A 60-86 Issue of writ
- 2A 60-87 Cessation of lien for damages
- 2A 60-88 to
- 2A 60-104 Blank

Article 10 Mechanics, Materialmen and Laborers In General**A Definitions and Construction**

- 2A 60-105 "Building" and "fixtures for manufacturing purposes" defined
- 2A 60-106 "Proper county clerk", filing notices and other written instruments

B Lien, Nature, and to and for What It Attaches

- 2A 60-107 Property to and services for which lien attaches
- 2A 60-108 Certain exceptions to section 2A 60-107
- 2A 60-109 Building erected, altered or repaired by tenant or person other than owner of land, extent of lien, consent of owner
- 2A 60-110 Contract with husband or wife for improvement of real estate, effect, notice of dissent
- 2A 60-111 Extent of lot or curtilage
- 2A 60-112 Mechanic's notice of intention, filing, second notice before expiration of 2 years, exception as to claim for labor
- 2A 60-113 Signature to and contents of notice of intention
- 2A 60-114 Amendment of notice of intention
- 2A 60-115 "Notice of intention" book, entries, index, public inspection
- 2A 60-116 Liability in case of contract, filing in lieu of notice of intention
- 2A 60-117 Mechanics' notice of intention filed prior to filed contract, priority
- 2A 60-118 Notice of refusal to pay claim filed by materialman, journeyman, filing, contents, notice by claimant upon owner
- 2A 60-119 Retention by owner of amount due, notice by owner

2A 60-120 Blank

- 2A 60-121 Claims paid by owner, order of payment, allowance to owner in accounts with contractor

- 2A 60-122 Owner protected in payments made bona fide before served with notice

- 2A 60-123 "Stop notice" book, entries, index, public inspection

- 2A 60-124 Dispute of claim, owner not to pay

- 2A 60-125 Materialman, journeyman, etc., to establish claim by civil action

- 2A 60-126 Owner liable for payments made to defeat lien claims

- 2A 60-127 Preferences and priority of laborers and others

Section

- 2A 60-128 Priority of recorded mortgages over liens
 2A 60-129 Priority as affected by status or existence of building at time of record
 2A 60-130 Priority as affected by application of funds or advances to certain payments

C Satisfaction of Stop Notice

- 2A 60-131 Stop notice satisfied or abandoned, certificate, contents, discharge by order

D Lien Claim

- 2A 60-132 Necessity for, time for and place of filing
 2A 60-133 Contents of lien claim
 2A 60-134 "Lien docket" book, entries, index
 2A 60-135 Amendment of lien claim, rights of bona fide purchaser or mortgagee not affected
 2A 60-136 Apportionment of claims among separate buildings, statement of amount apportioned filed with lien claim
 2A 60-137 Partial release of buildings from claim, effect on other buildings

E Enforcement of Lien Claim

- 2A 60-138 Civil action in superior, county or district courts, parties
 2A 60-139 Civil action to enforce lien, time for commencement
 2A 60-140 Indorsement on claim of time of commencement of civil action
 2A 60-141 Lien claim enforced only by civil action if required by owner or mortgagee, time for commencement
 2A 60-142 Certificate of commencement of civil action in district court, indorsement on lien claim by county clerk
 2A 60-143 Practice and procedure in a civil action to enforce lien claim, complaint
 2A 60-144 Summons, service, service on absent defendants
 2A 60-145 Nonabatement of civil action
 2A 60-146 Judgment, for plaintiff, against builder, special or general judgment, priorities determined
 2A 60-147 Recovery not bar to civil action for debt, exception
 2A 60-148 District court judgment docketed in county court, effect, execution, new trial
 2A 60-149 Statement of district court judgment filed in county clerk's office, contents
 2A 60-150 No execution out of district court on final judgment thereof, new trial
 2A 60-151 Execution on general judgment against builder, general and special judgment
 2A 60-152 Sale of building and land, rights of purchaser, prior encumbrances
 2A 60-153 Priority of prior encumbrances, exception
 2A 60-154 Concurrent liens, payment pro rata
 2A 60-155 Proceeds of sale, distribution, when paid, caveat
 2A 60-156 Surplus of proceeds of sale
 2A 60-157 Orders of superior and county courts
 F Discharge of Mechanic's Notice of Intention and Release, Discharge, Cancellation or Payment of Lien
 2A 60-158 Claim satisfied or abandoned, certificate, contents, discharge by order
 2A 60-159 Bond in favor of lien claimant, surety, conditions
 2A 60-160 Release of property upon approval and filing of bond
 2A 60-161 Building or land discharged from lien, how
 2A 60-162 Requirements of discharge or release
 2A 60-163 Record of discharge, indorsement on record where lien recorded
 2A 60-164 Contest of claim, lands freed on deposit of amount claimed, lien on deposit
 2A 60-165 Deposit paid claimant obtaining judgment, surplus, repayment to land owner

Section

G General Provision

- 2A 60-166 Short title
 2A 60-167 to
 2A 60-179 Blank

Article 11 Mechanics, Materialmen and Laborers on Public Improvements

A General Provisions

- 2A 60-180 Short title
 2A 60-181 Definitions
 2A 60-182 Civil action to recover debt not barred

B Lien

- 2A 60-183 Funds liable for debts for labor and materials
 2A 60-184 Commencement and extent of lien, exception
 2A 60-185 Release of funds from lien, bond
 2A 60-186 Priority of lien over assignments, exception

C Lien Claim

- 2A 60-187 Filing notice of lien claim
 2A 60-188 Contents of notice, variance of names not to affect validity of lien
 2A 60-189 Lien docket, entries, validity of claim not affected by failure to make entry
 2A 60-190 Notice by public agency to contractor or person in interest to appear and contest claim
 2A 60-191 Payment of claim by public agency if statement not filed, credit for amount paid

D Enforcement of Lien Claim

- 2A 60-192 Civil actions in superior court
 2A 60-193 Commencement of civil action, lien of other claimants preserved
 2A 60-194 Parties to civil action, county or municipality when public agency not corporation
 2A 60-195 Determination of validity of liens and amount due, judgment, ratable distribution, priority of laborer's lien, claim of subcontractor chargeable with amount paid to claimants
 2A 60-196 Payment by public agency into court during civil action

E Discharge of Lien

- 2A 60-197 How discharged
 2A 60-198 to
 2A 60-206 Blank

Article 12 Bonds of Contractors on Public Works

- 2A 60-207 Additional bond for payment of claims for labor, material and supplies used
 2A 60-208 Sureties in and amount of bond, condition for payment of claims, bond deposited and held for use of interested parties
 2A 60-209 Statements of claimants filed with sureties on bond, time for civil action on bond
 2A 60-210 Limitation of civil action on bond
 2A 60-211 Form of and conditions in bond

Article 13 Money Paid to Contractors on Public Works as Trust Fund

- 2A 60-212 Money paid to contractor trust fund for payment of claims

Article 14 Monuments, Gravestones and Cemetery Structures

- 2A 60-213 Definitions
 2A 60-214 Right of lien
 2A 60-215 Notice of lien, contents, filing
 2A 60-216 Service of notice of lien
 2A 60-217 Enforcement of lien by sale
 2A 60-218 Blank
 2A 60-219 Proceeds of sale, disposition
 2A 60-220 Removal of monument after notice of lien filed, exception

Section

Article 15 Processors of Goods.

- 2A 60-221 Definitions
- 2A 60-222 Property subject to lien
- 2A 60-223 Waiver or impairment of lien
- 2A 60-224 Sale of property
- 2A 60-225 Blank
- 2A 60-226 Disposition of proceeds of sale
- 2A 60-227 Lien enforceable by other procedure
- 2A 60-228 Paramount claim of lien, surrender of right, exception

Article 16 Rentor's Lien in Certain Cases

- 2A 60-229 Definitions
- 2A 60-230 Right of lien for unpaid rent, priority
- 2A 60-231 Sale to meet lien, notice, publication
- 2A 60-232 Disposition of proceeds of sale
- 2A 60-233 to
- 2A 60-242 Blank

Article 17 Processors of Motion Picture Films

- 2A 60-243 Definitions
- 2A 60-244 Property subject to lien, right to detain

Article 1 AIRCRAFT**2A:60-1. Definitions.** As used in this article

"Aircraft" means any contrivance invented, used or designated for navigation or flight in the air except a parachute or other contrivance designed for such navigation but used primarily as safety equipment

"Aircraft mechanic" means any person licensed to repair or maintain aircraft according to the provisions of the regulations of the United States department of commerce and the laws of the state of New Jersey

"Airport operator" means any person operating an airport according to regulations of the United States department of commerce and of the laws of the state of New Jersey

"Hangar operator" means any person operating a hangar according to regulations of the United States department of commerce and the laws of the state of New Jersey

Source. R S 2 60-1

2A:60-2. Right of lien; detention; priorities.

Any person, licensed to engage in the business of operating a hangar or place for the storage, maintenance, keeping or repairing of aircraft who, in connection therewith, stores, maintains, keeps or repairs any aircraft or furnishes gasoline, accessories, materials or other supplies therefor at the request or with the consent of the owner or his representative, agent or lessee, whether such owner be a conditional vendee or a mortgagor remaining in possession or otherwise, shall have a lien upon such aircraft or any part thereof for the sum due for such storing, maintaining, keeping or repairing of such aircraft or for furnishing gasoline, accessories, materials or other supplies therefor, and may, without process of law, detain such aircraft at

Section

- 2A 60-245 Waiver or impairment of lien
- 2A 60-246 Sale of property subject to lien, notice
- 2A 60-247 Disposition of proceeds of sale

Article 18 Watch and Jewelry Repairmen

- 2A 60-248 Right of lien, detention
- 2A 60-249 Public sale and notice thereof, disposition of proceeds
- 2A 60-250 Blank
- 2A 60-251 Action for debt, proceeds of sale applied on judgment

Article 19 Factors' Liens

- 2A 60-252 "Factor" defined
- 2A 60-253 Right of lien, posting sign, notice of lien
- 2A 60-254 Filing notice of lien, fees
- 2A 60-255 Time for filing notice, effect
- 2A 60-256 Discharge of lien
- 2A 60-257 Accounts receivable, notice to debtor, formal assignment
- 2A 60-258 Possession as conferring lien
- 2A 60-259 Construction, substantial compliance
- 2A 60-260 Other law covering transaction, election

any time it is lawfully in his possession until such sum is paid

The lien shall be superior to all other liens, except liens of state, county and city for taxes, and the operator of such aircraft shall be deemed the agent of any owner, mortgagee, conditional vendor or other lienor thereof for the creation of such superior lien

Source R S 2 60-2, L 1934, c 121, p 325

2A:60-3. Removal of aircraft; seizure; costs of seizure.

A person acquiring a lien by virtue of section 2A 60-2 of this title shall not lose the same by reason of allowing the aircraft, or part thereof, to be removed from his control, and if so removed, he may, after demand of payment of claim either personally or by registered mail if the owner's address is known, and without further process of law, seize without force and in a peaceable manner, the aircraft or part thereof, wherever found in this state

A charge of \$10 as costs for such seizure shall be paid by the owner of the aircraft or parts thereof

Source R S 2 60-3

2A:60-4. Statement of amount claimed; offer by owner and demand for possession; deposit of amount claimed with court; regaining possession; costs.

The owner or person entitled to the immediate possession of the aircraft, or part thereof, so detained as provided by this article, may on learning of the detention of the same, immediately demand from the person detaining such aircraft or part thereof, or the person in charge of the place where it is detained, a statement showing the true amount claimed to be due and owing for the storing, maintaining, keeping or repairing of such aircraft, or for furnishing gasoline, fuel, accessories, materials

or other supplies therefor. If upon receiving such statement he considers the amount thereof excessive, he may offer what he considers to be reasonably due and demand possession of the aircraft or part thereof so detained. If possession is refused, he may obtain possession thereof by depositing the amount claimed in the statement with the clerk of any court of competent jurisdiction in the county where the aircraft or part thereof may be situated, together with \$20 to cover the costs of court in actions commenced in the county district court and \$70 in any other court.

Source R S 2 60-4

Note of Reporter An adjustment in the costs of court allowed is necessitated by the general increase in court rates.

2A:60-5. Replevin; aircraft delivered to owner. When the amount claimed to be due and the costs are deposited with the clerk of the court as provided in section 2A 60-4 of this title, a writ of replevin shall immediately issue out of and under the seal of the court, commanding the sheriff, or any constable or sergeant at arms to take possession of such aircraft or part thereof and deliver the same, without delay to the owner or his legal representative claiming the same.

Source R S 2 60-5

2A:60-6. Bond in lieu of cash deposit. In lieu of depositing the amount claimed in cash as provided by section 2A 60-4 of this title, a bond in double the amount claimed and double the amount required to be deposited as costs, may be filed with the clerk of the court. It shall have sufficient surety, and be approved in the manner in which similar bonds are now approved in the court from which the writ of replevin is to issue.

The bond shall be written in favor of the sheriff, constable or sergeant at arms, to whom the writ is directed.

Source R S 2 60-6

2A:60-7. Complaint filed by keeper of hangar; trial; judgment. The person claiming a lien under this article shall, not later than 30 days after the issuance of the writ of replevin, file his complaint with the clerk of the court out of which the writ issued, showing the amount claimed by him. The court shall thereupon, at the request of either party, fix a date for the trial of the claim and give judgment according to the facts. The judgment, if any, is to be satisfied out of deposit made, or action may be brought on the bond filed. If a judgment is obtained and satisfied, the balance of the cash deposit, if any, shall be ordered returned to the depositor.

Source R S 2 60-7

2A:60-8. Failure to bring action; damages; judgment; return of balance of deposit. If no action is brought by the person claiming a lien under this article within the time limited by section 2A 60-7 of this title or if judgment shall

go for the defendant, the court may order the return of the money deposited or the discharge of the bond and may also fix and determine the amount of damages suffered by the owner of the aircraft or parts thereof for the seizure and detention of the aircraft or parts thereof, and render a judgment for such amount against the person claiming a lien under this article or the person seizing or detaining the same.

Source R S 2 60-8

2A:60-9. Entry of appearance by owner of aircraft. The filing of bond or depositing of cash by the owner of aircraft or parts thereof as provided by this article shall be considered as the entry of a written appearance on his part in the action which the person claiming a lien under this article may bring within 30 days pursuant to section 2A 60-7 of this title.

Source R S 2 60-9

2A:60-10. Sale of aircraft if proceedings not taken by owner. If no proceedings are taken for the repossession of the aircraft or the parts thereof by the owner or his legal representative as provided for in this article, such property so held by any operator of a hangar or place of storage, repair or supplies for aircraft, or aircraft mechanic may, after the expiration of 30 days from the date of the detention, be sold at public auction.

Source R S 2 60-10

2A:60-11. Notice of sale; advertisement. Notice of sale authorized by section 2A 60-10 of this title shall be published for 2 weeks, at least once in each week, in some newspaper circulating in the municipality, in which the aircraft or part thereof is detained, also after 5 days' notice of such sale set up in the office of the sheriff of the county in which the aircraft or part thereof is situated.

Source R S 2 60-11

Note of Reporter Posting of the notice of sale in the office of the sheriff should replace the requirement that notice be posted in 5 most public places in order to have this procedure conform to the new posting requirements for the execution sale of chattels as provided by the revision of 2 26-131.

2A:60-12. Disposition of proceeds of sale. The proceeds of the sale shall be applied to the payment of the lien and the expenses of seizure, if any, and of such sale. The balance, if any remaining, shall be paid to the owner of such property or his representatives. The balance, if not claimed by the owner within 60 days after the sale, shall be paid over to the overseer of the poor of the municipality, in which the aircraft or part thereof is detained, for the support of the poor.

Source R S 2 60-12

Article 2 COMMON CARRIERS

2A:60-13. Sale of perishable goods; application to court; procedure. Where the consignee of perishable goods cannot be found by the carrier or shall neglect or refuse to receive the same or

to pay the costs and expenses of transportation, charges for detention or demurrage, the carrier or its agent may apply in writing to the judge of the county court, or to a judge of the county district court of the county where such goods are deliverable, and such judge on proof that the goods have been transported and are perishable and that the consignee cannot be found or neglects or refuses to receive the same or to pay the costs and expenses of transportation and detention or demurrage charges, shall order the public sale thereof by a constable or sheriff of the county at a time and place named in the order, of which sale such advertisement shall be made and notice given as the judge shall direct
Source R S 2 60-13

2A:60-14. Sale of unclaimed property; when authorized. When the owner or consignee of property transported by a common carrier to its destination, does not call for the same, or cannot be found, or is unknown, or neglects or refuses to receive the property or to pay the costs and expenses of transportation and charges for detention or demurrage and the same has remained unclaimed in the possession of the carrier for 6 months, or is perishable, the carrier may sell the same at public auction
Source R S 2 60-14

2A:60-15. Notice of sale. Public notice of the sale, authorized by section 2A 60-14 of this title, shall be given by advertisement in 1 or more newspapers of the county, at least 6 days before the sale, and by notice set up at least 5 days before the sale in the office of the sheriff of the county or counties where the property was directed to be left, naming the articles to be sold, the names of the consignor and consignee, if known, the hour of sale, which shall be after 10 in the morning and before 4 in the afternoon, and the place of sale, which shall be made in some public place in said county. If the residence of the consignee is known, written notice shall be given to him personally or by leaving the same at his residence or by mailing it to him at his post-office address.
Source R S 2 60-15

Note of Reporter Posting of the notice of sale in the office of the sheriff should replace the requirement that notice be posted in 5 most public places in order to have this procedure conform to the new posting requirements for the execution sale of chattels as provided by the revision of 2 26-131

2A:60-16. Sale of perishable property; notice. Where the property, mentioned in section 2A:60-14 of this title, is perishable and will depreciate in value by being longer kept, the same may be sold after 2 days, in which case notice shall be published at least once and posted at least 1 full day

In cases of urgency, such as shipments of milk or perishable fruit, the sale may be made at once to the best advantage at public or private sale without advertisement.

Source R S 2 60-16

2A:60-17. Proceeds of sale; disposition. The fees and expenses of a sale authorized by this article shall be paid first and next the expenses and charges of the carrier for transportation, detention or demurrage and storage. The residue shall be paid to the clerk of the county who shall pay the same to the owner on the order of a county court judge. If no person shall, within 1 year after the sale, claim the proceeds, the same shall be paid into the school fund of the state

Source R S 2 60-17

2A:60-18. Report of person making sale. The officer or carrier making a sale under this article shall file therewith a report of the same containing a list of the articles sold, the price realized, the person to whom sold, the expenses of advertisement and sale, the expenses and charges paid to the carrier, the name of the consignor and consignee, the places and dates of consignment and of receipt at destination, of all of which the carrier shall keep a record.

Source R S 2 60-18

2A:60-19. Refund to owner of proceeds of sale; petition. If the proceeds of a sale of unclaimed property are paid into the school fund and the owner of the money or his legal representative shall, by a written petition addressed to the comptroller, demand the same and present satisfactory proof that he is entitled thereto, the comptroller shall, upon the petition and proofs being filed with him, draw his warrant upon the state treasurer for such sum as the owner or his legal representative may be so entitled. The state treasurer shall pay the same as soon as proper appropriation shall be made therefor

Source R S 2 60-19

Article 3 GARAGE KEEPERS AND AUTOMOBILE REPAIRMEN.

2A:60-20. Definitions. As used in this article "Owner" includes a conditional vendee or a mortgagor remaining in possession or otherwise of the motor vehicle

"Garage" means a place or structure used in the business of storing, maintaining, keeping or repairing motor vehicles

"Garage keeper" means a person or corporation engaged in the business of keeping a garage as above defined

Source R S 2 60-20

2A:60-21. Right of lien; detention; priorities. A garage keeper who shall store, maintain, keep or repair a motor vehicle or furnish gasoline, accessories or other supplies therefor, at the request or with the consent of the owner or his representative, shall have a lien upon the motor vehicle or any part thereof for the sum due for such storing, maintaining, keeping or repairing of such motor vehicle or for furnishing gasoline, accessories or other supplies therefor, and may, without process of law, detain the same at any

time it is lawfully in his possession until the sum is paid

The lien shall not be superior to, nor affect a lien, title or interest of a person held by virtue of a prior conditional sale or a prior chattel mortgage properly recorded

Source R S 2 60-21

2A:60-22. Removal of vehicle from keeper's control; seizure. A garage keeper acquiring a lien by virtue of section 2A 60-21 of this title shall not lose the same by reason of allowing the motor vehicle or part thereof to be removed from his control, and if so removed, he may, after demand of payment of claim either personally or by registered mail if the owner's address is known, and without further process of law, seize without force and in a peaceable manner the motor vehicle or part thereof, wherever found in this state

Source R S 2 60-22

2A:60-23. Statement of amount claimed; offer by owner of reasonable amount and demand for possession; regaining vehicle; costs. The owner or the person entitled to the immediate possession of the motor vehicle or part thereof so detained, may, on learning of the detention of the same, immediately demand from the garage owner or keeper or the person in charge thereof, a statement of the true amount claimed to be due for the storing, maintaining, keeping or repairing of such motor vehicle, or for furnishing gasoline, accessories or other supplies therefor. If upon receiving such statement he considers the amount thereof excessive, he may offer what he considers to be reasonably due and demand possession of the motor vehicle or part thereof so detained. If possession is refused, he may obtain possession thereof by depositing the amount claimed in the statement with the clerk of a court of competent jurisdiction in the county where the motor vehicle or part thereof may be, together with \$20 to cover the costs of court in an action in the county district court and \$70 in any other court

Source R S 2 60-23

Note of Reporter An adjustment in the costs of court is required by the general increase in court rates

2A:60-24. Replevin; motor vehicle delivered to owner. When the amount claimed to be due and the costs are deposited with the clerk of the court as provided in section 2A 60-23 of this title, a writ of replevin shall immediately issue out of and under the seal of the court, commanding the sheriff, constable or sergeant at arms to take possession of the motor vehicle or part thereof and deliver it to the owner or his legal representative claiming the same

Source R S 2 60-24

2A:60-25. Bond in lieu of cash deposit. In lieu of depositing the amount claimed in cash as provided by section 2A 60-23 of this title, a bond in double the amount claimed and double the amount required to be deposited as costs, may

be filed with the clerk of the court. It shall have sufficient surety, and be approved in the manner similar bonds are now approved in the court from which the writ of replevin is to issue

The bond shall be in favor of the sheriff, constable or sergeant at arms to whom the writ is directed

Source R S 2 60-25

2A:60-26. Complaint filed by garage keeper; trial; judgment. The garage keeper shall, not later than 30 days after the issuance of the writ of replevin, file his complaint with the clerk of the court out of which the writ issued, showing the amount claimed by him. The court shall thereupon, at the request of either party, fix the time for the trial of the claim and give judgment according to the facts. The judgment, if any, is to be satisfied out of the deposit made or action may be brought on the bond filed. If a judgment is obtained and satisfied, the balance of the cash deposit, if any, shall be ordered returned to the depositor

Source R S 2 60-26

2A:60-27. Failure to bring action; damages; judgment; return of balance of deposit. If no action is brought by the garage keeper within the time limited by section 2A 60-26 of this title, or if judgment shall go for the defendant, the court may order the return of the money deposited or the discharge of the bond and may fix and determine the amount of damages suffered by the owner for the seizure and detention of the motor vehicle or part thereof, and render a judgment for such amount against the garage keeper

Source R S 2 60-27

2A:60-28. Entry of appearance by owner. The filing of the bond or the depositing of cash by the owner or his lawful representative, as provided by this article, shall be considered as the entry of a written appearance on his part in the action which the garage keeper may bring within 30 days pursuant to section 2A 60-26 of this title

Source R S 2 60-28

2A:60-29. Sale of motor vehicle if proceedings not taken by owner. If no proceedings are taken for the repossession of the motor vehicle or part thereof by the owner or his legal representative as provided for in this article, such property so held by the garage keeper shall, after the expiration of 30 days from the date of the detention, be sold at public auction, subject to any prior lien, title or interest held by virtue of a prior conditional sale or a prior chattel mortgage properly recorded

Source R S 2 60-29

2A:60-30. Notice of sale; advertisement. Notice of the sale, authorized by section 2A 60-29 of this title shall be published for 2 weeks, at least once in each week, in a newspaper circulating in the municipality in which the garage is situate. 5 days' notice of sale shall also be

set up in the office of the sheriff of the county or counties where the motor vehicle or part thereof is situate

Source R S 2 60-30

Note of Reporter Posting of notice of sale in the office of the sheriff should replace the requirement that notice be posted in 5 most public places in order to have this procedure conform to the new posting requirements for the execution sale of chattels as provided by the revision of 2 26-131

2A:60-31. Disposition of proceeds of sale. The proceeds of the sale shall be applied to the payment of the lien and the expenses of the sale. The balance, if any, shall be paid to the owner of the motor vehicle, or part thereof, or his representatives. The balance, if not claimed by the owner within 60 days after sale, shall be paid to the overseer of the poor of the municipality, in which the garage is situated, for the support of the poor

Source R S 2 60-31

Article 4 ON GOODS AND CHATTELS IN POSSESSION, FOR LABOR OF MATERIALS USED IN CONSTRUCTION OR REPAIR THEREOF

2A:60-32. Lien not impaired by taking judgment for money due; enforcement by levy and sale under execution. A lien held by a person upon chattels in his possession for labor or materials furnished in the repair or construction thereof, shall not be waived, merged or impaired by the recovery of a judgment for the moneys due for such labor or material, but the lien may be enforced by levy and sale under execution upon the judgment

Source R S 2 60-32

2A:60-33. Sale by public auction to enforce lien. If the lien held by a person upon chattels in his possession for labor or materials furnished in the repair or construction thereof, and the amount due thereon, either in whole or part, shall remain unpaid for 3 months after the completion of said work or the furnishing of said materials, the person having the lien may sell the chattels at public auction

If the chattels are of a nature as to be easily separated or divided, no more shall be sold than necessary, as near as may be, to make sufficient money to pay the lien and expenses of the sale

Source R S 2 60-33

2A:60-34. Proceeds of sale; balance. The proceeds of the sale after the deduction of the costs, and expenses thereof shall first be applied to the payment of the indebtedness secured by the lien, and the balance, if any, shall be paid over to the owner of the chattels

Source R S 2 60-35

2A:60-35. Blank.

Article 5 HOSPITALS AND PHYSICIANS

2A:60-36. Hospital or physician entitled to lien for services rendered to injured person as a result of an accident. Every hospital in this state, and every licensed physician practicing in this state,

shall have a lien in the manner set forth in this article for services rendered, by way of treatment, care or maintenance within 30 days after the date of the accident, to any person who shall have sustained personal injuries in such accident as a result of the negligence or alleged negligence of any other person

Source R S 2 60-36, R S 2 60-233

Note of Reporter Starting with this section, we have merged the hospitals' and physicians' liens inasmuch as they deal with the same subject. The substantive portion of the hospitals' and physicians' liens has been retained, although, we feel, simplified. The lien has been restricted to treatment given within 30 days after the date of the accident because we do not think it fair that it should run ad infinitum, and we feel that it eliminates difficult questions of proof. Many other states also have a time limit

2A:60-37. Definitions. As used in this article "Person" or "persons", shall include all individuals, partnerships, corporations, associations, and any and all other legal organizations

"Hospitals", shall include all hospitals owned, operated, or maintained in whole or in part by a charitable association, corporation or other institution, or by any state, county or municipal board or body

"Physicians", shall include all medical doctors, dentists, chiropractics and osteopaths practicing under a license granted by the state of New Jersey

Whenever the terms "moneys" or "compensation" are used, it is intended to mean those sums which may be obtained by the injured party by way of judgment, award, determination or settlement, or in any other manner

Source R S 2 60-36

Note of Reporter The old act contains definitions within the substantive portion of the article. We feel that a separate section on definitions adds to clarity and simplicity. For better understanding we have included 2 more definitions ("persons" and "moneys" or "compensation") and increased the scope of 1 definition ("physicians"). We have increased the scope of the word "physicians" inasmuch as dentists, chiropractors and osteopaths are often called on to render emergency services and hence should be entitled to a lien

2A:60-38. To what lien attaches. The lien created by this article shall attach to any and all rights of action, suits, claims, demands and upon any judgment, award or determination, and upon the proceeds of any settlement of such rights of action, suits, claims, demands, judgments, awards or determinations which any such injured person may have or shall have, assert or maintain against any such other person for damages on account of such injuries, up to the date of payment of such damages

Source R S 2 60-36, R S 2 60-43, R S 2 60-335

Note of Reporter The substantive part of this act is taken from the physicians' liens (2 60-235) because the physicians' liens section was clearer, the only difference being that the statute has been broken into 2 parts in order to simplify the act

2A:60-39. Amount of hospital lien. The amount of the lien by a hospital for treatment, care and maintenance of an injured person shall not exceed ward rates in such hospital up to the date of

payment of moneys or compensation to the injured party

Source R S 2 60-36

Note of Reporter The old act has been merely re-worded in this section for the purpose of clarity and simplicity

2A:60-40. Amount of physician's lien. The amount of the lien of the physician for services rendered to 1 person as a result of an accident shall be based on the usual fees and charges prevailing in the same community for similar services not to exceed 25% of the amount of any moneys or compensation received by the injured person, up to the date of payment of moneys or compensation to the injured party

Source R S 2 60-235

Note of Reporter This is approximately the same, with the exception of a few words, as the old act. The few word changes were made for purposes of simplicity and clarity

2A:60-41. Accidents or injuries under Workmen's Compensation Law excepted. No hospital or licensed physician shall be entitled to a lien where the person injured was injured as a result of an accident coming within the scope of any workmen's compensation law.

Source R S 2 60-234

Note of Reporter Under the old act, only the physician was entitled to a workmen's compensation lien. This express prohibition has been extended to hospitals. It should be noted that under the other sections of the act a lien would not be given for workmen's compensation, however, to avoid any confusion we have made this prohibition express as to hospitals

2A:60-42. Notice of lien; filing; contents; fees. No hospital or physician shall be entitled to the lien granted by this article, unless a notice in writing containing the name and address of the injured person, the date and location of the accident, the date of first treatment, care or maintenance, the name and address of the hospital or physician, and, if ascertainable by reasonable diligence, the names and addresses of the persons alleged to be liable for compensation for the injury sustained by such injured person, shall be filed in the office of the county clerk of the county in which such injuries shall have occurred, prior to the payment of any moneys to such injured person or his legal representatives as compensation for such injuries, but in no event later than 60 days after the first treatment, care or maintenance

County clerk shall file all notices in the name of the injured person and shall, for filing his notice of a lien, claim and for each search in this office, receive the fees fixed by law

Source R S 2 60-37, R S 2 60-45, R S 2 60-236, R S 2 60-239

Note of Reporter We have increased the statement of notice to include the date of first treatment. We have further required a 60 day time limit after the date of first treatment because we think that there should be an affirmative act by the hospital or physician in order to perfect the lien. Since the lien has to be filed, we think it unnecessary to tell the county clerk that he should keep a lien docket book. The information is available from the files of the county clerk and if the county clerk wants to simplify his task by using a book, that is up to him.

2A:60-43. Notice to person injured and persons liable for payments. Within 10 days after the filing of the notice mentioned in section 2A 60-42 of this article, the hospital or physician shall send by registered mail to the last known address, or serve personally, a copy of such notice with a statement of the date of the filing thereof to the injured person and to the persons alleged to be liable for compensation for the injuries sustained by such injured person, if such name and address can be ascertained by reasonable diligence. If the hospital or physician shall neglect to make services provided herein, where the names and addresses of the persons injured and the persons allegedly causing the injury are known or should be known, the lien shall be void

Source R S 2 60-38, R S 2 60-237

Note of Reporter. This is the same as the old act except for re-wording to achieve clarity and simplicity

2A:60-44. Release of claims; enforcement of lien for action. After the filing of the notice of lien as provided by section 2A 60-42 of this title and the sending of the copies of the notices as provided by section 2A 60-43 of this title, no release of any judgment, claim or demand by the injured person shall be valid or effectual as against such lien and the person making any payment to such injured person or his legal representatives, if compensation for the injuries sustained, shall, for a period of 1 year from the date of such payment, remain liable to the hospital or physician for the amount of the lien provided in this article, and any such hospital or physician within such period may enforce such lien by an action at law against such person making any such payment. In such an action, the defendant may contest the charges by the hospital or physician, if not in accordance with this article

Source R S 2 60-44, R S 2 60-238

Note of Reporter This is the same as the old act except for re-wording to achieve clarity and simplicity

2A:60-45. Statement of physicians for injuries and amount of charges. Any person legally liable or against whom a claim is asserted, or their representative, for compensation for injuries sustained shall, upon written request, be furnished by any physician asserting a lien under this article with a statement of the injuries sustained by the injured person and an itemized statement of the charges and services rendered to date. Failure of a physician to provide such statement shall constitute a valid defense in a suit brought to enforce a lien under this article

Source R S 2 60-241

Note of Reporter This is the same as the old act except for re-wording to achieve clarity and simplicity

2A:60-46. Discharge of lien; procedure; fees. Any hospital or physician having filed a lien under the provisions of this article, shall, when

such lien has been duly paid, file, or cause to be filed in the office of the county clerk, where the notice of lien has been filed, a duly acknowledged certificate to the effect that the lien filed by such hospital or physician has been duly paid or released, and authorizing the clerk of the county, in whose office the notice of the hospital or physician has been filed, to discharge the lien. Thereupon such clerk shall file said certificate in the name of the injured person, and the lien shall be considered discharged. For his services under this section, the clerk shall receive the fee fixed by law.

Source R S 2 60-47, R S 2 60-242

Note of Reporter This is the same as the old act except for re-wording to achieve clarity and simplicity.

2A:60-47. Blank

Article 6 HOTEL KEEPERS

2A:60-48. "Hotel" and "guest" defined. As used in this article

a "Hotel" includes inns and boarding houses

b "Guest" includes boarders and lodgers

Source R S 2 60-48

2A:60-49. Lien of hotel, apartment hotel, inn and boarding house proprietor. Any hotel proprietor, apartment hotel, inn and boarding house proprietor, shall have a lien on all baggage, and other property belonging to any guest, or brought upon the premises by any guest, tenant, boarder or lodger, in a hotel, apartment hotel, inn or boarding house, for the amount of his bill due to the proprietor thereof for the hire or rent of rooms, board, lodging, cash advanced or other accommodations furnished in said hotel, apartment hotel, inn or boarding house, and shall have the right, without the process of law, to retain the same until the said amount of indebtedness is discharged.

Source R S 2 60-49, as am L 1938, c 309, p 707, §1

2A:60-50. Sale of detained property; notice; disposition of proceeds; liability of proprietor for negligent loss; amount of liability. Property detained by the hotel, apartment hotel, inn or boarding house proprietor pursuant to section 2A 60-49 of this title may be sold at public auction if the amount of the indebtedness is not discharged within 3 days from the date of such detention. The proceeds of the sale after the deduction of the expenses thereof shall be applied to the payment of the indebtedness and the balance, if any, shall be paid over to the owner of such property or his representatives. The balance, if not claimed by such owner or his representative within 30 days after such sale, shall be paid to the overseer of the poor of the municipality.

No proprietor of any hotel, apartment house, inn or boarding house shall be liable in any sum to any guest, tenant, boarder or lodger for the loss of wearing apparel, goods, merchandise or

other property, unless it shall appear that such loss occurred through the fault or negligence of such proprietor, nor shall any such proprietor be liable for any sum for the loss of any article or articles of wearing apparel, trunk, satchel, valise, bag, box, bundle, or the contents thereof, or any property belonging to any such guest, tenant, boarder or lodger in any hotel, apartment hotel, inn or boarding house, and not within a room or rooms assigned to him, unless the same shall be especially entrusted to the care and custody of such proprietor or his duly authorized agent, and if so specially entrusted with such article or articles of wearing apparel, trunk, satchel, valise, bag, box and bundle, and the contents thereof, or any other property belonging to such guest, or traveler, the proprietor shall not be liable for the loss of same in any sum exceeding \$100.

Source R S 2 60-50, as am L 1938, c 309, p 708, §2

2A:60-51. Blank

Article 7 LIVERY STABLES, AND BOARDING AND EXCHANGE STABLE KEEPERS

2A:60-52. Right of lien; retention of property when amount due unpaid. Every livery stable, boarding and exchange stable keeper shall have a lien on all animals left with him in livery, for board, sale or exchange and upon all carriages, wagons, sleighs and harness left with him for storage, sale or exchange for the amount due the proprietor of any such stable for the board and keep of such animal and also for such storage, and shall have the right, without process of law, to retain the same, until the amount of such indebtedness is discharged.

Source R S 2 60-52

2A:60-53. Sale of detained property; disposition of proceeds. Property detained by the livery stable, boarding and exchange stable keeper pursuant to section 2A 60-52 of this title shall be sold at public auction, after the expiration of 30 days from the date of such detention.

The proceeds of sale after the deduction of the costs and expenses thereof shall first be applied to the payment of the indebtedness, and the balance, if any, shall be paid to the owner of the property, or his representatives. The balance, if not claimed by the owner within 60 days after sale, shall be paid to the overseer of the poor of the municipality, in which the stable is situated, for the support of the poor.

Source R S 2 60-53

2A:60-54. Blank

Article 8 ON LUMBER OR BOATS FOUND ADRIFT

2A:60-55. Compensation to persons taking up and securing drift lumber or boats. Any person taking up drift lumber, rails, posts and other valuable lumber, or boats, scows, skiffs, barges or other craft, which may be found adrift in any of the rivers or other waters in, running

through or bordering on this state, or lodged on the land in this state of any person, and who shall, in all things, comply with the requirements of this article, may demand of and recover from the owner of the same, as full compensation for his expense and labor in taking up and securing same the following amounts

Note of Reporter No attempt has been made to increase the allowances hereinafter set forth to make the amounts more in keeping with our modern values. Since there isn't a single annotation under this article, perhaps that task would be a useless waste of energy. It would not be possible to pay 12½ cents for a single log and hence the suggested change to an even amount.

For single logs or other single pieces of drift lumber, rails, posts or other valuable lumber, \$12 each,

For joined sections of lumber or parts of rafts, \$10 for each log or timber or supporting piece of lumber, and \$25 for each and every 1,000 linear feet, but not exceeding a total of \$5 for the entire joined section of lumber or part of raft;

For a whole raft, or for boats, skiffs, scows, barges or other craft, \$5 for each

Source R S 2 60-55

Note of Reporter Modify as suggested to provide more logical sequence in the language used in this section, and for greater clarity

Note change in sequence of language where value is less than \$500, which provision is recommended for the end of the entire section for better continuity

2A:60-56. Drift lumber or boats taken up to be secured and kept; advertisement thereof; sale and disposition of proceeds. Each person taking up any of the lumber or craft mentioned in section 2A 60-55 of this title shall secure and keep the same for 6 days in some convenient place, within 20 yards of the margin of the river or other waters in which or within 20 yards of the place on the land on which the same may be found

If, within the 6 days, the same shall not be claimed by the owner thereof, and shall be of the value of \$5 or over, the person taking up the same shall make advertisement thereof in a newspaper circulating in the neighborhood, at least once a week for a period of 6 weeks. The advertisement shall contain a true description of the lumber or boat taken up and a notice where the same is located

If the owner of such lumber or craft shall not lay claim thereto on or before the date of the last advertisement, the person who has taken up and secured the same may sell and dispose thereof, at a public or private sale, at a fair and reasonable price. The proceeds of such sale, after deducting the compensation allowed by said section 2A 60-55 and the expenses of the advertisement and sale, shall remain in the hands of the seller for 1 year after the sale, subject to the claim of the owner of the lumber or craft so sold, due proof of ownership therein being first made

If no owner shall appear to claim the proceeds

of the lumber or craft so sold, or, having appeared, shall fail to make due proof of ownership, the proceeds of the sale shall become the property of the person taking up, securing and selling the same

If the value of the lumber or craft shall be under \$5, and, if the same shall not be claimed by the owner thereof within 90 days from the time when they were taken up and secured, the person taking up and securing the same may appropriate them to his own use without making any advertisement or sale thereof as herein provided

Source R S 2 60-56

Note of Reporter It is suggested that the last sentence of this section be omitted in its entirety. Perjury is a very serious crime. The party submitting a verified claim under oath could be criminally prosecuted if the affidavit is false, under the general statutes dealing with such subject matter. The drift lumber may be of inconsequential value disproportionate to the grave charge of perjury

2A:60-57. Affidavit of claimant. Any person claiming to be the owner of any lumber or craft found adrift and taken up and secured pursuant to the provisions of sections 2A 60-55 and 2A 60-56 of this title, or his agent, shall, at the time he makes claim thereto, if thereunto required by the person who has taken up and secured the same, verify his claim by oath, to be taken before any officer of this state qualified by law to administer oaths

Source R S 2 60-57

2A:60-58. Rights and title of owners of lumber or boats taken up. Any person, or his agent, presenting to the person having taken up any drift lumber or craft a written claim thereto, verified as provided by section 2A 60-57 of this title, and paying to such person the compensation provided by section 2A 60-55 of this title, together with the expenses of the advertisement thereof pursuant to section 2A 60-56 of this title, shall be entitled to the immediate possession thereof, and, as against the person taking up any such lumber or craft, such verified claim shall, in all courts of this state, be presumptive evidence of title

Note of Reporter Change the word "conclusive" to "presumptive", to safeguard the personal property rights of the finder of lost property as against everyone except the lawful owner. The mere verification of a claim by the claimant does not conclusively establish its truth

This section shall not be construed to affect in any way the title to any such lumber or craft as between any person claiming ownership thereof and other claimants thereto

Source R S 2 60-58

Article 9 MARITIME

2A:60-59. Definitions. As used in this article "Apparel" includes the tackle and furniture of a vessel

"Owner" includes a master, agent, consignee or commander of a vessel

"Vessel" includes all vessels or other craft, whether enrolled or licensed or otherwise

Source R S 2 60-59

Note of Reporter The limitations upon the application of the statute in admiralty cases have been set forth in previous decisions of the courts, as shown by the annotations in the Revised Statutes

2A:60-60. Application of article. This article shall apply to all ships, steamboats, vessels or other craft, whether or not enrolled, licensed or registered

Source R S 2 60-60

2A:60-61. Debt continuing lien upon vessel; preferences. A debt contracted by an owner of a vessel within this state, shall be a continuing lien upon the vessel and her apparel until paid, for

a Labor performed or materials or articles furnished in this state for the building, repairing, fitting, furnishing or equipping the vessel in this state at the time when the same was performed or were furnished, or

b Supplies, provisions and stores furnished within this state for the use of the vessel, or

c Towing and wharfage of the vessel and the expenses of keeping the same in port, including expenses incurred in taking care of and employing persons to watch the vessel

The lien shall be preferred to all other liens on the vessel, except mariner's wages

Source R S 2 60-61

2A:60-62. Writ to enforce lien; application; before whom made. Any person having due him any sum upon any debt contracted for any of the purposes specified in section 2A 60-61 of this title may make application to a judge of the superior court or of a county court for an order directing the clerk of the court to issue a writ to enforce the lien of such debt and to collect the amount thereof

Source R S 2 60-62

2A:60-63. Application for writ; contents; verification; service. The application for the order for the writ provided for in section 2A 60-62 of this title shall be in writing by verified complaint and shall specify

a By whom the debt was contracted, and for what vessel, and

b The items composing the debt

c That the sum claimed in the complaint is justly due the plaintiff over and above all payments and discounts

d And such other facts and circumstances, if any, to establish the demand

A copy of the complaint and of the order allowing the issuance of the writ shall be served upon the defendant owner of the vessel, personally either within or without the state, or in such other manner as may be directed by order of the court, and the defendant shall have 20 days from such service within which to serve an answer or notice of motion

Source R S 2 60-63

2A:60-64. Issue of writ; subsequent writs.

The judge to whom the application is made shall order the clerk of the court to issue a writ to the sheriff of the county or in his absence, to the coroner, commanding him to attach, seize and keep the vessel and her apparel, to answer the liens that shall be established against it and to make return of his proceedings under the writ to the court within 10 days after seizure

When a writ has issued as herein authorized no other writ shall issue against the same vessel unless the first has been annulled or superseded, by order of the court

Source R S 2 60-64

2A:60-65. Execution and return of writ; inventory annexed. The officer to whom the writ is directed and delivered shall forthwith execute the same and shall keep the vessel and apparel to be disposed of in accordance with sections 2A 60-78 to 2A 60-82 of this title He shall also within 10 days after the seizure, make a return to the court ordering the writ stating therein his acts in execution of the writ He shall make, subscribe and annex to the return a just and true inventory of all property seized, which inventory shall be signed by him and annexed to the return

Source R S 2 60-65

2A:60-66. Notice of issue of writ; contents. The judge ordering the issuance of the writ shall direct the plaintiff to publish a notice thereof, which shall state

a The issuance of the writ, the name of the vessel seized, the place to which she belongs and the name of her last commander,

b That any claimant against the vessel and her apparel shall file a verified complaint setting forth his claim with the clerk of the court within 2 months from the first publication of notice or forfeit his remedy against the vessel; and

c That the vessel will be sold for payment of the claim unless the owner or a person interested therein appear and discharge the writ according to law, within 3 months from the first publication of the notice.

Source R S 2 60-66

2A:60-67. Blank

2A:60-68. Filing of complaints by other attaching creditors. A person, other than the creditor at whose instance the writ was originally issued, who has a right to a lien under the provisions of this article, may file with the clerk of the court issuing the writ a verified complaint in the form required by section 2A 60-63 of this title. Such person shall be deemed to be an attaching creditor and shall be entitled to the same benefits and subject to the same responsibilities as the creditor at whose instance the writ was originally issued

Source R S 2 60-68

2A:60-69. Cessation of lien if complaint not filed within time limited. If such a complaint

asserting a lien claim upon property so seized shall not be filed with the clerk of the court issuing the writ within the time limited in the notice, as provided by paragraph "b" of section 2A 60-66 of this title, the right of lien of such claimant shall cease.

Source. R S 2 60-69

2A:60-70. Discharge of writ; application; by whom made. The owner of a vessel seized by virtue of a writ issued pursuant to the provisions of this article, and any person interested in the vessel, may, before an order of sale is made as provided by section 2A 60-76 of this title, apply in person or by attorney to the court which issued the writ, for an order discharging the same

Source R S 2 60-70

2A:60-71. Bond of applicant for discharge of writ. The person applying for the order of discharge pursuant to section 2A 60-70 of this title, shall execute and deliver to the court to whom the application is made, a bond to the creditors in a penalty at least double the amount of the debt sworn to by them with sufficient security to be approved by the court, conditioned that the obligor therein will pay the amount of such claims and demands as shall be exhibited pursuant to section 2A 60-62 of this title, and which shall be established to have been subsisting liens upon the vessel, pursuant to the provisions of this article at the time of exhibiting the same

Source R S 2 60-71

2A:60-72. Writ discharged on delivery of bond. When the bond mentioned in section 2A 60-71 of this title is executed and delivered, the court shall grant the order discharging the writ and no further proceedings against the vessel so seized shall be had under the provisions of this article founded upon any demand included in the bond

Source R S 2 60-72

Note of Reporter It is suggested that the added language will indicate that the action on the bond may be in any court of competent jurisdiction and the procedure will be the same as in other civil actions on bonds for the recovery of money

2A:60-73. Bond held for benefit of attaching creditors. The bond mentioned in section 2A 60-71 of this title shall be held for the benefit of the attaching creditors and may be prosecuted by them jointly or separately in respect to his or their separate demand

The action on the bond may be brought in any law court of competent jurisdiction and the practice and procedure shall be the same as in other civil actions on bonds for the payment of money

Source R S 2 60-73

2A:60-74. Complaint in action on bond; contents. In an action on the bond the judgment creditors shall state in their complaints their respective judgments, and shall assign, as a breach of the condition of the bond, the non-payment of their judgments

Source R S 2 60-74

2A:60-75. Blank

2A:60-76. Sale of vessel; order; contents. If the creditor exhibiting his claim pursuant to section 2A 60-62, or any other creditor proceeding under this title shall not be satisfied and if the writ has not been discharged as provided by section 2A 60-70 of this title, the judge who ordered the issuance of the same shall, upon due proof of the publication of the notice of the issuance of the writ as provided by section 2A 60-67 of this title and proof of the service of the complaints as required by this article and of the defendant's default and of the amount due and owing the original plaintiff who caused defendant's vessel to be seized and of the amounts due the other creditors claiming a lien under this article, order judgments to be entered against the defendant owner of the vessel and in favor of such parties and for such amounts and with such lien rights, as may be determined by the court. The judge shall thereupon and within 1 month after the expiration of the time limited for the sale by paragraph "c" of section 2A 60-66 of this title, issue his order to the officer who seized the vessel under the writ, directing him to proceed and sell the vessel and her apparel. The order shall state the amount necessary to be raised to satisfy the said judgments and expenses of the proceedings

Source R S 2 60-78

2A:60-77. Modification of order for sale; sale of apparel. If it shall appear to the judge making the order of sale pursuant to section 2A 60-76 of this title that the claims exhibited before him and the expenses of the proceedings can be satisfied by a sale of the apparel or part thereof without selling the vessel, he shall modify his order accordingly

Source R S 2 60-79

2A:60-78. Procedure on sale; notice. Within 20 days after the service of a copy of the order of sale issued pursuant to section 2A 60-76 of this title, upon the officer who seized the vessel, the officer seizing the vessel shall proceed to sell the same and her apparel or the part thereof that shall be sufficient to satisfy the claim exhibited and expenses incurred, upon the same notice and in the manner and in all respects as required in the case of a sale of personal property upon execution

Source R S 2 60-80

2A:60-79. Return of proceedings on sale; retention of proceeds. The officer making the sale shall return his proceedings under the same to the court granting the order and shall retain the proceeds of sale, in his hands, after deducting his fees and expenses in seizing, preserving, watching and selling the vessel, to be distributed and paid as provided hereinafter

Source R S 2 60-81

2A:60-80. Blank

2A:60-81. Distribution of proceeds; contest of claims. The judge ordering the notice mentioned in section 2A 60-80 of this title, shall, on the day appointed in the notice, order distribution of the proceeds among the judgment creditors, less the expenses of the proceedings, which he shall order first to be paid. No such order shall be made while the claim of a creditor which has been contested by the owner of the vessel or some other creditor remains undetermined, but the court may continue the matter of distribution until all such contested claims have been fully determined.

The money, if any, remaining in the hands of the officer, after payment of the expenses of the proceedings and the liens of the creditors shall be paid to the owner of the vessel.

Source R S 2 60-83

2A:60-82. Pro rata distribution if proceeds insufficient to satisfy exhibited liens. If the proceeds of the sale are insufficient, after deducting all legal charges to satisfy the liens determined to be due the creditors under this article the judge ordering the sale shall order a distribution thereof among the creditors whose claims are ascertained by him to be due and owing, in a just and equal proportion to the amount of the claims respectively.

Source R S 2 60-93

2A:60-83. Lien not enforceable against vessel seized under process of United States courts. No proceeding had under this article to enforce a lien authorized by the provisions thereof shall be had against a vessel seized by virtue of process issuing from a United States court having admiralty jurisdiction while the vessel is actually held under such seizure, nor against a vessel sold by order of such court except for debts contracted after the sale. Nothing in this section shall be construed to impair the validity of a lien created by this article, the payment of which shall be decreed in a court of the United States.

Source. R S 2 60-98

2A:60-84. Lien on vessel causing damage to another. When a vessel shall have been run down or run afoul of by any other vessel and is damaged to the extent of \$20 or more through the negligence or willful misconduct of the navigators of such other vessel, the owner of the damaged vessel shall have a lien upon the other vessel and her apparel to the amount of the damage sustained.

Source R S 2 60-99

2A:60-85. Application for writ by owner of damaged vessel; contents. The owner of the damaged vessel shall make application by complaint in writing for a writ to any judge authorized by section 2A 60-62 of this title setting forth the following

- a. The name of the vessel causing the damage;
- b. The manner in which the damage was done, and

c. The amount of the damage.

The complaint shall be verified by the owner or master navigating the damaged vessel or by his or its duly authorized agent or attorney.

Source R S 2 60-100

2A:60-86. Issue of writ. The judge to whom the application mentioned in section 2A.60-85 of this title is made, if satisfied that the damage was caused by the negligence or willful misconduct of the person navigating the vessel causing the damage, may issue a warrant as provided by section 2A 60-64 of this title. All proceedings under the writ shall conform to the provisions of this article.

Source R S 2 60-101

2A:60-87. Cessation of lien for damages. The lien created by section 2A.60-84 of this title shall cease unless a writ issue within 20 days after damage sustained.

2A:60-88

to

2A:60-104. Blank.

Article 10. MECHANICS, MATERIALMEN AND LABORERS IN GENERAL

A DEFINITION AND CONSTRUCTION.

2A:60-105. "Building" and "fixtures for manufacturing purposes" defined. For the purposes of this article any fixed machinery, gearing or other fixtures for manufacturing purposes shall be considered a building; and "fixtures for manufacturing purposes" shall include any building, erection or construction whatsoever, attached or annexed or intended to be attached or annexed, to lands or tenements, and designed to be used in the building or repair of vessels, whether the same be permanently attached to the freehold, or so built as to be removable from place to place and only temporarily attached to the land and whether the same be intended and designed for use on land or water.

Source R S 2 60-105

2A:60-106. "Proper county clerk"; filing notices and other written instruments. When, by the provisions of this article, a notice or other written instrument is required or authorized to be filed or recorded in the "proper county", or with the "proper county clerk", such filing or recordation shall be in the office of the clerk of the county in which the property directly or indirectly affected thereby is situate, unless some other place for filing is expressly designated

Source R S 2 60-106

B LIEN, NATURE, AND TO AND FOR WHAT IT ATTACHES

2A:60-107. Property to and services for which lien attaches. Except as otherwise provided in this article, the property herein enumerated shall be liable for the payment of any debt contracted or owing to any person for any of the purposes herein specified, which debt shall be a lien upon such property, that is to say

- a. Every building, together with the land

whereon it stands, including the lot of curtilage whereon the same is erected, for labor performed or materials furnished for the erection, construction or completion of such building, or any alteration or repair thereof or addition thereto,

b Every building or part thereof removed from its situs and located on another lot or curtilage so as to constitute a complete structure or part of a structure upon the lot or curtilage to which it is removed, together with the building to which the same shall be attached or with which it shall be incorporated and the land whereon the building shall be removed, including the lot or curtilage to which the removal is had for labor performed or materials furnished in the removal of the building for all debts contracted by the owner thereof, and the erection, construction and repair of the foundation or superstructure upon which the building is placed or the structure to which the building is annexed or attached or with which it is incorporated,

c Every dock, wharf, pier, bulkhead, return, jetty, piling, groin and boardwalk erected upon any navigable water of this state, including the Atlantic ocean, together with the lots of land in front of which or upon which such dock, wharf, pier, bulkhead, return, jetty, piling, groin or boardwalk may be erected, and all the interest of the owner or owners of such land in the soil or waters of such navigable waters in front of such lands for all debts contracted by the owner thereof, for labor performed or materials furnished for or about the erection or filing on of such dock, wharf, pier, bulkhead, return, jetty, piling, groin or boardwalk,

d Land whereon improvement to the same has been made by drainage, dredging, filling in, irrigation work or the erection and construction of banks and the making of channels thereon, for all debts contracted by the owner thereof, for labor performed or material furnished in and about any such improvements and constructions,

e Every mill and factory of whatever description, together with the lot of land or curtilage whereon the same is erected for all debts contracted by the owner thereof, for labor performed or materials furnished for or about the repair or fixed machinery, gearing or other fixtures for manufacturing purposes on the same,

f. Every building, together with the land whereon it stands, including the lot or curtilage whereon the same is erected, for all debts contracted by the owner thereof, for labor performed or materials furnished in or about the sinking, driving, digging or drilling of a well or wells, whether the same be in the building or on the lands whereon it stands; and

g Land whereon improvement to the same has been made by sodding, seeding or planting thereon any shrubs, trees, plants, flowers or nursery products of any kind or description, or by grading, filling and landscaping, for all debts

contracted by the owner thereof, for labor performed or materials furnished in and about such improvement

For the purposes of this section "debts contracted by the owner thereof" shall be construed to include debts contracted by any person with the written consent of the owner

Source R S 2 60-107, as am L 1941, c 69, p 154, §1

2A:60-108. Certain exceptions to section 2A:60-107. The liability of the property described in section 2A 60-107 of this title for the payment of debts contracted or owing for any of the purposes therein specified shall not extend to

a A debt for materials furnished for the alteration or repair of a building unless the total cost of such alteration or repair exceeds \$200, or

b Materials used in the erection, construction, completion, alteration repair, or addition to a building when the materials have been furnished or delivered under a contract for the conditional sale of goods

Source R S 2 60-108

2A:60-109. Building erected, altered or repaired by tenant or person other than owner of land; consent of owner. When a building is erected, constructed or completed by a tenant or a person other than the owner of the land upon which it is erected, only the building and the estate of the tenant or person so erecting such building shall be subject to the lien created by this article, unless erected with the written consent of the owner of such land. When a building is altered, repaired or added to by a tenant or by a person other than the owner of the land upon which it is erected, only the estate of the tenant or person so altering, repairing or adding to such building shall be subject to the lien created by this article, unless such alteration, repair or addition was made with the written consent of the owner of such land. Such consent, if acknowledged or proved as deeds of real estate are required to be acknowledged or proved, may be recorded as deeds are recordable, which record and duly certified copies thereof shall be evidence in like manner

Source R S 2 60-109, as am L 1942, c 242, p 663, §1

2A:60-110. Contract with husband or wife for improvement of real estate; effect; notice of dissent. When a contract for the improvement of real property is made with a husband or wife, not separated and living apart from his or her spouse, and the land is owned by the other or both, the contracting spouse shall be deemed the agent of the other, unless such other spouse shall, within 10 days after learning of the contract, file with the proper county clerk a written notice describing the property and stating that he or she does not consent to the improvement on his or her lands

Source R S 2 60-110

2A:60-111. Extent of lot or curtilage. When the curtilage or lot on which a building is erected

is not surrounded by an inclosure separating it from adjoining land of the same owner, then the lot to which any lien under the provisions of this article shall extend shall be such tract as in the place of its location is usually known and designated as a building lot, and bounded by the lines laid down for its boundaries on any map made for the sale of it or on file in any public office to lay out in lots the tract including it. Where no such map exists, such lot may be designated by the claimant in the lien claim, but in no case shall the same exceed half an acre, or include a building not used or occupied or intended to be used or occupied with the building upon which the lien is claimed.

Source R S 2 60-111

2A:60-112. Mechanic's notice of intention; filing; second notice before expiration of 2 years; exception as to claim for labor. Except as hereinafter in this section and in section 2A 60-116 of this title provided, no one shall be entitled to a lien under the provisions of this article for any labor performed or materials furnished prior to the filing, in the office of the proper county clerk, of a mechanic's notice of intention to perform such labor or furnish such materials.

No lien claim shall be filed after the expiration of 2 years from the filing of a mechanic's notice of intention unless the right of lien contingent upon the filing of such mechanic's notice of intention is preserved by the filing of a further mechanic's notice of intention before the expiration of the 2 year period following the filing of the prior notice upon which the right of lien is based. Such second notice shall be in the form required by this article for a mechanic's notice of intention and shall also recite that it is filed to protect the right of lien based upon the former notice.

This section shall not apply to anyone performing labor which is to be paid for within 2 weeks from the date of performance when the amount due for such labor does not exceed the sum of \$200.

Source R S 2 60-112

2A:60-113. Signature to and contents of notice of intention. The notice required by section 2A 60-112 of this title shall be signed by or on behalf of the person for whose benefit it is filed and shall contain

a The name of each person who, within 10 days prior to the filing, shall have been the owner of record of the estate in the land to which the lien is to attach,

b A description of the land sufficient to identify it,

c The name of the one for whom the labor is to be performed or to whom the materials are to be furnished, and

d The full name and address of the one for whose benefit the notice is filed, and the name of any one whose signature, when affixed to

any instrument relating to such right of lien, shall be binding on the one for whose benefit the notice is filed.

Source R S 2 60-113

2A:60-114. Amendment of notice of intention. At any time before judgment on a lien claim a judge of the superior court or a judge of the court before whom the action on such lien claim is pending, upon motion of the lien claimant and on written notice to all parties interested, may order any mechanic's notice of intention filed therein pursuant to section 2A 60-162 of this title to be amended, in matter of substance as well as in matter of form, whenever it shall appear to him that such amendment can be justly made, and whenever such amendment shall be ordered, the same shall be put in writing and signed by said judge, and shall be then filed in the office of the proper county clerk, but no amendment shall affect the rights acquired by any bona fide purchaser or mortgagee between the time of filing the original notice of intention and the filing of such amendment.

Source C 2 60-113 1, L 1940, c 138, p 302, §1, as am L 1948, c 379, p 1560, §1

2A:60-115. "Notice of intention" book; entries; index; public inspection. Each county clerk shall provide a book to be entitled "mechanic's notice of intention", so arranged that he may record therein

- a The name of the owner,
- b The name of the person by or on whose behalf the notice is filed,
- c The location of the property,
- d The file number of the county clerk's office indorsed upon each notice filed,
- e The date of filing the notice.

The county clerk shall maintain in said record an alphabetical index of the names of all owners mentioned in any notice filed, and also keep in his office in convenient form for public inspection, all notices of intention so filed therein.

Source R S 2 60-114

2A:60-116. Liability in case of contract; filing in lieu of notice of intention. If a building is erected, constructed, completed, altered, repaired, or added to in whole or in part under a written contract, signed by the record owner of the estate or interest in the land which is to be charged with a lien under this article, the building and the land on which it stands shall, to the extent of the estate or interest so charged, be liable to the lien of the contractor alone for labor performed or materials furnished pursuant to the contract, if the contract or a duplicate thereof, together with the specifications accompanying the contract or a copy or copies thereof, are, before the labor is performed or materials furnished, filed with the proper county clerk. The plans need not be filed, whether or not referred to in the contract. The filing of such contract

shall be in lieu of mechanic's notice of intention as provided in section 2A 60-112 of this title.

Source R S 2 60-115

2A:60-117. Mechanics' notices of intention filed prior to filed contract; priority. Whenever a mechanic's notice of intention shall have been filed by anyone other than the contractor prior to the filing of the contract as provided in section 2A 60-116 of this title, the building and the land on which it stands shall, to the extent of the estate or interest charged, be first liable to the lien resulting from the prior filing of such notice of intention notwithstanding that any labor was performed or materials were furnished, by the one filing such notice of intention subsequent to the filing of the aforesaid contract. Whenever the record owner shall pay anyone filing such notice any claim for labor required to be performed or materials required to be furnished by the contractor by reason of the aforesaid contract, such owner shall be entitled to a credit upon the contract for the amount so paid. However, whenever written notice of the time and place of the filing of the contract shall be given by the record owner or by the contractor or other person to the one filing such notice of intention prior to the filing of the contract, which notice may be served in the same manner as provided in section 2A 60-120 of this title, the building and the land shall be liable to the lien of the contractor alone, as provided in section 2A 60-116 of this title, for labor performed or materials furnished pursuant to the contract.

Source L 1950, c 321, p 1097, §1

2A:60-118. Notice of refusal to pay claim filed by materialman, journeyman; filing; contents. When any contractor or any contractor under any contractor refuses, upon demand, to pay any person who has furnished him materials for use in or about the erection, construction, completion, alteration, repair or addition to any building mentioned in section 2A 60-116 of this title, or to pay any subcontractor, journeyman or laborer employed by him in erecting, constructing, completing, altering, repairing or adding to any building the money or wages due him, the materialman, journeyman, laborer or subcontractor, shall file with the proper county clerk, a written notice of the refusal and the amount due and demanded, specifying the amount as nearly as possible, the name of the owner, the name of the person filing the notice, and the location of the property affected.

Source R S 2 60-116

2A:60-119. Retention by owner of amount due; notice by claimant upon owner; notice by owner. After such notice is filed pursuant to section 2A 60-118 of this title, the owner of such building shall thereupon be authorized to retain the amount so due and claimed by such materialman, journeyman, laborer or subcontractor out of the amount owing by him on the contract or that

may thereafter become due from him on such contract for labor performed or materials furnished for such building.

The claimant may, after filing such notice mentioned in said section 2A 60-118, serve a copy of such notice upon the owner of the building.

After receiving a copy of such notice, the owner shall serve written notice of such notice and demand upon the contractor and any contractor under any contractor.

Source R S 2 60-117

2A:60-120. Blank.

2A:60-121. Claims paid by owner; order of payment; allowance to owner in accounts with contractor. The owner, if such claim or demand of the materialman, journeyman, laborer or subcontractor is not paid or settled by said contractor under any contractor, shall, on being satisfied of its correctness, subject to the provisions of section 2A 60-124 of this title, pay the same in the order in which notices have been filed as provided by section 2A 60-118 of this title.

The receipt of such materialman, journeyman, laborer or subcontractor for the same shall entitle the owner making payment as above provided, to an allowance therefor in the settlement of his accounts with such contractor, or his representatives or assigns, as so much paid on account.

Source R S 2 60-119

2A:60-122. Owner protected in payments made bona fide before served with notice. Until service of a copy of the notice upon an owner as provided by section 2A 60-119 of this title he shall be protected in payments made in good faith to any contractor or other person having a valid claim under sections 2A 60-118 to 2A 60-121 of this title. A failure to serve the notice herein provided for shall not otherwise affect the validity of such notice.

Source R S 2 60-120

2A:60-123. "Stop notice" book; entries; index; public inspection. Each county clerk shall provide a suitable book to be entitled "stop notices", so arranged that he may record therein

a The name of the owner,

b The name of the person by or on whose behalf the notice is filed,

c The location of the property,

d The file number of the county clerk's office indorsed upon each notice filed under authority of section 2A 60-118 of this title, and

e The date of filing the notice.

The county clerk shall maintain in said record an alphabetical index of the names of all owners mentioned in any such notice filed, and also keep in his office in convenient form for public inspection all stop notices filed therein.

Source R S 2 60-121

2A:60-124. Dispute of claim; owner not to pay. At any time after the filing of a notice under section 2A 60-118 of this title, but not after 5 days after receiving notice from the owner as provided for in section 2A 60-119 of this title, the contractor, or contractor under any contractor may notify, in writing, the materialman, journeyman, laborer or subcontractor that he disputes his claim and requests him to establish it by judgment, and if such contractor or contractor under any contractor shall notify the owner, in writing, that he has given the aforesaid notice to such materialman, journeyman, laborer or subcontractor, such owner shall not pay the claim until it has been established by judgment as so requested
Source R S 2 60-122

2A:60-125. Materialman, journeyman, etc., to establish claim by a civil action. A materialman, journeyman, laborer or subcontractor who fails to bring a civil action to establish his claim against the contractor or such contractor under any contractor, within 60 days from the service upon him of notice as provided by section 2A 60-124 of this title, shall forfeit all right to the money due or which may become due from the owner to the contractor.
Source R S 2 60-123

2A:60-126. Owner liable for payments made to defeat lien claims. If the owner of any building or other property which, by the provisions of this article, is made the subject of liens for or toward the erection, construction, completion, alteration, repair or addition thereto of which labor has been performed or materials furnished by contract, duly filed, as provided by section 2A 60-116 of this title, shall, for the purpose of avoiding the provisions of this article or in advance of the terms of such contract, pay any money or other valuable thing on such contract, and the amount still due to the contractor, after such payment has been made, shall be insufficient to satisfy the notices filed pursuant to section 2A 60-118 of this title, such owner shall be liable in the same manner as if no such payment had been made
Source R S 2 60-124

2A:60-127. Preferences and priority of laborers and other. Journeymen or laborers shall have preferences and priority for the payment of their wages over all others without reference to the date of the filing by the journeymen or laborers of their lien claims or the notices provided by this article

All persons filing notices pursuant to section 2A 60-118 of this title shall have preference and priority in the disposition of the moneys due and to become due on the contract over a person claiming said moneys or a part thereof by reason of orders thereon or assignments thereof, whether voluntary or by operation of law.
Source R S 2 60-125

2A:60-128. Priority of recorded mortgages over liens. Every mortgage upon land shall have priority as to the land included therein and any building wholly or partially erected or thereafter to be erected, constructed or completed thereon, over any lien which may be established by virtue of this article, to the extent stated in section 2A 60-129 or 2A 60-130 of this title
Source R S 2 60-126

2A:60-129. Priority as affected by status or existence of building at time of record. The priority given by section 2A 60-128 of this title shall exist when, at the time of the recording or registration of the mortgage

a The building on the affected land has been fully or substantially completed and no mechanic's notice of intention has been filed, and indexed as required by this article, or

b There is upon the affected land no building nor any excavation, footing or foundation construction, evidencing an intention to erect a building thereon, or

c There is upon the affected land an excavation, footing or foundation construction, evidencing all intention to erect a building thereon, or there is thereon a partially completed building or unfinished addition, alteration or repair, upon any of which labor has not been performed nor materials furnished within 4 months next prior to the time of the recording or registration of the mortgage.
Source R S 2 60-127

2A:60-130. Priority as affected by application of funds or advances to certain payments. The priority given by section 2A 60-128 of this title shall also exist when the mortgage secures or the funds secured thereby have been applied

a To the payment or the securing of payment of all or part of the purchase price of the land covered thereby, or

b To the payment of any valid lien or encumbrance which is, or can be established as, prior to a lien provided for by this article, or

c To the payment of any tax, assessment or other state or municipal lien or charge due or payable at the time of such payment; or

d To the payment of any premium, counsel fee or other financing charges and costs, the total of which shall not be in excess of 5 per cent of the principal of the mortgage securing the loan upon which they are based, or

e To the payment to every person, or his legal representative, assign, receiver or trustee, who shall have furnished labor or material for the building for money due therefor at the time of any advance and who shall have filed, or in whose behalf there shall have been filed a "mechanic's notice of intention," as required by this article All such claimants shall be entitled to participate in each advance made under the mortgage, except when made for payments under

paragraphs "a" to "d," inclusive, of this section, unless such person shall have

1 Subordinated, released, partially released or postponed his right of payment or lien to the lien of the mortgage, but no postponement shall be effective for the purposes of this article, except for the first payment made in reliance thereon and any preceding payments which may have been made, or unless he shall

2 Neglect or refuse, after written demand, served in the same manner as provided by section 2A 60-120 of this title, to advise in writing any mortgagee or the owner of any interest in such mortgage, within 5 days from the service of such demand of the amount due at the date of the reply to the demand, such neglect or refusal to be effective only as to the first advance made after the giving of such notice

The mortgagee may, if the amount being advanced is not sufficient to pay in full all claimants having a right to participate therein, pay to each such claimant such proportionate amount of his claim as the total amount being advanced bears to the total of the claims of all entitled to participate. All liens or rights of liens conferred by this article shall be subordinate to the mortgage to the extent of the payments so made, or

f To the payment, out of funds remaining after payment of claimants as aforesaid, to the persons named by the owner of the mortgaged lands or the mortgagor in a written statement, duly sworn to before a person who may administer or take oaths and affidavits under Revised Statutes 41 2-1, as the persons who have supplied material or furnished labor actually used in the erection, construction, completion, addition to, alteration or repair of any building upon the mortgaged premises to whom money is due for such labor or materials, and presented to the mortgagee or the agent of the mortgagee, of the amounts of money due to each such person as the same shall be stated opposite the name of such person in such written statement, and to the payment to the owner of the mortgaged lands or the mortgagor of the amount which such owner of the mortgaged lands or mortgagor shall state in a written statement, sworn to as aforesaid, to have been paid by such owner of the mortgaged lands or mortgagor to persons therein listed as having been paid stated sums of money set opposite their respective names for labor or materials actually used in and about the erection, construction, completion, addition to, alteration or repair of a building upon the lands covered by such mortgage, for which there has been no reimbursement; provided, however, that the mortgage funds or any part thereof advanced or paid by the mortgagee under this subsection shall be applied first to payment in full or payment proportionately of the moneys due to the persons listed in such written statement, of the owner of

the mortgaged lands or the mortgagor as persons not theretofore paid by him, or

g To the payment to the mortgagor or owner of the mortgaged premises of any balance out of any advance made on account of such mortgage after the substantial completion of the building on the mortgaged premises and the payment or barring in the manner provided by this article of everyone by, or on whose behalf, a "mechanic's notice of intention" shall have been filed and indexed

Source R S 2 60-128, as am L 1948, c 242, p 1084, §1

C SATISFACTION OF STOP NOTICE

2A:60-131. Stop notice satisfied or abandoned; certificate; contents; discharge by order. When a stop notice has been filed pursuant to section 2A 60-118 of this title and the claim for which the stop notice was filed has been paid, satisfied or settled by the parties, the party filing such notice shall file with the proper county clerk a certificate duly acknowledged or proved, directing the proper county clerk to discharge the stop notice of record, which certificate shall contain

- a The name of the owner of the land named in the notice,
- b The name of the person by or on whose behalf the notice was filed;
- c The location of the property,
- d The file number indorsed thereon,
- e The date of filing the notice, and

If the claimant shall fail or refuse to file such certificate, then upon motion by any proper party in interest, as judge of superior court or the county court of the proper county, upon written notice to the claimant, or upon satisfactory proof that the claimant cannot be found within the state, may, upon good cause being shown, order the stop notice discharged

The court, when the claimant cannot be found within the state, shall order the money claimed in the stop notice to be deposited in trust with the proper county clerk, to be claimed within 6 years. In case the sum so deposited with the proper county clerk shall not be claimed within 6 years from the date it is so deposited with the proper county clerk, the county clerk shall repay the funds so deposited to the original depositor or his representatives or assigns, after deducting his service charge as provided by sections 22 2-175 and 40 38-10 of the Revised Statutes

The county clerk shall thereupon attach the certificate or order to the original stop notice on file and shall note on the record thereof "discharged by certificate" or "discharged by court order," as the case may be

Source L 1941, c 381, p 987, §1 to §5, as am L 1948, c 380, p 1561, §1

D LIEN CLAIM

2A:60-132. Necessity for; time for and place of filing. Every person intending to claim a lien under this article shall, and no debt shall be a lien by virtue of this article unless the claimant

shall, within 4 months after the date of the last labor performed or the materials furnished for which the debt is due, file his lien claim with the proper county clerk, as in this article provided
Source R S 2 60-129

2A:60-133. Contents of lien claim. The lien claim required by section 2A 60-132 of this title shall contain

a A description of the building and of the lot or curtilage upon which the lien is claimed, and of its location sufficient to identify it,

b The name of the owner of the land or of the estate therein and the building on which the lien is claimed,

c The name of the person who contracted the debt, or for whom or at whose request the labor was performed or the materials furnished for which such lien is claimed, who shall be deemed the builder, and

Particulars exhibiting the amount and kind of labor performed and of materials furnished and the price at which and the times when the same was performed and furnished, giving credit for all payments made thereon and deductions that ought to be made therefrom, and the balance justly due the claimant, which particulars, when the labor or materials or both are performed or furnished by contract, need not state the details of such labor or materials further than by stating generally that certain labor therein stated was performed or certain materials therein stated were furnished by contract at a price therein mentioned

Such particulars and statements shall be verified by oath of the claimant or his agent, setting forth that the same is for labor performed or materials furnished in the erection, construction, completion of, addition to, repair of, or alteration in or of the building, or in the improvement to land, described in the claim at the times therein specified and that the amount claimed therein is justly due. A willful or fraudulent misstatement in such particulars of the matters above directed to be inserted in the lien claim shall free the land and building from the lien for the matters mentioned in such claim

Source R S 2 60-130

2A:60-134. "Lien docket" book; entries; index. Each county clerk shall provide a book designated as a "lien docket" in which he shall, upon the filing of a lien claim, enter

a The name of the owner of the land and building upon which the lien is claimed,

b The name of the builder,

c The description of the land and building; and

d The amount claimed and by whom claimed

The clerk shall make a proper index of the same in the name of the owner of the land and building

Source R S 2 60-131

2A:60-135. Amendment of lien claim; rights of bona fide purchaser or mortgagee not affected.

At any time before final judgment, a judge of the superior court or a judge of the court before whom the civil action is pending may direct the amendment of a lien claim; (a) in matters of substance as well as form, upon motion of the lien claimant and on written notice to all parties interested, or (b) so as to alter the description of the curtilage or lot as set forth in the lien claim and to determine the true size and description of the curtilage or lot, upon motion of the owner, mortgagee, builder, or lien claimant and on written notice to all parties interested, and any amendment made under the provisions of this section shall be put in writing signed by said judge and filed with the proper county clerk, but no amendment made shall affect the rights acquired by any bona fide purchaser or mortgagee between the time of filing the original lien claim and the filing of such amendment.

Source R S 2 60-132, as am L 1948, c 370, p 1509, §1, L 1949, c 111, p 443, §1

2A:60-136. Apportionment of claims among separate buildings; statement of amount apportioned filed with lien claim. A person performing labor or furnishing materials for 2 or more buildings for the same person, shall divide and apportion the same among the buildings, proportionate to the value of the labor performed or materials furnished for each building and shall file a statement of the amount so apportioned to each building with the lien claim therefor in lieu of the particulars required by paragraph "d" of section 2A 60-133 of this title and the lien claim when so filed may be enforced under this article in the same manner as though said labor had been performed and materials furnished for each building separately

Source R S 2 60-133

2A:60-137. Partial release of buildings from claim; effect on other buildings. If a lien claim is released against 1 or more of the buildings or if 1 or more of the buildings shall be erected, constructed, completed, altered, repaired, or added to under a written contract duly filed pursuant to this article, such release or such filing of a contract shall not affect or impair the lien or claim against the building or buildings not so released, or not so erected, constructed, completed, altered, repaired or added to by contract, nor the lots or curtilages whereon the same are erected

Source R S 2 60-134

E ENFORCEMENT OF LIEN CLAIM.

2A:60-138. Civil action in superior, county or district courts; parties. When a lien claim is filed pursuant to this article, the same shall be enforced by a civil action in the superior court or the county court in the county, in which the land and building are situate, or if the amount claimed does not exceed \$1,000, in the district

court of the county, in which the land and building are situate, which civil action shall be commenced against the building, owner of the land and building and every person holding a mortgage of record and other person, whose interest in the property would be affected or cut off by the judgment and sale thereunder

Source R S 2 60-135, as am L 1948, c 370, p 1510, §2, L 1949, c 111, p 444, §2

2A:60-139. Civil action to enforce lien; time for commencement; extension. No lien shall be enforced by virtue of this article unless the civil action for that purpose shall be commenced within 4 months from the date that the last labor or materials mentioned in said lien claim was performed or were furnished, as the case may be, or within the extended period hereinafter provided. The time in which such lien may be enforced by action may be extended for any further period, not exceeding 4 months, by a written agreement for that purpose, signed by all parties whose interests may be affected by the lien and filed with the proper county clerk and annexed to the lien claim on file before the expiration of 4 months from the date that the last labor or materials mentioned in said claim was performed or were furnished, as the case may be, in which case the county clerk shall enter the word "extended" in the margin of the lien docket opposite the entries with respect to the lien claim

Source R S 2 60-136, as am L 1949, c 111, p 444, §3

2A:60-140. Indorsement on claim of time of commencement of civil action. The county clerk shall, upon the commencement of the civil action, if the civil action was commenced in the county court or, upon the presentation of the certificate mentioned in section 2A 60-142 of this title, if the civil action was commenced in the superior or a district court, indorse on the lien claim the time of the commencement of the action

Source R S 2 60-137, as am L 1948, c 370, p 1510, §3, L 1949, c 111, p 445, §4

2A:60-141. Lien claim enforced only by civil action if required by owner or mortgagee; time for commencement. A claimant upon receipt of a written notice from the owner or mortgagee of the land and building requiring him to commence a civil action on the lien claim within 30 days from the receipt of such notice, shall only enforce such lien by civil action to be commenced within said 30 days

Source R S 2 60-138

2A:60-142. Certificate of commencement of civil action in district court; indorsement on lien claim by county clerk. The plaintiff in a civil action brought in the superior court or a district court on a lien claim, shall obtain from the clerk of such court a certificate to the effect that an action has been commenced in that court on such lien claim, specifying the court wherein the action is brought, and the date when such action was so

commenced. The certificate shall be presented to the proper county clerk within 5 days after the commencement of the action, who shall indorse on the lien claim that a civil action has been commenced on the same, specifying the court wherein the civil action is brought, and the date when such action was commenced

Source R S 2 60-140, as am L 1948, c 370, p 1511, §5, L 1949, c 111, p 446, §6

Note of Reporter Summons and practice will be the same as in other civil actions and governed by the rule. Provisions as to defenses eliminated because they will be governed by rules and pre-trial conference. Judgment will determine priority of mortgages. See 2A 60-146

2A:60-143. Practice and procedure in a civil action to enforce lien claim, complaint. The practice and procedure, including the summons, shall be as in other civil actions at law, except as in this article otherwise provided

The complaint in a civil action to enforce a lien claim shall contain an allegation that the debt is by virtue of this article a lien upon the building and land, describing the same as in the lien claim

Source R S 2 60-143, as am L 1948, c 370, p 1513, §8, L 1949, c 111, p 448, §8, R S 2 60-142, as am L 1948, c 370, p 1512, §7

2A:60-144. Blank.

2A:60-145. Non-abatement of civil action. In case of the death of the builder, mortgagee, or holder of any interest sought to be cut off before the lien claim is filed, the lien claim may be filed and the civil action on the lien claim may be against the executor or administrator of the builder, mortgagee or holder of such interests or if such death shall occur after the lien claim is filed and before the commencement of the civil action pursuant to this article, the civil action on the lien claim may be against the executor or administrator of such builder, mortgagee, or holder of such interest, and in case of the death of the owner before the lien claim is filed, the lien claim may be filed and the civil action on the lien claim may be against the heirs or devisees of such owner, or if the death of the owner shall occur after the lien claim is filed and before the commencement of the civil action pursuant to this article, the civil action on the lien claim may be against the heirs or devisees of such owner

If any builder, mortgagee, or holder of any interest sought to be cut off or owner dies after the filing of the lien claim and the commencement of the civil action pursuant to this article, such action shall not abate

Source R S 2 60-148

Note of Reporter Included "holder of any interest sought to be cut off"—to conform to section 2A 60-138, thus a judgment creditor subsequent to commencement of building may be sought to be cut off by lien claimant action and he may die prior to action on lien claim.

If death occurs after filing of lien claim and commencement of civil action,—proper parties will be substituted by virtue of Rule 3 25-1

2A:60-146. Judgment; for plaintiff; against builder; special or general judgment; priorities determined. If in an action to enforce a lien claim pursuant to this article a judgment is given for plaintiff, it shall be entered against the builder generally, if he was served with summons within this state

If not served within the state, the judgment against the builder, and in all cases, judgment against the owner, shall be specially for the debt, to be made of the building and land described in the complaint

The judgment shall determine the priority of the liens of the plaintiff and each defendant

Source R S 2 60-150

2A:60-147. Recovery not bar to civil action for debt; exception. If no general judgment is given against the builder as provided by section 2A 60-146 of this title, the proceeding or recovery shall not bar a civil action for the debt, except as to the part thereof actually made under the recovery

Source R S 2 60-151

2A:60-148. District court judgment docketed in county court; effect; execution; new trial. A final judgment of a district court pursuant to this article shall be docketed in the county court of the county by the party recovering the same or his representatives or assigns, and shall, from the time of such docketing in the county court, operate as a judgment obtained in a civil action originally commenced in the county court

No final judgment shall be docketed as herein provided, after the granting of a new trial, or taking of an appeal or institution of a proceeding in lieu of a prerogative writ and pending the determination thereof

Source R S 2 60-153, as am L 1948, c 370, p 1513, §10

2A:60-149. Statement of district court judgment filed in county court clerk's office; contents. When judgment is obtained in a district court pursuant to this article there shall be filed in the office of the clerk of the county court of the proper county a statement signed by the clerk of the district court, under the seal of the court, containing

- a The name of the court,
- b The names of the parties,
- c Whether judgment is general against the builder or against the building and land only, or both, and
- d The amount and date of judgment

There shall be filed with or as a part of the statement an oath of the party, his attorney or agent, that a certain amount is still due thereon, at the time of filing the statement, stating the amount so due

Source R S 2 60-155, as am L 1948, c 370, p 1514, §12

2A:60-150. No execution out of district court in final judgment thereof; new trial. No execution shall issue out of a district court on a final judgment rendered therein, pursuant to this

article, nor shall a proceeding be had thereon except the granting of a new trial, or taking of an appeal or the institution of a proceeding in lieu of a prerogative writ

Source R S 2 60-157, as am L 1948, c 370, p 1515, §14

2A:60-151. Execution on general judgment against builder; general and special judgment. If judgment in a civil action to enforce a lien claim under this article is general against the builder, a writ of execution may issue thereon, as in other cases, if against the building and land, a special writ of execution may issue to make the amount recovered therein by sale of such building and land

If both general and special judgment be given, both writs of execution may issue, separately or combined in 1 writ, and 1 of such writs may issue after the return of the other for the whole amount recovered or the residue as the case may require

Source R S 2 60-159

2A:60-152. Sale of building and land; rights of purchaser; prior encumbrances. When a special writ of execution has issued under the authority of section 2A 60-151 of this title, the sheriff or other officer shall advertise, sell and convey the building and land in the same manner as in the case of a public sale of real estate The deed given by the sheriff or other officer shall convey to the purchaser the estate which the owner had in the land at the commencement of the building or improvement or which he subsequently acquired, and also in the building, subject only to all mortgages and other encumbrances created and recorded or registered prior to the commencement of the building or improvement, and also, subject to the lien of any mortgage given and recorded or registered under the circumstances contemplated by and in conformity with the provisions of sections 2A 60-128 to 2A 60-130 of this title In case of gearing or machinery, the bringing of the same upon the premises shall be such commencement

Source R S 2 60-161

2A:60-153. Priority of prior encumbrances; exception. The prior encumbrances mentioned in section 2A 60-152 of this title, shall have priority to all subsequent liens under the provisions of this article upon the land and upon the erections thereon except such as may be removable as between landlord and tenant, which may be sold and removed by virtue of any such lien for the erection, construction or completion of the same, free from the prior encumbrances

Source R S 2 60-162

2A:60-154. Concurrent liens; payment pro rata. All lien claims for erecting, constructing, completing, added to, repairing, altering, or removing or improving the same building shall be concurrent liens upon the building and the land whereon the same is erected, and shall be paid

pro rata out of the proceeds of the sale authorized by this article

Source R S 2 60-163

2A:60-155. Proceeds of sale; distribution; when paid; caveat. The sheriff or other officer conducting the public sale authorized by this article shall pay the proceeds thereof to the clerk of the court out of which the special writ of execution issued, which court shall distribute the same among the lien claims filed pursuant to this article before a petition for distribution thereof is filed in said court. The amount due a lien claimant shall not be paid over to him until after his lien claim has been filed for 3 months, nor if contested in the civil action or if a caveat is filed against such claim by the owner mortgagee, or any lien claimant, until such claim is established by a special judgment thereon.

Source R S 2 70-164, as am L 1948, c 370, p 1515, §17

Note of Reporter All lien claimants should have right to contest right of other claimants to share proceeds. Cf *Pepiak v Halbert*, 5 N J Misc 471, 137 A 834 (Cir Ct 1927). A mortgagee should similarly have a right to contest payment. Court out of which execution issued should determine right. See section 2A 60-156 if lien is contested, there is no need for a caveat.

2A:60-156. Surplus of proceeds of sale. If the proceeds of the sale of the building or land under any judgment obtained under the provisions of this article shall be more than sufficient to pay the judgment of the plaintiff and any concurrent lien claims entitled to payment out of the proceeds of said sale under the provisions of this article, any surplus shall be distributed by the court out of which the special writ of execution issued, to the defendants holding liens, subject to that of plaintiff, according to priority of their respective liens as determined in the judgment.

Source R S 2 60-165

2A:60-157. Orders of superior and county courts. The superior court shall make all necessary and proper orders to carry into effect the objects of this article and to secure a proper disposition of proceeds of any sale to the persons entitled thereto by the provisions of this article.

Source R S 2 60-166, as am L 1948, c 370, p 1516, §18

F DISCHARGE OF MECHANIC'S NOTICE OF INTENTION AND RELEASE, DISCHARGE, CANCELLATION OF PAYMENT OF LIEN

2A:60-158. Claim satisfied or abandoned; certificate contents; discharge by order. When a mechanic's notice of intention has been filed pursuant to section 2A 60-112 of this title and the claim for which the notice was filed has been paid, satisfied or settled by the parties or abandoned by the party filing the notice, the party filing such notice shall file with the proper county clerk a certificate duly acknowledged or proved, directing the proper county clerk to discharge the mechanic's notice of intention of record, which certificate shall contain

a The date of filing the mechanic's notice of intention;

b The file number indorsed thereon,

c The name of the owner of the land named in the notice,

d The location of the property; and

e The name of the person for whom the labor was performed or materials furnished.

If the claimant shall fail or refuse to file such certificate, then upon motion by any proper party in interest, a judge of the superior court or the county court of the proper county, upon written notice to the claimant, or upon satisfactory proof that the claimant cannot be served, may, upon good cause being shown, order the mechanic's notice of intention discharged.

The county clerk shall thereupon attach the certificate or order to the original notice of intention on file and shall note on the record thereof "discharged by certificate" or "discharged by court order," as the case may be.

Source R S 2 60-174, as am L 1948, c 370, p 1518, §23

2A:60-159. Bond in favor of lien claimant; surety; conditions. When a lien claim is filed against any building and land under the provisions of this article, the owner thereof or person having interest therein may execute and file with the proper county clerk, on written notice to the lien claimant, a bond, approved as to form and sufficiency by a judge of the superior court or county court in such county, in favor of the lien claimant, with a surety company, duly authorized to transact business in the state, as surety thereon, in double the amount claimed by the lien claimant conditioned for the payment of any judgment and costs that may be recovered by the lien claimant under his claim.

Source R S 2 60-169, as am L 1948, c 370, p 1516, §21

2A:60-160. Release of property upon approval and filing of bond. When the bond mentioned in section 2A 60-150 of this title is properly approved and filed, the building and land described in the lien claim shall thereupon be released and discharged from the claim and no execution shall issue against the building and land. The words "released by bond" and a reference to the time and place of filing the bond shall be entered by the proper county clerk upon the record of the lien claim.

Source R S 2 60-170

2A:60-161. Building and land discharged from lien; how. A building and land upon which a lien is filed pursuant to this article may be discharged from the same

a By payment, and receipt therefor given by the lien claimant or his attorney of record, duly acknowledged or proved and filed with the proper county clerk,

b By payment of the amount of the lien claim with interest and costs to the proper county clerk who shall pay the same to the lien claimant,

c Upon motion by any party in interest, on written notice to the lien claimant, or upon

satisfactory proof that the lien claimant cannot be served, a judge of the superior court or the county court of the proper county is satisfied by affidavit or otherwise that

1 The lien claimant has failed to file such lien claim in the manner and within the time provided by section 2A 60-133 of this title, or

2 More than the time limited for commencement of a civil action on such lien claim as provided in section 2A 60-139 of this title has elapsed or without the entry of the time of commencement of such being made on the lien claim, or

3 The notice provided for in section 2A 60-141 of this title has been served upon the lien claimant and the time limited thereby to commence a civil action has elapsed, without such action being commenced, or without the entry of the time of commencement of such action being made upon the lien claim, or

4 The lien claim has been paid, satisfied or settled by the parties, and the lien claim still remains open of record, such judge shall order the clerk of the proper county to enter a discharge of the lien claim and the mechanic's notice of intention upon which it is based

d. When judgment of dismissal or final judgment in favor of the owner defendant is entered in a civil action to enforce the lien claim under this article and no appeal is taken within the time prescribed by the rules of civil practice, or if an appeal is taken and finally determined in favor of the owner defendant, the judge of the court before whom the judgment was entered, upon motion and written notice to the lien claimant, shall order the clerk of the proper county to enter a discharge of the lien claim and the mechanic's notice of intention upon which it is based

Source R S 2 60-173, as am L 1948, c 370, p 1517, §22

Note of Reporter This section combines a portion of former section 2A 60-130 relating to discharge of lien claims. It establishes a uniform practice to procure a discharge of the lien and the mechanic's notice of intention not included in the former section. This will permit the records to be cleared

2A:60-162. Requirements of discharge or release. A discharge, release or satisfaction of a lien claim, a receipt of payment of a lien claim, or any order of the court discharging or releasing a lien claim shall have inserted therein the book and page of the original record of the lien claim, and a full description of the property discharged or released. The county clerk may refuse to discharge, release or satisfy a lien claim or file a receipt of payment of a lien claim unless the provisions of this section have been complied with

Source R S 2 60-175

2A:60-163. Record of discharge; indorsement on record where lien recorded. A discharge, release or satisfaction of a lien claim shall be duly acknowledged or proved, and recorded in a prop-

erly indexed book for that purpose. A notation of the record of the discharge, release, satisfaction or receipt of payment or order of the court discharging or releasing a lien claim shall be indorsed upon the margin of the record in the book where the original lien is recorded stating that the discharge, satisfaction, release, receipt or order is filed and recorded, giving the date of filing and recording same and setting forth the book or record and the page where the discharge, release of satisfaction or receipt of payment of the lien or order discharging the lien is recorded

Source. R S 2 60-176

2A:60-164. Contest of claim; lands freed on deposit of amount claimed; lien on deposit. An owner, mortgagee, or person having an interest therein contesting a lien claim may free the building and land from such lien claim, upon paying to the proper county clerk the amount of the claim, with interest thereon, for 6 months after such payment, and an additional \$50, with notice that the same is not to be paid until such claim is established by a civil action

Upon such payment to the clerk, the claim shall be a lien on the money deposited and the building and land shall thereupon be released and discharged from the claim and no execution shall issue against the building and land by virtue of the judgment. The words "released by cash" and a reference to the time of such deposit shall be entered by the proper county clerk upon the record of the lien claim

Source R S 2 60-178

Note of Reporter To permit mortgagee and others to contest lien by making deposit \$25 00 increased to \$50 00 as the sum of \$25 00 is not sufficient to pay costs. Lost sentence included to make consistent with 2A 60-160

2A:60-165. Deposit paid claimant obtaining judgment; surplus; repayment to landowner. If judgment is obtained against the building and land as prescribed by this article, the money so deposited pursuant to section 2A 60-164 of this title, or so much thereof as is necessary, shall be paid to the claimant obtaining the judgment, and the surplus, if any, shall be returned to the person making the deposit or his representatives or assigns

If no civil action is commenced within the time required by this article for the commencement of a civil action on a lien claim, or if judgment be given therein without being against the building and land, the sum so deposited shall be repaid to the person making the deposit, or his representatives or assigns

Source R S 2 60-179

G GENERAL PROVISION

2A:60-166. Short title. This article may be cited as the "mechanics' lien law".

Note of Reporter This added for convenience of reference. Courts have generally referred to same under the proposed short title *Reeve v Elmendorf*, 38 N J L 125 (Sup Ct 1875), *Willeys v Earle*, 53 N J L 270, 21 A 327 (Sup Ct. 1891).

2A:60-167

to

2A:60-179. Blank

Article 11 MECHANICS, MATERIALMEN AND LABORERS ON PUBLIC IMPROVEMENTS.

A General Provisions

2A:60-180. Short title. This article may be cited as the "municipal mechanics' lien law".

Source R S 2 60-180

2A:60-181. Definitions. As used in this article "Contractor" means a person, his assigns or legal representatives, with whom a contract with a public agency is made

"Public agency" means any county, city, town, township, public commission, public board or other municipality in this state authorized by law to make contracts for the making of any public improvement in any city, town, township or other municipality

"Subcontractor" means a person having a contract under a contractor for the performance of the same work, or any specified part thereof, and also a person having such a contract with a subcontractor, for the performance of the same work or any specified part thereof

Source R S 2 60-181

2A:60-182. Civil action to recover debt not barred. Nothing in this article contained shall affect or impair the right of a creditor for labor performed or materials furnished to maintain a civil action to recover such debt against the person liable therefor

Source R S 2 60-183

B LIEN

2A:60-183. Funds liable for debts for labor and materials. Any person who, as laborer, mechanic, materialman, merchant or trader, or subcontractor, in pursuance of or conformity with the terms of any contract for any public improvement made between any person and a public agency as defined in section 2A 60-181 of this title and authorized by law to make contracts for the making of public improvements, performs any labor or furnishes any materials, including the furnishing of oil, gasoline or lubricants and vehicle use, toward the performance or completion of any such contract, shall, on complying with the provisions of sections 2A 60-187 and 2A 60-188 of this title, have a lien for the value of the labor or materials, or both, upon the moneys due or to grow under the contract and in the control of the public agency, to the full value of the claim or demand. The lien may be filed and, to the extent of the amount due or to grow due under the contract, shall become an absolute lien to the full value of the labor performed or materials furnished in favor of every person and his representatives and assigns employed by or furnishing materials to the contractor or subcontractor

No public agency shall be required to pay a greater amount than the contract price of the

labor performed and materials furnished or the value thereof when no specific contract is made with respect to the same by the contractor or subcontractor, respectively

Source R S 2 60-184

2A:60-184. Commencement and extent of lien; exception. A lien created by this article shall, from the time of the filing thereof, attach, to the extent of the liability of the contractor or subcontractor as the case may be, for the claim preferred upon any funds due or to grow due to the contractor from the public agency under the contract against which the lien claim is filed unless released as provided by section 2A 60-185 of this title

Source. R S 2 60-185

2A:60-185. Release of funds from lien; bond. The funds to which a lien has attached as provided by section 2A 60-184 of this title may be released and paid to the contractor by the financial officer of the public agency upon the filing with such officer of a bond in double the sum of all claims filed under the provisions of this article against the contract or the funds due or to grow due thereunder, and conditioned for the payment of such sum as may be adjudged to be due under such claims. The bond shall be approved, as to the form by the chief law officer of the public agency, and, as to the sufficiency thereof, by the financial officer with whom it is filed

Source R S 2 60-186

2A:60-186. Priority of lien over assignments; exception. The lien given by and filed pursuant to this article shall have priority over an assignment, whether voluntary or by operation of law, by a contractor or subcontractor to a third person of moneys due or to grow due to such contractor or subcontractor for labor performed or materials furnished for a public improvement referred to in this article even though such assignment was made prior to filing of notice by the lien claimant, but not if such money had been paid to the assignee at the time of the filing of notice

Source R S 2 60-187

C LIEN CLAIM

2A:60-187. Filing notice of lien claim. A lien claimant may, at any time before the whole work to be performed by the contractor for the public agency is either completed or accepted by resolution of the public agency, or within 60 days thereafter, file with the chairman or other head officer or with the secretary or clerk of the public agency, a notice of lien claim verified by oath of the claimant or his agent

Source R S 2 60-188

2A:60-188. Contents of notice; variance of names not to affect validity of lien. The notice of claim mentioned in section 2A 60-187 of this title shall state

a The name and residence or place of business of the claimant;

b The amount claimed and from whom due and if not due when it will be due,

c The amount, as near as may be, of the demand after deducting all just credits and offsets,

d The name of the person by whom employed or to whom the materials were furnished and whether he is the contractor with the public agency or a subcontractor,

e The general nature of the public work to which the contract relates,

f The name of the contractor and the name of the public agency with which the contract was made, and

g That the labor was performed for, or materials furnished to, the contractor or subcontractor, specifying which, and that they were actually performed or used in the execution or completion of the contract with the public agency

No variance as to the name of the contractor or subcontractor or name of the public agency shall affect the validity of the claim or lien

Source R S 2 60-189

2A:60-189. Lien docket; entries; validity of claim not affected by failure to make entry. The officer of the public agency with whom a notice of lien claim is filed pursuant to section 2A 60-187 of this title shall give notice of the filing thereof to the financial officer of the public agency who shall, in a lien book kept by him, enter

a The name and residence or place of business of the claimant,

b The name of the contractor and of the subcontractor, if any, referred to in the lien;

c The amount and date of the filing, and

d A brief designation of the contract upon which the claim is made

No failure of the officer of the public agency to notify the financial officer or of the financial officer to make entry in the lien book, shall affect the validity of the claim

Source R S 2 60-190

2A:60-190. Notice by public agency to contractor or person in interest to appear and contest claim. A public agency may, upon a notice of lien claim being filed with it pursuant to section 2A 60-187 of this title, serve notice upon the contractor and upon any person who may appear, by the records of the public agency, to have an interest in the fund in the possession of the public agency, that the claim is filed and requiring the contractor or person in interest to show cause before the governing board of the public agency, within 5 days from the service of notice, why the claim should not be paid

Source R S 2 60-191

2A:60-191. Payment of claim by public agency if statement not filed; credit for amount paid. If the contractor or person in interest shall fail to file with the financial officer of the public agency, within the time limited by section 2A 60-190 of this title, a statement duly verified, that the lien claim is unfounded and untrue,

specifying in what respects the same is unfounded and untrue, the public agency may pay, without the order of any court, the claim out of the funds in its possession upon which the claimant has a lien. When payment is so made the public agency shall not be obliged to pay the same to the contractor but shall be entitled to credit upon the contract for the amount so paid

Source R S 2 60-192

D ENFORCEMENT OF LIEN CLAIM

2A:60-192. Civil action in superior court. Any claimant who has filed the notice mentioned and described in sections 2A 60-187 and 2A 60-188 of this title may enforce his claim against the fund therein designated by a civil action in the superior court and a civil action to determine or terminate said liens may be brought in said court by the contractor, subcontractor or public agency

Source R S 2 60-194, as am L 1948, c 371, p 1520, §1

2A:60-193. Commencement of civil action; lien of other claimants preserved. No lien created pursuant to this article shall be binding on the funds of the public agency, unless a civil action to enforce the lien claim be brought within 60 days from the time when the whole work to be performed by the contractor is either completed or accepted by resolution of the public agency, but if any civil action be brought by any claimant the lien of any other claimant may be preserved and enforced by filing an answer setting up his claim in such action within the time provided for by the rules of civil practice or such time as may be allowed him by the court in such action

Source R S 2 60-195

2A:60-194. Parties to civil action; county or municipality when public agency not corporation. The claimant first bringing a civil action for the enforcement of his claim in the superior court as provided by this article, shall make parties to the action all who have filed claims, the contractor, the subcontractor referred to in the claims, and the public agency with whom the contract was made. If the public agency is not a corporation, then the county or municipality under which it is constituted shall be made a party defendant

Source R S 2 60-196, as am L 1948, c 371, p 1520, §2

2A:60-195. Determination of validity of liens and amount due; judgment; ratable distribution; priority of laborer's lien; claim of subcontractor chargeable with amount paid to claimants. The superior court shall determine the validity of the liens of the plaintiffs and defendants and of all other liens which may be filed within the time prescribed by this article and the amount due from the public agency to the contractor under the contract and from the contractor or subcontractor to the respective claimants and shall enter judgment directing the public agency, out of moneys due from it to the contractor, to pay

to the several claimants the sums found due to them respectively, with interest and costs upon claims adjudged to be just and valid under this article. If the amount due from the public agency to the contractor is not sufficient to make the payments in full, distribution shall be made ratably without regard to the priority in filing claims, and in either case the claims of the subcontractors shall be chargeable with the amounts paid to the claimants under them for labor performed and materials furnished in the execution of the subcontract. A laborer shall have a lien prior to other liens upon filing notice under this article at any time before payments are due and made.

Source R S 2 60-201, as am L 1948, c 371, p 1521, §4

2A:60-196. Payment by public agency into court during civil action. The public agency may at any time during the progress of the civil action pay into the superior court the amount which it admits to be due the principal contractor upon the contract. The contractor or claimants shall not be thereby precluded from requesting judgment for a further sum.

Source R S 2 60-204, as am L 1948, c 371, p 1521, §5

E DISCHARGE OF LIEN

2A:60-197. How discharged. The lien created by the provisions of this article may be discharged by

a Filing with the financial officer or the public agency, a certificate of the claimant or his successor in interest or attorney of record, duly acknowledged or proved, stating that the lien is discharged,

b The lapse of 60 days since the completion of the work to be performed or the acceptance of the same by resolution of the public agency without the commencement of a civil action to enforce the lien claim or the filing of answer, within the time fixed by the rules of civil practice or such further time as may be granted by the superior court, asserting such lien in a civil action brought by another claimant;

c Satisfaction of a judgment rendered in a civil action to enforce the lien or claim, or

d The final judgment of the superior court in a civil action to enforce the lien to which the claimant was a party.

Source R S 2 60-206, as am L 1948, c 371, p 1522, §7

2A:60-198

to

2A:60-206. Blank

Article 12 BONDS OF CONTRACTORS ON PUBLIC IMPROVEMENTS

2A:60-207. Additional bond for payment of claims for labor, material and supplies used. When public buildings or other public works or improvements are about to be constructed, erected, altered or repaired under contract, at the expense of the state or any county, municipality or school district thereof, the board, officer or agent contracting on behalf of the state, county,

municipality or school district, shall require the usual bond, as provided for by law, with good and sufficient sureties, with an additional obligation for the payment by the contractor, and by all subcontractors, for all labor performed or materials, provisions, provender or other supplies, teams, fuels, oils, implements or machinery used or consumed in, upon, for or about the construction, erection, alteration or repair of such buildings, works or improvements.

Source R S 2 60-207

2A:60-208. Sureties in and amount of bond; condition for payment of claims; bond deposited and held for use of interested parties. The bond required by this article shall be executed by the contractor with such sureties as shall be approved by the board, officer or agent acting on behalf of the state, county, municipality or school district, in an amount equal to at least 100 per cent of the contract price, and shall be conditioned for the payment by the contractor, and by all subcontractors, or his or their subcontractor, of all indebtedness which may accrue to any person, firm or corporation, in an amount not exceeding the sum specified in the bond, on account of any labor performed or materials, provisions, provender or other supplies, or teams, fuels, oils, implements or machinery used or consumed in, upon, for or about the construction, erection, alteration or repair of the public building or public work or improvement.

The bond shall be deposited with and be held by the board, officer or agent acting on behalf of the state, county, municipality or school district, for the use of any party interested therein.

Source R S 2 60-208

2A:60-209. Statements of claimants filed with sureties on bond; time for civil action on bond. Any person to whom any money shall be due on account of having performed any labor or furnished any materials, provisions, provender or other supplies, or teams, fuels, oils, implements or machinery in, upon, for or about the construction, erection, alteration or repair of any public building or other public work or improvement, shall, at any time before the acceptance of such building, work or improvement by the duly authorized board or officer, or within 80 days thereafter, furnish the sureties on the bond required by this article a statement of the amount due to him.

No civil action shall be brought against any of the sureties on the bond required by this article until the expiration of 80 days after the acceptance of the building, work or improvement by the duly authorized board or officer.

Source R S 2 60-209

2A:60-210. Limitation of civil action on bond. If the indebtedness due to any person as shown by the statement required to be filed by section 2A 60-209 of this title shall not be paid in full at the expiration of 80 days from the acceptance

of the building, work or improvement by the duly authorized board or officer, such person may, within 1 year from the date of such acceptance, bring a civil action in his own name upon the bond required by this article

Source R S 2 60-210

2A:60-211. Form of and conditions in bond. The bond required by this article shall be in substantially the following form

"Know all men by these presents, that we, the undersigned . . . as principal and . . . as sureties, are hereby held and firmly bound unto . . . in the penal sum of . . . dollars, for the payment of which well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors and assigns

"Signed this . . . day of . . . , 19..

"The condition of the above obligation is such that whereas, the above-named principal did on the . . . day of . . . , 19 , enter into a contract with . . . , which said contract is made a part of this the bond the same as though set forth herein,

"Now, if the said . . . shall well and faithfully do and perform the things agreed by . . . to be done and performed according to the terms of said contract, and shall pay all lawful claims of subcontractors, materialmen, laborers, persons, firms or corporations for labor performed or materials, provisions, provender or other supplies or teams, fuels, oils, implements or machinery furnished, used or consumed in the carrying forward, performing or completing of said contract, we agreeing and assenting that this undertaking shall be for the benefit of any subcontractor, materialman, laborer, person, firm or corporation having a just claim, as well as for the obligee herein, then this obligation shall be void, otherwise the same shall remain in full force and effect, it being expressly understood and agreed that the liability of the surety for any and all claims hereunder shall in no event exceed the penal amount of this obligation as herein stated

"The said surety hereby stipulates and agrees that no modifications, omissions or additions in or to the terms of the said contract or in or to the plans or specifications therefor shall in anywise affect the obligation of said surety on its bond "

Recovery of any claimant under the bond shall be subject to the conditions and provisions of this article to the same extent as if such conditions were fully incorporated in the form set forth above

Source R S 2 60-211

Article 13 MONEY PAID TO CONTRACTORS ON PUBLIC WORKS AS TRUST FUND

2A:60-212. Money paid to contractor trust fund for payment of claims. All money paid by the state of New Jersey or by any agency, commission or department thereof, or by any county,

municipality or school district in the state, to any person pursuant to the provisions of any contract for any public improvement made between any such person and the state or any agency, commission or department thereof, or any county, municipality or school district in the state, shall constitute a trust fund in the hands of such person as such contractor, until all claims for labor, materials and other charges incurred in connection with the performance of such contract shall have been fully paid

Source R S 2 60-212

Article 14 ON MONUMENTS, GRAVESTONES AND CEMETERY STRUCTURES

2A:60-213. Definitions. As used in this article

"Cemetery" includes a burial ground

"Monument" includes a gravestone, inclosure or other structure

Source R S 2 60-213

2A:60-214. Right of lien. A person furnishing or placing a monument in a cemetery shall have a lien thereon for the agreed price thereof or the part remaining unpaid, with interest from the time the amount was due, upon filing a notice of lien with the superintendent or person in charge of the cemetery

Source R S 2 60-214

2A:60-215. Notice of lien; contents; filing. Notice of lien may be filed at any time after the completion of the work, but shall be filed within 1 year after the agreed price for furnishing or placing the monument becomes due. The notice shall state that the lienor has a lien on the monument for all or the unpaid part of the purchase price thereof, with interest, specifying the amount agreed to be paid, the amount unpaid with a description of the monument and the location of the plot upon which it stands and the names of the persons with whom the agreement for the purchase and erection of the structure, or for the performance of the labor, was made. The notice shall be signed and verified by the lienor

Source R S 2 60-215

2A:60-216. Service of notice of lien. The lienor shall, within 10 days after filing the notice of lien, serve a copy thereof personally, or by mail, upon the person with whom the agreement for the purchase and erection of the monument or for the performance of labor thereon was made, and upon the owner of the lot upon which the monument is erected, if his name and residence can be ascertained

Source R S 2 60-216

2A:60-217. Enforcement of lien by sale. A lienor may, after service of the notice, as provided by section 2A 60-216 of this title, bring an action to recover the amount of the debt and to enforce his lien therefor against the person with whom the agreement was made for the purchase and erection of the monument or for the perform-

ance of labor thereon. The lienor may, if he recovers judgment, remove the monument from the cemetery and sell the same at public auction to satisfy the amount of such judgment.

Source R S 2 60-217

2A:60-218. Blank

2A:60-219. Proceeds of sale; disposition. The lienor shall, out of the proceeds of the sale, pay the expenses thereof, and the expenses of the removal of the monument from the cemetery, not exceeding \$10 if a gravestone only is removed and \$50 if any other monument is removed, and shall retain out of such proceeds the amount due upon the judgment recovered in the action to enforce the lien. The residue, if any, shall be forthwith paid to the judgment debtor.

Source R S 2 60-219

2A:60-220. Removal of monument after notice of lien filed, exception. The superintendent or other person in charge of a cemetery shall not permit the removal, alteration or inscription of a monument against which a lien exists after the notice of the lien has been filed and served as prescribed by this article, except pursuant to the terms of a judgment recovered in an action brought to enforce the lien. No officer or person connected with a cemetery shall hinder or obstruct the removal, in a proper manner, of the monument pursuant to the terms of such judgment.

Source R S 2 60-220

Article 15 PROCESSORS OF GOODS

2A:60-221. Definitions. As used in this article "Processor" means a person, partnership or corporation engaged in the business of spinning, throwing, manufacturing, bleaching, mercerizing, dyeing, weighting, printing, finishing, dressing, scrapping or otherwise treating or processing of linen, cotton, wool, silk, artificial silk, yarns or goods, skins, pelts, furs or hides, or goods of which linen, cotton, wool, silk, artificial silk, skins, pelts, furs or hides form a component part.

"Debtor" means a person, partnership or corporation indebted to a "processor" for labor performed or materials furnished in and about the business mentioned in the preceding paragraph of this section.

"Owner" includes a person, partnership or corporation having title to the property herein described, either at law or in equity, or having a lien or encumbrance thereon or an interest in the same, other than the lien of the processor herein created.

"Property" includes linen, cotton, wool, silk, artificial silk, yarn or goods, skins, pelts, furs or hides, or goods of which linen, cotton, wool, silk, artificial silk, skins, pelts, furs or hides form a component part.

Source R S 2 60-221

2A:60-222. Property subject to lien. A processor shall be entitled to a lien upon the property of others which comes into his possession, for the entire indebtedness of the person, for whose account labor was performed or materials furnished by him, in and about the spinning, throwing, manufacturing, bleaching, mercerizing, dyeing, weighting, printing, finishing, dressing or scraping, or otherwise treating or processing or shipping, trucking and storing of said property, or of other property for the debtor.

Source R S 2 60-222

2A:60-223. Waiver or impairment of lien; assignment. The lien mentioned in section 2A 60-222 of this title shall not be affected in any way by the recovery of a judgment or the taking of a bill or note for the money due for labor or material. The lien may be enforced as though the judgment had not been recovered or the bill or note taken. The lien and the indebtedness mentioned in section 2A 60-222 of this title may be assigned without impairing the lien, and the lien may be enforced by the assignee directly, or on his behalf by the assignor, to the extent of the indebtedness so assigned.

Source R S 2 60-223, as am L 1941, c 258, p 687, §1

2A:60-224. Sale of property. A processor having a lien upon the property of others that has come into his possession and the amount due shall remain due and unpaid either in whole or in part for 2 months after the same becomes due and payable, may sell the property at public auction.

Source R S 2 60-224

2A:60-225. Blank

2A:60-226. Disposition of proceeds of sale. The proceeds of the sale after the deduction of the expenses thereof shall be applied to the payment of the lien. No more of the property shall be sold, if easily separated or divided, than shall be necessary to pay the lien and expenses.

The balance of the proceeds, if any, shall be paid to those entitled thereto.

Source R S 2 60-226

2A:60-227. Lien enforceable by other procedure. The provisions of this article shall not be construed to be in derogation of the right of the lienor to enforce the lien by any other lawful procedure.

Source R S 2 60-227

2A:60-228. Paramount claim of lien; surrender of right; exception. The lien created by this article shall be paramount to the title, lien, interest or encumbrance of the owner, when the owner or his representative, if his interest is prior in time to that of the processor, shall have consented or authorized the acquiring of possession of the property by the processor. Such consent may be inferred from a course of business or dealings or otherwise.

The paramount right of the processor shall not

be surrendered or waived except by express written agreement between the parties involved.
Source R S 2 60-228

Article 16 RENTOR'S LIEN IN CERTAIN CASES

2A:60-229. Definitions. As used in this article "Rentor" includes a person, partnership and corporation who may rent a mill, factory or loft or any portion thereof, to another for manufacturing or other purposes

"Rentee" includes a person, partnership and corporation who may rent space for manufacturing or other purposes

"Owner" includes a person, partnership or corporation having or acquiring title to property herein referred to or having or acquiring a legal or equitable interest in the same.

Source R S 2 60-229

2A:60-230. Right of lien for unpaid rent; priority. A rentor shall be entitled to a lien on machinery and other chattels to the extent of the rentee's interest therein for the amount of unpaid rent, from the date the rent is unpaid

Such lien hereby created shall have priority and be paramount to any title, lien, interest, mortgage, judgment or other encumbrance created or acquired after machinery or other chattels are placed in the premises. Such priority shall extend only to the amount of unpaid rent for not more than 6 months

Source R S 2 60-230

2A:60-231. Sale to meet lien; notice; publication. When a rentor has a lien upon the machinery or other chattels of any rentee for unpaid rent, and the amount due shall remain due and unpaid, either in whole or in part, he may expose or cause to be exposed such machinery or other chattels for sale, and sell the same free and clear of such liens and encumbrances, to which the lien of the rentor is given priority by section 2A 60-230 of this title, at public auction

Source R S 2 60-231

2A:60-232. Disposition of proceeds of sale. The proceeds of the sale mentioned in section 2A 60-231 of this title shall be applied

a To the payment of the reasonable and necessary expenses of such sale, and next

b To the payment of the unpaid rent for which the rentor has a lien, and next

c To the payment of liens or encumbrances which are subordinate to the lien of the rentor in the order of their priority

The balance if any shall be paid to the rentee, or the whole balance if any may be paid into the superior court

Source R S 2 60-232.

2A:60-233

to

2A:60-242. Blank

Article 17 PROCESSORS OF MOTION PICTURE FILMS

2A:60-243. Definitions. The terms used in this article shall be construed as follows

a. The term "film laboratory work, labor, services or materials" shall mean the developing of any negative or negatives of a motion picture, printing from negative or negatives thereof, the making or furnishing of any positive print or prints thereof, the making, furnishing, printing, superimposing, or inserting, of titles in any negative or negatives thereof, or in any positive print or prints of a motion picture, the cutting, cleaning, polishing, keeping, storing, or assembling or otherwise processing, of any negative or negatives or positive print or prints of a motion picture, the furnishing of any containers for the handling or shipping of any such negatives or prints, and the doing, furnishing or performing of any and all other film laboratory work, labor, services and materials

b The term "processor" includes all persons, partnerships and corporations engaged or that may be engaged in the business, or any part thereof, of making, doing or furnishing film laboratory work, labor, services or materials

c The term "motion picture film" includes all negative and positive prints, together with the distribution and exhibition rights, the story, dialogue and music rights included therein and the copyright thereto

d The term "owner" with respect to any motion picture film includes all persons, partnerships and corporations having title to motion picture film, either at law or in equity, and all other persons, partnerships and corporations having or entitled to the possession of the motion picture film, whether he be a conditional vendee or mortgagor remaining in possession, or otherwise

e The term "party authorized with respect to any motion picture film" includes any lessee, licensee or grantee of any distribution or exhibition or exploitation rights of any motion picture film, or of any other right, title or interest in or to such motion picture film, or any agent of the owner, or any mortgagee or conditional vendee of such motion picture film, or any person, firm or corporation in possession of any motion picture film, or any person, partnership or corporation who or which may contract for any motion picture film, laboratory work, labor, services or materials in connection with such motion picture, or any agent of any of the foregoing persons, partnerships or corporations

Source R S 2 60-243

2A:60-244. Property subject to lien; right to detain. In every case where a processor shall make, do or furnish any film laboratory work, labor, services or materials in connection with any motion picture film or advance or loan money in connection therewith, or in connection

with the production or distribution thereof, to or for the account of, or at the request of, or with the consent or knowledge of, the owner thereof, or of any party authorized with respect to such motion picture film, such processor shall have a lien upon such motion picture film, and upon all other motion picture films of such owner and of all parties authorized with respect to such motion picture film, negative or negatives or positive print or prints which are in the possession of the processor, and such processor may, without process of law, detain the negatives and positives of all such motion picture films at any time in its possession until the payment of such processor of all indebtedness due or to grow due to such processor on account of such film laboratory work, labor, services or materials, so made, done or furnished by it and on account of all moneys paid out, loaned or advanced by such processor in connection therewith or in connection with the production or distribution of such motion picture film

Source R S 2 60-244

2A:60-245. Waiver or impairment of lien. No lien acquired by any processor shall be waived or impaired by the extension of any credit, or by the taking of any note or other instrument for the payment of the above-mentioned moneys due or to grow due to any such processor, or by the taking of any security for the payment thereof, or by the recovery of any judgment for such moneys

Source R S 2 60-245

2A:60-246. Sale of property subject to lien; notice. The processor, having a lien upon a motion picture film or films, may cause the same to be sold at public auction, at any time after the date when any indebtedness on account of which such processor shall have such lien shall become due and payable

Source R S 2 60-246

2A:60-247. Disposition of proceeds of sale. The proceeds of the sale shall be applied first to the payment of the expenses of the sale, which expenses shall not exceed the legal newspaper advertising fees, plus \$10 and then to the payment of the lien. The balance, if any, shall be paid to the owner or party authorized with respect to the motion picture film or films, or any part thereof so sold. The balance, if not claimed by the owner or party authorized with respect to such motion picture film or films, within 60 days after sale, shall be paid to the overseer of the poor of the said municipality for the support of the poor

Source R S 2 60-247

Article 18 WATCH AND JEWELRY REPAIRMEN

2A:60-248. Right of lien; detention. Every person, firm or corporation who shall perform work of any sort upon any watch, clock or jewelry for a price, at the request or with the consent

of the owner thereof, his representative or any other person lawfully in possession thereof, shall have a lien upon such watch, clock or jewelry for the sum due for such work, and may, without process of law, detain the same at any time it is lawfully in his possession until the sum due is paid. Said lien shall be for the work done and it shall also include the value or agreed price, if any, on all materials furnished by the lien claimant in connection with the work

Source L 1940, c 61, p 172, §1

2A:60-249. Public sale and notice thereof; disposition of proceeds. If any money due for work done or materials furnished upon any watch, clock or jewelry shall remain unpaid for 1 year after the completion of said work or the furnishing of said materials, the lien claimant first having given 30 days, notice in writing to the owner specifying the amount due and informing him that payment of such amount within 30 days will entitle such owner to the return of the property in the custody of the lien claimant and that in default thereof the said property will be sold, may, if payment is not made within said period of 30 days, sell such watch, clock or jewelry at public sale to satisfy said amount due. The proceeds of the sale after the deduction of the costs and expenses thereof shall first be applied to the payment of the indebtedness secured by the lien, and the balance, if any, shall be paid over to the owner

Source L 1940, c 61, p 172, §2

2A:60-250. Blank.

2A:60-251. Action for debt; proceeds of sale applied on judgment. Nothing in this act shall be construed so as to prevent the lien claimant from maintaining an action for the debt, notwithstanding the existence of the lien, either before or after the sale provided for by this act, provided, however, that the proceeds of any such sale after the deduction of the expenses thereof shall be credited upon the debt so due, and if the sale should be held prior to the entry of judgment, judgment shall be entered only for the difference between the debt due and the net proceeds of the sale, and if the sale be held subsequent to the entry of judgment, said judgment shall upon proper proof before the court in which the judgment was entered be reduced by the net proceeds of such sale

Source L 1940, c 61, p 173, §4

Article 19 FACTORS' LIENS

2A:60-252. "Factor" defined. The terms "factor" and "factors" wherever used in this act include persons, firms, and corporations, and their successors in interest, engaged in the business of factoring or financing sales of merchandise or of purchasing or lending on the security of receivables arising out of such sales who as part of or incidental to such business lend upon the

security of merchandise, and any consignee or consignees, pledgee or pledgees, who advance money on goods consigned to or pledged with them, whether or not such consignee or pledgees are employed to sell such goods, and their successors in interest

Source L 1942, c 182, p 550, §1

2A:60-253. Right of lien; posting sign; notice of lien. If so provided by any written agreement all factors shall have a continuing general lien upon all goods and merchandise from time to time consigned to or pledged with them, whether in their constructive, actual or exclusive occupancy or possession or not and upon any accounts receivable or other proceeds resulting from the sale or other disposition of such goods and merchandise, for all their loans and advances to or for the account of the person creating the lien (hereinafter called the borrower), together with interest thereon, and also for the commission, charges and expenses properly chargeable against or due from said borrower and for the amount due upon any notes or other obligations given to or received by them for or upon account of any such loans or advances, interest, commissions, charges and expenses and such lien shall be valid from the time of filing the notice hereinafter referred to, and whether such merchandise shall be in existence at the time of the agreement creating the lien or at the time of the filing such notice or shall come into existence subsequently thereto or shall subsequently thereto be acquired by the borrower, provided, there shall be placed and maintained on the door or in a conspicuous place at the main entrance of the store, loft or other premises in or at which such merchandise, or any part thereof, shall be located, kept or stored, a sign on which appears in legible English, the name of the factor and a designation of said factor as lienor, factor, pledgee or consignee, and provided, further, that a notice of the lien is filed stating

a The name of the factor, the name under which the factor does business, if an assumed name, the principal place of business of the factor within the state, or if he has no place of business within the state, his principal place of business outside of this state, and if the factor is a partnership or association the name of the partners, and if a corporation the state under whose laws it was organized

b The name of the borrower, and the interest of such person in the merchandise, as far as known to the factor

c The general character of merchandise subject to the lien, or which may become subject thereto, and the period of time during which such loans or advances may be made under the terms of the agreement providing for such loans or advances and for such lien.

Source L 1942, c 182, p 551, §2

2A:60-254. Filing notice of lien; fees. Such notice must be verified by the factor or his agent,

to the effect that the statements therein contained are true to the best of his knowledge. It must be filed in the office of the county recording officer of the county where the merchandise subject to the lien, or any part thereof, is or at any time shall be located, kept or stored, and also, if the factor has an office or principal place of business in the state in the county where such principal office or place of business of the factor within the state is or at any time shall be located. Such officers shall file every such notice presented to them for that purpose and shall indorse thereon its number and the time of its receipt. They shall enter in a book provided for that purpose, in separate columns, the names of the parties named in each notice so filed under the head of "borrower" and "factor" the number of such notice and the date of the filing thereof, and the general character of the merchandise as therein stated. The names of the persons creating the liens, as stated in the notice, shall be arranged in alphabetical order under the head of "borrower". Such officers at the time of filing such notice shall upon request issue to the person filing the same a receipt in writing, containing the substance of the entries made or to be made as hereinbefore provided. Such officers shall be entitled to receive for their services hereunder, fees at the same rates as they are entitled to receive for the filing of chattel mortgages

Source L 1942, c 182, p 552, §3

2A:60-255. Time for filing notice; effect. Such notice may be filed at any time after the making of the agreement and shall be effectual from the time of the filing thereof as against all claims of creditors in or against such merchandise thereafter arising.

Source L 1942, c 182, p 553, §4

2A:60-256. Discharge of lien. Upon the payment or satisfaction of indebtedness secured by any lien specified in this act, the factor or his legal representative, upon the request of any person interested in the said merchandise, must sign and acknowledge a certificate setting forth such payment or satisfaction. The officer or officers with whom the notice of lien is filed must, on receipt of such certificate or a copy thereof certified as required by law, file the same in his office and write the word "discharged" in the book where the notice of lien is entered opposite the entry thereof, and the lien is thereby discharged.

Source L 1942, c 182, p 553, §5

2A:60-257. Accounts receivable; notice to debtor; formal assignment. If any agreement provides for a right to or lien upon accounts receivable or other proceeds resulting from or which may result from a sale or sales of merchandise whether or not such merchandise or a part thereof is subject to the lien, such right or lien upon such accounts receivable or the proceeds shall not be void or ineffectual as against creditors or otherwise, by reason of failure to make or deliver a

further assignment of any such account, provided, a bill, invoice, statement or notice shall be mailed, sent or delivered to the person owing such account receivable stating in substance that the account is payable to the factor and such mailing, sending or delivery of such bill, invoice, statement or notice shall have the same effect as a formal assignment of such account to the factor named therein, provided, however, that the making and delivery of any such further or formal assignment shall, in and of itself, give to the assignee a right to or lien upon the account receivable assigned and to the proceeds thereof, effectual as against all claims of creditors of the assignor, irrespective of whether or not such bill, invoice, statement or notice shall be mailed, sent or delivered to the person owing such account receivable, stating in substance that the account is payable to the factor or assignee. If merchandise sold, or any part thereof, is returned to or recovered by the assignor from the person owing the account receivable and is thereafter dealt with by him as his own property, or if the assignor grants credits, allowances or adjustments to the person owing an account receivable, the right to or lien of the lienor or assignee upon any balance remaining owing on such account receivable and his right to or lien upon any other account receivable assigned to him by the assignor shall not be invalidated, irrespective of whether the assignee shall have consented to, or acquiesced in, such acts of the assignor.

Source L 1942, c 182, p 553, §6, as am L 1944, c 76, p 152, §1

2A:60-258. Possession as conferring lien. When any factor, or any third party for the account of any such factor, shall have possession of goods and merchandise, such factor shall have a continuing general lien, as set forth in R S 2A 60-252, without filing the notice and posting the sign provided for in this act.

Source L 1942, c 182, p 554, §7

2A:60-259. Construction; substantial compliance. This act is to be construed liberally to secure the beneficial interest and purposes thereof. A substantial compliance with its several provisions shall be sufficient for the validity of a lien and to give jurisdiction to the courts to enforce the same. Nothing in this act shall be construed as affecting or limiting any existing or future lien at common law or any rights at common law, or any right given by any other statute or provision of the Revised Statutes.

Source L 1942, c 182, p 554, §8

2A:60-260. Other law covering transaction; election. As to any transaction falling within the provisions both of this act and of any other law requiring filing or recording, notice, consent, or formalities of execution, the factor shall not be required to comply with both, but by complying with the provisions of either, at his election, may have the protection given by the law complied with.

Source L 1942, c 182, p 554, §9

Chapter 61. LIENS AND ENCUMBRANCES OF STATE.

Section	
2A 61-1	Liens or encumbrances determinable
2A 61-2	Summons, complaint allegations.
2A 61-3	Procedure in civil action, judgment, lien of state on sale under judgment cut off, state's claim made out of surplus, judgment barring state's lien
2A 61-4	Proceedings by municipalities to extinguish liens and encumbrances of state

Section	
2A 61-5	Complaint, summons
2A 61-6	Supplemental judgment barring lien or encumbrances
2A 61-7	Release of judgment from lien of state on real estate required for public improvement

2A:61-1. Liens or encumbrances determinable. Whenever the state of New Jersey has any lien or encumbrances upon any lands and a civil action arising out of any previous lien or encumbrance on such lands is instituted, or where such action is brought to foreclose the equity of redemption under a sale of the lands for unpaid taxes or other municipal liens, or where such action is a strict foreclosure action to cure defects in a prior foreclosure and sale under any lien or encumbrance prior to the lien or encumbrance of the state and such action is instituted by the purchaser at a foreclosure sale or by the legal representatives, heirs, devisees, successors or assigns of the purchaser, the lien of encumbrance of the state or its priority may be brought in question and definitely settled by the court hav-

ing jurisdiction of the subject matter of the action.

Source R S 2 61-1, as am L 1947, c 416, p 1290, §1

2A:61-2. Summons; complaint allegations. In all civil actions wherein the lien, encumbrance, or priority of encumbrance of the state shall be brought in question, a summons may issue out of the court directed to the state of New Jersey. The complaint in such an action shall set forth with particularity the nature of the lien or encumbrance of the state of New Jersey and in addition (a) where the encumbrance or lien is for an inheritance tax, if known, the name of the decedent by reason of whose death the encumbrance or lien arises, the date of death of such decedent, the county and state wherein

such decedent resided at the date of death, and the names and addresses of the decedent's personal representatives, or, if none have been appointed, the names and addresses of the decedent's heirs at law, or (b) where the encumbrance or lien is for corporation taxes, interest, costs or penalties imposed upon, or by reason of, a corporation tax, the name of the corporation against which the same was assessed or imposed
Source R S 2 61-2, as am L 1947, c 416, p 1291, §2

2A:61-3. Procedure in civil action; judgment; lien of state on sale under judgment cut off; state's claim made out of surplus; judgment barring state's lien. On the return of the summons, duly served, or on appearance for the state, the civil action may proceed as in other cases, and a judgment therein shall bind the state the same as if it had been made against an individual; and the lien of the state, on sale under such judgment, shall be cut off and the claim of the state shall be made out of the surplus, if any, in the order or priority in which the encumbrance of the state stands; provided, however, that in any civil action to foreclose the equity of redemption under a sale for taxes or other municipal liens or in any civil action of strict foreclosure to cure defects and omissions in a prior foreclosure and sale, there may be entered a judgment barring and extinguishing any lien or encumbrance of the state on the lands described in the complaint, in case (a) no answer shall be made by the state within the time limited by the rules of civil practice, or (b) where a disclaimer shall be filed by the state, or (c) where it shall be determined that the lien of the tax or assessment or any part thereof or the lien or encumbrance theretofore foreclosed is prior to the lien or encumbrance of the state and the state does not elect to redeem

Source R S 2 61-4, as am 1941, c 198, p 588, §1, L 1947, c 233, p 896, §1

2A:61-4. Proceedings by municipalities to extinguish liens and encumbrances of state. Whenever any municipality, prior to June 14, 1941, shall have instituted a suit in equity in the court of chancery to foreclose the right of redemption from a tax sale upon a certificate of tax sale held by the municipality, and shall have thereafter obtained a final decree therein vesting title to the premises described in such decree in the municipality, and such premises are

or may be subject to a lien or encumbrance of the state of New Jersey, which was in existence but subsequent to the lien or encumbrance of the municipality at the time of the institution of the foreclosure suit, the municipality may institute a proceeding in the superior court to bar and extinguish such lien or encumbrance of the state.

Source L 1947, c 349, p 1141, §1

2A:61-5. Complaint; summons. Such a proceeding shall be instituted by filing a complaint setting forth the facts and entitled as being supplemental to the original suit. Upon the filing of the complaint, a summons shall issue out of said court to the state of New Jersey
Source L 1947, c 349, p 1142, §2

2A:61-6. Supplemental judgment barring lien or encumbrance. In any such proceeding, the court may by supplemental judgment bar and extinguish the lien or encumbrance of the state

a if no answer shall be made by the state within the time limited by such notice or by an order of the court, or

b where a disclaimer shall be filed by the state, or

c. where it shall be determined that the municipal lien upon which the tax sale and tax sale certificate was predicated, or any part thereof, was prior to the lien or encumbrance of the state and the state does not elect to redeem

Source L 1947, c 349, p 1142, §3

2A:61-7. Release of judgment from lien of state on real estate required for public improvement. Whenever any real estate required for the purpose of carrying out any public improvements which have been authorized by law, is subject to the lien of any judgment obtained by and in the name of the state of New Jersey, the governor shall have power, by effective instruments, approved by the attorney general, sealed with the great seal of this state and attested by the secretary of state, to release such real estate so required from the lien of such judgment, if and when, upon application, the governor shall deem it in the public interest to do so, and it shall appear to the governor that remaining real estate subject to the lien of such judgment is sufficient security for the amount then due on such judgment

Source R S 2 61-5

Chapter 62. LOST OR DESTROYED INSTRUMENTS.

Section

2A 62-1 Establishment by judgment, when authorized, application

2A:62-1. Establishment by judgment; when authorized; application. Any person who, by the devastation of the public enemy or other unavoidable accident, has lost or may lose his deeds or other instruments containing or affecting his title to real estate or other property

may, on application therefor, have the same established by judgment in the superior court
Source R S 2 62-1

Note of Reporter The remainder of this chapter is considered procedural and should be incorporated in the rules of court

Chapter 63. MOBS AND RIOTS.

Section

Article 1. Property Loss From Mob Violence Or Riots in General

2A 63-1 Liability of city or county, action
2A 63-2 Limitation of action against city or county
2A 63-3 Conduct and review of action against city or county
2A 63-4 Collection of judgment against city or county
2A 63-5 Negligence of party suing, notice to mayor or sheriff of threats
2A 63-6 Protection of property by mayor or sheriff, expenses

Article 1 PROPERTY LOSS FROM MOB VIOLENCE OR RIOTS IN GENERAL

2A:63-1. Liability of city or county; action. When, by reason of a mob or riot, any property, real or personal, is destroyed or injured, the city in which the mob congregates or riot occurs, or, if not in a city, the county in which such property is or was situate, shall be liable to the person whose property was so destroyed or injured for the damages sustained thereby, recoverable in a civil action or in behalf of such person

Source R S 2 63-1

2A:63-2. Limitation of action against city or county. No action under authority of this article shall be maintained against any city or county, unless the same shall be brought within 3 months after the loss of or injury to the property. If the parties bringing suit be of unsound mind or minors, this limitation shall not apply

Source R S 2 63-2

2A:63-3. Conduct and review of action against city or county. The action authorized by this article may be commenced and conducted and the judgment rendered therein reviewed in the same manner as other civil actions

Source R S 2 63-3

2A:63-4. Collection of judgment against city or county. When a final judgment is recovered

Section

2A 63-7 Action against persons participating in mob or riot
2A 63-8 Compromise by city or county with owner
2A 63-9 Recovery over by city or county from persons participating in mob or riot

Article 2 Injury to Property or Person or Loss of Life From Mob Violence

2A 63-10 Liability of city or county in damages, amount
2A 63-11 Liability of city or county for death by lynching, amount recoverable

against a city or county it shall be paid and collected as other judgments against such city or county

Source R S 2 63-4

2A:63-5. Negligence of party suing; notice to mayor or sheriff of threats. If it appears at the trial of an action herein authorized that the destruction of or injury to the property was occasioned or in any manner aided, sanctioned or permitted by the negligence of the party instituting the action or in whose behalf the action is brought, there shall be no recovery. Nor shall a recovery be had unless the party instituting the action or in whose behalf the action is brought shall have used all reasonable diligence to prevent the destruction or injury and shall have, immediately after being appraised of a threat or attempt to destroy or injure his property by a mob or riot, notified the mayor of the city or the sheriff of the county, as the case may be, of the facts brought to his knowledge

Source R S 2 63-5

2A:63-6. Protection of property by mayor or sheriff; expenses. The mayor or sheriff shall, upon receiving the notice mentioned in section 2A 63-5 of this title, take all legal means to protect the property attacked or threatened. The expenses incurred by either of such officers in the performance of any duty hereby imposed shall be paid by the county treasurer of the county in which the property is situate, upon the

approval thereof by a judge of the county court of such county

Source R S 2 63-6

2A:63-7. Action against persons participating in mob or riot. Nothing in this article contained shall be construed to prevent a person whose property has been destroyed or injured by a mob or riot from having and maintaining an action against each and every person engaged or in any manner participating in the mob or riot

Source R S 2 63-7

2A:63-8. Compromise by city or county with owner. A city, by its governing body, or a county, by its board of chosen freeholders, may, when liable to an action under the provisions of this article, agree in writing with the owner of the property destroyed or injured upon a sum to be paid by him, without action, which sum shall be paid as claims of a general nature against the city or county are paid

Source R S 2 63-8

2A:63-9. Recovery over by city or county from persons participating in mob or riot. A city or county, having paid damages for the destruction of or injury to property under the provisions of this article, either upon a judgment in a civil action therefor or as a settlement, may recover the full value of the property destroyed or injured by action against any or all persons engaged or in any manner participating therein,

and the judgment or settlement shall be prima facie evidence of the value of the property destroyed or injured

Source R S 2 63-9

Article 2 INJURY TO PROPERTY OR PERSON OR LOSS OF LIFE FROM MOB VIOLENCE.

2A:63-10. Liability of city or county in damages; amount. Any person who, by reason of mob violence as defined and stated in sections 2A 152-1 to 2A 152-3 of this title, suffers material damage to his property or injury to his person shall have a civil action against the city in which such damage is suffered or injury inflicted, or, if not in a city, then against the county in which such damage is suffered or injury inflicted for such damages as he may sustain, to an amount not exceeding \$5,000.

Source R S 2 63-10

2A:63-11. Liability of city or county for death by lynching; amount recoverable. The surviving spouse, lineal heirs or adopted children of any person, who, before the loss of life, was or were dependent for support upon any other person who shall suffer death by lynching at the hands of a mob in any city or county of this state, may recover from such city in which the lynching occurred, or, if not in a city, then from such county, damages sustained by reason of the loss of life of such person, to an amount not exceeding \$5,000

Source R S 2 63-11

Chapter 64. MONEY OR PROPERTY OF TOWNSHIP OR SCHOOL DISTRICT; RECOVERY.

Section

2A 64-1 Action for recovery, jurisdiction, bond for costs

2A 64-2 Limitation of action

Section

2A 64-3 Blank

2A 64-4 Disposition of recovery

2A:64-1. Action for recovery; jurisdiction; bond for costs. If moneys, funds or other property held or owned by any township or school district, or held or owned officially or otherwise for or on behalf thereof, have been or shall be, without right, obtained, received, paid, converted or disposed of, a civil action for the recovery thereof or to recover damages or other compensation for such wrongful obtaining, receiving, paying, conversion or disposition, or both, may be maintained in any court of this state having jurisdiction thereof, by 10 freeholders of such township or district who have paid taxes on real estate in such township or school district, within 1 year, in the name of and for and on behalf of such township or school district. Before any such action shall be maintained such freeholders shall file with the clerk of such township or school district, and also with the clerk of the court in which such action may be brought, a bond conditioned for the payment of the costs and expenses of such action, duly verified, and

approved by a judge of the court in which such action is brought

Source R S 2 64-

Note of Reporter Does this requirement of a bond for costs spring out of a statutory action, or is it such that it should be properly governed by the rules?

2A:64-2. Limitation of action. No action authorized by this chapter shall lie unless the cause thereof accrued within 6 years before the action is commenced

Source R S 2 64-

2A:64-3. Blank.

2A:64-4. Disposition of recovery. Any recovery had in an action commenced under the provisions of this chapter shall, under the direction and order of the court wherein such action is pending and judgment rendered, be paid into the treasury of the township or school district in whose behalf the action is brought, but, before such recovery is paid over, the judge shall deduct and pay therefrom all expenses incurred in the action by the freeholders

Note of Reporter The allowance of counsel fees is purely procedural

Chapter 65. MORTGAGES AND BONDS; FORECLOSURE AND ACTIONS ON.

Section		Section	
	Article 1 General Provisions		A Holders of Interests Under Unrecorded, etc , Conveyances, etc
	A Proceedings Upon Bonds, Deficiencies		2A 65-20 1 Persons having unrecorded liens or claims against property, effect of foreclosure judgment, coming in as parties
2A 65-1	No personal deficiency judgment in foreclosure actions or execution thereon for balance due		B Sale Before Judgment
2A 65-2	Order of proceedings, foreclosure, action on bonds, limitations, parties	2A 65-20 2	Sale pending foreclosure proceeds of property apt to deteriorate
2A 65-3	Answer disputing amount of deficiency, determination of amount		C. Judgment
2A 65-4	Judgment in action on bond as opening foreclosure and sale, right of redemption, time for bringing action to redeem	2A 65-21	Satisfaction of judgment for foreclosure and sale
2A 65-5	Answer in action on bond disputing amount of deficiency as termination of right to redeem, foreclosure and sale not to be opened		D Sales and Disposal of Proceeds
2A 65-6	Bonds, notice of proposed judgment by confession or action on	2A 65-22	Blank
2A 65-7	Record of notice of proposed judgment by confession or action on bond, fees	2A 65-23	Sale of entire premises when entire amount not due, disposition of proceeds
2A 65-7 1	Action on bond where lien of mortgage has been extinguished by foreclosure of prior mortgage	2A 65-24	Blank
2A 65-7 2	Judgment on bond not to open foreclosure and sale, right of redemption	2A 65-25	Gross sum in lieu of dower, curtesy, life estate or estate for years
2A 65-7 3	Record of notice	2A 65-26	Payment of surplus from sale to executor or administrator
2A 65-7 4	Penal sum of bond may be expressed in sum of debt, recovery for true amount	2A 65-27	When sale under execution authorized, issue and record of writ
2A 65-8	Prior judgments by confession validated	2A 65-28	Sale and conveyance of premises, estate conveyed, disposition of proceeds, application for surplus
	B Parties to Foreclosure Actions		E Fees and Costs
2A 65-8 1	Blank	2A 65-29	Fees where amount due not in excess of \$300
2A 65-8 2	Validation of sales where cestui que trusts not made parties to foreclosure proceedings	2A 65-30	to
2A 65-8 3	Blank	2A 65-32	Blank
	C Redemption of Mortgaged Premises		Article 2A Sale by Scire Facias
2A 65-9	Action on bond secured by mortgage by ejectment by mortgagee for possession, redemption by mortgagor, satisfaction and discharge of mortgage by court	2A 65-33	When authorized, issue of writ, sale of mortgaged premises, disposition of surplus
2A 65-10	Suit to compel payment of amount due mortgagee or to foreclose equity of redemption, order or decree before hearing of cause	2A 65-34	Title of purchaser at sale under scire facias
2A 65-11	Exceptions to sections 2A 65-9 and 2A 65-10	2A 65-34 1	Remedy by scire facias not to apply to mortgages made thereafter
	D Blank		Article 3 Partial Foreclosures
2A 65-12	Blank	2A 65-35	Mortgages to which article applies
	E Validation of Deeds on Misnomer	2A 65-36	Foreclosure for unpaid interest authorized
2A 65-13	Title conveyed by sheriff's deed notwithstanding misnomer of certain defendants	2A 65-37	Judgment on foreclosure for unpaid interest, no merger, lien of mortgage continued
	F Bar of Equity of Redemption by Possession	2A 65-38	Sale on foreclosure for unpaid interest subject to lien of mortgage
2A 65-14	Bar of equity of redemption	2A 65-39	Foreclosure for unpaid installment of principal authorized
	Article 1A Assumption of Bonds and Mortgages	2A 65-40	Judgment on foreclosure for unpaid installment of principal, no merger, lien of mortgage continued
2A 65-14 1	Proceedings against person assuming payment of mortgage debt	2A 65-41	Sale on foreclosure for unpaid installment of principal subject to lien of mortgage
2A 65-14 2	Retroactive effect	2A 65-42	Foreclosure for unpaid municipal liens authorized
2A 65-14 3	Determination of fair value as prima facie evidence	2A 65-43	Judgment on foreclosure for unpaid municipal liens, no merger, lien of mortgage continued
2A 65-14 4	Determination of rights and interests of parties	2A 65-44	Foreclosure for either unpaid interest or installment of principal and unpaid municipal liens
2A 65-14 5	Provisions of sections 2A 65-6 and 2A 65-7 applicable to action, when specified in section 2A 65-14 1	2A 65-45	Foreclosure for failure to procure insurance or pay insurance premiums authorized
2A 65-14 6	No provisions of chapter repealed or superseded by act	2A 65-46	Judgment on foreclosure for failure to procure insurance or pay premiums, no merger, lien of mortgage continued
2A 65-14 7	Actions commenced before July 3, 1947	2A 65-47	No merger of fee and mortgage interest on purchase at sale by holder of mortgage, conveyance by purchaser, assignment of mortgage
	Article 2. Proceedings in Superior Court	2A 65-48	No deficiency judgment
2A 65-15	to	2A 65-49	to
2A 65-20	Blank	2A 65-59	Blank

Article 1 GENERAL PROVISIONS

A PROCEEDINGS UPON BONDS, DEFICIENCIES

2A:65-1. No personal deficiency judgment in foreclosure actions or execution thereon for balance due. No judgment shall be rendered in any civil action to foreclose a mortgage for any balance which may be due plaintiff over and above the proceeds of the sale of the mortgaged property, nor shall execution issue for the collection of any such balance.

Source R S 2 65-1

2A:65-2. Order of proceedings; foreclosure; action on bond; limitations; parties. Where both a bond and a mortgage have been given for the same debt, all proceedings to collect the debt shall be

First, a foreclosure of the mortgage, and

Second, a civil action on the bond for any deficiency, if, at the sale in the foreclosure proceeding, the mortgaged premises do not bring an amount sufficient to satisfy the debt, interest and costs

The action on the bond shall be commenced within 3 months from the date of the sale or, if confirmation is or was required, from the date of the confirmation of the sale of the mortgaged premises, in which action judgment shall be rendered and execution issued only for the balance due on the debt and interest and costs of the action

No action shall be instituted against any person answerable on the bond unless he has been made a party in the action to foreclose the mortgage

Source C 2 65-2, as am L 1948, c 378, p 1556, §1

Note of Reporter The Act of 1880, as amended in 1881, was held unconstitutional as to antecedent obligations *Baldwin v Flagg*, 43 L 495, *Coddington v Bispham's Ex'rs*, 36 E 574, affirming 36 E 224, *Wilkinson v Rutherford*, 49 L 241, *Morris v Carter*, 46 L 260 For discussion of contract status of bond and mortgage see *Natovitz v Bay Head Realty Co*, 142 E 456

If existing foreclosure statutes are repealed and the new statutes declared unconstitutional as to antecedent obligations a deplorable situation would result The above cited cases and cases cited post give every indication that new legislation would be held unconstitutional as to pre-existing mortgages

2A:65-3. Answer disputing amount of deficiency; determination of amount. The obligor in any bond mentioned in section 2A 65-2 of this title, given after March 29, 1933, may file an answer in the civil action on the bond, disputing the amount of the deficiency sued for, in which event both parties may introduce, in evidence at the trial of the action on the bond, testimony of the fair market value of the mortgaged premises at the time of the sale thereof under the foreclosure action, and the court, with or without a jury, shall determine the amount of such deficiency, by deducting from the debt secured by the bond and mortgage the amount assessed as the fair market value of the premises If all parties to the action shall so agree, the court may accept as the fair market value of the mort-

gaged premises the value fixed by 3 appraisers, to be named by agreement of all the parties to the action, which agreement shall be evidenced by a stipulation to be filed in the action

Source R S 2 65-3

Note of Reporter This act is not repealed to preserve a market value defense regarding bonds and mortgages executed after March 29, 1933 See *Vanderbilt v Brunton Piano Co*, 111 N J L 596 (E & A 1933), *Henderson v Weber*, 131 N J L 299 (E & A 1943) Cf *Home Owners' Loan Corp v Grundy*, 122 N J L 301 (Sup Ct 1939)

2A:65-4. Judgment in action on bond as opening foreclosure and sale; right of redemption; time for bringing suit to redeem. If, after the foreclosure and sale of mortgaged premises, the person entitled to the debt shall recover a judgment in an action on the bond for any balance of debt, such recovery shall open the foreclosure and sale of the premises, and the person against whom the judgment has been recovered may redeem the property by paying the full amount of money for which the judgment was granted, with interest to be computed from the date of the judgment, and all costs of the action on the bond, and all reasonable expenses which the purchaser may have incurred in the meantime for taxes, assessments, other prior liens, necessary repairs upon the premises and interest on same, after deducting from the amount thereof such income as the holder may have derived from the possession of the premises, either as rent or otherwise

An action for redemption of the premises shall be brought within 6 months after the entry of the judgment for the balance of the debt

Source R S 2 65-4

Note of Reporter This section was held unconstitutional as to antecedent mortgages See *Coddington v Bispham's Ex'rs*, 36 E 574, *Champion v Hinckle*, 45 E 162 (E & A 1888)

2A:65-5. Answer in action on bond disputing amount of deficiency as termination of right to redeem; foreclosure and sale not to be opened. Where an action has been brought on a bond for a deficiency as provided by section 2A 65-2 of this title, and where the party or parties liable on the bond, or otherwise, for such deficiency shall have answered disputing the amount of the deficiency as provided by section 2A 65-3 of this title, the effect of such answer shall be to terminate any right to redeem from foreclosure sale as provided by section 2A 65-4 of this title, and the recovery on the bond shall not open the foreclosure and sale of the premises as provided by said section 2A 65-4

Source R S 2 65-5

Note of Reporter This section was held unconstitutional as to pre-existing mortgages in *Fidelity Union Trust Co v Multiple Realty Construction Co*, 131 N J E 527 (Ch 1942)

2A:65-6. Bonds; notice of proposed judgment by confession or action on. No judgment shall be entered by confession on any bond where a mortgage on real estate has been or may be given for the same debt or in any civil action on the bond, unless, prior to the entry of the

judgment, if by confession, or prior to the commencement of the action on the bond, if the proceeding be by action, there shall be filed in the office of the clerk or register of deeds and mortgages of the county, as the case may be, in which the real estate described in the mortgage is situate a written notice of the proposed judgment or action, setting forth the court in which it is proposed to enter the judgment or begin the action, the names of the parties to the bond and to the judgment or action, the book and page of the record of the mortgage, together with a description of the real estate described therein

Source R S 2 65-6

2A:65-7. Record of notice of proposed judgment by confession or action on bond; fees. The county clerk or register of deeds and mortgages shall forthwith record the notice required to be given by section 2A 65-6, together with the time of the filing thereof, in the book by him kept for the record of notices of lis pendens

For the filing and recording of such notice the clerk or register shall receive the fees provided by section 22 4-4 of the title fees and costs, which fees shall be included with the other costs to be taxed and recovered in the judgment or action on the bond

Source R S 2 65-7

Note of Reporter Revised to conform to Rule 3 77 re confirmation of sale and to omit redundant provisions Also to take in consideration the fact that actions may be barred under previous act

2A:65-7.1. Action on bond where lien of mortgage has been extinguished by foreclosure of prior mortgage. Where a bond and mortgage shall be or have been given for the same debt and the lien of the mortgage has or shall be extinguished by the foreclosure of a prior mortgage and sale of the mortgaged premises, action on the bond shall be commenced within 1 year of the sale or, if confirmation is or was required, from the date of confirmation of the sale, and all such actions not commenced within said period shall be thereafter completely and forever barred for lapse of time, but the time during which any application for surplus moneys arising from the foreclosure of such prior mortgage shall be in litigation shall not be taken or computed as part of any such period of 1 year

Source. C 2 65-7 1, L 1942, c 172, p 532, §1

2A:65-7.2. Judgment on bond not to open foreclosure and sale; right of redemption. The recovery of a judgment in an action on any bond pursuant to section 2A 64-7 1 shall not open the foreclosure and sale of the mortgaged premises nor result in any right of redemption

Source C 2 65-7 2, L 1942, c 172, p 533, §2

2A:65-7.3. Record of notice. No judgment shall be entered by confession or in any action upon any bond pursuant to section 2A 65-7 1 unless prior to the entry of the judgment, if by confession, or prior to the commencement of the action on the bond, if the proceeding be by action,

there shall be filed and recorded in the office of the clerk or register of deeds and mortgages of the county, as the case may be, in which the mortgaged premises are situate, a written notice to the same effect and in the same manner as is required by sections 2A 65-6 and 2A 65-7 of this title

Source C 2 65-7 3, L 1942, c 172, p 533, §3

2A:65-7.4. Penal sum of bond may be expressed in sum of debt; recovery for true amount. Whenever a bond secured by a mortgage shall be given for the same debt, the penal sum of the bond may be expressed in the sum of the debt instead of in a sum double the amount of the debt, and in any action upon such bond, recovery may be had for the true amount due including the debt, interest, charges, advances, costs, and any other obligation, secured and evidenced by the terms and conditions of the bond and mortgage in the same manner and to the same effect as though the penal sum expressed in the bond was double the amount of the debt

Source C 2 65-7 4, L 1947, c 337, p 1088, §1

2A:65-8. Prior judgments by confession validated. L. 1911, c. 354, p. 740 (R. S. 2.65-8), entitled "A supplement to an act entitled 'supplement to an act entitled 'an act concerning proceedings on bonds and mortgages given for the same indebtedness and the foreclosure and sale of mortgaged premises thereunder' (which said act was approved March 12, 1880), and which supplement was approved May 28, 1907'", approved May 2, 1911, saved from repeal [This act is a validating act as to prior judgments of confession]

B PARTIES TO FORECLOSURE ACTIONS

2A:65-8.1. Blank.

2A:65-8.2. Validation of sales where cestuis que trustents not made parties to foreclosure proceedings. L 1938, c 62, p 168, §1 (R S 2 65-8 2) saved from repeal. [This section validates sales of lands, tenements, hereditaments or other real estate where cestuis were not made parties to foreclosure proceedings]

Note of Reporter The constitutionality of this validating act was questioned in Junior Order B & L Ass'n v Henrix (not reported, former Ct Ch Docket 139/131, Oct 17, 1941)

2A:65-8.3. Blank

C REDEMPTION OF MORTGAGED PREMISES

2A:65-9. Action on bond secured by mortgage by ejectment by mortgagee for possession; redemption by mortgagor; satisfaction and discharge of mortgage by court. Section 1 of an act entitled "An act concerning mortgages" (revision), approved March 27, 1874 (R S 2 65-9), saved from repeal [The provisions of this section are indicated in the above section heading]

Note of Reporter See Steffel v Gressler, 129 N J E 425 (E & A 1941), Steadfast B & L Ass'n v Polski, 12 N J Misc 96 (Es Co Cir Ct 1934)

2A:65-10. Suit to compel payment of amount due mortgagee or to foreclose equity of redemption; order or decree before hearing of cause. Section 2 of an act entitled "An act concerning mortgages" (revision), approved March 27, 1874 (R S 2.65-10), saved from repeal [The provisions of this section are indicated in the above section heading]

2A:65-11. Exceptions to sections 2:65-9 and 2:65-10. Section 3 of an act entitled "An act concerning mortgages" (revision), approved March 27, 1874 (R S 2:65-11), saved from repeal. [The provisions of this section are indicated in the above section heading]

D BLANK

2A:65-12. Blank

E VALIDATION OF DEEDS ON MISNOMER

2A:65-13. Title conveyed by sheriff's deed notwithstanding misnomer of certain defendants. L 1948, c 378, p 1557, §3 (C 2 65-13), saved from repeal [This section provides that the sheriff's deed shall be valid despite the fact that any defendant who may have been made a party defendant in a foreclosure action has been misnamed in his representative capacity, provided that such person was actually named by his own proper name in the proceedings]

F BAR OF EQUITY OF REDEMPTION BY POSSESSION

2A:65-14. Bar of equity of redemption. If a mortgagee or those holding under him shall be in possession of the real estate specified in the mortgage, or any part thereof, for 20 years after a default of payment by the mortgagor, the right or equity of redemption in the mortgage shall be forever barred

Source R S 2 65-14

Article 1A ASSUMPTION OF BONDS AND MORTGAGES

2A:65-14.1. Action against person assuming payment of mortgage debt. No civil action to enforce an agreement, express or implied, to assume the payment of any mortgage, or of any bond secured by a mortgage, shall be maintained against a person making such agreement unless the mortgage shall have been first foreclosed, or extinguished by the foreclosure of a prior mortgage or lien, provided no such action may be maintained unless

a the person making such agreement was made a party defendant in the foreclosure action, and

b the action is commenced within 3 months from the date of sale or, if confirmation is or was required from the date of the confirmation of the sale of the mortgaged premises, in the foreclosure action or in the case of the extinguishment of the mortgage lien by the foreclosure of a prior mortgage or lien, then within 12

months from the date of such extinguishment, and

c a notice of intention to bring the action, is filed in the office of the register or the clerk of the county, as the case may be, wherein the mortgaged premises are located, before the commencement of the action, and

d the plaintiff shall in his complaint offer to credit upon the indebtedness the fair market value, which shall be specified, of the mortgaged premises as of the date of the sale in the foreclosure suit, in any case where the plaintiff was the purchaser of the mortgaged premises at such sale, and in such case the defendant may contest, in the action, the amount of such fair market value, and

e the plaintiff shall join in the action any and all persons within the jurisdiction of the state of New Jersey alleged to be liable as obligors upon the bond and upon any other agreement of assumption of payment of the same bond, express or implied, and upon any and all agreements or covenants to pay the same bond, or any moneys alleged to be due thereon, as principal, guarantor, surety or otherwise, whether such persons are alleged to be liable directly, indirectly, jointly, severally, or in the alternative
Source C 2 65-14 1, L 1947, c 381, p 1213, §1

2A:65-14.2. Retroactive effect. Sections 2A 65-14.1 to 2A 65-14.7 both inclusive shall be applicable to all agreements, express or implied, to assume the payment of any bond secured by a mortgage, whether heretofore or hereafter made, but in the case of such agreements heretofore made, the time within which the action may be brought, unless previously barred by any provision of law

Source C 2 65-14 2, L 1947, c 381, p 1214, §2

2A:65-14.3. Determination of fair value as prima facie evidence. In any civil action specified in section 2A 65-14.1 wherein the fair value of the mortgaged premises is in issue and such fair value has been determined in any prior action or proceeding, such determination shall be prima facie evidence of such fair value.
Source C 2 65-14 3, L 1947, c 381, p 1215, §3

2A:65-14.4. Determination of rights and interests of parties. In any action specified in section 2A 65-14.1 the court shall by the judgment therein entered determine the respective rights and interests of all of the parties as between themselves and all of the other parties as to primary, secondary and other liability to the plaintiff and as to the direct, or indirect, or alternative liability of any party to any other party.
Source. C 2 65-14 4, L 1947, c 381, p 1215, §4

2A:65-14.5. Provisions of sections 2A:65-6 and 2A:65-7 applicable to action, when. Whenever the bringing of any action specified in section 2A 65-14.1 shall revive the right to redeem the

mortgaged premises and shall open the foreclosure and sale of the mortgaged premises, under section 2A 65-4 of the Revised Statutes, the provisions of sections 2A 65-6 and 2A 65-7 shall be applicable to such action

Source C 2 65-14 5, L 1947, c 381, p 1215, §5

2A:65-14.6. No provisions of chapter repealed or superseded by act. Nothing contained in sections 2A 65-14 1 to 2A 65-14 7 shall be deemed to repeal or supersede any of the provisions of chapter 65 of Title 2A of the Revised Statutes

Source C 2 65-14 6, L 1947, c 381, p 1215, §6

2A:65-14.7. Actions commenced before July 3, 1947. The provisions of sections 2A 65-14 1 to 2A 65-14 6 inclusive shall not apply to any action commenced prior to July 3, 1947

Source C 2 65-14 7, L 1947, c 381, p 1215, §7

Article 2 PROCEEDINGS IN SUPERIOR COURT

2A:65-15

to

2A:65-20. Blank

A HOLDERS OF INTERESTS, UNDER UNRECORDED, ETC., CONVEYANCES, ETC

2A:65-20.1. Persons having unrecorded liens or claims against property; effect of foreclosure judgment; coming in as parties. In any civil action for the foreclosure of a mortgage upon real or personal property in this state, all persons claiming an interest in or an encumbrance or lien upon such property, by or through any conveyance, mortgage, assignment, lien or any instrument which, by any provision of law, could be recorded, registered, entered or filed in any public office in this state, and which shall not be so recorded, registered, entered or filed at the time of the filing of the complaint in such action shall be bound by the proceedings in such action so far as such property is concerned, in the same manner as if he had been made a party to and appeared in such action, and the judgment therein made against him as one of the defendants therein, but such person, upon causing such conveyance, mortgage, assignment, lien, claim or other instrument to be recorded, registered, entered or filed as provided by law, may cause himself to be made a party to such action

Source L 1949, c 112, p 450, §4

B SALE BEFORE JUDGMENT

2A:65-20.2. Sale pending foreclosure proceeds of property apt to deteriorate. When, in a civil action for the foreclosure or satisfaction of a mortgage covering real or personal property, or both, the property mortgaged is of such a character or so situated as to make it liable to deteriorate in value or to make its care or preservation difficult or expensive pending the determination of the action, the superior court may, before judgment, upon the motion of any party to the civil action, order a sale of the mortgaged property to be made at public or private

sale through a receiver, sheriff, or otherwise, as the court may direct The proceeds of any such sale shall be brought into court, there to remain subject to the same liens and equities of the parties in interest as was the mortgaged property and to be disposed of as the court shall, by order or judgment direct

Source L 1949, c 112, p 451, §5

C JUDGMENT

2A:65-21. Satisfaction of judgment for foreclosure and sale. When a judgment or decree in chancery for the foreclosure and sale of mortgaged premises is paid and satisfied, except by a sale of the premises, satisfaction thereof shall be entered by the clerk by virtue of a duly acknowledged or proved warrant or authority from the party receiving satisfaction, or from his attorney, if any.

Source R S 2 65-21

D SALES AND DISPOSAL OF PROCEEDS

2A:65-22. Blank

2A:65-23. Sale of entire premises when entire amount not due; disposition of proceeds. When, in cases where the whole sum secured by a mortgage is not due, a judgment of the court shall be made for the sale of the mortgaged premises, either for the nonpayment of any portion or installment of the debt or demand intended to be secured by the mortgage, or the nonpayment of interest due, or both, and it shall appear to the court that a part of the mortgaged premises cannot be sold to satisfy the amount due without material injury to the remaining part of the mortgaged premises, and that it is just and reasonable that the whole of the mortgaged premises should be sold together, the court may order a sale to be made of the whole mortgaged premises, the proceeds of such sale, or so much thereof as shall be necessary, to be applied, as well as the payment of the interest, installments or portions then due, and also the costs then due and payable, as to the payment of the whole or residue of the debt or demand not then due and payable, and the residue of the proceeds of such sale to be paid to the person or persons entitled to receive the same, or to be brought into court to abide the further order of the court, as the equity and circumstances of the case require

When, however, the residue of the debt or demand intended to be secured by the mortgage is payable at a future day without interest, and the mortgagee is willing to receive the same, the court shall deduct a rebate of legal interest for the amount the mortgagee shall receive on such debt or demand, to be computed from the time of the actual payment thereof to the time when such residue would have become due and payable

Source R S 2 65-23

Note of Reporter New legislation may be unconstitutional as to pre-existing mortgages See *Doremus v Daniels*, 20 Atl 147, Penn Co v Broadway-Stevens, 105 N J E 494 (Ch 1930)

2A:65-24. Blank

2A:65-25. Gross sum in lieu of dower, curtesy, life estate or estate for years. If, upon the foreclosure of any mortgage and the sale of the premises therein described, there shall be paid into court moneys representing an estate in dower, or curtesy, or for life or for years, or an estate by the curtesy in such premises or any part thereof, any person entitled to such estate may make application to the court for a sum in gross in lieu thereof, and the court shall direct the payment of such sum in gross out of the proceeds of the sale of the premises to the person entitled to such estate, as shall be deemed a just and reasonable satisfaction for such estate, and which the person so entitled shall consent in writing to accept in lieu thereof

If no such consent shall be given before the distribution of the proceeds of the sale, the court shall ascertain and determine what proportion of such proceeds will be a just and reasonable sum to be invested for the benefit of the person entitled to such estate, and shall order the same deposited with the court and under the direction and control of the court for the benefit of the parties entitled, the interest thereon to be paid to the parties entitled as the same may become due as compensation for and in lieu of such estate. At the termination of such estate the principal sum shall be paid to or distributed among the parties entitled thereto

Source R S 2 65-25

2A:65-26. Payment of surplus from sale to executor or administrator. When the mortgagor or the person owning the mortgaged premises is dead at the time of the sale thereof under foreclosure, the court may, if it deems it expedient or necessary for the proper administration of the estate of the decedent, direct that the surplus arising from the proceeds of the sale be paid to the executor or administrator of the decedent, to be administered in the same manner as money arising from the sale of real estate by administrators or executors. The administrator or executor shall give bond as required by law upon an application for the sale of real estate

Source R S 2 65-26

2A:65-27. When sale under execution authorized; issue and record of writ. In any civil action for the foreclosure or satisfaction of any mortgage, the superior court may order a sale of the mortgaged premises, or such part thereof as shall be sufficient to discharge the mortgage or encumbrances on the mortgaged premises, besides costs by virtue of a writ of execution issued for that purpose. The writ of execution shall, before it is issued, be recorded by the clerk of the court in the book kept by him for recording executions against real estate

Source R S 2 65-27

2A:65-28. Sale and conveyance of premises; estate conveyed; disposition of proceeds; appli-

cation for surplus. The sheriff or other officer to whom a writ of execution mentioned in section 2A 65-27 of this title shall be directed and delivered shall make sale pursuant to the command of such writ, and shall make and execute a deed or deeds for the premises sold, as the case may require, but no greater estate in the premises sold shall, at any time, be granted to a purchaser than would have been vested in the mortgagee had the equity of redemption been duly foreclosed

The moneys arising from a sale pursuant to this section shall be applied to pay off and discharge the moneys ordered to be paid, and the surplus, if any, shall be deposited with the court and the same shall be paid to the person or persons entitled thereto, upon application therefor, as the court shall determine. Such surplus moneys may be invested at interest on such security as the court shall order pending application therefor by the person or persons entitled thereto. All charges in connection with applications for surplus moneys not exceeding \$100, shall not exceed the sum of \$5

Source C 2 65-28, as am L 1939, c 247, p 661, §1

E FEES AND COSTS

2A:65-29. Fees where amount due not in excess of \$300. In all foreclosures of mortgages and the sale of mortgaged premises, where the amount due does not exceed \$300, the fees of the clerk, master, sheriff or other official shall be one-half the amount allowed by law where the amount due exceeds \$300

Source R S 2 65-29

2A:65-30

to

2A:65-32. Blank**Article 2A SALE BY SCIRE FACIAS**

2A:65-33. When authorized; issue of writ; sale of mortgaged premises; disposition of surplus. Where default has been or shall be made, of or in payment of the mortgage money of any real estate within this state, whereto no other person is necessarily interested than the mortgagor and the mortgagee, and where such real estate is subject to 1 mortgage only, the mortgagee, at any time after the payment of such mortgage money ought to have been made, may sue forth a writ of scire facias, which writ the clerk of the superior court shall grant, directed to the proper officer requiring him to make known to the mortgagor that he be and appear before the court out of which such writ shall issue, to show cause, if any there be, why the mortgaged premises ought not to be seized and taken in execution for payment of the mortgage money, with interests and costs

If the defendant in the scire facias shall appear, he may plead satisfaction or payment of part or all of the mortgage money, or any other lawful plea, as the case may require, but if the defendant in such scire facias will not appear in person

or by attorney, on the day whereon the writ shall be made returnable, judgment upon such scire facias shall be entered, and the plaintiff shall have execution, directed to the proper officer, by virtue whereof the mortgaged premises shall be taken in execution, exposed to sale and sold in like manner as under other executions for the sale of real estate, issued out of such court, and, upon sale conveyed to the purchaser thereof, and the money or price of the same, after satisfying the demands of the mortgagee, and reasonable costs, if any surplus there be, shall be paid into court by the sheriff or other officer making the sale, and the court shall thereupon order such surplus to be applied towards discharging any judgments or other lawful liens on the mortgaged premises. In case no such judgment or lien appears, the court shall order the same to be paid over to the debtor in such action

Source R S 2 65-33

Note of Reporter See Note of Reporter to R S 2A 65-34

2A:65-34. Title of purchaser at sale under scire facias. When real estate shall be sold pursuant to section 2A 65-33 of this title, the person to whom it shall be so sold, shall and may hold and enjoy the same with its appurtenances, for such estate as was sold, discharged and freed from all equity and benefit of redemption, and all other encumbrances made or suffered by the mortgagor, his heirs or assigns, and such sale shall be available in law, and the respective vendees, mortgagees, or creditors, their heirs and assigns, shall hold or enjoy the same, freed and discharged as aforesaid, in as good and perfect an estate as the mortgagor, at the time of executing such mortgage deed, was invested with

Source. R S 2 65-34

Note of Reporter R S 2 65-33 and 34 are obsolete and rarely utilized. Should be repealed but the constitution will not permit. Article IV section 7 paragraph 3. However it should not apply to future mortgages

2A:65-34.1. Remedy by scire facias not to apply to mortgages made hereafter. Sections 2A 65-33 and 2A 65-34 shall apply only to mortgages in force prior to the effective date of this title but shall be inapplicable to any mortgage made thereafter

Article 3 PARTIAL FORECLOSURES

2A:65-35. Mortgages to which article applies. This article 3 shall apply to any mortgage in force May 2, 1932, or thereafter executed and delivered, but it shall not affect any foreclosure proceeding commenced prior to said date

Source R S 2 65-46

2A:65-36. Foreclosure for unpaid interest authorized. The holder of a mortgage, under the terms of which the mortgagor has agreed to pay the mortgagee a certain specified sum or sums of money at certain future time or times as therein specified, or as specified in the evidence or evidences of debt to secure which the mort-

gage was given, and also interest on the principal thereof during the term of the mortgage, at certain specified times at a rate not in excess of the legal annual rate, may, whenever the owner of the mortgaged premises defaults in making any such interest payment at the time when it has become due, or within such period of grace as is designated in the mortgage or the evidence or evidences of debt secured thereby, elect to foreclose the mortgage only to the extent that there is due and unpaid thereunder, upon the evidence or evidences of debt secured thereby, any interest upon the principal sum secured thereby

Source R S 2 65-47

2A:65-37. Judgment on foreclosure for unpaid interest; no merger; lien of mortgage continued. The procedure in a foreclosure under authority of section 2A 65-36 of this title shall be the same as though the holder of the mortgage had elected to declare the full principal sum, and interest, due because of the default in the payment of the interest due, except that the judgment shall be only for the amount of unpaid interest due under the terms of the mortgage to the date of the judgment, and costs, and shall adjudge that the mortgage shall not be deemed to have merged in the judgment, but shall remain in full force and effect as security for the payment of the principal sum then remaining due thereon and secured thereby, and interest upon the principal sum to become due thereon from the date of the judgment

Source R S 2 65-48

2A:65-38. Sale on foreclosure for unpaid interest subject to lien of mortgage. The sale of the mortgaged premises under a foreclosure judgment under authority of sections 2A 65-36 and 2A 65-37 of this title shall be specifically made subject to the lien of the mortgage in the full principal sum then due thereon and the interest on the principal sum from the date of the judgment

Source R S 2 65-49

2A:65-39. Foreclosure for unpaid installment of principal authorized. Whenever, under the terms of a mortgage it is provided that there shall be paid on account of the principal sum secured thereby any payment on account thereof, due at a time or times therein specified, the holder of the mortgage may, whenever the owner of the mortgaged premises defaults in making any such payment on account of the principal sum, at the time when the same has become due, or within such period of grace as is designated in the mortgage or the evidence or evidences of debt secured thereby, elect to foreclose the mortgage only to the extent that there is due and unpaid thereunder any payment required to be made on account of the principal, either by the terms of the mortgage or the evidence or evidences of debt secured thereby

Source R S 2 65-50

2A:65-40. Judgment on foreclosure for unpaid installment of principal; no merger; lien of mortgage continued. The procedure in a foreclosure under authority of section 2A 65-39 of this title shall be the same as though the holder of the mortgage had elected to declare the full principal sum, and interest, due because of the default in the payment of any installment of the principal sum due, except that the judgment entered in such case shall be only for the amount of the principal which would have been due as of the date of the filing of the complaint to foreclose, had there been no default, together with all interest accrued as of the date of the judgment, and costs, and shall adjudge that the mortgage shall not be deemed to have merged in the judgment, but shall remain in full force and effect as security for the principal sum remaining due thereon, after deducting the principal sum to be paid because of such default, and interest upon such principal sum to become due thereon from the date of the judgment

Source R S 2 65-51

2A:65-41. Sale on foreclosure for unpaid installment of principal subject to lien of mortgage. The sale of the mortgaged premises under a foreclosure judgment entered under authority of sections 2A 65-39 and 2A 65-40 of this title shall be specifically made subject to the lien of the mortgage in the principal sum remaining due thereon as specified in the judgment, and interest on such principal sum from the date of the judgment

Source R S 2 65-52

2A:65-42. Foreclosure for unpaid municipal liens authorized. Whenever it is provided in a mortgage, or in the evidence or evidences of debt secured thereby, that the mortgagee may claim a default for the nonpayment of any municipal lien or liens on the mortgaged premises which shall have remained unpaid for a specified time, the holder of the mortgage, the municipal lien or liens not having been paid within the specified time, may pay or purchase the lien, taking an assignment thereof, and foreclose the mortgage only for the amount due for the municipal lien or liens

Source R S 2 65-53

2A:65-43. Judgment on foreclosure for unpaid municipal liens; no merger; lien of mortgage continued. The procedure in a foreclosure proceeding under authority of section 2A 65-42 of this title shall be the same as though the holder of the mortgage had elected to declare the full principal sum, and interest, due because of the default in the payment of the municipal lien or liens, except that the judgment shall be only for the amount of the municipal lien or liens unpaid and paid or purchased by the holder of the mortgage, with interest on the amount of such lien or liens so paid or purchased by the holder of the mortgage from the date of such payment or purchase, and shall adjudge that the mortgage

shall be deemed not to have merged therein, but shall remain in full force and effect as security for the principal sum due thereon, with accrued interest.

Source. R S 2 65-54

2A:65-44. Foreclosure for either unpaid interest or installment of principal and unpaid municipal liens. If, at the time of the commencement of a proceeding to foreclose a mortgage for the nonpayment of interest under authority of section 2A 65-36 of this title, or the nonpayment of an installment of the principal sum due upon the mortgage under authority of section 2A 65-39 of this title, there are any municipal liens upon the mortgaged premises due and unpaid, the holder of the mortgage may pay such lien or liens and secure a judgment, not only for the unpaid interest or defaulted portion of the principal sum, but also for the amount of the municipal lien or liens by him paid, together with interest thereon from the date of the payment thereof

Source R S 2 65-55

2A:65-45. Foreclosure for failure to procure insurance or pay insurance premiums authorized. Whenever it is provided in a mortgage that the owner of the mortgaged premises shall keep the same insured for the benefit of the mortgagee and that, in default thereof, or upon the failure, neglect or refusal of the owner to pay any premium for such insurance protection, the mortgagee may either procure such insurance or pay any such defaulted premium in order to preserve the protection of his insurance, and add the cost of procuring such insurance or the amount paid by him for any such premium to the principal sum due on the mortgage, to be recovered upon demand or otherwise with interest from the date of such procurement or payment, or the mortgagee is given the option to declare the principal sum due on the mortgage whenever the owner fails to furnish proper insurance protection, the holder of the mortgage may, upon paying for or procuring such insurance, waive the demand for the payment of the principal sum due on the mortgage and foreclose the mortgage only for the amount paid by him to procure such insurance, with interest thereon from the date of such payment

Source R S 2 65-56

2A:65-46. Judgment on foreclosure for failure to procure insurance or pay premiums; no merger; lien of mortgage continued. The judgment in a foreclosure proceeding under authority of section 2A 65-45 of this title shall adjudge that the mortgage shall not be deemed to be merged therein, but shall remain in full force and effect as security for the principal sum due thereon and accrued interest

Source R S 2 65-57

2A:65-47. No merger of fee and mortgage interest on purchase at sale by holder of mortgage; conveyance by purchaser; assignment of

mortgage. The purchase by the holder of the mortgage of the real estate, or any interest therein, sold under a judgment in a foreclosure authorized by this article shall not result in a merger of the fee and the mortgage interest, and the real estate so purchased may be held or conveyed subject to the lien of the mortgage as stated in the judgment, and the mortgage may be assigned as a valid and subsisting lien upon the real estate therein described

Source R S 2 65-58

2A:65-48. No deficiency judgment. Upon a foreclosure under authority of this article 3 there shall be no deficiency judgment

Source R S 2 65-59

Note of Reporter Not to be repealed to preserve the partial foreclosure proceeding re mortgages executed after May 2, 1932 from attack on constitutional grounds While there are no decisions on the matter the change in procedure is such a departure from the remedy existing before the statute it would appear to be unconstitutional as to pre-existing mortgages

2A:65-49

to

2A:65-59. Blank

Chapter 66. MORTGAGES ON REAL OR PERSONAL PROPERTY; CANCELLATION OF RECORD BY JUDGMENT.

Section

2A 66-1

and

2A 66-2 Blank

2A 66-3 Record entry of cancellation by county clerk or register of deeds and mortgages

2A 66-4 Record entry of cancellation by county clerk or register of deeds and mortgages where lands transferred to another county

Section

2A 66-5

Proceedings in county where mortgaged real estate situate valid although mortgage of record in another county

2A 66-6

Payment of money deposited with county clerk, application, court order

2A:66-1. Blank See proposed additional legislation

2A:66-2. Blank

2A:66-3. Record entry of cancellation by county clerk or register of deeds and mortgages. When the judgment for the cancellation of record of a mortgage, or a certified copy thereof, is filed or recorded, with the county clerk, the office of the register of deeds and mortgages, if any, of the county in which the mortgage is of record, and the money due on the mortgage, if any, deposited as required by the judgment, the county clerk or register of deeds and mortgages shall discharge and cancel of record the mortgage, and shall enter on the margin of the record or registry of the mortgage, and opposite thereto the words "canceled by judgment", entering the date of the judgment and filing, or recording the certified copy as above provided

Source R S 2 66-4

2A:66-4. Record entry of cancellation by county clerk or register of deeds and mortgages where lands transferred to another county. Where, after the recording of any mortgage on real estate in any county in this state, the real estate so mortgaged shall, by an act of the legislature, be set off to another county or be transferred to the territorial limits thereof, and an action for the cancellation of such mortgage has been or may be instituted in the county in which the mortgaged real estate shall be situate at the time of the institution of the proceedings, and a judgment in such proceeding has been or may be made for the cancellation of the mortgage, the county clerk or register of deeds and mortgages, as the case may be, of the county in which the mortgage so canceled is of record, shall,

upon the production and filing of a copy of such judgment for cancellation, certified to be a true copy by the county clerk or register of deeds and mortgages of the county in which the mortgaged real estate may be situate at the time of the entry of the judgment for cancellation, cancel and discharge the record of the mortgage and enter on the margin of the record or registry thereof, and opposite thereto, the words "canceled by judgment", entering the date of such judgment and of the filing of the certified copy thereof

Source R S 2 66-5

2A:66-5. Proceedings in county where mortgaged real estate situate valid although mortgage of record in another county. Any action instituted for the cancellation of a mortgage in the county in which the mortgaged real estate may be situate, shall, although the record of the mortgage so canceled may be in the county in which the real estate was situate at the time of the recording thereof, be as valid and effectual for the cancellation of the record of such mortgage in the county in which the same may be recorded, as if the proceedings had been instituted in the county in which the mortgage was recorded

Source R S 2 66-6

2A:66-6. Payment of money deposited with county clerk; application, court order. A person entitled to moneys deposited pursuant to chapter 66 of title 2A, may make application therefor to the court wherein the judgment was entered, setting forth the claimant's right or title thereto Thereupon the court may make such order for the payment of the money, or any portion thereof, with accrued interest, as it may deem proper

Source C 2 66-7, L 1946, c 69, p 258, §1

Chapter 67. NAMES; CHANGE OF.

Section	
2A 67-1	Application for change of name
2A 67-2	Blank
2A 67-3	Effect of judgment for change of name in general

2A:67-1. Application for change of name made; contents; verification. Any person may apply to the superior court or the county court of the county of which he is a resident for a judgment authorizing him to assume another name
Source R S 2 67-1

2A:67-2. Blank

2A:67-3. Effect of judgment for change of name in general. The applicant, from and after the day specified therefor in the judgment granting the application, shall be known by the name which, by the judgment, he is authorized to assume, and by no other
Source R S 2 67-6.

2A:67-4. Effect of change of name on actions or other proceedings. No action, or other legal proceeding commenced in his former name against any person whose name shall have been changed pursuant to the provisions of this chapter shall, by reason of such misnomer, be abated, nor shall any relief or recovery sought thereby be prevented, but the plaintiff or party instituting the action or proceeding may make

Section	
2A 67-4	Effect of change of name on actions or other proceedings
2A 67-5	Correction of record of birth or marriage
2A 67-6	Blank
2A 67-7	Blank

application to the court to amend as to the name of such person, at any time
Source R S 2 67-7

2A:67-5. Correction of record of birth or marriage. Upon the receipt of a certified copy of a judgment permitting a change of name, and a request for correction of an existing record of the birth or marriage of the individual, the state registrar of vital statistics or local registrar of vital statistics shall adjust the record or records to show the new name and the date and manner by which obtained. When the request and such copy are received by a local registrar, he shall forward them to the state registrar after having adjusted his local record. The fee to be paid a local registrar or the state registrar for such service shall be \$1. Any certified copy of a record changed as provided for in this act shall show the name at birth or marriage and the new name and date and manner by which obtained
Source C 2 67-8, L 1945, c 283, p 833, §1

2A:67-6. Blank.

2A:67-7. Blank.

Chapter 68. NATURALIZATION.

Section	
2A 68-1	Jurisdiction
2A 68-2	Naturalization not to be granted within 30 days of an election
2A 68-3	Political committees and candidates forbidden to pay fees, penalty

2A:68-1. Jurisdiction. The superior court and the county court shall have jurisdiction of declarations of intention, and of applications of aliens to become citizens of the United States.

Source R S 2 68-1

Note of Reporter. State courts of record given jurisdiction by 8 U S A. §701(a).

2A:68-2. Naturalization not to be granted within 30 days of an election. No person shall be naturalized or admitted to be a citizen of the United States by any such court within 30 days next preceding any national, state, municipal, general, special, local or charter election.

An applicant who may become eligible to citizenship during such period of 30 days, shall not be prevented from receiving a certificate of naturalization and citizenship on the proper day during such period, if the application shall have

Section	
2A 68-4	Penalty for violations of chapter by clerk
2A 68-5	Blank

been made and allowed prior to the commencement of the period of 30 days
Source R S 2 68-3

2A:68-3. Political committees and candidates forbidden to pay fees; penalty. No political committee or committee of any political party, and no person who has received or accepted a nomination for a political office, shall pay or promise to pay any money to or on behalf of a person for fees for the declaration or application for naturalization, for services as attorney or counsel or otherwise assisting or enabling a person to make the declaration or application.

Any person convicted of violating the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than \$500 nor more than \$1,000.

Source R S 2 68-4

2A:68-4. Penalty for violations of chapter by clerk. Any clerk or other person who records or files a declaration or application in any case of naturalization, or issues a certificate in any such

case in violation of the provisions of this chapter, shall be punished by a fine of \$100
Source R S 2 68-5

2A:68-5. Blank.

Chapter 69. NEGOTIABLE INSTRUMENTS, LOST; ACTIONS ON.

Section

2A 69-1 Recovery, indemnity to defendant

2A:69-1. Recovery; indemnity to defendant. In any civil action in which recovery is sought upon any lost negotiable instrument, whether by complaint, counterclaim or otherwise, the fact that the instrument was lost while negotiable shall not prevent a recovery thereon, but the

court shall give judgment thereon in the same manner as if such instrument was not lost, and may order that the party liable on the instrument be indemnified against the repayment thereof.

Source R S 2 69-1

Chapter 70. OBLIGATIONS AND JOINT DEBTORS; ACTIONS ON AND AGAINST.

Section

2A 70-1 Joint debtors separately answerable, judgment and execution, special judgment
2A 70-2 Representatives of 1 joint debtor chargeable as on joint and several obligations
2A 70-3 Real sum due considered as the debt, judgment for penalty, discharge

Section

2A 70-4 to
2A 70-9 Blank
2A 70-10 Compromise of joint indebtedness
2A 70-11 Settlement or compromise of claims against directors or sureties
2A 70-12 Settlement pending action

2A:70-1. Joint debtors separately answerable; judgment and execution; special judgment. All persons jointly indebted to any other person or persons upon any joint contract, obligation, matter or thing, for which a remedy might be had, in a civil action against such debtors, in case all were served with process issued out of any court of this state, shall be answerable to their creditors separately for such debts, that is to say, such creditor or creditors may issue process against such joint debtors, and, in case any of such joint debtors shall be served with process, such of them so served shall answer to the plaintiff, and if judgment shall pass for the plaintiff, he or they shall have his judgment and execution against such of them so served, and said judgment and execution shall be as effective, as to the joint debtor or debtors served, as if all of the joint debtors had been served with such process and as if said judgment had been entered against all of them.

Judgment may be entered, also, against the other joint debtor or debtors named in the process, pursuant to this act, if service shall have been made upon him or them, as an absent defendant or defendants, in accordance with the practice and procedure of the superior court in cases in which the action affects specific property or an interest therein or where there is a res within the jurisdiction of the court, but said judgment shall be special, to be made only, of the personal property and lands within the state, jointly owned by such joint debtor or debtors with the joint debtor or debtors served with

process within the state, and execution may issue accordingly

Source R S 2 70-1, as am L 1950, c 284, p 951, §1

2A:70-2. Representatives of 1 joint debtor chargeable as on joint and several obligations. The representative of 1 joint debtor dying in the lifetime of the other joint debtor, may be charged with the obligation in the same manner as the representative might have been charged if the joint debtors had been bound severally as well as jointly

Source R S 2 70-2

2A:70-3. Real sum due considered as the debt; judgment for penalty; discharge. When a civil action is brought on a bond, note or other contract containing a penalty to secure the payment of money only, or if any bond, note or contract with such penalty, or shall form the basis for a counterclaim therein the true sum due and not the penalty, shall be deemed to be the debt due, and in all such actions wherein the plaintiff shall succeed, judgment shall be entered only for such amount as the case may require, for such amount found by the verdict to be due with interest until paid

Source R S 2 70-3

2A:70-4

to

2A:70-9. Blank

2A:70-10. Compromise of joint indebtedness. Joint debtors may individually compromise with their creditors for their joint indebtedness in the

same manner and with like effect as partners on the dissolution of the partnership may compromise with their creditors as provided by sections 42 5-1 to 42 5-5 of the title Partnerships and Partnership Associations

Source R S 2 70-10

2A:70-11. Settlement or compromise of claims against directors or sureties. In any action brought against the directors of an insolvent corporation for any default, negligence or malfeasance in the discharge of their duties as directors, including the payment of any unlawful dividend or the withdrawal or reduction of the capital of such corporation, the receiver or trustee of the corporation who shall have commenced the action may, with the prior approval of

the court appointing such receiver or trustee, settle or compromise with and release any of the individual directors

Such settlement or compromise and release shall not constitute a defense in the action nor affect the right of action against the other directors, provided, however, that no director shall be liable for any amount in excess of that for which he would have been liable had no settlement or compromise and release been made

Source R S 2 70-11

2A:70-12. Settlement pending action. When any such settlement shall be made in a pending action, it shall be made in writing and the original or a signed copy filed with the court

Source. R S 2 70-12

Chapter 71. PARTITION.

Section

- 2A 71-1 "Cotenant", executor or administrator with will annexed, definition and construction
- 2A 71-2 Jurisdiction
- 2A 71-3 Rights by paramount title saved
- 2A 71-4 General proprietors not affected
- 2A 71-5 Partition of real estate limited over
- 2A 71-6 Sale of real estate limited over
- 2A 71-7 Sale of share without recourse to sale of tract
- 2A 71-8 Partition or sale of remainders and reversions, consent of particular tenant required
- 2A 71-9 Deed to purchaser
- 2A 71-10 Blank
- 2A 71-11 Disposition of proceeds of sale of real estate held in trust
- 2A 71-12 Absentee cotenant, right of cotenants to partition.

Section

- 2A 71-13 Order, deed
- 2A 71-14 Sale free from dower or curtesy, order of court, deed to purchaser
- 2A 71-15 Compensation to dower or curtesy holder by lump sum or investment
- 2A 71-16 Real estate subject to inchoate dower or curtesy, sale, compensation
- 2A 71-17 Set-off of undivided shares without partition between shareholders to be held in common
- 2A 71-18 Set-off of undivided shares without partition between minor and others consenting to be held in common
- 2A 71-19 Trusts or limitations created by foreign will, disposition of proceeds of partition sale
- 2A 71-20 to
- 2A 71-89 Blank.

2A:71-1. "Cotenant"; executor or administrator with will annexed; definition and construction. As used in this chapter

"Cotenant" means and includes a tenant in common, joint tenant or coparcener, but not a tenant by the entirety.

An executor or administrator with the will annexed, having, by the terms of the testator's will, power to sell any undivided interest in any real estate of which his testator died seized, shall have the same power to bring a civil action to effect a partition of such real estate as such testator might have brought if living, and cotenant as used in this chapter shall include such an executor or administrator so far as may be requisite for such purposes

Source R S 2 71-1

2A:71-2. Jurisdiction. The superior court may, in a civil action for the partition of real estate, order the sale thereof if it appears that a partition thereof cannot be made without great prejudice to the owners, or persons interested therein, and the jurisdiction of the court shall include that of the former court of chancery, anything in this chapter to the contrary notwithstanding

Source. As am L 1949, c 113, p 451, §1

2A:71-3. Rights by paramount title saved. Nothing in this chapter contained shall be so construed as to injure, prejudice, defeat or destroy the estate, right or title of a person claiming the tract of real estate, or any part thereof, or anything therein, by title under any other person or by title paramount or superior to the title of the cotenants among whom partition is to be made

Source R S 2 71-58

2A:71-4. General proprietors not affected. Nothing in this chapter contained shall extend to the partitioning of the real estate held in common by the general proprietors of the eastern or western divisions of this state

Source R S 2 71-59

2A:71-5. Partition of real estate limited over. The court may order partition of real estate although the share of a cotenant therein may be for a less estate than a fee, or may be limited over after an estate for life, or any estate therein, and any person to whom the remainder, reversion or expectancy is limited over shall be bound thereby and shall thereafter be entitled only to the part of the real estate set off in severalty upon which his interest is limited

Source. R S 2 71-66

2A:71-6. Sale of real estate limited over. The superior court may, in a proceeding commenced therein for the partition of real estate wherein all or any of the undivided shares are limited over in the manner specified in section 2A 71-5 of this title, order that the real estate be sold if it shall appear that a partition thereof cannot be made without great prejudice to the owners or persons interested therein

Source R S 2 71-29, as am L 1949, c 113, p 452, §3

2A:71-7. Sale of share without recourse to sale of tract. When in an action for partition, it appears that the interest of the owner of a share is such that his share, if actually set apart, might be sold under proceedings for the sale of real estate limited over, such share may, after being actually set apart, be sold by order or judgment in the action for partition rather than in proceedings for the sale of real estate limited over

Source R S 2 71-30, L 1949, c 113, p 452, §4

2A:71-8. Partition or sale of remainders and reversions; consent of particular tenant required. Where there is an estate for life or lives, or other less estate, in real estate situate in this state, and the reversion or remainder in fee is owned by several persons as cotenants, the court may, upon consent of the particular tenant or tenants thereto, partition the real estate among the several cotenants, and the particular tenant or tenants shall thereafter have the same estate or estates in the respective parts set off in severalty as he or they had in the whole real estate before it was partitioned

If partition of the real estate, or any part thereof, cannot be made without great prejudice to the cotenants and a sale thereof is ordered instead, the whole estate, in possession as well as in expectancy, in the real estate or part thereof that cannot be divided, shall be sold. Such portion of the proceeds of the sale shall be paid to the particular tenant or tenants as the court ordering the partition or sale shall, according to the quantity of his or their estate or interest therein, ascertain to be just and reasonable

Source R S 2 71-67

2A:71-9. Deed to purchaser. The deed to the purchaser, given pursuant to a sale made under authority of either section 2A 71-6 or section 2A 71-7 or section 2A 71-8 of this title, shall convey the title to the real estate of all the tenants, whether in possession, remainder, reversion or expectancy

Source R S 2 71-31

2A:71-10. Blank

2A:71-11. Disposition of proceeds of sale of real estate held in trust. When sale of real estate limited over is ordered in any partition proceedings in the superior court, and an executor, trustee or administrator with the will annexed,

appointed by will or by order of any court, has authority, by the terms of the will, to collect and receive the rents, issues and profits of all or any part of such real estate during the life or lives of any person or persons named in the will, but has no power to sell the real estate or an interest therein, the superior court may, upon such fiduciary furnishing bond to the superior court and filing it in the office of the clerk of the court wherein the will was probated or wherein he received his appointment and in the same manner in which bond is required to be filed upon grant of letters of administration, order that the proceeds of sale representing the real estate, or interest therein, whereof the fiduciary was entitled to collect and receive the rents, issues and profits, be paid over to such fiduciary to be by him held and invested according to law concerning other trust funds and the income thereof to be by him paid and applied to the persons entitled to the rents and profits of the real estate represented thereby, and upon the death of the persons so entitled to the income, the principal sum shall be paid to the persons entitled thereto under the provisions of the will

Source R S 2 71-35, as am L 1949, c 113, p 454, §8

2A:71-12. Absentee cotenant; right of cotenants to partition. When real estate is held by cotenants, any of whom shall be presumed to be dead under authority of chapter 42 of the title Administration of Estates—Decedents and Others (§3A 42-1 et seq), and it is not known whether such owner is living, or whether, if dead, he has devised his interest in the real estate, or who are his heirs at law, the other cotenants, or any of them, may institute an action for partition in the superior court in the same manner as if all the owners of the real estate were known, and the practice and procedure of the superior court with respect to the naming of unknown defendants and the service of process on absent defendants shall obtain

Source R S 2 71-37, as am L 1949, c 113, p 455, §10

2A:71-13. Order; deed. The superior court may, in an action pursuant to section 2A 71-12 of this title, make such order or enter such judgment against the owner presumed to be dead and his known heirs and devisees, and also against his unknown heirs, devisees, and personal representatives and his, their or any of their, successors in right, title and interest as if they were known to the court and as if the respective interests in the real estate of all of them were determined. Any deed to the real estate made pursuant to the judgment and order of the superior court shall convey all the right, title and interest of all the owners thereof, ascertained and unascertained, as completely and effectually as if all the owners were by name made parties to the action and as such were brought into court

Source R S 2 71-39, as am L 1949, c 113, p 456, §12

2A:71-14. Sale free from dower or curtesy; order of court; deed to purchaser. When real estate is ordered sold in partition proceedings and a person is entitled to a right or estate of dower or curtesy in the premises, or any part or share thereof, the court may, at the time of making the order for the sale of such premises, consider all the circumstances of the case, and having regard to the interests of all persons concerned, determine whether such right or estate shall be excepted from the sale of the premises or sold therewith, and order or enter judgment accordingly

If the sale of the premises including such right or estate is ordered, the estate and interest of every such person shall pass thereby, and the purchaser, his heirs and assigns shall hold the premises free and discharged from all claims by virtue thereof

Source R S 2 71-69, as am L 1949, c 254, p 811, §7

2A:71-15. Compensation to dower or curtesy holder by lump sum or investment. When a right or estate of dower or curtesy is sold pursuant to section 2A 71-14 of this title, the court shall direct the payment of a gross sum out of the proceeds of the sale of the real estate, in accordance with the practice and procedure of the superior court, to the person entitled to such right or estate if he or she shall consent in writing to accept such gross sum. If no such consent is given the court shall calculate an amount to be invested for the benefit of the person entitled to such right or estate, in accordance with the practice and procedure of the superior court

Source R S 2 71-71

2A:71-16. Real estate subject to inchoate dower or curtesy; sale; compensation. In an action for partition of real estate, if a sale is ordered, all inchoate rights of dower or curtesy in the real estate may be sold by order of the court and when so sold such rights shall be forever barred

If the person entitled to the right of dower or curtesy signifies her or his consent thereto in writing, acknowledged as deeds of real estate are required to be acknowledged, the proceeds of the sale of any share subject to such right shall be paid over as though no such right existed. If the tenant in fee and his wife or her husband, as the case may be, entitled to the inchoate rights, shall execute a full release and discharge duly acknowledged, the court may direct payment to them of the portion of the proceeds that would otherwise be invested in the manner hereinafter provided, except that where the share or interest of the tenant in fee has been sold by judgment or otherwise or become subject to a valid lien a payment shall not be so made unless all such parties in interest join in the release and discharge

If no such consent is executed, the court shall direct that one-half of the net proceeds of the sale

of each share subject to such right, or such other proportion in accordance with the law existing at the time the right of dower or curtesy became vested, be invested and the income thereof be paid during the lifetime of the tenant in fee of each such share, to such tenant or to any persons having liens thereon, and upon the death of the tenant in fee, to the person entitled to dower or curtesy therein during her or his lifetime. Upon the death of the dower or curtesy holder such court shall direct that the principal of the fund be paid to the heirs at law of the tenant in fee or to the parties holding liens upon such share or shares at the time of the sale thereof and remaining unsatisfied at the death of the dower or curtesy holder, as equity may require

Source R S 2 71-72, as am L 1949, c 254, p 812, §9

2A:71-17. Set-off of undivided shares without partition between shareholders to be held in common. Where 2 or more parties to an action for the partition of real estate make it appear to the court that they desire to enjoy their respective shares of the whole or any part of such real estate in common, the court may direct partition to be so made as to set off to such parties their shares of the real estate partitioned, without partition as between themselves, to be held by them in common

Source R S 2 71-42, as am L 1949, c 113, p 457, §15

2A:71-18. Set-off of undivided shares without partition between minor and others consenting to be held in common. Where any party to an action for the partition of real estate is a minor, under the age of 21 years, the court may, if it shall appear to be for the benefit of such minor, direct partition to be so made as to be set off to such minor, and to any other party or parties to such action who may consent thereto, their respective shares in the real estate partitioned, without partition as between themselves, to be held by them in common

Source R S 2 71-43, as am L 1949, c 113, p 458, §16

2A:71-19. Trusts or limitations created by foreign will; disposition of proceeds of partition sale. When real estate situate in this state, or an estate therein, devised upon a trust or subject to a limitation over by way of expectancy or otherwise, by a person residing in another state at the time the will was made, is sold in a partition proceeding in a court of this state, the superior court shall, upon application and notwithstanding the estate of the devisee, trustee as aforesaid, created or passed by the will is subject to a limitation over or is less than an estate in fee simple, direct the proceeds of sale to be paid to such devisee, being trustee as aforesaid, as by the provisions of the will, under the trust, is entitled to have and hold the real estate, and to be held, accounted for and disposed of by him in all respects as directed by the provisions of the will, and not otherwise.

Nothing herein contained shall relieve the devisee, trustee as aforesaid, from the duty of giving security, in the state of which the testator was a resident at his death, for the faithful execution of such trust in respect to the proceeds of sale, when required so to do by the provisions

of the will or by order of a court of competent jurisdiction in that state

Source R S 2 71-68, as am L 1949, c 254, p 811, §6

2A:71-20

to

2A:71-89. Blank.

Chapter 72. PARTITION WALLS.

Section

- 2A 72-1 Relief in superior court where center line does not correspond with division line
2A 72-2 Mortgagee or lien holder as party, determination and payment of claims

Section

- 2A 72-3 Payment of award into court, effect
2A 72-4 Effect of payment of award
2A 72-5 Blank.
2A 72-6 Blank

2A:72-1. Relief in superior court where center line does not correspond with division line. Whenever it shall appear that the center line of any partition wall, heretofore or hereafter erected by the owners of adjoining lands upon the division line of their properties, does not correspond exactly with the division line of the land of such adjoining owners, but that more than half of such partition wall is erected upon the land of 1 of such adjoining owners, neither an action for possession of land nor an action sounding in tort shall be commenced by the owner of the premises upon whose land more than half of such partition wall is erected in reference to such partition wall as long as the same shall stand, but the present owner of either of such adjoining lands may institute a civil action in the superior court for adjudication of the rights of such adjoining owners in such partition wall. The superior court shall hear such action, and shall determine what is a fair sum in gross to be paid by the owner of the premises enjoining the use of more than half of such partition wall to the owner of the land upon which more than half of such partition wall has been erected. The court shall render a judgment that, upon the payment of such sum in gross to the owner upon whose land such partition wall overlaps, or to any mortgagee or judgment creditor having a lien thereon, as provided by section 2A 72-2 of this title, such partition wall shall stand as erected, as long and in the same manner, as if the center line thereof had been erected upon the center of the division line between such adjoining premises, and the rights of such adjoining owners in such partition wall shall, in all respects, be the same as if the center of such partition wall had been erected upon the center of the division line between such lands

Source R S 2 72-1, as am L 1948, c 339, p 1327, §1

2A:72-2. Mortgagee or lien holder as party; determination and payment of claims. Any mortgagee or any judgment creditor having a lien

upon the land upon which more than one-half of a partition wall is erected may be made party to a proceeding brought pursuant to the provisions of this chapter

If any such persons, having been made parties to the proceeding, shall fail to appear, answer and prove their claims, they shall be bound by any judgment made in the proceeding. If, however, they shall appear, answer and prove their claims and demand payment thereof from the gross sum awarded under authority of section 2A 72-1 of this title, the same shall be paid to them in the order of their priority, and the amounts so paid shall be deducted from their respective claims

Source R S. 2 72-2, as am L 1948, c. 339, p 1328, §2

2A:72-3. Payment of award into court; effect.

If any person, to whom a gross sum is awarded as provided by section 2A 72-1 or section 2A 72-2 of this title, shall refuse to accept the same when tendered, together with such costs as may be awarded to him, and to execute and acknowledge a proper receipt therefor in such form as to make it recordable, the gross sum and the costs awarded may be paid into court to the clerk thereof, which payment shall have the same effect as if made to and accepted by the person to whom it was awarded.

Source R S 2 72-4

2A:72-4. Effect of payment of award. The payment of any gross sum pursuant to the provisions of this chapter shall not result in any transfer of any title to the land upon which the partition wall is erected, nor shall the continued existence of the wall be the basis of any title to the land by adverse possession, but the division line between the lands of the adjoining owners shall remain the same as before any proceeding was instituted

Source R S 2 72-5

2A:72-5. Blank

2A:72-6. Blank

Chapter 72A. PENALTIES.

Section

- 2A 72A-1 Proceedings in name of state of New Jersey
 2A 72A-2 Payment of penalty before judgment, effect

2A:72A-1. Proceedings in name of state of New Jersey. When the statute imposing the penalty does not specify at whose suit the proceedings shall be brought, they shall be brought in the name of the state of New Jersey

Source C 2 72A-23

2A:72A-2. Payment of penalty before judgment; effect. Payment of a money penalty by a defendant after proceedings begun and before judgment, shall have the effect of a judgment of conviction for the violation complained of in establishing the status of the defendant as a second or subsequent violator in any subsequent proceeding

Source C 2 72A-21

Section

- 2A 72A-3 Payment of money judgment to court, remittance to state treasurer, exception
 2A 72A-4 Execution against body of defendant

2A:72A-3. Payment of money judgment to court; remittance to state treasurer; exception. If a money judgment is rendered against a defendant, payment shall be made to the court or judicial officer having jurisdiction over the proceedings and shall be remitted to the state treasurer of New Jersey, unless other disposition is provided for in the statute imposing the penalty

Source C 2 72A-24

2A:72A-4. Execution against body of defendant. If execution is issued against the body of a defendant, he may be detained in custody under such execution, in no case to exceed 100 days

Source C 2 72A-16

Chapter 73. REPLEVIN.

Section

- 2A 73-1 Where writ lies for wrongful taking or detention, duty of sheriff
 2A 73-2 No replevin on distress for tax, assessment or fine
 2A 73-3 Blank.
 2A 73-4 Blank
 2A 73-5 Courts out of which writ is to issue
 2A 73-6 Execution and return of writ by coroners
 2A 73-7 Officer may break open buildings in certain cases
 2A 73-8 Replevin bond, amount
 2A 73-9 Replevy, custody and delivery of property to plaintiff, claim by defendant, redelivery bond
 2A 73-10 Surety on bond, approval of bond
 2A 73-11 Recording of bond
 2A 73-12 Cash deposit in lieu of bond
 2A 73-13 Insufficiency of bond, new bond
 2A 73-14 Return of defendant's claim of property with writ, action to proceed as if no claim made

Section

- 2A 73-15 Immediate delivery not required by plaintiff, order for delivery in accordance with judgment, bond not required unless ordered for protection of others
 2A 73-16 No judgment for damages on default judgment
 2A 73-17 Warehouseman not liable for costs
 2A 73-18 Death of party not to abate action
 2A 73-19 Delivery to successful party on judgment
 2A 73-20 Court order, justification for action of sheriff
 2A 73-21 Action on bond in name of plaintiff or defendant
 2A 73-22 Taxed costs in original action part of damages in action on replevin or redelivery bonds
 2A 73-23 Cancellation of bond
 2A 73-24 Release of lands and premises from lien of bonds
 2A 73-25 Liability of sheriff
 2A 73-26 to
 2A 73-27 Blank.
 2A 73-28 Blank.
 2A 73-29 Blank.
 2A 73-30 Blank.
 2A 73-31 Blank.
 2A 73-32 Blank.
 2A 73-33 Blank.
 2A 73-34 Blank.
 2A 73-35 Blank.
 2A 73-36 Blank.
 2A 73-37 Blank.
 2A 73-38 Blank.
 2A 73-39 Blank.

2A:73-1. Where writ lies for wrongful taking or detention; duty of sheriff. If the goods or chattels of any person be wrongfully taken and detained, or wrongfully detained, the sheriff, or other officer authorized by law, of the county where the goods or chattels may be, by 1 or more writs of replevin issued at the time the summons is issued, or at any time thereafter before the rendition of judgment, shall cause such goods and chattels to be replevied and delivered

Source R S 2 73-1 and 2, as am L 1948, c 374, p 1534, §§1 and 2

2A:73-2. No replevin on distress for tax, assessment or fine. No replevin shall lie in case of distress for any tax, assessment or fine to be

collected or levied in pursuance of any law of this state

Source R S 2 73-3

2A:73-3. Blank.

2A:73-4. Blank

2A:73-5. Courts out of which writ is to issue. All writs of replevin shall issue out of the superior court, or county court of the county where the property was taken or is detained

Source R S 2 73-5, as am L 1948, c 374, p 1534, §3

2A:73-6. Execution and return of writ by coroners. Writs of replevin may be directed to and executed by the coroners of any county, in all cases in which by law writs in other actions

may be directed to and executed by coroners, all such writs of replevin may be executed and returned by any one of such coroners in the same manner in all respects as sheriffs are by law authorized or directed to execute and return the same

Source R S 2 73-6

2A:73-7. Officer may break open building in certain cases. If the goods or chattels of any person be concealed in any building or enclosure, the sheriff or other officer to whom the writ is directed shall publicly demand delivery thereof, and if no one answers or if the goods or chattels are not delivered, the sheriff or other officer shall cause the building or enclosure to be broken into and shall make replevin according to the writ

Source R S 2 73-7

2A:73-8. Replevin bond; amount. Every sheriff or other officer, before executing the writ, shall take in his own name a bond with sufficient surety in double the value of the goods and chattels mentioned in the writ, and conditioned for prosecuting the action with effect and without delay, and for duly returning such goods and chattels to the defendant, or his legal representatives, in as good condition as they were when repleved, if a return shall be awarded. The value of the goods and chattels shall be ascertained by oath of 1 or more disinterested witnesses, which oath may be made before any officer authorized by law to administer oaths

Source R S 2 73-8

2A:73-9. Replevy; custody and delivery of property to plaintiff; claim by defendant; redelivery bond. The sheriff or other officer shall take the goods and chattels into his possession and shall make delivery to the plaintiff unless the defendant shall, within 48 hours after the service of the writ upon him, deliver to such sheriff or other officer a written claim of property, specifying the goods and chattels so claimed, and also deliver to such sheriff or other officer a bond with sufficient surety in double the appraised value of the goods and chattels claimed, conditioned for the due delivery of such goods and chattels to the plaintiff, or his legal representatives, in as good condition as they were at the time of making such claim, if they shall be awarded to the plaintiff, except that the right of a defendant to claim such goods and chattels and secure their delivery shall not lie where the taking was a distress for rent

Source R S 2 73-15, as am L 1948, c 374, p 1536, § 6

2A:73-10. Surety on bond; approval of bond. No person shall be permitted to act as surety on the bonds mentioned in sections 2A 73-8 and 2A 73-9 unless he is a freeholder and resident of the county and of sufficient property. Nothing herein shall be construed to prevent a surety company approved by the commissioner of banking and insurance from acting as surety

The sheriff or other officer shall not accept any such bond until the same has been approved as to form and sufficiency of the surety as provided by the rules of civil practice

Source R S 2 73-15 and 11

2A:73-11. Recording of bond. The bond mentioned in sections 2A 73-8 and 2A 73-9 shall be recorded in the office of the county clerk and being so recorded shall have the force and effect of a recognizance. A copy of the bond, duly certified by the county clerk, shall be received as evidence in any court and have the same effect as if the original bond were produced and proved

2A:73-12. Cash deposit in lieu of bond. In lieu of the bond mentioned in sections 2A 73-8 and 2A 73-9 the sheriff may accept a deposit in cash, amounting to double the appraised value of the goods and chattels. Said cash shall forthwith be paid by said sheriff to the clerk of the court out of which the writ shall issue, to remain there until an order of the court disposes of same.

Source R S 2 73-9

2A:73-13. Insufficiency of bond; new bond. Within 20 days after the service of the writ and the giving of the bond or redelivery bond or deposit of cash if it appears to the court that the bond or cash is insufficient, the court shall, after written notice given to the person furnishing the bond or cash, or his attorney of record, order a new bond with sufficient surety or other security to be given, and for failure to do so the court may direct the sheriff or other officer to take possession of the goods and chattels and deliver them to the other party

2A:73-14. Return of defendant's claim of property with writ; action to proceed as if no claim made. If the goods and chattels shall be delivered by the sheriff or other officer to the defendant upon his making claim thereto and giving a redelivery bond as provided by section 2A 73-9, the sheriff or other officer shall promptly make a return of the facts to the court and shall annex the defendant's claim of property to the writ and return same therewith, and the action shall proceed as if such claim had not been made

Source R S 2 73-18, as am L 1948, c 374, p 1536, § 7

2A:73-15. Immediate delivery not required by plaintiff; order for delivery in accordance with judgment; bond not required unless ordered for protection of others. If judgment shall be rendered for the plaintiff awarding him possession of the goods and chattels and for any damages sustained and he, before its rendition, has not requested them to be delivered to him, the court may make an order directing the sheriff or other officer to take possession and deliver the goods and chattels in accordance with the judgment. No bond or security shall be required of the plaintiff under this section, unless ordered by the court for the protection of persons not before

the court who may have an interest in the goods and chattels

Source R S 2 73-13, as am L 1948, c 374, p 1535, §5, R S 2 73-14

2A:73-16. No judgment for damages on default judgment. Where the goods and chattels have been delivered to the plaintiff by the sheriff or other officer, and the defendant does not appear and defend but suffers judgment to be entered by default, there shall be no judgment for damages, except where the defendant has refused to deliver the goods and chattels in pursuance to a written demand therefor made before the commencement of the action. In such case the plaintiff may suggest the facts upon the record, and, instead of taking judgment by default, may enter a dismissal of the action without costs. Source. R S 2 73-34, as am L 1948, c 374, p 1539, §16

2A:73-17. Warehouseman not liable for costs. Whenever a warehouseman, at the time any goods or chattels are placed in storage with him, shall obtain from the bailor of such goods and chattels, a statement in writing that such goods and chattels are the sole and absolute property of such bailor, and a civil action for replevin is thereafter brought for the recovery of such goods and chattels by any person other than such bailor, no costs shall be awarded against such warehouseman in such action. Source R S 2 73-36

2A:73-18. Death of party not to abate action. An action for replevin shall not abate by reason of the death of any party but may be continued as in other civil actions. Source R S 2 73-20

2A:73-19. Delivery to successful party on judgment. In all actions for replevin, except where the taking was a distress for rent, if the goods and chattels have been delivered by the sheriff or other officer to the party against whom judgment is entered, the successful party, instead of enforcing his judgment for his damages, or by action on the bond, may apply to the court in which the action is pending, upon written notice to the other person or his attorney of record, and the court may make an order directing the sheriff or other officer to take possession of the goods and chattels and deliver them to the successful party. Source R S 2 73-32

2A:73-20. Court order;-justification for action of sheriff. Whenever the court shall make an order directing the sheriff or other officer to take possession of the goods and chattels and make delivery of the same, the order shall be a justification of such action by the sheriff or other officer. Source R S 2 73-13, as am P L 1948, c 374, p 1538, §5

2A:73-21. Action on bond in name of plaintiff or defendant. The plaintiff or defendant, or his

legal representative, upon breach of any condition in any bond mentioned in sections 2A 73-8 and 2A 73-9 may prosecute an action in his or their name against the obligor or his legal representatives for the recovery of all damages sustained.

Source R S 2 73-16

2A:73-22. Taxed costs in original action part of damages in action on replevin or redelivery bonds. In a civil action upon a replevin or a redelivery bond the costs taxed in the original action shall be included as part of the damages to be assessed therein.

Source R S 2 73-35

2A:73-23. Cancellation of bond. Where a sheriff or other officer shall take a bond pursuant to sections 2A 73-8 and 2A 73-9 and if it shall appear to the court out of which the writ issued, after written notice to the person for whose benefit the bond was given, or his attorney of record, that the conditions of the bond have been fully complied with, the court may direct said bond canceled.

Source R S 2 73-37, as am L 1948, c 374, p 1540, §17

2A:73-24. Release of lands and premises from lien of bonds. Any part of the lands and premises covered by the lien of any bond executed and delivered pursuant to sections 2A 73-8 and 2A 73-9 may be released and discharged from such lien by order made by the court out of which the writ issued upon written notice to the person for whose benefit such bond was given, or his attorney of record, if the court shall be satisfied that the remaining lands and premises not released and discharged are proper and sufficient security for such bond.

Any or all of the lands and premises covered by the lien of any such bond may be released and discharged from such lien by order of the court as aforesaid, upon notice given as aforesaid, if other bond or other security, satisfactory to the court, shall be submitted in whole or in part for such bond.

Source R S 2 73-39

2A:73-25. Liability of sheriff. If any sheriff or other officer shall take security other than as provided in this act, or if he shall make delivery of the goods and chattels to the plaintiff before he shall have served a copy of the writ upon the defendant or within 48 hours after such service or if he shall fail to deliver to the defendant upon tender of a claim of property and a bond pursuant to section 2A 73-9 the goods and chattels so claimed by the defendant, such sheriff or other officer shall be liable to the person injured, or his legal representatives, for all damages sustained.

Source R S 2 73-17, R S 2 73-19

2A:73-26

to

2A:73-39. Blank

**Chapter 74. REVERSIONERS AND REMAINDERMEN;
THEIR RIGHTS AND REMEDIES.**

Section

2A 74-1. Rights and remedies of reversioner or remainderman as against tenant in dower, by curtesy or for life

2A:74-1. Rights and remedies of reversioner or remainderman as against tenant in dower, by curtesy or for life. Sections 1 and 2 of an act entitled "An act granting relief, in certain cases, against collusive judgments and wrongful alienation of lands," passed March 2, 1798 [Rev 1877, p 1407, §§1, 2 (C S p 1524, §§1, 2)] saved from repeal [These sections save rights of certain tenants from effect of certain collusive judgments.]

Section

2A 74-2 Appeal by reversioner or remainderman from judgment against tenant in dower or by curtesy or for life, restoration of estate affected

2A:74-2. Appeal by reversioner or remainderman from judgment against tenant in dower or by curtesy or for life; restoration of estate affected. Section 12 of an act entitled "An act granting relief, in certain cases, against collusive judgments and wrongful alienations of lands", passed March 2, 1798 [Rev 1877, p 1409 §12 (C. S p 1256, §12)] saved from repeal [This section permits certain persons to appeal from certain collusive judgments]

**Chapter 75. SALES OF REAL ESTATE UNDER STATUTES OR JUDICIAL
PROCEEDINGS; DISTRIBUTION OF CERTAIN PROCEEDS OF SALES
OF OR COMPENSATION FOR REAL ESTATE.**

Section

2A 75-1 Advertisements of sales, publication in newspapers, fees
2A 75-2 Publication in foreign language newspaper
2A 75-3 Judgment or order founded upon equitable cause of action, public or private sale
2A 75-4 Times and places of sale, announcement of description of real estate to be sold
2A 75-5 Adjournments of sales
2A 75-6 Publication of notices of adjournments, fee
2A 75-7 Blank
2A 75-8 Lien of debts of ancestor, sale free from, order touching disposition of proceeds
2A 75-9 Sales confirmed notwithstanding defects or irregularities in publication of advertisements
2A 75-10 Affidavit of selling officer indorsed on or added to conveyances
2A 75-11 Record of conveyance with affidavit indorsed or added, effect
2A 75-12 Defects or imperfections in affidavits of selling officer

Section

2A 75-13. Effect of recitals in conveyances by selling officer
2A 75-14 Conveyances by public or municipal authority, collateral attack
2A 75-15 Confirmatory deeds on loss of originals
2A 75-16 Fees for confirmatory deed
2A 75-17 Relief to bidder at sale on showing defect in title or lien or encumbrance on property sold
2A 75-18 Bona fide purchasers protected after 7 years
2A 75-19 Distribution of proceeds of sales of or compensation for real estate paid into court
2A 75-20 Payment of proceeds of sales of or for real estate into superior court, effect
2A 75-21 Surplus from sale of real estate deposited in court, use to pay judgments
2A 75-22 Recorded deeds by sheriff or other officer valid notwithstanding defects in writ, record as evidence

2A:75-1. Advertisements of sales; publication in newspapers; fees. In all cases whatsoever where any sheriff, coroner, master, executor, administrator, guardian, commissioner or other officer or person is authorized or required by any public statute or the direction of any court of competent jurisdiction in this state to make sales of real estate, he shall, unless otherwise specially directed or authorized by law, before making such sale, give notice of the time and place of such sale by public advertisement, signed by himself to be sold at least 3 weeks next before the time appointed for such sale

Such officer or person, shall also cause such notice to be published 4 times in 2 newspapers to be by him designated, and printed and published in the county wherein the real estate to be sold is situate, at least once a week, during 4 consecutive calendar weeks One of such newspapers

shall be either a newspaper printed and published at the county seat of such county or a newspaper printed and published in the municipality in such county having the largest population according to the latest census The first publication shall be at least 21 days prior and the last publication not more than 8 days prior to the time appointed for the sale of such real estate

Whenever, in the opinion of any such officer or person the ends of justice shall require it, or the sale so being conducted by him will be benefited thereby, the notice of such sale may be published in 3 of such newspapers instead of 2 as required by the second paragraph of this section, if there be that number printed and published in the county wherein the real estate to be sold is situate

The officer or person so advertising in the newspapers shall be entitled therefor, in addition to

his other fees, to the sum of \$150, except where it is otherwise specifically provided

Source R S 2 75-1, as am L 1948, c 357, p 1430, §1, L 1949, c 182, p 586, §1

Note of Reporter Rule 3 77-2 controls posting of notice of sale Use of diagram provided for by Rule 3 77-3

2A:75-2. Publication in foreign language newspaper. The officer or other person mentioned in section 2A 75-1 of this title having charge of any sale of real estate may, whenever the sale, in his opinion, will be promoted by publication in such a newspaper, in addition to the publications required by section 2A 75-1 select a newspaper printed in a foreign language, circulating in the neighborhood of the property to be sold The same fees shall be allowed and paid for publication in a newspaper printed and published in a foreign language as in other cases

Source R S 2 75-2

2A:75-3. Judgment or order founded upon equitable cause of action; public or private sale. When a sale of real estate is ordered by the superior court in any civil action, wherein the order or judgment under which such sale is ordered, is founded upon a cause of action of an equitable nature, except mortgage foreclosure sales, the officer or person authorized or directed to make the sale may, in his discretion, make the same at public or private sale and on such terms as he may deem to be most advantageous to the parties concerned therein A private sale shall not be valid until it is confirmed by the court upon a report of the terms thereof by the officer or person making the sale

Source C 2 75-2 1, L 1949, c 182, p 590, §7

2A:75-4. Times and places of sale; announcement of description of real estate to be sold. Any officer or person mentioned in section 2A 75-1 of this title, making a sale of real estate governed by this chapter, shall, at the time and place appointed therefor, between the hours of 12 and 5 in the afternoon, if requested by any person interested in the sale of the real estate to be sold, read the description of the real estate to be sold by metes and bounds, or, in the absence of such a request, the officer or person making the sale shall announce the street and number, or streets and numbers, of the real estate to be sold, or the block and lot number or numbers by which such real estate is designated on the taxing maps of the municipality or municipalities in which the same is situate, if the same is not identified by a street and number or streets and numbers on such taxing maps, and where there is no street number or lot and block number, the officer or person making the sale may announce such description or designation as to him may be deemed sufficient, and sell such real estate at public vendue to the highest bidder

Source R S 2 75-3

2A:75-5. Adjournments of sales. Any officer or person mentioned in section 2A 75-1 of this title making a sale of real estate governed by

this chapter may, subject only to such limitations or restrictions upon the exercise of such power as may be specially provided by law, adjourn the same from time to time

Source R S 2 75-4

2A:75-6. Publication of notices of adjournments; fee. If a sale of real estate governed by this chapter is adjourned for more than 1 week, notice thereof shall be published once within 1 week after the date of the adjournment in the newspapers in which the original notice of the sale was published unless the original advertisement of the sale specifically reserved the right to adjourn the sale, in which case no further notice need be published The adjournment notice need only consist of a statement of the parties to the cause and the time and place to which the sale is adjourned In publishing any adjournment it shall not be necessary to continue the publication of the original advertisement of the sale

Source R S 2 75-5

2A:75-7. Blank.

2A:75-8. Lien of debts of ancestor, sale free from; order touching disposition of proceeds. In all civil actions in the superior court, in the nature of a proceeding in equity, for the sale of real estate, the court may, when the personal estate of the ancestor from whom the real estate descended is insufficient to pay his just debts, direct such real estate to be sold free from the lien of such debts, and to make such order touching the disposition of the proceeds of the sale as may be necessary for the ascertainment and payment of such deficiency thereout before the distribution of the fund

Source C 2 75-5 2, L 1949, c 182, p 590, §8

2A:75-9. Sales confirmed notwithstanding defects or irregularities in publication of advertisements. All sales of real estate made by virtue of any order, or judgment of any court of record of this state may notwithstanding any defect or irregularity in the publication of the advertisement of the sale, be confirmed by the court, if the officer making the sale certifies, under oath, that the sale was otherwise regular and that, in his judgment, the real estate was sold for a fair price, and the court is satisfied by the affidavit that the defect or irregularity in the publication was not injurious to the parties in interest

Source R S 2 75-6

2A:75-10. Affidavit of selling officer indorsed on or added to conveyances. When a sheriff or other officer shall make a sale of real estate pursuant to a judgment, execution or order of any court, he shall make and sign an affidavit indorsed on or added to the conveyance of the real estate sold, to the following effect

"I, A B, sheriff, et cetera, do solemnly swear that the real estate described in this deed made to C D, was sold by me by virtue of an execution (or as the case may be) as is therein recited,

that the money ordered to be paid has not been paid, to my knowledge or belief, that the time and place of the sale of said real estate were duly advertised as required by law, and that the same was sold to a bona fide purchaser for the best price that could be obtained

A B, Sheriff

Sworn (or affirmed) before me, one of the, et cetera, on this day of , 19 A D, and I having examined the deed above mentioned do approve the same and order it to be recorded as a good and sufficient conveyance of the real estate therein described "

The affidavit shall be taken before a judge of the superior court or an attorney-at-law of this state, for which taking the attorney before whom the affidavit is taken shall be entitled to a fee of \$100

If there has been a new sheriff elected and qualified, or where the sheriff may have been incapacitated by death, resignation or otherwise, after a sale made by the former or incapacitated sheriff, the affidavit required by this section may be made by such former or incapacitated sheriff or by the deputy of such former or incapacitated sheriff

Source R S 2 75-7, as am L 1949, c 182, p 587, §2

2A:75-11. Record of conveyance with affidavit indorsed or added; effect. Any conveyance mentioned in section 2A 75-10 of this title, with the affidavit required by said section 2A 75-10 indorsed thereon or added thereto, may, when approved by a judge of the superior court or an attorney-at-law of this state, be recorded as if duly acknowledged, and such conveyance or the record thereof, or a certified copy of such record, shall be evidence of a good and valid sale and conveyance of the real estate conveyed thereby, as if the same had been reported to and approved by the court in pursuance of whose judgment, execution or order the same was made

Source R S 2 75-8, as am L 1949, c 182, p 588, §3

2A:75-12. Defects or imperfections in affidavits of selling officer. All affidavits indorsed on or added to deeds as required by law by any sheriff, or other officer or person, shall, notwithstanding any errors or imperfections in such affidavits, be taken and held to be good and sufficient in law, but only if such deeds shall have been recorded for a period of at least 6 years

Source R S 2 75-9

2A:75-13. Effect of recitals in conveyances by selling officer. The conveyance of any real estate sold by a sheriff, or other officer or person, in pursuance of a decree, judgment, execution or order of a court, heretofore or hereafter made and duly acknowledged or approved, and the record thereof, or a certified copy of such record, shall be good and sufficient prima facie evidence of the truth of the recitals in such deed or conveyance contained

Source R S 2 75-10

2A:75-14. Conveyances by public or municipal authority; collateral attack. The provisions of section 2A 75-13 of this title shall apply to all deeds, declarations of sale and conveyance, duly acknowledged or proved, heretofore or hereafter made by or under the authority of any public or municipal authority, authorized or empowered by any law of this state to make and execute or to direct the making and execution of any deed, declaration of sale or conveyance, and the proceedings upon which such deeds, declarations of sale and conveyances are founded shall not be subject to be questioned collaterally, but may be, at any time, reviewed by a proceeding in lieu of the prerogative writs or other proper proceedings

Source R S 2 75-11, as am L 1949, c 182, p 588, §4

2A:75-15. Confirmatory deeds on loss of originals. Whenever a deed or conveyance, given by an officer or other person mentioned in section 2A 75-1 of this title pursuant to a sale made by him, is lost before the recording thereof, the person entitled to the deed or conveyance may, apply to the court under whose direction the sale was made and the deed or conveyance made and delivered for a confirmatory deed or conveyance. The court shall, upon being satisfied that the original deed or conveyance has been so lost, order the officer who made the same to make a confirmatory deed or conveyance to the grantee named in the lost deed or conveyance for the real estate sold. The confirmatory deed or conveyance shall recite the fact of the loss of the original deed or conveyance and the order for the confirmatory deed or conveyance and shall, in other respects, be in the same form as the original deed or conveyance, and shall be as good and valid and have the same force and effect as the original deed or conveyance

Source R S 2 75-12

2A:75-16. Fees for confirmatory deed. The fees to be allowed to the court to which application for a confirmatory deed or conveyance is made pursuant to section 2A 75-15 of this title as are allowed upon filing applications and making other orders in such court, and the officer making the confirmatory deed or conveyance shall be entitled to the same fee therefor as he was entitled to for making the original deed or conveyance

Source R S 2 75-13

2A:75-17. Relief to bidder at sale on showing defect in title or lien or encumbrance on property sold. Any purchaser of real estate at any public sale, held by any officer or person mentioned in section 2A 75-1 of this title, except at sales under general execution and actual levy thereunder, or for unpaid taxes or municipal liens, shall be entitled to be relieved from his bid if, before delivery of the deed, he shall satisfy the court by whose authority such sale was made of the existence of any substantial defect in or cloud upon the title of the real estate sold, which

would render such title unmarketable, or of the existence of any lien or encumbrance thereon, unless a reasonable description of the estate or interest to be sold, and of the defects in title and liens or encumbrances thereon, with the approximate amount of such liens and encumbrances, if any, be inserted in the notices and advertisements required by law, and in the conditions of sale, but, if the court shall direct any lien or encumbrance not described, and which is due and payable, to be paid out of the proceeds of sale, the purchaser shall not then be relieved by reason of such lien or encumbrance

Source R S 2 75-14

2A:75-18. Bona fide purchasers protected after 7 years. When a conveyance of any real estate sold by a sheriff, or other officer or other person mentioned in section 2A 75-1, pursuant to a judgment, execution or order of any court, shall hereafter be duly made and acknowledged, or approved as provided for in this chapter, or shall have been heretofore duly made and acknowledged more than 7 years before the same shall be offered in evidence, no evidence shall be received or be of any force or avail against any bona fide purchaser holding under such conveyance, or his heirs or assigns, that the execution had not been duly recorded before it was delivered to the sheriff, or that the sale of such real estate had not been duly advertised, or that the money recovered or ordered to be made by the decree, judgment, or execution, had been paid before the sale, unless the payment or satisfaction of such decree, judgment, or execution shall have been entered of record before such sale

Source R S 2 75-15

2A:75-19. Distribution of proceeds of sales of or compensation for real estate paid into court. Whenever any real estate shall be sold or taken pursuant to any competent judicial authority, or any law of this state, and the proceeds of such sale or the compensation for such taking, shall be paid into any court of this state, pursuant to such authority or laws, such court shall order and direct such payment or payments, in gross, to be made out of such proceeds, as compensation to such person or persons as shall be entitled to any vested, certain and absolute estate or interest, less than the fee simple, of, in, and to such real estate, or any part thereof, as such court shall deem a just and reasonable satisfaction for such estate or interest, and as the person so entitled shall consent, in writing, to accept in lieu thereof, but in case any such person shall fail to give such consent, before the making of the order for the distribution of such proceeds or compensation, then such court shall ascertain and determine what proportion of such proceeds or compensation will be just and reasonable to be reversed for the benefit of such person, and shall order the same to be put out at interest on sufficient security of real estate, or invested in

legal securities or to be paid into court, under the direction and control of such court, for the benefit of such person

Source R S 2 75-16

2A:75-20. Payment of proceeds of sales of or for real estate in superior court; effect. Whenever any real estate has heretofore been or shall hereafter be sold or taken upon compensation pursuant to any competent judicial authority or any law of this state, and the proceeds of such sale or the compensation for such taking have been or shall be paid into any court of this state other than the superior court, pursuant to such authority or law, and it shall appear to the court wherein the same have been or shall be paid that the interests of any person or persons entitled thereto, or any part thereof, require or will be substantially promoted by the payment into the superior court of so much or such proportion of such proceeds or compensation as the court wherein such money is paid may determine belong to or should be reserved for the benefit of such person, it shall be lawful for such court to order the same paid into the superior court, to be thence disposed of as ordered and directed by the superior court

Upon filing such order in the superior court and payment of such money thereunder, such person or persons shall, so far as relates to such property or money and its income, be considered a ward of the superior court

Source C 2 75-17, as am L 1949, c 182, p 589, §5

2A:75-21. Surplus from sale of real estate deposited in court; use to pay judgments. Whenever there shall be a surplus from the sale of real estate sold by virtue of any order or judgment, and such surplus shall be deposited in the court ordering the sale or in which the judgment was entered, and any person shall hold a judgment in any of the courts of this state against the owner of such real estate or any other person who shall be entitled to such surplus, or any part thereof, the court shall, upon affidavit filed by or in behalf of such judgment creditor, and notice given as required under the practice and procedure of the superior court, and upon proof made to the satisfaction of the court that the residence of the person entitled to such surplus is unknown and cannot be ascertained, order and direct such surplus to be applied upon such judgment, although such creditor was not made defendant in such action, in which case it shall not be necessary that the judgment creditor be admitted as a party defendant in such cause, but such affidavit shall be entitled in the action out of which such surplus was realized. The proof required by this section may be made by affidavit, or otherwise, as the court shall direct

Source C 2 75-17 1, L 1949, c 182, p 590, §9

2A:75-22. Recorded deeds by sheriff or other officer valid notwithstanding defects in writ; record as evidence. Any deed or deeds of con-

veyance heretofore or hereafter made and delivered by any sheriff, former sheriff, or other officer of the court, of any real estate, which shall have stood unchallenged on record for a period of 1 year from the date of record thereof, shall be deemed a valid deed for the conveyance of the property therein described, notwithstanding any formality or imperfection in the writ pursuant to the terms of which such sale was made or variance between the date of said deed

and the date of acknowledgment or proof of said deed

Any such deed, or the record thereof, or a certified copy of such record, shall be admissible in evidence in all cases and in all courts of this state

Source C 2 75-18, as am L 1941, c 366, p 962, §1

Note of Reporter. Last sentence eliminated so that no distinction exists between deeds given after confirmation of sale and those where no confirmation required under Rule 3 77-5

Chapter 76. TITLE AND CLAIMS TO REAL ESTATE AND PERSONAL PROPERTY; ACTIONS TO QUIET AND DETERMINE.

Section

Article 1 Actions to Quiet Title in General

- 2A 76-1 By person in peaceable possession, jurisdiction of superior court
- 2A 76-2 Presumption of peaceable possession
- 2A 76-3 By grantor of mapped and sold lots
- 2A 76-4 Persons under disability, relief from judgment
- 2A 76-5 Opening judgment on application for relief
- 2A 76-6 Effect of opening or vacating judgment

Article 2 Actions Against Unknown Claimants to Quiet Title

- 2A 76-7 By person in peaceable possession, civil action in the superior court
- 2A 76-8 Presumption of peaceable possession
- 2A 76-9 Sections 2A 76-1 to 2A 76-6 applicable
- 2A 76-10 Construction of article
- 2A 76-11 Sections 2A 76-1 to 2A 76-6 not affected

Article 1 ACTIONS TO QUIET TITLE IN GENERAL

2A:76-1. By person in peaceable possession; jurisdiction of superior court. Any person in the peaceable possession of lands in this state and claiming ownership thereof, may, when his title thereto, or any part thereof, is denied or disputed, or any other person claims or is claimed to own the same, or any part thereof or interest therein, or to hold a lien or encumbrance thereon, and when no civil action is pending to enforce or test the validity of such title, claim or encumbrance, maintain a civil action in the superior court to settle the title to such lands and to clear up all doubts and disputes concerning the same

Source R S 2 76-3, as am L 1949, c 114, p 462, §2

2A:76-2. Presumption of peaceable possession. If the lands are not, by reason of their extent or because they are wild, wood, waste, uninclosed or unimproved, in the actual peaceable possession of the owner or person claiming ownership, the owner or person claiming ownership in fee under a deed or other instrument, duly recorded in this state, who has paid taxes thereon and to whom or to whose grantors the taxes thereon have been assessed for 5 consecutive years immediately prior to the commencement of the action authorized by section 2A 76-1 of this title, shall, if no other person is in actual possession thereof, be presumed to be in peaceable possession there-

Section

Article 3 Actions to Quiet Title to Estates in Remainder, Real or Personal.

- 2A 76-12 Persons entitled to maintain a civil action.
- 2A 76-13 Opening judgment as to persons under disability

Article 4 Actions to Determine Existence and Validity of Covenants, Conditions, Agreements or Restrictions in Deeds to Real Estate

- 2A 76-14 Persons entitled to maintain a civil action

Article 5 Actions to Determine Title to Riparian Lands and Lands Under Water

- 2A 76-15 Action by attorney general
- 2A 76-16 to
- 2A 76-53 Blank.

of, and shall have all the rights and benefits of and be subject to all the provisions of this article

Source R S 2 76-2, as am L 1949, c 114, p 462, §1

2A:76-3. By grantor of mapped and sold lots. If any person, while in peaceable possession of lands and claiming ownership thereof, has made and filed or makes and files a map thereof according to law, dividing such lands into lots and laying out and dedicating streets upon such lands and has sold and conveyed or sells and conveys any of the lots designated on the map, he may, for the purpose of avoiding a multiplicity of actions, in his own name and notwithstanding any sale and conveyance made by him, maintain the action authorized by section 2A 76-1 of this title, which shall not be dismissed because the complainant has sold and conveyed any of the lots before civil action is instituted, and for the purposes of such action the title and possession of his grantees shall be the title and possession of the plaintiff

Source R S 2 76-4

2A:76-4. Persons under disability; relief from judgment. If a defendant was, either at the time of the entry of a default against him or at the time of the entry of the judgment, an infant or an incompetent person, he, or his heirs, may, unless he was represented in the action by a guardian or a guardian ad litem appearing for

him, at any time within 2 years after the removal of his disability, appear in the action and apply for relief from the judgment

Source R S 2 76-17, as am L 1949, c 114, p 466, §14

2A:76-5. Opening judgment on application for relief. Upon an application for relief from the judgment as provided by section 2A 76-4 of this title the judgment shall be opened as to the applicant, and the cause may then proceed as if no judgment had been made against him

Source R S 2 76-18, as am L 1949, c 114, p. 466, §15

2A:76-6. Effect of opening or vacating judgment. If the title to the lands which is the subject of the judgment sought to be opened pursuant to sections 2A 76-4 and 2A 76-5 of this title, has, by such judgment or in consequence thereof, been conveyed to a purchaser for value or mortgaged to a mortgagee for value, the same shall not be affected by either the opening or vacation of the judgment; and the vacation of the judgment shall operate only against the plaintiff named in the judgment, his heirs, executors and administrators, to compel compensation to the infant or incompetent person to the extent of the value of his interest in the affected lands at the time the same were so conveyed or mortgaged

Source. R S 2 76-19, as am L 1949, c 114, p 466, §16.

Article 2 ACTIONS AGAINST UNKNOWN CLAIMANTS TO QUIET TITLE

2A:76-7. By person in peaceable possession; civil action in the superior court. Any person in the peaceable possession of lands in this state, and claiming ownership thereof, may, if it is alleged or claimed or it is reputed that his title is defective, in that some other person may, at some time, claim to own the same or a part thereof, or some interest therein, or to hold a lien or encumbrance thereon, and the person so in possession is unable to ascertain the name or identity of such other person from a search of the title of such lands, extending back 60 years from the time of the commencement of the suit herein authorized, bring and maintain a civil action, in the superior court, to settle the title to such lands and clear up all doubts concerning the same

Source R S 2 76-20, as am L 1949, c 114, p 467, §17

2A:76-8. Presumption of peaceable possession. Whenever lands in this state are not, by reason of their extent or because they are wild, wood, waste, uninclosed or unimproved, in the actual peaceable possession of the owner or person claiming to be the owner, the owner or person claiming to be the owner of such lands in fee under a deed or other instrument, duly recorded within this state, who has paid taxes thereon and to whom or to whose grantors the taxes thereon shall have been assessed for 5 consecutive years immediately prior to the commencement of the action authorized by section 2A 76-7 of this title, shall, no other person being in possession thereof, be presumed to be in peaceable possession of

such lands within the meaning of this article, and shall be entitled to bring and maintain a civil action in the superior court to settle the title of said lands and to clear up all doubts concerning the same and to all the benefits of this article and of article 1 of this chapter (§2A 76-1 et seq) and shall be subject to all the provisions of this article.

Source R S 2 76-21, as am L 1949, c 114, p 467, §18

2A:76-9. Sections 2A:76-1 to 2A:76-6 applicable. The provisions of article 1 of this chapter (§2A.76-1 et seq) shall so far as the same are consistent with the provisions of this article, extend to all cases in which the provisions of this article authorize an action to settle the title to lands in this state and clear up all doubts concerning the same

Source R S 2 76-24, as am L 1949, c 114, p 468, §19

2A:76-10. Construction of article. This article shall be liberally construed to effect its purpose, which is to create a procedure by which it may be established that certain named persons have a marketable title to all of the estate in fee simple of lands defined by a judgment entered in such an action, so that there shall be no occasion for lands in this state being kept out of the market because of uncertainty as to who the owner of every interest therein may be

Source R S 2 76-29, as am L 1949, c 114, p 469, §24

2A:76-11. Sections 2A:76-1 to 2A:76-6 not affected. This article shall not, by implication or otherwise, be construed to affect any of the provisions of article 1 of this chapter (§2A 76-1 et seq)

Source R S 2 76-30

Article 3 ACTIONS TO QUIET TITLE TO ESTATES IN REMAINDER, REAL OR PERSONAL

2A:76-12. Persons entitled to maintain a civil action. When a person claims to be entitled to a vested estate in remainder in lands in this state or to a remainder interest in personality and his title thereto, or any part thereof, is denied or disputed, or another person claims or is claimed to own the same, or any part thereof or interest therein, or to hold a lien or encumbrance thereon, and no action to which he is a party is pending to enforce or test the validity of any alleged title, interest, claim, lien, or encumbrance, the person claiming to be entitled to the estate or in interest may maintain a civil action, in the superior court to settle the title to the estate or interest and to clear up all doubts and disputes concerning the same

Source R S 2 76-31, as am. L 1949, c 114, p 470, §25

2A:76-13. Opening judgment as to persons under disability. If any defendant to such suit shall be either at the time of the entry of a default or of judgment against him, an infant or an incompetent person, such defendant, his heirs or assigns may, unless he was represented in the action by a guardian or a guardian ad litem ap-

pearing for him, at any time within 2 years after the termination of such disability, appear in such action and apply for relief, and thereupon such judgment shall be opened as against such defendant, and the cause may proceed as if no judgment had been made in such action against him

Source R S 2 76-37, as am L 1949, c 114, p 472, §31

Article 4 ACTIONS TO DETERMINE EXISTENCE AND VALIDITY OF COVENANTS, CONDITIONS, AGREEMENTS OR RESTRICTIONS IN DEEDS TO REAL ESTATE

2A:76-14. Persons entitled to maintain a civil action. A person in the peaceable possession of lands in this state, claiming ownership thereof in fee simple under a deed therefor, or by or under descent or devise from the grantee thereof, which deed contains no covenants, conditions or agreements for the forfeiture and payment of money or penalties on breach thereof, or restrictions therein, may, when it is claimed or asserted by anyone that such lands are subject to covenants, conditions or agreements for the forfeiture and payment of money or penalties on breach thereof, or restrictions, contained in earlier deeds in the chain of title, and no suit or action is pending to enforce or test the existence or validity of such covenants, conditions, agreements or restrictions, institute and maintain a

civil action in the superior court to settle the existence and validity thereof, and to clear up all doubts and disputes concerning the same

Source R S 2 76-38, as am L 1949, c 114, p 472, §32

Article 5 ACTIONS TO DETERMINE TITLE TO RIPARIAN LANDS AND LANDS UNDER WATER

2A:76-15. Action by attorney general. When a grant or conveyance in fee of riparian lands or lands under water, or both, has been or shall be made by the state, the riparian commission, the board of commerce and navigation, the division of navigation, in the department of conservation or of the department of conservation and economic development to any person, who, or whose lessee or grantee under an unexpired lease or an estate for years not terminated is in possession of the lands, or any part thereof, and the state denies the validity of the grant or conveyance of the fee and desires to contest it, the attorney general may maintain a civil action, in the superior court on behalf of the state to determine and settle the title to the affected lands and to clear up all doubts concerning the same

Source R S 2 76-46, as am L 1949, c 114, p 475, §40

2A:76-16

to

2A:76-53. Blank.

Chapter 77. TRESPASS UPON LANDS.

Section

2A 77-1 What constitutes, notice, action, damages

2A:77-1. What constitutes; notice; action; damages. Any person who, while carrying a gun, shall trespass on any lands, except fresh meadow lands over which the tide has ebbed and flowed continuously for 20 years or more, after (a) having been forbidden so to trespass by the owner, occupant, lessee or licensee of such lands or (b) after such owner, occupant, lessee or licensee has

given public notice forbidding such trespass, which notice has been conspicuously posted adjacent to the highway bounding on such lands or adjacent to a usual entry way thereto, shall be deemed guilty of trespass at the suit of such owner, occupant, lessee or licensee, in a civil action and liable for damages of not less than \$10 00

Source R S 2 77-1

Chapter 78. UNINCORPORATED ORGANIZATIONS; ACTIONS AGAINST.

Section

2A 78-1 Organizations which may sue or be sued, effect of action, abatement
2A 78-2 Bar of unsatisfied judgment
2A 78-3 Action against members individually liable, corporate powers not conferred

Section

2A 78-4 Organizations excepted
2A 78-5 Blank
2A 78-6 Blank

2A:78-1. Organizations which may sue or be sued; effect of action; abatement. Any unincorporated organization or association, consisting of 7 or more persons and having a recognized name, may sue or be sued in any court of this state by such name in any civil action affecting its common property, rights and liabilities, with the same force and effect as regards such common property, rights and liabilities as if the action were prosecuted by or against all the

members thereof Such an action shall not abate by reason of the death, resignation, removal or legal incapacity of any officer of the organization or association or by reason of any change in its membership

Source R S 2 78-1

2A:78-2. Bar of unsatisfied judgment. A judgment obtained against an organization or association in an action herein authorized shall not, after execution or process issued thereon

and returned in whole or in part unsatisfied or judgment not fully performed, bar an action to recover the residue thereof against or to enforce compliance therewith by such members of the organization or association as may be personally liable

Source R S 2 78-4

2A:78-3. Action against members individually liable; corporate powers not conferred. Nothing in this chapter contained shall be construed to prevent any person having a claim against an unincorporated organization or association, for which the members thereof or any of them are personally liable, from proceeding against the members so liable, nor shall this chapter be so

construed as to give any such organization or association any of the powers or to impose any of the liabilities of a corporation, except as herein set forth

Source R S 2 78-5

2A:78-4. Organizations excepted. This chapter, in so far as it relates to actions of an equitable nature against unincorporated organizations or associations, shall not apply to a fraternal, charitable or other organization not organized for pecuniary profit

Source R S 2 78-6

2A:78-5. Blank.

2A:78-6. Blank

Chapter 79. WASTE.

Section

Article 1 General Provisions

- 2A 79-1 Waste by guardian, accounting to ward, treble damages
- 2A 79-2 Waste by tenant without special license
- 2A 79-3 Action for waste, treble damages
- 2A 79-4 Waste between parceners, tenants in common or joint tenants, procedure
- 2A 79-5 Action for waste by heir, treble damages
- 2A 79-6 Tenant's liability for waste committed or suffered by him after leasing or granting his estate to another
- 2A 79-7 Accidental fires excepted

Article 1 General Provisions

2A:79-1. Waste by guardian; accounting to ward; treble damages. No guardian shall make or suffer any waste, destruction or wrongful sale of the inheritance of his ward, or of those things of which he has or may have the custody as guardian but shall keep and deliver the same, together with all issues and profits, to his ward when he comes of full age, in as good order and condition as they were when the guardian received them. A guardian shall be liable to account to his ward for all issues and profits which accrued during the term of his trust, but shall be entitled to his reasonable charges and expenses

If any guardian shall make or suffer any waste, destruction or wrongful sale of the inheritance or property of his ward, he shall be deprived of his trust and remain liable to the ward in treble damages

Source R S 2 79-1

2A:79-2. Waste by tenant without special license. No tenant for any term, shall, during the term, make or suffer any waste of the tenements demised without special license in writing

Source R S 2 79-2

2A:79-3. Action for waste; treble damages. A civil action may be maintained in the superior court and upon a finding by the court or a verdict of the jury that waste has been committed treble damages shall be assessed or granted

Source R S 2 79-3

Note of Reporter Writ of waste abolished by Rule 3 75-1

Section

Article 2. By Tenant of Particular Estate

- 2A 79-8 Demand upon tenant of particular estate to take possession of and keep estate free from waste or to pay taxes or municipal liens thereon
- 2A 79-9 Service of demand
- 2A 79-10 Civil action in superior court
- 2A 79-11 to
- 2A 79-16 Blank

2A:79-4. Waste between parceners, tenants in common or joint tenants; procedure. When 2 or more persons hold property in common, as tenants in common or joint tenants, and 1 or more of them commit waste, action shall lie against the person or persons committing the waste. After judgment in such action, the defendant may elect either to have the common property partitioned or to give such security as the court shall deem against the commission of any further waste. If the defendant shall elect to have the property partitioned, the part assigned to him shall include that portion of the property wasted. If defendant does not elect to have the property partitioned or if the waste exceeds the value of his share of the property, the plaintiff shall recover against such defendant such damages as shall be assessed or awarded

Source R S 2 79-5

2A:79-5. Action for waste by heir; treble damages. Any heir, not of full age, may maintain a civil action for the waste or destruction of his inheritance, whether such waste occurred in the lifetime of his ancestor or thereafter. The judgment in such an action shall be for the recovery of the inheritance wasted or its money value if such recovery is impossible, and treble damages

Source R S 2 79-6

2A:79-6. Tenant's liability for waste committed or suffered by him after leasing or granting his estate to another. When any tenant for a term,

including a life tenant, shall lease or grant his estate in the property demised to or held by him to any person, and shall thereafter continue to occupy such property, or to take the profits thereof, and shall commit or suffer waste and destruction thereof, the owner, remainderman or reversioner of such property may maintain a civil action against such tenant and recover from him the property wasted or its money value as the court may determine and treble damages
Source. R S 2 79-7.

2A:79-7. Accidental fires excepted. No civil action for waste shall be maintained against any person as the result of damage caused by any accidental fire, except as may otherwise be provided by contract
Source R S 2 79-8

Article 2 BY TENANT OF PARTICULAR ESTATE.

2A:79-8. Demand upon tenant of particular estate to take possession of and keep estate free from waste or to pay taxes or municipal liens thereon. Whenever a particular estate exists in any real estate in this state, and there is a remainderman or reversioner or person entitled to ultimate enjoyment of such real estate, after the expiration of such particular estate, and the tenant of the particular estate or his assigns shall fail or neglect to take possession of such real property and keep possession thereof and maintain the same free from waste, and such real estate shall be depreciating in value by reason of the failure of such tenant to maintain the same as aforesaid, the remainderman or reversioner or his assigns or the person entitled to the ultimate enjoyment of such real property, after the expiration of such particular estate, may serve upon such tenant of the particular estate a written demand, requiring such tenant to take and keep possession of the premises, or to keep possession of such premises, and maintain the same free from waste

Whenever any tenant of any particular estate shall neglect or fail to pay any taxes or municipal liens now or hereafter by law chargeable

to such tenant, which have accrued during the continuance of such particular estate, any remainderman or reversioner, or other person entitled to the ultimate enjoyment of such property, may serve a written notice or demand upon such tenant of the particular estate, requiring such tenant to pay such taxes or municipal liens now or hereafter by law chargeable to such tenant forthwith

Source C 2 79-9, as am L 1942, c 60, p 298, §1

2A:79-9. Service of demand. Any demand or notice mentioned in section 2A 79-8 of this title may be served upon the tenant of the particular estate either personally or by leaving the same at his usual place of abode, with an adult member of his household. If the tenant of the particular estate cannot be found in this state or is a nonresident, the demand may be served by attaching it to some prominent part of the premises, and by publishing it in a newspaper printed and published in the county in which the real estate is situate for not less than once a week for 4 consecutive weeks.

Source R S 2 79-10

2A:79-10. Civil action in superior court. If the tenant of the particular estate neglects or fails to take and keep possession of the real estate and maintain the same free from waste within 2 months from the date of the service of the demand so to do as provided by section 2A 79-8 of this title, or neglects or fails to pay the taxes or municipal liens upon such real estate chargeable by law to him within 3 months from the date of the service of the demand so to do as provided by said section 2A 79-8, the remainderman, reversioner or other person entitled to the ultimate enjoyment of the real estate may maintain a civil action in the superior court for relief in the premises in accordance with the procedure of such court

Source. R S 2 79-11

2A:79-11

to

2A:79-16. Blank.

Subtitle 9. PROCEDURE IN LIEU OF PREROGATIVE WRITS AND HABEAS CORPUS.

Chapter 80. PROCEDURE IN LIEU OF PREROGATIVE WRITS, GENERAL PROVISIONS.

Section	
2A 80-1	
to	
2A 80-3	Blank
2A 80-4	Judgment and proceedings of state board of tax appeals, when reviewable by proceedings in lieu of prerogative writs
2A 80-5	Illegality of tax pleaded as defense
2A 80-6	Complaint to try title to office or franchise.
2A 80-7	Judgment and costs

Section	
2A 80-8	Burden of proof on attorney general
2A 80-9	Action for usurpation of municipal office or franchise, procedure
2A 80-10	Immediate possession to plaintiff upon judgment of ouster
2A 80-11	Appeal not to affect entry of plaintiff, bond
2A 80-12	Blank
2A 80-13	Certificate on recount of votes, prima facie evidence of right to office

2A:80-1

to

2A:80-3. Blank

2A:80-4. Judgment and proceedings of state board of tax appeals; when reviewable by proceedings in lieu of prerogative writs. When the statutory proceeding of any department, division or agency of this state is or has been brought before the state board of tax appeals, by appeal from the action of the agency, and on such appeal, the determination, in whole or in part, of such board is or has been in favor of the appellant and the judgment of such board is or has been one that would be reviewed by a proceeding in lieu of prerogative writs in the event the state agency were a person having a private interest in the controversy, and the attorney general is of the opinion that it is to the interest of the state or of its local subdivisions to have such judgment reviewed, such agency may review the judgment and proceedings of the state board of tax appeals by an action in lieu of prerogative writs.

Source R S 2 81-12

2A:80-5. Illegality of tax pleaded as defense.

In all proceedings in lieu of prerogative writs to enforce the collection or payment of a tax or appropriation, the partial or entire illegality of such tax or appropriation may be pleaded and shown as a defense.

Source R S 2 83-8

2A:80-6. Complaint to try title to office or franchise. If any person shall usurp, intrude into or unlawfully hold or execute any office or franchise in this state, he may file a complaint in a proceeding in lieu of prerogative writs in the superior court against such person for usurping, intruding into or unlawfully holding or executing any such office or franchise and he may proceed therein in accordance with the rules of the supreme court.

Source R S 2 84-1

2A:80-7. Judgment and costs. If a defendant in such an action shall be judged guilty of usurpation or intrusion into or unlawfully holding and executing any such office or franchise, the court may give judgment of ouster against him and fine him for usurpation, intruding into, or unlawfully holding and executing such office or franchise and may give judgment that the plaintiff in such action shall recover for costs in accordance with the rules of the supreme court. If judgment shall be given for the defendant in the action, he shall recover costs against the plaintiff in accordance with the rules of the supreme court.

Source R S 2 84-3

2A:80-8. Burden of proof on attorney general. On the trial, hearing and argument on any proceedings in lieu of prerogative writs instituted by the attorney general by virtue of his office to ascertain by what right or warrant or law a

person holds any public office, he shall, at the trial, prove affirmatively all the facts averred or alleged in his complaint and not admitted by the answers or by any other practice or proceeding provided by the rules of the supreme court. The defendant named in the complaint shall not be required to offer evidence until such facts are proven, but shall then be required to controvert only such facts so proven.

Source R S 2 84-6

2A:80-9. Action for usurpation of municipal office or franchise; procedure. When it is alleged that a person usurps, intrudes into or unlawfully holds or executes a municipal office or franchise in this state, any citizen thereof, who believes himself lawfully entitled to such office or franchise, may, as plaintiff institute an action in the superior court, law division, against such person for usurping, intruding into or unlawfully holding or executing any such office or franchise, and may proceed therein in such manner as is provided for proceedings in lieu of prerogative writs in the rules of the supreme court.

Source. R S 2 84-7

2A:80-10. Immediate possession to plaintiff upon judgment of ouster. When plaintiff, who has filed a complaint pursuant to the rules of the supreme court, respecting any office or franchise claimed by him, shall have judgment establishing his claim and ousting the defendant, he shall be entitled at once upon the entry thereof, to enter, possess and enjoy the office in respect to which the complaint was filed. The court may, upon the entry of the judgment, make an order on any defendant requiring him immediately to surrender any such office or franchise, and all the books, papers and insignia thereof to the plaintiff.

Source R S 2 84-15

2A:80-11. Appeal not to affect entry of plaintiff; bond. No appeal or other proceeding shall affect the right of the plaintiff therein to immediate entry into such office or franchise, by virtue of section 2A.80-10 of this title, provided such plaintiff shall, upon his entry give bond to the defendant in such sum and with such surety as the court shall approve, conditioned to repay to the defendant so much of the emoluments of the office or franchise during such plaintiff's incumbency therein to which the defendant may be adjudged to be entitled, as well as the costs of the defendant, in the event of the reversal of the judgment of ouster in the proceedings.

Source R S 2 84-16

2A:80-12. Blank.

2A:80-13. Certificate on recount of votes; prima facie evidence of right to office. If, in any proceeding in lieu of prerogative writs to test the title of any person to an office which is claimed by the plaintiff, there shall have been a

recount of the votes cast at the election at which the plaintiff and defendant claim to have been elected, the certificate given by a judge of the superior court of the result of such recount pur-

suant to statute shall be prima facie evidence of the right of the person holding the same to the office and to a judgment accordingly
Source R S 2 84-18

Chapter 81. HABEAS CORPUS; ILLEGAL CONFINEMENT.

Section

Article 1 General Provisions, Including Certain Civil Rights

- 2A 81-1 Construction of chapter
- 2A 81-2 Issuance of writ without application or petition
- 2A 81-3 Prisoner not to be removed except in certain cases
- 2A 81-4 Penalty for signing and executing warrant for removal contrary to chapter
- 2A 81-5 Sending citizen as prisoner out of state for offense committed within state, action for damages, punishment, disqualification, exceptions
- 2A 81-6 Discharge on criminal charge not extended to discharge on civil process
- 2A 81-7 Warrant in lieu of writ, arrest of person having custody of person detained
- 2A 81-8 Service of warrant, return
- 2A 81-9 Proceedings against person detaining prisoner
- 2A 81-10 Limitation of action for offenses against chapter

Article 2 Persons Entitled to Writ

- 2A 81-11 Persons who may prosecute writ
- 2A 81-12 Persons who may not prosecute writ

Article 3 Application for and Form of Writ.

- 2A 81-13 Power and authority to issue writ
- 2A 81-14 Blank
- 2A 81-15 Granting and return of writ forthwith
- 2A 81-16 Blank
- 2A 81-17 Defect of form not cause for disobedience of writ
- 2A 81-18 Blank
- 2A 81-19 How made in general, when person conceals himself or refuses admittance
- 2A 81-20 Tender of fees, bond given, exceptions

Article 4 Return of Writ and Proceedings Thereunder

- 2A 81-21 Obedience to writ by officer or person served
- 2A 81-22 Blank
- 2A 81-23 Blank
- 2A 81-24 Examination of person making return
- 2A 81-25 Sickness of prisoner, disposition of matter
- 2A 81-26 Waiver of production of person, return and proceeding as in other cases except as to bail
- 2A 81-27 Attachment for failure to produce prisoner or make return, commitment
- 2A 81-28 Attachment against sheriff
- 2A 81-29 Precept issued to produce prisoner in execution of attachment

Article 1. GENERAL PROVISIONS, INCLUDING CERTAIN CIVIL RIGHTS

2A:81-1. Construction of chapter. This chapter shall be liberally construed so as to secure, as far as possible, the liberty of the citizen
Source R S 2 82-1

2A:81-2. Issuance of writ without application or petition. When the superior court or any

Section

Article 5 Hearing on Return, Discharge or Remand of Prisoner

- 2A 81-30 Power of county called in aid in execution of attachment or precept
- 2A 81-31 Hearing
- 2A 81-32 Discharge, remand or commitment of person detained
- 2A 81-33 Inquiry into cause of commitment on criminal charge, bail or remand
- 2A 81-34 Inquiry where person in custody under civil process, discharge
- 2A 81-35 Notice to parties interested in restraint under civil process
- 2A 81-36 Discharge of prisoner upon bail, recognizance, certification of writ and recognizance to proper court
- 2A 81-37 Bail, recognizance taken by the court in which such person is required to appear
- 2A 81-38 Recognizance and certificate of court filed, discharge of prisoner
- 2A 81-39 Custody of person under restraint pending determination of writ
- 2A 81-40 Reimprisonment for same cause of person discharged upon writ, exceptions

Article 6 Offenses in Connection with Writ

- 2A 81-41 Penalty for reimprisoning, aiding or assisting, misdemeanor
- 2A 81-42 Eluding writ by removing or transferring prisoner to other custody, misdemeanor
- 2A 81-43 Neglect or refusal to obey writ, forfeiture, misdemeanor
- 2A 81-44 Misdemeanor, punishment

Article 7 Appeals

- 2A 81-45 Appeal to appellate division of superior court
- 2A 81-46 Power of appellate courts

Article 8 Inmates of Institutions

- 2A 81-47 Inquiry into sanity of person confined, persons entitled to be heard on return of writ
- 2A 81-48 Testimony as to insanity of person detained, determination by judge
- 2A 81-49 Jury to inquire into lunacy of person
- 2A 81-50 Trial of fact of insanity, verdict, discharge
- 2A 81-51 Proceedings for release of person confined in certain institutions
- 2A 81-52 Habeas corpus extended to inmates of charitable institutions
- 2A 81-53 Application for writ by superintendent, warden or keeper
- 2A 81-54 Allowance of writ, determination of custody, enforcement of court's order
- 2A 81-55 Witnesses, production of prisoners or inmates as

judge thereof, shall have evidence from any judicial proceeding had before them that a person within this state is illegally confined and restrained of his liberty, such court or judge shall issue a writ of habeas corpus for his relief, although no petition be presented or application made for such writ If the writ is granted by

the court or judge on their own motion, no fees shall be allowed

Source R S 2 82-3

2A:81-3. Prisoner not to be removed except in certain cases. No person committed to a prison or in the custody of an officer or other person for a criminal or supposed criminal matter shall be removed from such prison or custody into the custody of any other officer or person, except

a By habeas corpus or other legal writ or process or by order for production as a witness, or

b Where he is delivered to a constable or other inferior officer in accordance with law, or

c Where he is sent by order of a court, judge or justice of the peace to a workhouse or house of correction, or

d Where he is removed to another place, within the county, for his trial or discharge in due course of law; or

e In case of sudden fire or infection or other necessity

Source R S 2 82-4

2A:81-4. Penalty for signing and executing warrant for removal contrary to chapter. If, after such commitment mentioned in section 2A 81-3 of this title, a person shall make out, sign or countersign a warrant for the removal of any person, so committed, contrary to this chapter he and the officer or person obeying or executing the same shall, for every such offense, forfeit to the person aggrieved the sum of \$500 to be recovered in an action at law

Source R S 2 82-5

2A:81-5. Sending citizen as prisoner out of state for offense committed within state; action for damages; punishment; disqualification; exceptions. For preventing illegal imprisonment of citizens of this state in prisons out of this state, no citizen of this state who is an inhabitant or resident thereof, shall be sent as a prisoner to any place whatsoever out of this state, for any crime or offense committed within this state, and every such imprisonment is hereby declared to be illegal

If any such citizen shall be so imprisoned, he may, for every such imprisonment, maintain, by virtue of this chapter, an action of false imprisonment in any court of record having cognizance of such action, against the person by whom he shall be so committed, detained, imprisoned, sent prisoner or transported contrary to the true intent and meaning of this chapter, and against any person who shall frame, contrive, write, seal, sign, or countersign any warrant or writing for such commitment, detainer, imprisonment or transportation, or who shall advise, aid or assist in the same or any of them. The plaintiff in every such action shall have judgment to recover double costs, besides damages, which damages shall not be less than \$1,500

Any person who shall knowingly frame, contrive, write, seal, sign or countersign any warrant

for such commitment, detainer, or transportation, or shall so commit, detain, imprison or transport any person contrary to this chapter, or advise, aid or assist therein, shall be fined or imprisoned at hard labor, or both, at the discretion of the court before which the conviction shall be had and shall in addition thereto, from thenceforth be disqualified from holding any office of trust or profit under this state

Nothing contained in this chapter shall be construed to prevent the sending of a citizen of this state or person at any time resident therein, who has committed any treason, felony or misdemeanor in another state of the United States or in any foreign country, to such other state or foreign country having jurisdiction of such offense, for the purpose of being tried therefor

Source R S 2 82-6

2A:81-6. Discharge on criminal charge not extended to discharge on civil process. Nothing in this chapter shall extend to discharge out of prison any person charged in debt or other action or on process in any civil cause unless by virtue of the proceedings had for that purpose under authority of this chapter. A discharge, under this chapter, from imprisonment under a criminal charge shall not have the effect of discharging from prison a person imprisoned as above stated, but the person so discharged shall be kept in custody according to law in such civil action

Source R S 2 82-8

2A:81-7. Warrant in lieu of writ; arrest of person having custody of person detained. A judge of the superior court may, when it shall appear by satisfactory proof that anyone is held in illegal confinement or custody and there is good reason to believe that he will be taken out of the state or suffer some irreparable injury before he can be relieved by the issuance of a habeas corpus, issue a warrant under his hand and seal reciting the facts and directed to any sheriff, constable or other person, commanding him to take the prisoner and forthwith bring him before the court or judge to be dealt with according to law

If the proof shall also be sufficient to justify an arrest of the person having the prisoner in his custody, as for a criminal offense committed in the taking or retaining of the prisoner, the warrant may also contain an order for the arrest of such person for such offense

Source R S 2 82-9

2A:81-8. Service of warrant; return. Any officer or person to whom the warrant mentioned in section 2A 81-7 of this title shall be directed shall execute the same by bringing the prisoner named therein, and the person who detains him, if so commanded by the warrant, before the court or judge issuing the same

Thereupon the person detaining such prisoner shall make a return in like manner and the like proceedings shall be had as if a writ of habeas corpus had been issued in the first instance.

Source R S 2 82-10

2A:81-9. Proceedings against person detaining prisoner. If the person having the prisoner in his custody shall be brought before such judge of the superior court, as for a criminal offense, he shall be examined, committed, bailed or discharged in like manner as in other criminal cases of like nature

Source R S 2 82-11

2A:81-10. Limitation of action for offenses against chapter. No person shall be liable to an action for any offense against this chapter unless the action is commenced against such person so offending within 2 years after the offense is committed; but if the person aggrieved shall be in prison, by reason of such wrongful act, then within 2 years after the decease of such party while in prison or his deliverance out of prison whichever shall happen first

Source R S 2 82-11 1

Article 2 PERSONS ENTITLED TO WRIT

2A:81-11. Persons who may prosecute writ. Except as provided in section 2A 81-12 of this title, the persons herein enumerated may have a writ of habeas corpus to inquire into the cause of their imprisonment, detention or restraint

a Any person committed, detained, confined or restrained of his liberty, within this state, for any criminal or supposed criminal matter or under any pretense whatsoever,

b Any person in custody by virtue of civil process issued out of any court in this state, whether such process be a capias ad respondendum or capias ad satisfaciendum, or other precept whatsoever in any action in the nature of an action of debt, or other action or proceeding founded on contract express or implied

Source R S 2 82-12

2A:81-12. Persons who may not prosecute writ. The following persons shall not be entitled to prosecute a writ of habeas corpus

a Persons committed or detained by virtue of any process issued by any court of the United States, or any judge thereof, in cases where such courts or judges have exclusive jurisdiction under the laws of the United States or shall have acquired exclusive jurisdiction by the commencement of suits in such courts,

b Persons committed or detained by virtue of the final judgment or decree of a competent tribunal of civil or criminal jurisdiction or by virtue of an execution issued upon such judgment or decree unless such judgment or decree be founded upon contract, but no order of commitment for an alleged contempt, or upon proceedings as for contempt, to enforce the rights or remedies of a party shall be deemed a judgment or decree within the meaning of this section, nor shall any attachment or other process issued upon any such order be deemed an execution within the meaning of this section;

c Persons in custody or detained for any capital crime plainly and specially expressed in the

warrant or commitment, unless the court or judge to whom the application may be made shall, as an act of discretion, direct the writ to issue

Source R S 2 82-13

Article 3 APPLICATION FOR AND FORM OF WRIT

2A:81-13. Power and authority to issue writ. The power and authority to issue writs of habeas corpus shall be and reside in

a The superior court or any judge thereof

b The county court or any judge thereof, which shall have concurrent jurisdiction in its county with the superior court to grant such writ in all criminal cases where a person may be confined in prison or detained in custody, and to hear and determine the same in like manner as though the application had been made before a judge of the superior court

Source R S 2 82-14

2A:81-14. Blank

2A:81-15. Granting and return of writ forthwith. The court, judge of the superior court or judge of the county court, in a proper case, to whom the petition shall be presented shall grant such writ without delay unless it shall appear from the petition itself, or from the documents annexed, that the party applying therefor is, by the provisions of this chapter, prohibited from prosecuting such writ. The writ shall be made returnable forthwith

Source R S 2 82-16

2A:81-16. Blank

2A:81-17. Defect of form not cause for disobedience of writ. Writs of habeas corpus shall not be disobeyed for any defect of form

Source R S 2 82-19

2A:81-18. Blank

2A:81-19. How made in general; when person conceals himself or refuses admittance. Every writ of habeas corpus issued under this chapter may be served by delivering it to the person to whom it is directed. If he cannot be found, it may be served by being left at the jail or other place in which the prisoner may be confined with an under officer or other person of proper age having charge for the time of such prisoner

If the person upon whom the writ should be served conceals himself or refuses admittance to the party attempting to serve the same, it may be served by affixing it in some conspicuous place on the outside, either of his dwelling house, or of the place where the party is confined

No service of such writ shall be deemed complete unless the person serving the same shall comply with the provisions of section 2A 81-20 of this title

Source R S 2 82-21

2A:81-20. Tender of fees; bond given; exceptions. The party serving the writ shall tender to the person in whose custody the prisoner may be,

if such person be a sheriff, coroner, constable, marshal, keeper of the jail or other officer, the fees allowed by law for bringing up such prisoner together with the charges for carrying him back

Such party shall give bond to the sheriff, coroner, constable, marshal or other officer, as the case may be, when, in the order allowing such writ a bond is required to be given, in a penalty double the amount of the sum for which such prisoner shall be detained if he is detained for any specific sum of money, and if not, then in the penalty of \$1,000 conditioned that the prisoner will not escape either in going to or returning from the place to which he is to be taken. If the prisoner shall be discharged the officer shall repay the money which he may have received for the charges of carrying back such prisoner.

This section shall not apply to a case where the writ issued out by the attorney general or by the county prosecutor or where the court, or judge acts therein on its or his own motion

Source R S 2 82-22

Article 4 RETURN OF WRIT AND PROCEEDINGS THEREUNDER

2A:81-21. Obedience to writ by officer or person served. Every sheriff, coroner, constable, marshal or keeper of the jail or other officer upon whom a writ of habeas corpus shall be served, whether the writ be directed to him or not, upon payment or tender of the charges allowed by law and the delivery or tender of the bond, whenever such bond is requisite, shall obey and return the writ according to the exigency thereof

Every other person upon whom the writ shall be served having the custody of the individual for whose benefit the writ shall be issued shall obey and execute such writ, according to the command thereof, without requiring any bond or the payment of any charges unless the payment of such charges shall have been required by the officer issuing the writ

Source R S 2 82-23

2A:81-22. Blank

2A:81-23. Blank

2A:81-24. Examination of person making return. Upon the return coming in, the court, or judge may, if he shall deem it advisable so to do, examine under oath the officer or person making such return with respect to the subject matter thereof

Source R S 2 82-26

2A:81-25. Sickness of prisoner; disposition of matter. The officer or person on whom a writ of habeas corpus is served shall also bring in the body of the person in his custody according to the command of the writ, except where the person, by reason of sickness or infirmity cannot without danger be brought before the court, or judge, in which case the party in whose custody

he is may state such fact in his return verifying the same by his oath. If satisfied of the truth of such statement, and the return is otherwise sufficient, the court or judge shall decide upon the return and dispose of the matter in the same manner as if such person had been produced

Source R S 2 82-28

2A:81-26. Waiver of production of person; return and proceeding as in other cases except as to bail. If a person imprisoned or under restraint is desirous of testing the validity of the same or of being discharged upon bail without being brought in person before the court or judge, he shall signify such desire in his petition for the writ, and in the allowance of the writ a waiver of the production of the body shall be inserted. The return and all proceedings in other respects shall be the same as in other cases, except as to the mode of taking bail which may be taken in the discretion of the court or judge in the manner provided for in section 2A:81-37 of this title

Source R S 2 82-29

2A:81-27. Attachment for failure to produce prisoner or make return; commitment. If the person upon whom such writ of habeas corpus shall have been duly served shall refuse or neglect to obey the same, by producing the party named in such writ and making a full and explicit return thereto, within the time required by this chapter, and no sufficient cause is shown for such refusal or neglect, the court or judge before whom such writ has been made returnable, upon due proof of service thereof shall forthwith issue an attachment against such person directed to the sheriff of any county commanding him forthwith to apprehend such person and bring him immediately before such court or judge.

Such person on being so brought shall be committed to close custody in the jail of the county in which such court or judge shall be until he shall make return to the writ and comply with any order that may be made by such court or judge relative to the person for whose relief the writ has been issued

Source R S 2 82-30

2A:81-28. Attachment against sheriff. If a sheriff shall have neglected to return such writ, the attachment may be directed to any coroner or other person to be designated therein who shall have full power to execute the same and such sheriff, upon being brought up, may be committed to the jail of any county other than his own

Source R S 2 82-31.

2A:81-29. Precept issued to produce prisoner in execution of attachment. The court or judge issuing such attachment may also, at the same time or afterwards, issue a precept to the same sheriff or other person to whom the attachment is directed, commanding him to bring forthwith

before such court or judge the party for whose benefit the writ of habeas corpus shall have been allowed. Such party shall thereafter remain in the custody of such sheriff or other person until he is discharged, bailed or remanded, as the court or judge shall direct.

Source R S 2 82-32

Article 5 HEARING ON RETURN, DISCHARGE OR REMAND OF PRISONER

2A:81-30. Power of county called in aid in execution of attachment or precept. The sheriff or other person to whom such attachment or precept shall be directed may, in the execution thereof, call to his aid the power of the county as in other cases.

Source R S 2 82-33

2A:81-31. Hearing. The court or judge before whom the party shall be brought on habeas corpus shall immediately after the return thereof proceed to examine the return and the facts as set forth therein, whether the same shall have been upon process or commitment for any criminal or supposed criminal matter or not.

Source R S 2 82-34

2A:81-32. Discharge; remand or commitment of person detained. If no cause is shown for the imprisonment or restraint or for the continuation thereof, the court or judge shall discharge the party from the custody or restraint under which he is held. If the party is not entitled to a discharge and is not bailed, the court or judge shall remand him to the custody or place him under the restraint from which he was taken, if the person under whose custody he was is legally entitled thereto, and if not so entitled such party shall be committed by the court or judge to the custody of such other officer or person as by law is entitled thereto.

Source R S 2 82-35

2A:81-33. Inquiry into cause of commitment on criminal charge; bail or remand. If it appears that the party has been arrested or committed for some criminal offense, or supposed criminal offense, the court or judge may in its or his discretion inquire into the cause and grounds of the confinement or restraint of such party, and for this purpose may summon witnesses and take their depositions, and may by an order in writing require, of any person, the production of all affidavits, documents and writings relative to the premises.

If upon such examination it shall appear that such party is not entitled to his discharge, he shall be bailed or remanded in the manner directed in section 2A 81-32 of this title. When this course is taken the party shall not be entitled to his discharge by reason of any informality or insufficiency in the original arrest or commitment.

Source R S 2 82-36

2A:81-34. Inquiry where person in custody

under civil process; discharge. When it appears by the return, or otherwise that the prisoner is in custody by virtue of civil process issued out of any court, in any action or proceeding founded on contract, expressed or implied, the court or judge may make an order for the taking of testimony concerning the truth of the affidavit or affidavits and proofs upon which the order for process under which the defendant therein is held was made and said process issued. Such testimony shall be taken orally before the court or judge.

If from the testimony so taken, the court or judge shall be of the opinion that the process was improperly or improvidently issued or should not have been issued against the defendant therein, it or he shall order the defendant to be discharged.

In case the imprisonment shall be upon a capias ad respondendum, the court or judge may order the defendant to be discharged upon common bail and may take such order for his discharge from arrest or imprisonment and the discharge of his bail, as the nature of the case may require, and as may be deemed equitable and just.

Source R S 2 82-37

2A:81-35. Notice to parties interested in restraint under civil process. When it appears on the return of the writ that the party named there is in custody on any civil process under which any other person has an interest in continuing his imprisonment or restraint, no order shall be made for his discharge until it shall appear that the party so interested, or his attorney, if he has one, shall have such notice of the hearing under the habeas corpus as the court or judge allowing the same shall direct.

Source R S 2 82-38

2A:81-36. Discharge of prisoner upon bail; recognizance; certification of writ and recognizance to proper court. If, upon the return of a writ of habeas corpus issued on behalf of a person who is in confinement on a charge of a criminal offense which is of a bailable nature for the purpose of putting in such bail, it shall appear that the prisoner is entitled to be bailed, the court or judge, within not more than 2 days after such return, shall discharge the prisoner from his imprisonment, taking his recognizance with 1 or more sureties in any sum at the discretion of the court or judge, having regard to the quality of the prisoner and the nature of the offense, for his appearance at the time fixed by the court or judge in the superior court or in the county court, for the county or place where the commitment was or the offense committed, or in such other court where the offense is properly cognizable, as the case shall require, and shall then certify the writ with the return thereof and the recognizance to the court where the appearance is to be made.

Source R S 2 82-39

2A:81-37. Bail; recognizance taken by the court in which such person is required to appear. If, in proceedings had under section 2A 81-26 of this title, it shall appear that the prisoner should not be discharged but is entitled to be admitted to bail, the court or judge, if it is deemed advisable so to do, may direct in writing the sum for which such person shall be held in bail and the court and at what time he shall be required to appear. Such court or judge in the same order shall authorize the court in which such person is required to appear to take the recognizance of the person so imprisoned, and of 2 sufficient sureties in the sum so specified, with a condition for the appearance of the prisoner at the court designated in the order, and that he will not depart from such court without leave.

Previous to taking such recognizance, such court shall be satisfied, by the oath of the persons offering themselves as sureties, that they are residents in the county in which the court before which the prisoner is to appear is held, and are severally worth double the sum in which they shall be required to be bound, over and above all demands against them.

Source R S 2 82-40

2A:81-38. Recognizance and certificate of court filed; discharge of prisoner. The court shall file the recognizance and the order, by virtue of which the same has been taken, with the clerk of the court before which the prisoner shall be bound to appear and shall certify on the order under his official signature the compliance therewith. The production of the order, so certified, or a copy thereof duly certified under the hand of the clerk, shall entitle the prisoner to be discharged from imprisonment for the cause mentioned therein.

Source R S 2 82-41

2A:81-39. Custody of person under restraint pending determination of writ. The court, or judge before whom such party shall be brought, may, until judgment is given upon the return to a habeas corpus, either commit him to the custody of the sheriff of the county in which the court, or judge shall be, or place him in such care or under such custody as the circumstances of the case may require.

Source R S 2 82-42

2A:81-40. Reimprisonment for same cause of person discharged upon writ; exceptions. No person who has been discharged by the order of such court, or judge upon a writ of habeas corpus issued pursuant to the provisions of this chapter shall again be imprisoned, restrained or kept in custody for the same cause, but it shall not be deemed the same cause.

a If he shall have been discharged from a commitment on a criminal charge and is afterwards committed for the same offense by the legal order or process of the court wherein he shall be bound by recognizance to appear or in

which he shall be indicted or convicted for the same offense, or,

b If after a discharge for defect of proof or for any material defect in the commitment, in a criminal case, the prisoner is again arrested on sufficient proof, and committed by legal process for the same offense, or,

c. If, in a civil action, the party has been discharged for any illegality in the judgment or process hereinbefore specified, and is afterwards imprisoned by legal process for the same cause of action, or,

d. If, in a civil action, he shall have been discharged from commitment on mesne process and shall afterwards be committed on execution in the same cause or on mesne process in any other cause, after such first suit shall have been discontinued.

Source R S 2 82-43

Article 6 OFFENSES IN CONNECTION WITH WRIT

2A:81-41. Penalty for reimprisoning; aiding or assisting; misdemeanor. Any person, either solely or as a member of any court, or in the execution of any order, judgment or process, who shall knowingly recommit, imprison or restrain of his liberty, or cause to be recommitted, imprisoned or restrained of his liberty, for the same cause, except as provided by section 2A 81-40 of this title, any person so discharged or who shall knowingly aid or assist therein shall forfeit to the party aggrieved the sum of \$1400, to be recovered in an action at law in any court having jurisdiction thereof and shall be guilty of a misdemeanor.

Source R S 2 82-44

2A:81-42. Eluding writ by removing or transferring prisoner to other custody; misdemeanor. Any person having in his custody or under his power any party for whose relief a writ of habeas corpus shall have been duly issued pursuant to the provisions of this chapter and who with intent to elude the service of such writ or to avoid the effect thereof shall transfer the prisoner to the custody or place him under the power or control of another or conceal him or change the place of his confinement or who shall knowingly aid or assist therein, shall be deemed guilty of a misdemeanor.

Source R S 2 82-45

2A:81-43. Neglect or refusal to obey writ; forfeiture; misdemeanor. If any officer or other person shall neglect or refuse to make the required returns or to bring the body of the prisoner according to the command of the writ, or, upon demand made by the prisoner or by any person in his behalf, shall refuse to deliver, or within the space of 6 hours after demand, shall not deliver to the person so demanding a true copy of the warrant of commitment and detainer of such prisoner, every such officer and person so refusing or neglecting shall forfeit and

pay to the party aggrieved the sum of \$500 and shall be guilty of a misdemeanor

Source R S 2 82-46

2A:81-44. Misdemeanor; punishment. Every person convicted of a misdemeanor under sections 2A 81-41, 2A:81-42 or 2A:81-43 of this title, shall be punished by fine or imprisonment, or both, at the discretion of the court in which he shall be convicted but such fine shall not exceed \$1,000 nor such imprisonment 6 months

Source R S 2 82-47

Article 7 APPEALS

2A:81-45. Appeal to appellate division of superior court. In all proceedings involving the writ of habeas corpus before a judge of the superior court or a judge of the county court, the prisoner may, after final decision by such judge, appeal therefrom to the appellate division of the superior court, if the imprisonment is for an alleged crime, and the decision is against the right of the prisoner to a discharge, and in any other case either party may so appeal. If a discharge, which is appealable, has been awarded, and an appeal is taken the discharge shall not be stayed on such appeal

Source C 2 82-48 1, L 1949, c 238, p 749, §1

2A:81-46. Power of appellate courts. The supreme court and the appellate division of the superior court may make such orders and direct all such writs, as may be necessary, for the discharge or recommitment of the prisoner according to the judgment which shall be severally given by such courts, and generally to carry such judgment into effect

Source R S 2 82-49

Article 8 INMATES OF INSTITUTIONS

2A:81-47. Inquiry into sanity of person confined; persons entitled to be heard on return of writ. A judge of the superior court or other judicial officer awarding any writ of habeas corpus sued out by or on behalf of any person confined in any hospital for the insane or lunatic asylum in this state shall assign a place and a short day for the return of the writ and require the person suing out the writ to give such notice, as the judge or judicial officer shall direct, to the party upon whose application such person was committed to the hospital or asylum, of the issuance of the writ and the time and place of its return.

Upon the return thereof, the fact of the sanity or insanity of the person so detained shall be inquired into, and the party who procured the commitment of the insane person to the hospital or asylum, as well as the insane person, and also the medical director or other head officer of the hospital or asylum wherein any such person is confined, shall be entitled to appear and be heard on the return of the writ.

Source R S 2 82-50

2A:81-48. Testimony as to insanity of person detained; determination by judge. The parties mentioned in section 2A 81-47 of this title, shall at the time and place to which such writ shall be returnable, take testimony before the judge or other judicial officer before whom the writ shall have been sued out, touching the insanity of the person so confined

After proofs are submitted on both sides and counsel heard the judge or other judicial officer shall find and determine whether the person in whose behalf the writ was sued out, is sane or insane. No person so confined shall be discharged by the judge or other judicial officer unless he shall find the person to be sane

Source R S 2 82-51

2A:81-49. Jury to inquire into lunacy of person. In all cases arising under section 2A 81-47 of this title, the judge or other judicial officer may direct a determination in the county in which the writ is returnable of the sanity or insanity of the person confined either with or without a jury pursuant to the rules of the supreme court unless a trial by jury is demanded by the person confined or someone on his behalf in which case the issue shall be determined by a jury of 12 qualified jurors, who shall upon their oaths inquire into the lunacy of the person on whose behalf the writ shall be sued out

Source R S 2 82-52

2A:81-50. Trial of fact of insanity; verdict; discharge. At the time and place to which such writ shall be returnable, if a trial by jury be had, the jury so summoned shall be sworn and the parties shall proceed to take testimony before such jury

After proofs are submitted on both sides and counsel heard and the jury charged by the court, the jury shall deliberate and determine whether the person is sane or insane. No person so confined shall be discharged by the judge or other judicial officer granting the writ and awarding such jury, unless the jury shall unanimously find him to be sane

Source R S 2 82-53

2A:81-51. Proceedings for release of person confined in certain institutions. If a person, who has been or shall be committed to any institution of this state pursuant to the provisions of sections 30 4-23 to 30 4-80 of the title Institutions and Agencies, shall be dissatisfied with the refusal of the chief executive officer of any such institution to discharge him from confinement in such institution, he, or a friend or relative in his behalf desiring to obtain his release therefrom, after final commitment, may proceed to apply for his release, by writ of habeas corpus, in accordance with the provisions of this chapter

On the hearing the judge shall not discharge such person under the writ, unless it is found in such proceedings that such person is not afflicted as stated in the order of commitment

Nothing herein contained shall abrogate the right of a person to sue out a writ of habeas corpus to which he may otherwise be entitled
Source R S 2 82-54

2A:81-52. Habeas corpus extended to inmates of charitable institutions. Any person who has been admitted to any charitable institution of this state, either by commitment or on application for admission made by his parent or guardian or custodian, as provided by law, where such commitment has been made either for a permanent or determinable period of time, or such admission has been made on application in which all right to remove such person for the term of such commitment, either permanent or determinable, as the case may be, has been waived, shall be entitled to the benefit of the writ of habeas corpus in accordance with the provisions of this chapter where such person has left any charitable institution of this state, without having been finally discharged therefrom, pursuant to law

Source R S 2 82-55

2A:81-53. Application for writ by superintendent, warden or keeper. The superintendent, warden or keeper of such charitable institution may, under the authorization of the governing body of such institution, apply for the writ of habeas corpus to obtain the release from custody or restraint of such person, inmate as aforesaid, and for an order directing the return of such person to the custody, care or keeping of those in charge of the charitable institution in whose custody, care or keeping such person rightfully belongs in accordance with the original commitment or admission of such person

Source R S 2 82-56

2A:81-54. Allowance of writ; determination of custody; enforcement of court's order. The court or judge to whom such application is made may allow the writ and upon the return thereof direct that such person be released from the restraint

or confinement in which he may be held and order his return to the custody, care or keeping of those in charge of the charitable institution to which the person may have been committed or admitted

The court, or judge hearing the matter at the return of the writ may exercise discretion in the ruling to be made for the best interest of such person, inmate as aforesaid, as well as for his parents, guardians or custodians

The officers of such charitable institution upon the making of the order of release and for the return of such person, shall have full authority to put such order into effect and to call to their assistance duly constituted peace officers. Any one resisting or interfering with the proper execution of such order shall be guilty of a misdemeanor.

Source R S 2 82-57

2A:81-55. Witnesses, production of prisoners or inmates as. Upon the issuance of a writ by any court of competent jurisdiction of the United States or of another state, requiring the production before it of any prisoner or inmate of a penal or correctional institution in the state of New Jersey, as a witness in a criminal case or for prosecution as a defendant charged with crime, the keeper or person in charge of such institution, with the consent and approval of the attorney general, upon such conditions as the attorney general shall prescribe, shall produce or cause to be produced the inmate or prisoner according to the requirements of said writ. The attorney general shall require the return of the prisoner or inmate to the institution from which taken, immediately upon the conclusion of such prosecution or testimony, and shall require the authorities of the demanding jurisdiction to pay or indemnify the keeper or person in charge of such institution for all expenses incurred. He shall decline to honor such writs when in his opinion the same would not be in the furtherance of justice

Source C 2 82-57 1, L 1941, c 224, p 640, §1

Chapter 82 to Chapter 84. Blank.

Subtitle 10. JURIES.

Chapter 85. JURY COMMISSIONERS; CLERKS; EMPLOYEES; OFFICES; EQUIPMENT AND FUNDS.

Section		Section	
2A 85-1	Qualifications, appointment	2A 85-8	Temporary commissioners, qualifications, appointment, powers and duties
2A 85-2	Term of office of commissioners	2A 85-9	Oath of temporary commissioners
2A 85-3	Oath of commissioners	2A 85-10	Compensation of temporary commissioners
2A 85-4	Removal of commissioners	2A 85-11	Clerk to commissioners, selection, compensation, term
2A 85-5	Vacation of office of commissioner	2A 85-12	Employees in office of commissioners
2A 85-6	Filling vacancies in office of commissioner	2A 85-13	Stationery and equipment for commissioners.
2A 85-7	Compensation of commissioners		

2A:85-1. Qualifications; appointment. In each county of the state there shall be appointed by the supreme court, 2 citizens, resident therein who shall not be members of the same political party, who shall constitute and be designated jury commissioners, of the county. No person holding any other public office and no person licensed to practice law in this state shall be appointed as a commissioner of juries. The certificate of appointment of each person appointed as a jury commissioner, shall be filed in the office of the clerk of the county in and for which he is appointed.

Source C 2 87-1, L 1944, c 96, p 249, §1

2A:85-2. Term of office of commissioners. Each jury commissioner shall hold office for 3 years, except that in order that their terms shall not expire simultaneously the supreme court may appoint 1 commissioner for a period of 2 years.

Source R S 2 87-2

2A:85-3. Oath of commissioners. Each jury commissioner appointed hereunder shall, before entering upon the discharge of his duties, take and subscribe an oath to execute faithfully and impartially the duties of his office according to the best of his skill and understanding. The oath shall be filed in the office of the clerk of the county in and for which he is appointed.

Source R S 2 87-3

2A:85-4. Removal of commissioners. The supreme court may remove a jury commissioner at any time. A certificate of removal shall be filed in the office of the clerk of the county in and for which the removed commissioner was appointed and a copy thereof shall be served upon the person removed either personally or by registered mail to his last known address.

Source C 2 87-4, L 1944, c 96, p 250, §2

2A:85-5. Vacation of office of commissioner. The office of a jury commissioner shall become vacant, immediately upon his assuming the duties of any other public office.

Source C 2 87-5, L 1947, c 314, p 1038, §1

2A:85-6. Filling vacancies in office of commissioner. If the office of a jury commissioner becomes vacant by reason of his removal, or his death, resignation or removal from the county, or his disqualification by assuming the duties of another public office, or for any other reason, the supreme court shall appoint his successor for the balance of the term. A certificate of the appointment to fill a vacancy shall be filed in the office of the clerk of the county in which the vacancy existed.

Source C 2 87-6, L 1944, c 96, p 250, §3

2A:85-7. Compensation of commissioners. Each jury commissioner shall receive compensation, payable semimonthly by the board of chosen freeholders of such county as follows \$2,000 00

per annum in counties of the first class, \$1,500 00 per annum in counties of the second class and counties of the third class having a population in excess of 150,000 and \$900 00 per annum in all other counties.

Source C 2 87-7, L 1944, c 96, p 250, §4

2A:85-8. Temporary commissioners; qualifications; appointment; powers and duties. If, on the day fixed for the drawing of a grand jury, petit jury or struck jurors any jury commissioner is absent or sick, the judge before whom any such jury is to be drawn shall make and sign an order appointing a temporary commissioner of juries. He shall have the same qualifications as the commissioner for whom he is to act and shall have and exercise the same powers and perform the same duties as are conferred upon and required of the regularly appointed jury commissioner in his absence.

Source C 2 87-8, L 1944, c 96, p 251, §5

2A:85-9. Oath of temporary commissioners. Each temporary jury commissioner shall, before entering upon the performance of his duties, take and subscribe an oath to perform faithfully, impartially and justly all the duties devolved upon him by law, which oath shall be filed in the office of the clerk of the county in and for which he is appointed.

Source R S 2 87-9

2A:85-10. Compensation of temporary commissioners. Each temporary jury commissioner shall receive such compensation as may be fixed by the order of the justice or judge appointing him, which shall be paid by the proper officer of the county in and for which he is appointed.

Source R S 2 87-10

2A:85-11. Clerk to commissioners; selection; compensation; term. The board of chosen freeholders of each county shall select a clerk to the jury commissioners appointed therefor, and fix his compensation. A clerk appointed hereunder shall hold office for 3 years from the time of his selection. If the jury commissioners are not to be furnished additional assistance then it shall be required that the clerk be competent as a stenographer.

Source C 2 87-11, L 1944, c 96, p 251, §6

2A:85-12. Employees in office of commissioners. The board of chosen freeholders of each county may appoint all necessary clerks and stenographers in the office of the commissioners of juries, subject to the provisions of Title 11, Civil Service.

Source C 2 87-12, L 1944, c 96, p 251, §7

2A:85-13. Stationery and equipment for commissioners. The board of chosen freeholders of each county shall provide the jury commissioners appointed for its county with office space, stationery, other equipment and such funds as are necessary for the performance of their functions.

Source C 2 87-13, L 1944, c 96, p 251, §8

Chapter 86. JURORS; QUALIFICATIONS; EXEMPTIONS; INELIGIBILITY.

Section

2A 86-1 Qualifications of jurors

2A 86-2 Exemptions from jury service, conditions

Section

2A 86-3 Persons whose names not on jury list ineligible to serve, exceptions

2A 86-4 Ineligibility for 1 year after service

2A:86-1. Qualifications of jurors. All persons, male and female, summoned as grand jurors, and all petit jurors returned for the trial of any cause of action, shall have been citizens of this state for at least 2 years, over 21 and under 65 years of age, residents of the county from which they shall be taken, shall not have been convicted of a crime, and shall not be an official either directly or indirectly connected with the administration of justice. Such persons shall be able to read, write and understand the English language and shall not have any mental or physical disability which will prevent them from properly serving as jurors.

Source R S 2 33-56, R S 2 32-103, R S 2 85-1

2A:86-2. Exemptions from jury service; conditions. The following persons shall be exempt from service on any panel of grand or petit jurors subject to the conditions hereinafter stated:

a Members or employees of police forces, state or local

b Members of any fire department or fire patrol, volunteer or paid

c Persons appointed and actively engaged as fish and game wardens or protectors for the purpose of apprehending violators of fish and game laws

d Regularly licensed and practicing physicians

e Members of state or federal military, naval or air forces on active duty

f School teachers while their schools are in session

g Persons who have actual physical care and custody of a child under 7 years of age and who certify that jury service would interfere with the care required for such child

h Persons holding political office; elective or appointive, provided they are subject to summary dismissal or hold office for a term of 5 years or less

i Attaches, employees and officers of any court or persons occupying any office under the control or jurisdiction of any court

j All persons regularly employed by correctional institutions, hospitals, or emergency relief agencies, also telegraph and telephone operators and linemen. Provided, however, that certification is made by the local executive head of the employer that such jury service would hamper the functioning of the institution, agency or of telegraph or telephone service

Source R S 2 86-1, C 38 5-41, L 1941, c 109, p 249, §16, Supp T 38, c 5, R S 40 47-24, R S 40 174-42, R S 40 174-165, R S 40 174-195

2A:86-3. Persons whose names not on jury list ineligible to serve; exceptions. Persons whose names do not appear on properly prepared jury lists shall not serve as jurors. This shall not apply in instances of a foreign or struck jury, where no panel has been drawn or, if drawn, is insufficient in numbers, or where it is otherwise necessary to empanel additional jurors at the time of the trial in order for the trial to proceed.

Source R S 2 85-3

2A:86-4. Ineligibility for 1 year after service. A record shall be kept by the jury commissioners of all persons who have served either as a grand or petit juror within the preceding year and any person who has so served shall be ineligible to serve either as a grand or petit juror for 1 year after the end of the term or stated session of court previously served.

Source R S 2 85-2

Chapter 87. JURY LISTS; DRAWING, CHECKING OF, COPIES OF, INFORMATION FOR.

Section

2A 87-1 Grand and petit jury lists, number of names on list

2A 87-2 Jury lists checked for unqualified persons

2A 87-3 Certified copies of jury lists for county clerks and supreme court justices, copy posted in clerk's office

2A 87-4 Disposition of lists, sheriff to summon persons drawn

Section

2A 87-5 Access to tax and election records for purpose of making lists

2A 87-6 Notices, questionnaires or other information of persons or lists, exemption claims, excusing by court

2A 87-7 Revision, correction and certification of new lists by commissioners

2A:87-1. Grand and petit jury lists; number of names on lists. The jury commissioners shall, at least 40 days prior to the commencement of each term of the superior court in their county, make 2 lists, alphabetically arranged, and con-

secutively numbered, of persons liable to jury duty, having regard to the just distribution of jury service among those persons qualified therefor in the various wards and municipalities of such county, with their occupation and places

of abode and designating their respective municipalities and wards (if any) in municipalities, which lists shall be designated respectively "grand jury list" and "petit jury list" The number of persons named on the grand jury list shall at no time be less than 125 nor more than 300, to be determined by the assignment judge of the superior court for the county The number of persons named on the petit jury list shall at no time be less than 250, the number to be determined by the superior court judge presiding in the county A copy of each list shall be delivered forthwith to the presiding judge in each county
Source: R S 2 88-1, R S 2 88-2 1

2A:87-2. Jury lists checked for unqualified persons. At least 35 days prior to the commencement of each term of the superior court in their county, the assignment judge thereof, together with the judge or judges of the county court of that county and the commissioners of juries, shall closely check the grand jury list and petit jury list as prepared by the commissioners of juries, so that the names of such persons as may, in their opinion, be unfitted for jury service be removed from such lists Thereupon the jury panels for the ensuing term shall be drawn from the names on the lists, provided however, that if more than 20% of either list is struck the jury commissioners shall be notified and required to fill the vacancies forthwith and file a corrected list or lists with the court After the lists are satisfactory the jury commissioners shall renumber the names in consecutive order
Source: R S 2 88-2, R S 2 88-2 1

2A:87-3. Certified copies of jury lists for county clerks and supreme court justices; copy posted in clerk's office. After the jury lists have been checked, the jury commissioners shall cause 4 copies to be made of each of such lists and shall certify the same under their hand as true and correct, and shall cause 1 copy of each to be filed in the office of the clerk of their county, at least 25 days prior to the commencement of each term of the superior court in their county, there to remain a public record, and another copy to be delivered to the assignment judge of the superior court assigned to such county

Upon the filing of such list with the county

clerk he shall cause a copy thereof to be made immediately and posted in his office in a conspicuous place

Source: R S 2 88-3

2A:87-4. Disposition of lists; sheriff to summon persons drawn. The county clerk shall file 1 of the 3 lists in his office, transmit 1 to the assignment judge of the superior court for the county, and forthwith transmit 1 to the sheriff of the county, who shall thereupon cause the persons drawn and constituting the grand jurors and panel of petit jurors for the county, to be summoned for service according to law

Source: R S 2 88-10

2A:87-5. Access to tax and election records for purpose of making lists. For the purpose of making up the lists mentioned in section 2A 87-1 of this title the jury commissioners shall have access to and may copy the assessment rolls and registry lists of the several municipalities and election districts of their county

Source: R S 2 88-4

2A:87-6. Notices, questionnaires or other information of persons or lists; exemption claims; excusing by court. The jury commissioners may, before certifying any lists, send notices, questionnaires or other requests for information to all persons whose names they may propose placing on such lists, requesting such persons to reply to the same and to give all pertinent information required including claims to exemption from jury duty Persons giving satisfactory reasons for such exemption may be excused by the court

The jury commissioners shall present the names of all persons who, without cause, fail to respond to such requests to the court who shall forthwith order such persons to fully respond and, for failure thereto, hold them or any of them as for contempt of court

Source: R S 2 88-5

2A:87-7. Revision, correction and certification of new lists by commissioners. The jury commissioners shall, at least once each year, before certifying the jury lists, revise, correct and certify a new jury list or lists, which shall not contain any names theretofore stricken off within 1 year

Source: R S 2 88-6

Chapter 88. EMPANELING, ORDERING, REQUESTS FOR JURIES, SUMMONING OF JURORS, LISTS; WRONGFUL ACTS BY OFFICER SERVING.

Section	
2A 88-1	Metal or plastic pieces numbered to correspond with numbers on jury lists presented to court and placed in boxes
2A 88-2	Drawing grand and petit jurors, number of each, procedure, jurors drawn to be summoned
2A 88-3	Ordering of jurors, organization, service
2A 88-4	Division of general petit jury panel into separate panels in counties having 2 or more courts sitting simultaneously

Section	
2A 88-5	Division of general petit jury panel into separate parts in counties where criminal causes tried at county seat and civil issues elsewhere
2A 88-6	Drawing panel of petit jurors for separate panels
2A 88-7	Selection and drawing of new petit jury panel where original panel not selected and drawn

Section

- 2A 88-8 Notice to jurors selected and drawn to take place of original panel not drawn
- 2A 88-9 New panel when original panel discharged on challenge
- 2A 88-10 Duties of county clerk performed by judge of the county court
- 2A 88-11 Blank See proposed additional legislation
- 2A 88-12 Order for jurors, summoning of jurors by sheriff, return
- 2A 88-13 Summoning grand and petit jurors, service

Section

- 2A 88-14 Execution of orders for juries by coroners or elisors in particular causes
- 2A 88-15 List of jurors summoned filed with clerk of court
- 2A 88-16 Blank See proposed additional legislation
- 2A 88-17 Accepting reward for summoning or excusing jurors, summoning persons applying to be summoned, forfeiture, recovery, disposition

2A:88-1. Metal or plastic pieces numbered to correspond with numbers on jury lists presented to court and placed in boxes. On a day and at a time to be fixed by the assignment judge of the superior court assigned to the county, which shall be not more than 15 days before the commencement of each term or stated session of the court, the county clerk or his deputy, and the sheriff or his deputy, shall appear before the jury commissioners with the jury lists for the term filed with the county clerk. The jury commissioners shall thereupon hand to them uniform metal or plastic pieces with numbers stamped or impressed thereon in consecutive order to correspond with the numbers set opposite the names on each of the jury lists, and they shall examine the pieces, and, if found correct, return them to the jury commissioners, who shall thereupon deposit the metal pieces numbered for grand jurors in one box and those numbered for petit jurors in another box

Source R S 2 88-8

2A:88-2. Drawing grand and petit jurors; number of each; procedure; jurors drawn to be summoned. After the numbered pieces have been deposited in the proper boxes as required by section 2A 88-1 of this title, the judge designated for that purpose by the assignment judge of the superior court for that county shall be notified. Whereupon, in open court and with such judge presiding, the boxes shall be shaken so as to mix thoroughly the metal pieces therein. Thereafter the jury commissioners, or 1 of them, shall forthwith, draw singly from the grand jury box 35 of the pieces therein, for each of the grand jury panels required for that county, and the names, occupations and places of abode of each of the persons whose names are found on the grand jury list opposite the numbers corresponding with those on the metal pieces so drawn shall be announced publicly and they shall be summoned for service as grand jurors for the county at the next ensuing term of the courts thereof

In a similar manner there shall be drawn singly from the petit jury box such number of pieces as the judge shall direct, and the persons whose names are found on the petit jury list opposite the numbers corresponding with the numbers on the pieces so drawn shall constitute the panel of petit jurors for service for the county for the next ensuing terms of the courts thereof, and shall be so summoned

In each case the pieces as drawn from the boxes shall be handed to the judge for inspection and the county clerk, or his deputy shall transcribe the names as they are announced and make an original and 2 carbon copies of such list in the order of drawing. The original and both carbon copies shall be certified by the judge as true and correct

Source R S 2 88-9

2A:88-3. Ordering of jurors; organization; service. Grand and petit jurors shall be ordered by the assignment judge of the superior court for that county or, by his order or in his absence, by a judge of the county court. The petit jurors shall serve in all courts of the county

Source C 2 87A-1, L 1948, c 363, p 1459, §1

2A:88-4. Division of general petit jury panel into separate panels in counties having 2 or more courts sitting simultaneously. In a county in which there are 2 or more courts sitting simultaneously the assignment judge of the superior court or, in his absence, the ranking judge of the county may, in his discretion, by general order or by order made from time to time, divide the general panel of petit jurors summoned for the trial of issues or causes in the county into 2 or more separate panels

Source R S 2 88-19

2A:88-5. Division of general petit jury panel into separate parts in counties where criminal causes tried at county seat and civil issues elsewhere. In a county in which by law the criminal causes are tried at the county seat and civil causes are tried at another place, the assignment judge of the superior court for that county or, in his absence, the ranking judge of the county may, as often as advisable, divide the general panel of petit jurors into 2 or more separate parts and designate in which court each of such parts shall serve and the periods of time within the term of service under the division

The jurors of the separate part shall each constitute a separate panel for service in the courts named in the order of designation for the period designated

Source R S 2 88-20

2A:88-6. Drawing panel of petit jurors for separate panels. The panel of petit jurors for each separate part of the general panel shall be drawn from the box in open court by the sheriff, clerk or some other person, under the

direction of a judge of the superior court, and in the presence of a judge of the county court
Source R S 2 88-21

2A:88-7. Selection and drawing of new petit jury panel where original panel not selected and drawn. Whenever, for any reason a general panel of petit jurors shall not have been selected and drawn for any term of the courts of any county at the time and in the manner provided by law, the court may order the jury commissioners or, in case of the death, disability or inability of the jury commissioners, the sheriff or 1 of the coroners of the county or elisors appointed by the court, to select and draw a panel of petit jurors, at a day to be fixed by the ranking judge sitting in the county, in the manner heretofore provided by law.

Source R S 2 88-21 1

2A:88-8. Notice to jurors selected and drawn to take place of original panel not drawn. If, pursuant to the authority conferred by this title, a panel of petit jurors is selected and drawn to take the place of the original panel, and there shall not be sufficient time to give the jurors so drawn the notice to attend as jurors as required by law, or if no notice has been given them, any judge of the superior court, sitting in the county may direct what notice shall be given, and notice given in accordance with his direction shall be legal and valid for all purposes
Source. R S 2 88-21 2

2A:88-9. New panel when original panel discharged on challenge. If, on a challenge to the array or for other good cause, the whole panel of jurors returned for the term shall be set aside, the court may order the sheriff to return a competent number of jurors to serve for the term to be selected through the jury commissioners in the same manner as the original panel is required to be selected by this subtitle
Source. R S 2 88-17

2A:88-10. Duties of county clerk performed by judge of the county court. If the clerk of a county, upon whom any duty is imposed by this subtitle, or his deputy authorized to act in his place, is for any cause absent at the time and place when and where any of such duties are required to be performed, a judge of the county court may perform the duties of the clerk.
Source R S 2 88-22

2A:88-11. Blank. See proposed additional legislation

2A:88-12. Order for jurors; summoning of jurors by sheriff; return. Jurors shall be summoned on order addressed to the sheriff of the county in which the issue is triable by the judge of the court wherein the issue is to be tried. The sheriff or other officer of the county authorized to perform the function of the sheriff shall make return of all jurors and other matters relative to the same to the court issuing the

order. The return shall have annexed thereto the names of the jurors summoned. This should not apply where a foreign jury has been ordered
Source R S 2 90-1

2A:88-13. Summoning grand and petit jurors; service. Every grand and petit juror shall be summoned by the sheriff, his deputy or a peace officer or officer of a court deputized for that purpose. The summons shall be by notice in writing, under the hand or hands of the summoning officer or officers, served personally upon the juror, or by leaving the same at the dwelling house of such juror, at least 6 days before the day on which such juror is required to appear. It shall require the person therein summoned to appear before a specified court at such time and place as shall be expressed therein, to serve upon a jury.

Source R S 2 90-3

2A:88-14. Execution of orders for juries by coroners or elisors in particular causes. When an order shall be directed to the coroners or to elisors for a jury for the trial of a particular cause, such writ shall be executed and the jury thereby required shall be summoned in such a manner as will conform with the procedures hereinbefore or hereinafter provided

Source. R S 2 90-5

2A:88-15. List of jurors summoned filed with clerk of court. The sheriff or other officer or person whose duty it is to summon jurors shall, as soon as may be after the commencement of the term of each of the courts of the county, deliver a list of the jurors by him summoned for service at such term, certified by him to be a true list, to the clerk of such court, who shall thereupon file the list and forthwith lay it before the court

Source R S 2 90-4

2A:88-16. Blank. See proposed additional legislation.

2A:88-17. Accepting reward for summoning or excusing jurors; summoning persons applying to be summoned; forfeiture; recovery; disposition. No sheriff, coroner or other officer, or any deputy thereof, shall, directly or indirectly, take, accept or receive money or other reward or thing to summon or return any person for service on any jury or inquest or to excuse any person from being summoned or returned or from serving on any jury or inquest, nor shall any such officer summon or return any person who may have applied to him to be summoned or returned as a juror

For every violation of this section the person guilty thereof shall forfeit \$150, recoverable, with costs, in an action at law in any court of record of competent jurisdiction. One moiety of the forfeiture recovered shall go to the state and the other moiety to any person prosecuting therefor.

Source R S 2 90-7

**Chapter 89. GRAND JURIES, SELECTION, OATHS, CLERKS OF,
FOREMAN, DEPUTY FOREMAN; CONTINUANCE.**

Section		Section	
2A 89-1	Persons and number thereof constituting grand jury	2A 89-8	Clerk to grand jury, appointment, term
2A 89-2	Second grand jury in counties having more than 250,000 inhabitants	2A 89-9	Salaries of clerks to grand juries
2A 89-3	Excusing persons drawn for grand jury service	2A 89-10	Assistant to clerk of grand jury, designation, duties
2A 89-4	Vacancies in grand jury, filling	2A 89-11	Continuance of term of grand jury to complete unfinished matters.
2A 89-5	Foreman, deputy foreman	2A 89-12	Petition and order for continuance of term, additional continuances
2A 89-6	Blank See proposed additional legislation	2A 89-13	Effect of continuance
2A 89-7	Swearing of witnesses by foreman	2A 89-14.	New grand jury on discharge of original before end of term, drawing and summoning

2A:89-1. Persons and number thereof constituting grand jury. If, from each grand jury list of 35 names, more persons remain available for service than are necessary to constitute the grand jury, the persons whose names are first drawn and not excused, not to exceed 23 in number, shall constitute the grand jury

Source R S 2 88-12

2A:89-2. Second grand jury in counties having more than 250,000 inhabitants. In every county with a population exceeding 250,000, the jury commissioners shall draw and select 2 separate grand juries, the second of which shall be summoned to attend 6 weeks after the opening of the term or stated session of the courts in such counties.

When the grand jurors of the second grand jury appear for service, the court shall discharge the grand jury then serving. However, the assignment judge of the superior court for each county, or in his absence the ranking judge of such county, may order the sheriff to refrain from summoning such new grand jurors, in which case the first grand jury shall continue to serve until the end of the term unless sooner discharged by said court.

Source. R S 2 88-15 1

2A:89-3. Excusing persons drawn for grand jury service. From each grand jury list of 35 names drawn any judge of the superior court holding court in the county, or, in their absence, the senior judge of the county court may excuse those unable or disqualified to serve

Source R S 2 88-11

2A:89-4. Vacancies in grand jury; filling. If a grand juror, after he has been sworn or affirmed, becomes ill, dies or does not appear for service, the court may, in its discretion, cause another grand juror drawn from the same list or from a list similarly constituted, to be sworn in his stead

Source R S 2 88-13

2A:89-5. Foreman; deputy foreman. The court in which the grand jurors shall be sworn shall select and designate one of the grand jurors to act as foreman thereof, and the court, or a judge thereof, may, in case of the absence, death or disability of the foreman so selected, select and

designate another of the grand jurors to act as foreman, either during the absence or disability of the originally selected foreman, or during the remainder of the term for which the grand jurors shall have been sworn. The juror selected to act as foreman or deputy foreman as herein provided shall be sworn so to act.

Source R S 2 89-1

2A:89-6. Blank. See proposed additional legislation.

2A:89-7. Swearing of witnesses by foreman. The foreman of the grand jury shall, from the time of his selection until his discharge, have power to administer the usual oath to such witnesses as shall give evidence before the grand jury of which he is the foreman; and the foreman shall, before he is discharged, certify to the court, under his hand, the names of the witnesses sworn by him.

Source C 2 89-2, L 1948, c 363, p 1460, §2

2A:89-8. Clerk to grand jury; appointment; term. The county courts in the respective counties may, under the seal of the court, appoint a clerk for the grand jury in and for each county, for a term not exceeding 3 years, unless sooner removed by the court

Source R S 2 89-3

2A:89-9. Salaries of clerks to grand juries. The clerks to the grand juries shall receive such annual salaries as shall be fixed by the courts appointing them. The maximum annual salary of the clerk of the grand jury shall be \$5,500. All salaries herein provided shall be paid monthly by the county treasurer of the respective counties

Source R S 2 89-4

2A:89-10. Assistant to clerk of grand jury; designation; duties. In any county the senior judge of the county court may designate 1 or more competent stenographers who are regularly employed at a stated salary in the office of the prosecutor of such county, to act, if and when required in addition to their regular duties, as an assistant to the clerk of the grand jury of such county. The person, or persons, so designated shall, when requested by the grand jury attend its sessions and take minutes of the evi-

dence there adduced. The person or persons so designated shall not be entitled to any extra compensation for their services as assistant to the clerk of the grand jury

Source R S 2 89-5

2A:89-11. Continuance of term of grand jury to complete unfinished matters. Whenever, by a petition filed for that purpose, it shall be made to appear to the assignment judge of the superior court in any county of this state that the grand jury serving in said county at that time has not completed its labors on any matter or matters as to which it shall have been specially charged previously by such court, although the ordinary term of its existence shall be about to expire, such judge, upon being satisfied of the necessity therefor, may order that the term of such grand jury be continued beyond the expiration of the time when it ordinarily would cease to function, with the same power to act in relation to such uncompleted matter or matters as if said time had not expired

Source R S 2 88-26

2A:89-12. Petition and order for continuance of term; additional continuances. The making and filing of such petition, and order made thereon, shall be made within the term of court for which such grand jury shall have been drawn, and such order shall provide for a continuance of such grand jury for a definite period of time not exceeding 3 calendar months, provided, how-

ever, that if such matter or matters have not been completed within the time fixed by such order, it shall thereafter be lawful for the assignment judge of the superior court to make a further order, or orders, continuing such grand jury in office, for the purpose aforesaid, for a further term or terms of 3 calendar months each. Any indictment thereafter handed up by such grand jury in relation to the matters set forth in such petition and order shall be as lawful as though the same were handed up within the time for which such grand jury was originally appointed

Source R S 2 88-27

2A:89-13. Effect of continuance. The continuance of such grand jury as aforesaid shall in no wise affect the usual drawing, selecting, and serving of further grand juries as provided by law

Source R S 2 88-28

2A:89-14. New grand jury on discharge of original before end of term; drawing and summoning. If a grand jury is discharged before the end of the term for which it is drawn, the assignment judge of the superior court assigned to the county may direct the commissioners of juries of the county to draw a new grand jury to serve for the balance of the term. The new grand jury shall be drawn and summoned in the same manner as the original grand jury

Source R S 2 88-16

Chapter 90. PETIT JURIES; SELECTION; OATH; DIVISION OF PANELS; CONTINUANCE; FOREMEN.

Section	
2A 90-1	Selection of trial jury from general panel, procedure
2A 90-2	Impaneling and service of juries
2A 90-3	Talesmen to complete jury when general panel exhausted, qualifications, challenges and excuses
2A 90-4	Names of selected trial jurors annexed to and returned with venire
2A 90-5	Names of jurors drawn for trial jury replaced in box
2A 90-6	Oath of jurors
2A 90-7	Blank See proposed additional legislation
2A 90-8	Designation of petit jury panel to serve for part of term only, new panel to serve for another part
2A 90-9	Selection of trial jury on division of general panel into separate panels in counties having 2 or more judges of the county court

Section	
2A 90-10	Selection of trial jury on division of general panel into separate parts in counties where criminal causes tried at county seat and civil court issues elsewhere
2A 90-11	Special panel of trial jurors for trial of criminal causes drawn from general panel, deficiency in number of jurors, service of jury list on defendant, waiver of drawing or service
2A 90-12	Talesmen for special panel of trial jurors for trial of criminal causes
2A 90-13	Extension of terms of petit jurors beyond term for which drawn until completion of trial
2A 90-14	Effect of continuance of petit jury beyond term

2A:90-1. Selection of trial jury from general panel; procedure. The name of each person summoned and returned by a sheriff or other proper officer as petit jurors shall be written or printed on separate pieces of paper of uniform size, color and shape. The sheriff or other proper officer or the clerk of the court, or a person designated by the sheriff, officer or clerk for that purpose, shall separately deposit each slip in a box

When a jury is required for the trial of a cause, either civil or criminal, the box in which the names have been placed shall be shaken so as to thoroughly intermix the pieces of paper therein, and the sheriff, clerk or other person shall, by direction of the court, publicly and in open court, draw from the box, one at a time, the pieces of paper therein, until 12 persons, whose names are found written thereon, shall appear. If any of the 12 persons so appearing are suc-

cessfully challenged or excused from serving on that jury, the drawing shall be continued until 12 persons not so challenged or excused appear, who, being severally sworn or affirmed, shall constitute the jury for the trial of such cause
Source R S 2 91-1

2A:90-2. Impaneling and service of juries. When the trial of any civil or criminal case is likely to be protracted, the court in its discretion may direct the impaneling of a jury not to exceed 14 members, all having the same qualifications and impaneled and sworn in the same manner as a jury of 12. All the jurors shall sit and hear the case, but the court for good cause may excuse any of them from service provided the number of jurors is not reduced to less than 12. If more than 12 are left on the jury at the conclusion of the court's charge, the clerk of the court in its presence shall put their names on slips folded to conceal the names, shall place the slips in a suitable box, and from it draw 12 names of jurors to determine the issues
Source. C 2 91B-1, L 1948, c 326, p 1307, §1

2A:90-3. Talesmen to complete jury when general panel exhausted; qualifications, challenges and excuses. If, by reason of challenges, excuses, or the default of jurors or otherwise, a sufficient number cannot be had of the jurors on the original panel or on available additional panels, to try the issue or cause, either party may request that the court order the sheriff or other proper officer to summon such number of bystanders or other persons immediately available as may be necessary to complete the jury and make return thereof immediately. Upon such order such persons shall be summoned and a return made. The new talesmen shall be liable to the same challenges as the principal jurors
Source R S 2 91-6

2A:90-4. Names of selected trial jurors annexed to and returned with venire. When a jury has been selected and sworn or affirmed, the sheriff or other proper officer shall make a return of their names, which return shall be part of the record in the cause as the panel of jurors summoned therein, but the trial of the cause may proceed forthwith although the return has not been made
Source R S 2 91-8

2A:90-5. Names of jurors drawn for trial jury replaced in box. After a jury has been impaneled and sworn, the clerk, sheriff or other proper officer shall, before the drawing of another jury, replace in the box all the pieces of paper drawn therefrom, except those containing the names of the jurors impaneled and sworn or affirmed as the jury to try the cause, and as soon as a jury so impaneled and sworn or affirmed has rendered a verdict or is discharged by the court the pieces of paper containing their names shall also be replaced in the box
Source R S 2 91-9

2A:90-6. Oath of jurors. To each juror there shall be administered the following oath

"You do swear in the presence of Almighty God (or affirm) that you will well and truly try the matter in dispute between, plaintiff and, defendant, and a true verdict give according to the evidence"

2A:90-7. Blank See proposed additional legislation

2A:90-8. Designation of petit jury panel to serve for part of term only; new panel to serve for another part. The assignment judge of the superior court for each county may direct that the panel of petit jurors drawn pursuant to the provisions of this chapter shall serve only for a designated part of the next ensuing term on stated session of the courts, in which event they shall be so summoned, and the judge may direct the jury commissioners, at a time to be fixed by him, to draw a new panel or panels of petit jurors to serve for another designated part of such term, and such new panel or panels shall be drawn and summoned as provided by this chapter from the list certified by the jury commissioners pursuant to section 2 88-3 of this title
Source R S 2 88-15

2A:90-9. Selection of trial jury on division of general panel into separate panels in counties having 2 or more judges of the county court. The judges of the county court sitting for the trial of issues or causes in a county in which the general panel of petit jurors has been divided into separate panels may direct the drawing of juries from 1 or more of the separate panels, and in the drawing of trial juries in such cases there shall be put into the box only the names of the jurors constituting 1 of the separate panels designated by the trial judge, and from the designated panel the jury shall be drawn in the usual way

If, because of challenges, the default of jurors or otherwise, a sufficient number of jurors cannot be had from the jurors composing any separate designated panel, the court in which the issue or cause is pending shall direct the sheriff to order the jurors composing another of the separate panels into which the general panel has been divided to attend the court, and the sheriff shall put into the box the names of the jurors composing such other separate panel and the jury shall be drawn therefrom in the usual way
Source R S 2 91-4

2A:90-10. Selection of trial jury on division of general panel into separate parts in counties where criminal causes tried at county seat and civil court issues elsewhere. In the drawing of a jury for the trial of any issue or cause in the courts for which separate parts of the general panel of petit jurors have been designated, the sheriff or other officer shall put into the box

only the names of the jurors constituting the separate panel designated for service in that court and the jury shall be drawn therefrom in the usual way

Source. R S 2 91-5

2A:90-11. Special panel of trial jurors for trial of criminal causes drawn from general panel; deficiency in number of jurors; service of jury list on defendant; waiver of drawing or service. In all cases where any defendant in any indictment is entitled to 20 peremptory challenges and to have a list of the jury delivered to him previous to his trial, the sheriff or other proper officer shall draw such list of 48 jurors or such larger number as the court in which the indictment shall be pending shall, by special order, direct so to be served, from the box in the presence of the judge of the county court, or in the presence of the clerk of such court, from the general panel of jurors drawn and summoned to attend as jurors at the term at which such defendant is to be tried. If 48 jurors, or such larger number as the court in which the indictment is pending shall direct, shall not have been so drawn and summoned, or if, for any reason, the number of jurors drawn and summoned shall be reduced below 48, or such larger number as the court in which the indictment is pending directed, the sheriff or other officer shall add to the number by drawing as many more persons of the body of his county, qualified to serve as jurors, as shall make up the number of 48, or such larger number as the court in which the indictment is pending shall, by special order, direct

Defendant or his counsel may, at any time, in open court, except where the indictment is for treason or murder, waive the drawing or service, or both, of the list of jurors, and consent to be tried by a jury drawn in the ordinary way from the general panel

Source R S 2 91-2

2A:90-12. Talesmen for special panel of trial jurors for trial of criminal causes. When the special panel or list of jurors served on a defendant in any criminal case in which he shall be entitled to 20 peremptory challenges shall, from any cause, be exhausted before a jury for the trial of the indictment shall be obtained, talesmen shall be taken from the general panel of jurors

returned for the term at which the defendant is to be tried, if any remain

If more talesmen are required than the number of jurors remaining on the general panel, the sheriff or other proper officer shall forthwith summon, from among the bystanders or others, such additional number of persons qualified to serve as jurors as may be ordered by the court, and make return thereof immediately, and place the names of the jurors so returned in the box and draw therefrom until the jury is completed. If the first order for talesmen shall prove insufficient, other and further orders may be made until the necessary number of jurors shall be obtained

The defendant, shall not be entitled to a service of the list of talesmen taken from the general panel after the special panel is exhausted, nor of the talesmen summoned by order of the court, unless the court shall specially so direct, in which case the court shall fix the length of time the list of talesmen shall be so served, before the drawing of the jurors shall proceed

Source R S 2 91-3

2A:90-13. Extension of terms of petit jurors beyond term for which drawn until completion of trial. Whenever it shall be made to appear to any judge holding court in any county of this state that a petit jury serving in said court may not complete its service in any trial for which it has been chosen during the term for which its members have been drawn to serve as jurors, such judge may order that the term of the members of such petit jury shall be extended beyond the end of the term for which they were drawn, and until the completion of the trial in which they are serving, even though such trial may extend into a new term or terms of court Thereupon all acts by said jurors in said trial shall have the same force and effect, as if performed during the original term for which they were drawn.

Source R S 2 88-24

2A:90-14. Effect of continuance of petit jury beyond term. The continuance of such petit jury as aforesaid shall in no wise affect the usual drawing, selecting and serving of further petit juries as provided by law

Source R S 2 88-25

Chapter 91. STRUCK JURIES; ORDER; NOTICE; IMPANELING; DEFAULT UNDER OR VACATING OF ORDER; FEES.

Section		Section	
2A 91-1	Struck juries, in what courts and when authorized, motion, order	2A 91-5	Certified list and venire delivered to and served by sheriff
2A 91-2	One order for struck jury, preferences in motions, notice	2A 91-6	Selection of trial jury from struck jury list
2A 91-3	Blank	2A 91-7	New struck jury
2A 91-4	Selection of names for struck jury list, notice of time and place, striking names, certified copy of names remaining	2A 91-8	Order for common jury by plaintiff or defendant when jury not struck and panel certified 12 days before time set for trial
		2A 91-9	No common jury unless rule for struck jury vacated
		2A 91-10	Fees for striking jury, not taxable as costs

2A:91-1. Struck juries; in what courts and when authorized; motion; order. Upon motion to a judge of the superior court, law division, or of the county court, in behalf of the state, prosecutor, plaintiff or defendant, in any action triable by a jury, and upon proof by affidavit or otherwise, to the satisfaction of the judge to whom the application is made that the nature and importance of the matter in controversy render it reasonable and proper, an order for a struck jury shall be made. The order shall specify a panel of either 36 or 48 persons the size of the panel to rest in the discretion of the judge issuing the order.

Source R S 2 93-1

2A:91-2. One order for struck jury; preferences in motions; notice. There shall not be 2 orders for a struck jury in the same cause at the same time. In motions for a struck jury plaintiff shall have the preference, and defendant shall not apply for a struck jury without 2 days' notice to plaintiff, and plaintiff shall not apply for a struck jury without 2 days' notice to defendant.

Source R S 2 93-2

2A:91-3. Blank.

2A:91-4. Selection of names for struck jury list; notice of time and place; striking names; certified copy of names remaining. Orders for struck juries shall designate a time and place where the jury commissioners shall deliver to the judge of the court before whom the jury is to be struck, a list containing the names of either 48 or 36 persons, as ordered, with their places of abode. These names shall be of persons considered impartial and best qualified to try the case.

At the time and place so designated, the presiding judge may, on his own motion or on motion of either side, strike from the list the names of persons who it shall be made to appear are unfit for service as struck jurors. Thereafter the parties or their attorneys shall proceed to strike single names from the list alternately, the party applying for the struck jury striking the first name. This process may continue until each party has stricken one-fourth the number of names on the panel. The remaining names shall be the jury panel returned to try the cause and the first 12 jurors seated by the court and not excused for cause or otherwise, shall constitute the struck jury and a list of their names and addresses shall be certified by the court as struck for the trial of that cause. If either party is not represented at the date and place set, the judge shall strike for him.

The judge may, in his discretion, permit either party to make a copy of the list selected by him as provided by the third paragraph of this section and postpone the actual striking of the jury until a future day to be fixed by the judge, not

less than 5 nor more than 10 days from the day of selecting the list, at which time the names shall be stricken as provided in paragraph 4 of this section.

Source. R S 2 93-7

2A:91-5. Certified list and venire delivered to and served by sheriff. The party applying for the struck jury or his attorney shall, at least 10 days previous to the time appointed for the trial of the cause, deliver the certified list of struck jurors to the sheriff or other officer authorized to summon such jury, together with the order therefor. That officer shall summon the persons named and return the said list as the panel to try the cause.

Source R S 2 93-8

2A:91-6. Selection of trial jury from struck jury list. Whenever a struck jury shall have been returned for the trial of any cause as provided by this chapter, the jury for the trial of such cause shall be selected and impaneled from the certified list of such jurors in as nearly as possible the same manner as a jury from the general panel is required to be selected and impaneled.

Source. R S 2 93-11

2A:91-7. New struck jury. If a cause in which a jury is struck is not brought to trial at the term of the court next after the striking, the jury so struck shall not be summoned or returned, but a new jury shall be struck.

Source R S 2 93-6

2A:91-8. Order for common jury by plaintiff or defendant when jury not struck and panel certified 12 days before time set for trial. If the party, having an order for a struck jury, does not have the jury struck and the panel thereof duly certified to be delivered to plaintiff or his attorney at least 12 days before the day appointed for trial, the opposing party may obtain an order for a common jury.

If the list of struck jurors is not delivered to the officer authorized to summon such jurors at least 10 days prior to the trial date, the order shall automatically be vacated and the cause tried by a common jury of the county unless the court shall, for good cause, determine otherwise.

Source R S 2 93-5

2A:91-9. No common jury unless rule for struck jury vacated. An order entered for a struck jury in any civil action shall remain in force until the cause is tried, and no common jury shall be summoned therein, except as provided by section 2 93-5 of this title, until the order is vacated by the court for good cause.

Source R S 2 93-2

2A:91-10. Fees for striking jury; not taxable as costs. The party applying for a struck jury shall pay the fees for striking the same and there shall be no allowance therefor upon the taxation of costs.

Source. R S 2 93-10.

Chapter 2A:91A. Blank.**Chapter 92. FOREIGN JURIES; ORDER; SELECTION; EXPENSE.**

Section

2A 92-1 Foreign juries

Section

2A 92-2 Order for foreign jury, manner of selection, expense of payable by county in which cause tried

2A:92-1. Foreign juries. The superior court or any county court may, in its discretion, order trials by foreign juries in all cases commenced therein or removed thereto

Source R S 2 94-1

2A:92-2. Order for foreign jury; manner of selection; expense of payable by county in which cause tried. The order for a foreign jury shall specify the number of jurors to be returned and the order therefor shall be directed to the sheriff

of the county from which the jury is to be taken and be made returnable to the court in which the issue is triable The jurors shall be such as are competent jurors in the county from which they are to be taken and shall be selected in the same manner as the general panel of jurors is selected The expense of summoning and returning foreign jurors and of their attendance at the court shall be paid by the county in which such court is to be held

Source R S 2 94-3

Chapter 93. JURY OF VIEW; PROCESS FOR; PROCEDURE; EXPENSE.

Section

2A 93-1 Jury of view, process for, procedure

2A 93-2 Trial to proceed though no view had

Section

2A 93-3 Expenses of view, taking of evidence

2A:93-1. Jury of view; process for; procedure. The court in which any cause of a civil or criminal nature is to be tried by a jury, struck, foreign or otherwise, may at any time after the jury is empaneled, order that the jury view the lands or places in question if that will enable the jury to better understand the evidence The view shall be had in such manner as the court shall direct The order shall be directed to the sheriff, specifying the day and place in question The sheriff or other officer who is to execute the said writ shall, by a special return on the same, certify under his hand that the view has been had according to the command of the said writ

Source R S 2 96-1

2A:93-2. Trial to proceed though no view had. When a view shall have been ordered under section 2A:93-1 the trial shall proceed notwithstanding no view shall be had, and no objection shall be made by either side for want of a view, or that a view was not had by any particular number of jurors named in the venire, or for any procedure with respect to the view.

Source R S 2 96-2

2A:92-3. Expenses of view; taking of evidence. When a view shall be ordered, the expenses thereof shall be equally borne by both parties, and no evidence shall be given on either side at the time of the taking of the view

Source R S 2 96-3

Chapter 94. EXCUSING, DISCHARGE OF, AND REDUCTION IN NUMBER OF JURORS. EXAMINATION OF JURORS; CHALLENGES, TIME FOR AND TRIAL OF.

Section

2A 94-1 Excusing persons drawn on petit jury panel, names of persons excused added to petit jury list

2A 94-2 Discharge of juror by order of court only

2A 94-3 Reduction of number of jurors drawn for service

2A 94-4 Examination of jurors

2A 94-5 Challenge to array or polls, interest in action by or against county or municipality

Section

2A 94-6 Challenge to grand or petit jurors not qualified or legally disabled

2A 94-7 Peremptory challenges, number

2A 94-8 Trial of challenges to array or individual jurors in civil or criminal causes

2A 94-9 Time for making challenges in civil or criminal causes

2A:94-1. Excusing persons drawn on petit jury panel; names of persons excused added to petit jury list. The court, in which a general panel of petit jurors, drawn and summoned according to law, is required to attend, may,

whenever it appears to it that any member thereof should, for any reason, be excused from serving as a juror during the designated portion of the term for which the panel was drawn and summoned to serve, excuse such juror from

service during such designated portion of the term. If any juror is so excused, the court may designate any portion of that term or of a future term within 1 year in which the excused juror shall serve, and certify to the commissioners of juries the name of such juror to be added to the list of petit jurors thereafter to be drawn and summoned to serve for such designated portion of that term or of a future term within one year.

Source R S 2 88-14

2A:94-2. Discharge of juror by order of court only. No person summoned as a grand or petit juror shall be discharged from attendance except by order of the court in which his attendance may be required.

Source R S 2 90-6

2A:94-3. Reduction of number of jurors drawn for service. If, at any time, the number of jurors in attendance at any court is greater than is necessary for the business of the court, the court may discharge a specific number of such jurors from further attendance at that term, and the clerk of the court, sheriff or some person under the direction of the court shall, in open court, draw as provided by this title from the jury box such number of papers therein contained as the court shall direct, and the jurors whose names are found written on the papers so drawn from the jury box shall be excused from further attendance at that time. This section shall not be so construed as to prevent any court from excusing or discharging individual jurors for sufficient reason.

Source R S 2 88-18

2A:94-4. Examination of jurors. The following shall govern the examination of jurors.

a Upon the trial of an indictment for murder every person summoned as a juror may be examined in open court, under oath, before being sworn as a juror, to elicit information for the purpose of determining whether or not to interpose a challenge.

b Upon the trial of any other cause, civil or criminal, all parties may question any person summoned as a juror to elicit information for the purpose of determining whether or not to interpose a challenge.

c The examinations herein provided for shall be permitted for the purpose of disclosing whether or not the juror is qualified, impartial and without interest in the result thereof. It shall be conducted under the supervision and control of the trial judge and in open court.

Source R S 2 92-4

2A:94-5. Challenge to array or polls; interest in action by or against county or municipality. It shall not be a ground of exception or challenge to the array or to the polls, in any action wherein a county or a municipality is or may be parties to the record, or otherwise interested,

that the sheriff, constables or jurors are inhabitants of the county or municipality, interested in such action, or liable to be taxed therein.

Source R S 2 92-1

2A:94-6. Challenge to grand or petit jurors not qualified or legally disabled. It shall be good cause of challenge to any person summoned as a grand juror or as a petit juror on the trial of any action of a civil or criminal nature in any of the courts of this state, that he either does not possess the qualifications required by section 2 85-1 of this title, that he will be unable to render an impartial verdict, or that he, if summoned as a petit juror at any stated term of any court of this state, has served as such at any of the 3 stated terms next preceding the day to which he may be summoned, and such person shall be discharged upon such challenge being verified according to law or on his own oath in support thereof.

No exception to any juror, grand or petit, on account of his citizenship, age or other legal disability shall be allowed after the juror has been sworn.

Source R S 2 92-2

2A:94-7. Peremptory challenges; number. Upon the trial of any action in any court of this state, the parties thereto shall be entitled to peremptory challenges as follows:

a In civil actions generally, each party, 6

b In civil actions to be tried by a struck jury, each party, 3

c In criminal trial for treason, murder, misprision of treason, manslaughter, sodomy, rape, arson, burglary, robbery, forgery, perjury, a sole defendant, 20, more than 1 defendant, 10 each, attorney general or prosecutor, 6 peremptory challenges for each 10 allowed to all defendants. This subsection shall not apply to struck or foreign juries.

d In all other criminal trials, defendants and attorney general or prosecutor, 10 each. This subsection shall not apply to struck or foreign juries.

e In all criminal trials for which a struck or foreign jury shall be summoned and returned, defendants and attorney general or prosecutor, 5 each.

Source R S 2 92-4

2A:94-8. Trial of challenges to array or individual jurors in civil or criminal causes. All challenges to the array or to individual jurors, for any cause whatever, shall be triable by the court.

Source R S 2 92-3

2A:94-9. Time for making challenges in civil or criminal causes. All challenges to jurors, for any cause whatever, in any action or suit, civil or criminal, in any court of this state, may be made at any time before the juror is sworn.

Source R S 2 92-9

**Chapter 95. DEFAULTING JURORS; FINE; CONTEMPT OF COURT;
REFUSAL TO QUALIFY.**

Section

2A 95-1 Defaulting jurors, fine, contempt of court
2A 95-2 Notice by sheriff to defaulting jurors, service

Section

2A 95-3 Process against defaulting jurors to collect fine
2A 95-4 Refusal of grand or petit juror to affirm, be sworn or take oath of allegiance, contempt, fine and recovery

2A:95-1. Defaulting jurors; fine; contempt of court. Every person summoned as a grand or petit juror who shall either fail to appear or refuse to serve without reasonable excuse, shall be fined by the court in an amount not to exceed \$50, to the use of the county where such offense was committed; and may be punished as for contempt of court

It shall be a reasonable excuse, in civil cases, only, for failure to respond as a juror, that a person religiously observes the seventh day of the week as the Sabbath

Source R S 2 90-8, R S 2 91-7

2A:95-2. Notice by sheriff to defaulting jurors; service. The clerk of each court shall make and deliver to the sheriff of the county a certified list of defaulting jurors, in which shall be specified the fine imposed upon each of them. The sheriff or his deputy shall give personally or in writing, at least 6 days before the next term of the court, notice to each defaulting juror of the fine imposed upon him. The notice, if in writing, shall be signed by the sheriff or his deputy and be left at the dwelling house of the defaulting juror, and shall notify the person served that the fine must be paid to the sheriff on or before the second day of the next term of court

Source R S 2 90-9

2A:95-3. Process against defaulting jurors to collect fine. If a defaulting juror, upon whom a

fine has been imposed, does not pay the same to the sheriff, by the second day of the term of court following the term at which the fine was imposed, the court shall issue process, directed to the sheriff, commanding him to levy and make the fine, with costs, by distress and sale of so much of the goods and chattels of the defaulting juror as will be sufficient to satisfy the fine and costs, or, if the judge shall think proper, the offender may be committed to the county jail until the fine is paid, unless sooner discharged by the court

Source R S 2 90-10

2A:95-4. Refusal of grand or petit juror to affirm, be sworn or take oath of allegiance; contempt; fine and recovery. Any grand or petit juror who shall refuse to be sworn or affirmed as such, or who shall refuse, if required by the court, to take and subscribe the oath of allegiance to this state, shall, for every such refusal be fined by such court or, in the discretion of the court, be held in contempt thereof. If a fine or fines are levied they shall be in an amount not less than \$25 nor more than \$100. In the event a fine is levied the clerk of such court shall deliver to the sheriff of the county a certified list of the names of the jurors and the fines awarded, and such sheriff shall thereupon levy and make the fine, with costs, by distress and sale of such jurors' goods and chattels

Source R S 2 85-4

Chapter 96. EMBRACERY; PUNISHMENT; DISQUALIFICATION.

Section

2A 96-1 Embracery, punishment

Section

2A 96-2 Acceptance of reward by juror; disqualification

2A:96-1. Embracery; punishment. Embracery and all attempts to corrupt or influence a jury or juror, or anyway to incline a jury or juror to be more favorable to the one side than to the other by promises, persuasions, entreaties, threats, letters, money, entertainment or other sinister means; all indirect, unfair and fraudulent practices, arts and contrivances to obtain a verdict, and all attempts to instruct a jury or juror beforehand at any place or time, or in any manner or way, except in open court at the trial of the cause, by the strength of the evidence, the

argument of the parties or their counsel, or the opinion or charge of the court, shall be misdemeanors

Source R S 2 125-1

2A:96-2. Acceptance of reward by juror; disqualification. Any juror who shall accept any money, goods, chattels or other reward from any party to a cause, or be embraced as provided in section 2A-96-1 of this title, shall be guilty of a misdemeanor, and be forever disqualified from acting as a juror in this state

Source R S 2 125-2

**Chapter 96A. VERDICTS, GENERAL; FIVE-SIXTHS MURDER TRIAL;
OMISSIONS; NO VERDICT.**

Section

- 2A 96A-1 Verdicts, general
2A 96A-2 Verdict by five-sixths of the jury
2A 96A-3 Verdicts in murder trials

2A:96A-1. Verdicts; general. No jury shall be compelled to give a general verdict. It shall be sufficient that they find a special verdict and show the truth of the facts and require the aid of the court. If, however, the jury, of their own free will, give a general verdict, it shall be received.

Source R S 2 27-237

2A:96A-2. Verdict by five-sixths of the jury. In any civil cause wherein a jury shall be impaneled, a verdict may be rendered by 10 or more of the jury agreeing in instances of 12 jurors, and by 5 or more of the jury agreeing in instances of 6 jurors. Any verdict so rendered shall have the same force and effect as though it had been rendered by the entire jury.

Source C 2 27-233 1

2A:96A-3. Verdicts in murder trials. The jury before whom any person indicted for murder

Section

- 2A 96A-4 Omissions in verdict in action to recover personal property, actions embracing several things in 1 count
2A 96A-5 No verdict, disagreement of jurors

shall be tried shall, if they find such person guilty thereof, designate by their verdict whether it be murder in the first degree or in the second degree.

Source R S 2 138-2

2A:96A-4. Omissions in verdict in action to recover personal property; actions embracing several things in 1 count. If, in an action to recover personal property unlawfully detained, or on an issue concerning several things in 1 count, the verdict fails to find for part of them, such verdict shall stand but the plaintiff shall be barred of his title to the things omitted.

Source R S 2 27-240

2A:96A-5. No verdict; disagreement of jurors. If the jury disagree, orders for new juries may issue in the same cause until a verdict is obtained.

Source. R S 2 32-112

Subtitle 11. EVIDENCE AND WITNESSES.

Note of Reporter. In the course of the work on the revision of chapters 97 to 102, inclusive, of Title 2 of the Revised Statutes of 1937 and the amendments thereof and supplements thereto, we have been confronted with the question whether evidence comes within the scope of the word "procedure" as used in the constitutional provisions giving the supreme court the power to make rules governing the practice and procedure in the courts. We have resolved this issue in the affirmative.

If you will look at the word "procedure" in volume 34 of "words and phrases", you will find many cases beginning on page 77 of the main volume and on page 21 of the supplement to the effect that the word "procedure" includes pleading, evidence, and practice. Then in section 7 on page 31 of the supplement to volume 1 of Wigmore on Evidence, we find the following informative excerpt:

"The judicial function constitutionally empowers the courts to make their own rules of procedure, including rules of evidence (subject only to specific constitutional limitations). Virtually all of the origi-

nal rules of evidence were invented by the courts. But as the courts usually failed to change rules which proved undesirable, the legislature from time to time made reformatory alterations by statute,—thus obscuring historically the natural function of the courts.

"In recent times, the just prerogative of the courts to make their own rules of procedure has been vindicated in professional opinion, and a healthy movement to relegate generally procedure to the courts has long been under way. That this prerogative of the courts includes the power to formulate and to alter the rules of evidence ought not to be doubted.

"But the practical problem of doing more than alter a specific rule here and there, i.e. of making a complete code of evidence rules is an extremely difficult one, and is likely not to be satisfactorily solved for some time to come."

Certainly, it may be said that the laws of evidence pertain almost exclusively to procedure in court, to the means and methods by which facts are established in the court.

Chapter 97. WITNESSES IN GENERAL.

Section

- Article 1 General Principles**
2A 97-1 Blank See proposed additional legislation
2A 97-2 Personal privilege generally
2A 97-3 Clergymen or ministers, confession to, disclosure prohibited
2A 97-4 Blank See proposed legislation
Article 2 Compelling Appearance of Resident Witnesses in Criminal Prosecutions in Other States
2A 97-5 Definitions

Section

- 2A 97-6 Summoning witness in this state to testify in another state
2A 97-7 Exemption from arrest and service of process
2A 97-8 Uniformity of interpretation
2A 97-9 Short title
2A 97-10 Constitutionality
2A 97-11 to
2A 97-26 Blank.

Article 1 PRIVILEGES OF WITNESSES IN LEGAL PROCEEDINGS

2A:97-1. Blank See proposed additional legislation

2A:97-2. Personal privilege generally. No witness shall be compelled to answer any question if the answer will expose him to a criminal prosecution or penalty or to a forfeiture of his estate

Source R S 2 97-7

2A:97-3. Clergymen or ministers; confessions to; disclosure prohibited. A clergyman, or other minister of any religion, shall not be allowed or compelled to disclose in any court, or to any public officer, a confession made to him in his professional character, or as a spiritual advisor, or as a spiritual advisor in the course of discipline enjoined by the rules or practice of the religious body to which he belongs or of the religion which he professes

Source L 1947, c 324, p 1049, §1

2A:97-4. Blank See proposed legislation

Article 2 COMPELLING APPEARANCE OF RESIDENT WITNESSES IN CRIMINAL PROSECUTIONS IN OTHER STATES

2A:97-5. Definitions. "Witness", as used in this act shall include a person whose testimony is desired in any proceeding or investigation by a grand jury or in a criminal action, prosecution or proceeding

The word "state" shall include any territory of the United States and District of Columbia

The word "summons" shall include a subpoena, order or other notice requiring the appearance of a witness

Source C 2 97-27, L 1941, c 88, p 200, §1

2A:97-6. Summoning witness in this state to testify in another state. If a judge of a court of record in any state which by its laws has made provision for commanding persons within that state to attend and testify in this state certifies under the seal of such court that there is a criminal prosecution pending in such court, or that a grand jury investigation has commenced or is about to commence, that a person being within this state is a material witness in such prosecution, or grand jury investigation, and his presence will be required for a specified number of days, and that same cannot be ensured voluntarily, upon presentation of such certificate to any judge of a court of record in the county in which such person is, such judge shall fix a time and place for a hearing, and shall make an order directing the witness to appear at a time and place certain for the hearing

If at a hearing the judge determines that the witness is material and necessary, that it will not cause undue hardship to the witness to be compelled to attend and testify in the prosecution or a grand jury investigation in the other

state, and that the laws of the state in which the prosecution is pending, or grand jury investigation has commenced or is about to commence (and of any other state through which the witness may be required to pass by ordinary course of travel), will give to him protection from arrest and the service of civil and criminal process, he shall issue a summons, with a copy of the certificate attached, directing the witness to attend and testify in the court where the prosecution is pending, or where a grand jury investigation has commenced or is about to commence at a time and place specified in the summons. In any such hearing the certificate shall be prima facie evidence of all the facts stated therein

If said certificate recommends that the witness be taken into immediate custody and delivered to an officer of the requesting state to assure his attendance in the requesting state, such judge may, in lieu of notification of the hearing, direct that such witness be forthwith brought before him for said hearing, and the judge at the hearing being satisfied of the desirability of such custody and delivery, for which determination the certificate shall be prima facie proof of such desirability may, in lieu of issuing subpoena or summons, order that said witness be forthwith taken into custody and delivered to an officer of the requesting state

If the witness, who is summoned as above provided, after being paid or tendered by some properly authorized person the sum of \$0.10 a mile for each mile by the ordinary traveled route to and from the court where the prosecution is pending and \$5.00 for each day, that he is required to travel and attend as a witness, fails without good cause to attend and testify as directed in the summons, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this state

Source C 2 97-28, L 1941, c 88, p 200, §2

2A:97-7. Exemption from arrest and service of process. If a person passes through this state while going to another state in obedience to a summons to attend and testify in that state or while returning therefrom, he shall not while so passing through this state be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under the summons

Source C 2 97-30, L 1941, c 88, p 202, §4

2A:97-8. Uniformity of interpretation. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of the states which enact it

Source C 2 97-31, L 1941, c 88, p 203, §5

2A:97-9. Short title. This act may be cited as "uniform act to secure the attendance of witnesses from within or without a state in criminal proceedings".

Source C 2 97-32, L 1941, c 88, p 203, §6

2A:97-10. Constitutionality. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or

applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable

Source C 2 97-33, L 1941, c 88, p 203, §8

Chapter 98. DOCUMENTS, RECORDS AND OTHER WRITTEN INSTRUMENTS.

Section

Article 1. Effect of Sealed Instruments

2A 98-1 Defenses to sealed instruments

Section

Article 2 Foreign Judgments

2A 98-2 Collateral impeachment of jurisdictional facts

Article 1 EFFECT OF SEALED INSTRUMENTS

2A:98-1. Defenses to sealed instruments. In an action upon a sealed instrument, or where a set-off is founded thereon, a party may plead and set up, in defense thereto, fraud in the consideration of the contract upon which recovery is sought, or want or failure of consideration, as if the instrument were not sealed. In such cases the seal shall be only presumptive evidence of sufficient consideration, which presumption may be rebutted as if the instrument were not sealed

Source R S 2 98-4

Article 2. FOREIGN JUDGMENTS

2A:98-2. Collateral impeachment of jurisdictional facts. In any suit upon a foreign judgment, or a judgment of any court out of this state, the defendant, or person sought to be affected by such judgment, may show that the defendant therein was not summoned, did not appear, or was not within the jurisdiction of such foreign court, notwithstanding that it may be recited in the record of such proceedings that he was summoned or did appear, or was within the jurisdiction of such court, and such recital shall not conclude the defendant, or estop him from proving that the same is not true

Source R S 2 98-5

Subtitle 11A. EXAMINATION OF RECORDS, ETC.

Chapter 99. HOSPITAL RECORDS.

Section

2A 99-1 Person against whom claim is asserted, right of examination

2A 99-2 Injured person or claimant, right of examination

Section

2A 99-3 Attorneys and agents, application of law

2A 99-4 No liability for permitting examination

2A 99-5 Definition of hospital

2A:99-1. Person against whom claim is asserted; right of examination. Any person against whom a claim is asserted for compensation or damages for personal injuries or death resulting from personal injuries, either under the Workmen's Compensation Act of the State of New Jersey, chapter 15 of Title 34 of the Revised Statutes, or at law, or his insurance carrier, shall be permitted to examine the records of a hospital in reference to such injured or deceased person

Source L 1945, c 286, p 837, §1

2A:99-2. Injured person or claimant; right of examination. Any person who has been injured, or his legal representative, who has asserted, or who is about to assert a claim for compensation or damages for personal injuries or death resulting therefrom, shall be permitted to examine the records of any hospital pertaining to the claim of such injured or deceased person

Source L 1945, c 286, p 837, §2

2A:99-3. Attorneys and agents; application of law. The provisions of sections 1 and 2 hereof

shall apply not only to such claimant, or person against whom such claim has been asserted and his insurance carrier, but also to their respective attorneys and duly authorized agents, subject to reasonable rules and regulations promulgated by any such hospital

Source L 1945, c 286, p 837, §3

2A:99-4. No liability for permitting examination. No hospital, and no officer or employee of any hospital shall be liable in any suit for damages in any court of law or in equity by reason of permitting the examination of such hospital's records under the provisions of this act

Source L 1945, c 286, p 837, §4

2A:99-5. Definition of hospital. For the purpose of this act, a hospital shall be defined as any association, corporation or other institution maintaining a hospital for public use in this state, supported in whole or in part by private charity, or owned, operated and maintained by any individual, firm, corporation, municipal or county board or body, or the state of New Jersey

Source L 1945, c 286, p 837, §5

Chapter 100. STENOGRAPHIC REPORTS OF PUBLIC HEARINGS.

Section	
2A 100-1	Stenographic reporter in trials or proceedings on request
2A 100-2	Transcription of record of trial or proceeding, compensation

Section	
2A 100-3	to
2A 100-47	Blank

2A:100-1. Stenographic reporter in proceedings on request. In all proceedings had before any official, tribunal, board or governing body of this state, where not otherwise provided for by law, the official, tribunal, board or governing body shall, upon request, of either party to the proceeding and at the expense of the requesting party, designate a competent stenographic reporter, who shall be duly sworn, to report verbatim the proceeding, excepting the arguments of counsel
Source R S 2 102-1

2A:100-2. Transcription of record of proceeding; compensation. The stenographer appointed pursuant to section 2A 101-1 of this title shall, upon request, transcribe into typewriting the record of the proceeding upon payment to him therefor at the rate of 10 cents per folio
Source R S 2 102-2

2A:100-3
to
2A:100-47. Blank.

Chapter 101. Blank.

Subtitle 12. PUBLIC HEARINGS.

Chapter 102. Blank.

Subtitle 13. CRIMES.**Chapter 103. GENERAL PROVISIONS RELATING TO CRIMES.**

Section	
2A 103-1	Offenses indictable at common law and not otherwise covered, punishable as misdemeanors
2A 103-2	Aiding or assisting person who has committed high misdemeanor, husband or wife of offender excepted
2A 103-3	Husband's responsibility for offense committed by wife
2A 103-3 1	Persons under 16 incapable of committing crime
2A 103-4	Attempts to commit offenses
2A 103-5	High misdemeanors, punishment
2A 103-6	Misdemeanors, punishment

Section	
2A 103-7	Second offenses, punishment
2A 103-8	Third sentence
2A 103-9	Application of act
2A 103-10	Other laws, effect on
2A 103-11	Habitual criminals, fourth offense, life sentence to be imposed
2A 103-11 1	Blank
2A 103-12	Remedies at law and in equity preserved
2A 103-13	Trustee's agreement to restore misappropriated property not affected
2A 103-14	Blank

2A:103-1. Offenses indictable at common law and not otherwise covered, punishable as misdemeanors. All offenses of an indictable nature at common law, and not otherwise expressly provided for by statute, shall be misdemeanors
Source R S 2 103-1

Note of Reporter The question of compelling indictments under the statute where there is also a common law crime was considered

2A:103-2. Aiding or assisting person who has committed high misdemeanor; husband or wife of offender excepted. Any person who
a Shall knowingly or willfully aid or assist any person who has committed the crime of treason, misprision of treason, murder, kidnapping, manslaughter or any crime denominated by any law of this state as a high misdemeanor,

to escape apprehension, whether or not a warrant has been issued for the apprehension of such other person, or

b. Shall knowingly or willfully provide any such person with money, transportation, conveyance, place of abode, refuge, concealment, disguise, or aid or assist such other person in any manner whatsoever, for the purpose of preventing or hindering his apprehension; or

c. Being within this state, shall, for the purpose of preventing or hindering the apprehension of such other person, whether within this state or not, knowingly or willfully give false or untrue reports of, or refuse to reveal the place of abode, refuge, concealment or disguise of any such person—

Shall be guilty of a misdemeanor.

This section shall not apply to the husband or wife of a person attempting to escape apprehension for any crime punishable by the laws of this state

Source. R S 2 103-2

Note of Reporter After consideration, the committee decided not to make this apply to misdemeanors

2A:103-3. Husband's responsibility for offense committed by wife. The fact that an offense is committed by a married woman in the presence of her husband, or, though not in his presence, near enough to be under his immediate influence and control, shall give rise to no presumption that such offense was committed by her under the coercion of her husband, nor shall the husband be held responsible for the commission of any such offense by reason of any such presumption

Source. R S 2 103-3

2A:103-3.1. Persons under 16 incapable of committing crime. A person under the age of 16 years is deemed incapable of committing a crime under the common law or statute law of this state

Source R S 2 103-3.1

Note of Reporter. In murder, judicial decision still controls

2A:103-4. Attempts to commit offenses. Any person who shall attempt to commit any indictable offense, though such offense is not actually committed, shall be guilty of a misdemeanor, but in no case shall the punishment for a violation of this section be greater than is provided for the actual commission of the crime or offense attempted

Source R S 2 103-4

Note of Reporter Phrase omitted covered by R S 2A 103-1 There are indictable offenses under other subtitles

2A:103-5. High misdemeanors; punishment. Any person found guilty of any crime which by any statute is declared to be a high misdemeanor, and for which no punishment is specifically provided, shall be punished by a fine not exceeding \$5,000, or by imprisonment, with or without hard

labor, as the court may direct, for a term not exceeding 7 years, or both.

Source R S 2 103-5

Note of Reporter This would increase the fine from \$2,000 00 to \$5,000 00

2A:103-6. Misdemeanors; punishment. Any person found guilty of any crime which by any statute is declared to be a misdemeanor, and for which no punishment is specifically provided, shall be punished by a fine not exceeding \$3,000, or by imprisonment, with or without hard labor, as the court may direct, for a term not exceeding 3 years, or both

Source R S 2 103-6

Note of Reporter This would increase the fine from \$1,000 00 to \$3,000 00

2A:103-7. Second offenses; punishment. Any person who has been convicted of treason, murder, manslaughter, kidnapping or a high misdemeanor under the laws of this state, or of a crime under the laws of the United States or of any other state or country, which crime would be manslaughter, murder, kidnapping, treason or a high misdemeanor if committed in this state, and who thereafter is convicted of manslaughter, murder, kidnapping, treason or a high misdemeanor enumerated under the laws of this state may be sentenced to imprisonment in the state prison for any period of time not exceeding double the maximum period for which he might have been sentenced for a first offense

Conviction of 2 or more of such crimes or high misdemeanors charged in 1 indictment or accusation, or in 2 or more indictments or accusations consolidated for trial shall be deemed to be only 1 conviction

Source. R S 2 103-7, as am L 1940, c 219, p 888, §1

2A:103-8. Third sentence. Any person who has been twice convicted of murder, treason, kidnapping, manslaughter or high misdemeanors under the laws of this state, or of crimes in any other state or country, which crimes would be such crimes or high misdemeanors under the laws of this state, and who thereafter is convicted of murder, treason, kidnapping, manslaughter or a high misdemeanor under the laws of New Jersey may be sentenced for any period of time not exceeding 3 times the maximum period for which he might have been sentenced for a first offense.

Conviction of 2 or more of such crimes or high misdemeanors charged in 1 indictment or accusation, or in 2 or more indictments or accusations consolidated for trial shall be deemed to be only 1 conviction

Source 2 103-9, as am L 1940, c 219, p 888, §2, L 1950, c 315, p 1072, §1

2A:103-9. Application of act. This act shall apply to all prisoners now in confinement and to prisoners who may hereafter be confined for a conviction of crime, to the end that in no such case shall any such prisoner be required to

serve in addition to the most recently imposed sentence upon him, commutation time earned and allowed for good behavior on any prior sentences

Source. 2 103-9 3, L 1950, c 315, p 1073, §4

2A:103-10. Other laws, effect on. Nothing herein contained shall be deemed to affect or repeal the provisions of chapter 84 of the Laws of 1948, except section 13 thereof which is repealed by section 3 of this act

Source 2 103-9 4, L 1950, c 315, p 1073, §5

2A:103-11. Habitual criminals; fourth offense; life sentence to be imposed. Any person who on 3 separate occasions has been convicted of murder, manslaughter, treason, kidnapping or high misdemeanors in this state, or of crimes under the laws of the United States or of any other state or country, which crimes would be murder, manslaughter, treason, kidnapping or high misdemeanors if committed in this state, or whose convictions for such offenses in this state or under the laws of the United States or of any other state or country shall total 3 or more, and who shall thereafter be convicted of a subsequent offense of murder, manslaughter, treason, kidnapping or high misdemeanors under the laws of New Jersey, is hereby declared to be an habitual criminal, and the court in which such fourth or subsequent conviction is had, may impose a life

sentence in the state prison upon the person so convicted.

Conviction of 2 or more of such crimes or high misdemeanors charged in 1 indictment or accusation, or in 2 or more indictments or accusations consolidated for trial shall be deemed to be only 1 conviction

Source 2 103-10, R S 2 103-10, as am L 1940, c, 219, p 889, §3

2A:103-11.1. Blank. See proposed additional legislation

2A:103-12. Remedies at law and in equity preserved. Nothing contained in this subtitle, nor any proceeding, conviction or judgment had or taken thereunder against any person, shall prevent, lessen or impeach any remedy at law or in equity which any person aggrieved by any offense against this subtitle might otherwise have

Source R S 2 103-11

2A:103-13. Trustee's agreement to restore misappropriated property not affected. Nothing contained in this subtitle shall affect or prejudice any agreement entered into or security given by a trustee, having for its object the restoration or repayment of trust property misappropriated

Source R S 2 103-12

2A:103-14. Blank. See proposed additional legislation

Chapter 104. ABDUCTION.

Section

2A 104-1 Abduction and marriage or defilement of female

2A 104-2 Abduction with intent to compel marriage or defilement

2A:104-1. Abduction and marriage or defilement of female. Any person who shall take a female unlawfully against her will, and shall marry her himself or cause or procure her to be married to another, either with or without her consent, or shall defile or cause her to be defiled, and any person who shall receive said female knowing her to have been so taken against her will, shall be guilty of a high misdemeanor

Source R S 2 104-1

Note of Reporter His aids, etc., is covered by new section 2A 103-14

2A:104-2. Abduction with intent to compel marriage or defilement. Any person who takes or detains a female unlawfully against her will, with intent to compel her by force, threats, persuasion, menace or duress, to marry him or to marry any other person, or to be defiled, shall be guilty of a high misdemeanor

Source R S 2 104-2

Section

2A 104-3 Abduction of female under 18 for purpose of marriage or carnal abuse

2A:104-3. Abduction of female under 18 for purpose of marriage or carnal abuse. Any person who shall convey or take away an unmarried female, under the age of 18 years, out or from the possession, custody or governance and against the will of her father, mother or guardian, or other person having lawful custody though with her own consent, with an intent to contract matrimony with her, or with an intent to carnally abuse her, or to use her for immoral purposes, or to cause or procure her to be carnally abused or used for immoral purposes by another, shall be guilty of a misdemeanor; and if he contract matrimony with her, without the consent of her father, mother or guardian, he shall be guilty of a high misdemeanor.

Source R S 2 104-3

Chapter 105. ABORTION.

Section

2A 105-1 Causing miscarriage, increased penalty if death results.

2A:105-1. Causing miscarriage; increased penalty if death results. Any person who, maliciously or without lawful justification, with intent to cause or procure the miscarriage of a woman then pregnant with child, shall

a Administer to her, prescribe for her, or advise or direct her to take or swallow any poison, drug, medicine or noxious thing, or

b Use any instrument or means whatever—

Shall be guilty of a high misdemeanor

If as a consequence thereof, the woman or child shall die, the person committing the offense shall be punished by a fine not exceeding \$5,000, or by imprisonment at hard labor not exceeding 15 years, or both.

Source R S 2 105-1

Section

2A 105-2 Persons committing abortion compelled to testify, testimony not used against them

2A 105-3. Blank See proposed additional legislation

2A:105-2. Persons committing abortion compelled to testify; testimony not used against them.

Any person who shall cause or attempt to cause the miscarriage of a pregnant woman and the woman herself shall be a competent witness, and may be compelled to testify, but the testimony of such person given in any such case shall not be used in any prosecution, civil or criminal, against the person so testifying

Source R S 2 105-2.

2A:105-3. Blank See proposed additional legislation.

Chapter 106 to Chapter 108. Blank.

Chapter 109. ARSON AND OTHER BURNINGS.

Section

2A 109-1 Arson, punishment

2A 109-2 Burning ships and buildings other than dwelling houses

2A 109-3. Blank.

2A:109-1. Arson; punishment. Any person who shall willfully or maliciously burn, or cause to be burned, or aid, counsel, procure or consent to the burning of any dwelling house, whether it be his own or that of another, or any kitchen, shop, barn, stable or other outhouse that is a parcel of, or belongs to or adjoins such dwelling house, or any other building, by means whereof a dwelling house shall be burnt, whether it be his own or that of another, shall be guilty of a high misdemeanor.

Source R S 2 109-1

2A:109-2. Burning ships and buildings other than dwelling houses. Any person who shall willfully or maliciously burn, set fire to with intent to burn or cause to be burned, or aid, counsel, procure or consent to the burning or setting fire to of

a Any building, whether it be his own or that of another, not a parcel of a dwelling house, or

b Any ship, boat or other vessel, vehicle, motor vehicle, aircraft whether it be his own or that of another, or

c Any church, meetinghouse, courthouse, workhouse, jail or other public building—

Shall be guilty of a high misdemeanor

Source R S 2 109-2

Section

2A 109-4 Setting fire to or burning real or personal property to defraud

2A 109-5 Attempting to destroy buildings or contents of buildings with fire or explosives

2A 109-6 Burning or injuring property

2A 109-7 Malicious burning woods

2A:109-3. Blank

2A:109-4. Setting fire to or burning real or personal property to defraud. Any person who shall willfully or maliciously set fire to, or burn, or aid, counsel, procure or consent to the setting fire to or burning, of any real or personal property, which shall at the time be insured against loss or damage by fire, with intent to prejudice or defraud the insurer thereof, or with intent to defraud any person whatever, whether the same be the property of such person or another, shall be guilty of a high misdemeanor

Source R S 2 109-4

2A:109-5. Attempting to destroy buildings or contents of buildings with fire or explosives. Any person who shall willfully or maliciously place or throw in, into, upon, under, against or near any building, any fire or matches, or any gunpowder or other explosive substance, with intent to destroy or damage any building, or any engine, machinery, working tools, fixtures, goods or chattels, shall, whether or not any fire or explosion take place, and whether or not any damage be caused, be guilty of a misdemeanor

Source R S 2 148-2, L 1898, c 235, p 829, §128 [C S p 1786, §128]

2A:109-6. Burning or injuring property, crops, trees, fences or lumber. Any person who, with intent to injure another, shall willfully or maliciously set fire to, burn, carry off, damage or destroy, or procure or cause to be burned, carried off, damaged or destroyed

- a Any goods or chattels,
- b Any hay, grass, grain or vegetable of any kind, whether standing or cut down,
- c Any tree, sapling, plant, herbage, flower, shrubs or underbrush, or
- d Any fence, rail, inclosure, or any pile of

wood, boards or other lumber—

Shall be guilty of a misdemeanor
Source R S 2 148-4

2A:109-7. Malicious burning of woods or cranberry bogs. Any person who shall willfully or maliciously set fire to, burn or cause to be burned, or aid, counsel, procure or consent to the burning of any woods, marshes, cranberry bogs or meadows belonging to another, shall be guilty of a misdemeanor.

Source R S 2 148-5

Chapter 110. ASSAULT AND BATTERY.

Section

- 2A 110-1 Atrocious assault and battery
- 2A 110-2 Assault with intent to kill, commit burglary, robbery, rape, sodomy or carnal abuse

2A:110-1. Atrocious assault and battery. Any person who shall

a Commit an atrocious assault and battery by maiming or wounding another by the use of his hands or fists alone, shall be guilty of a misdemeanor

b Commit an atrocious assault and battery by maiming or wounding another with any other part of the body or with any object, instrument, or offensive weapon, shall be guilty of a high misdemeanor

Source R S 2 110-1

Note of Reporter Was considered that it should be a difference in degree in atrocious assault and battery depending upon the means used
There is no statute for assault or assault and battery (common law) It was considered that assault and assault and battery should be disorderly person charge

2A:110-2. Assault with intent to kill, commit burglary, robbery, rape, sodomy or carnal abuse. Any person who shall commit an assault with

Section

- 2A 110-3 Assault with dangerous weapon, or demand of money, etc., by menaces or force, with intent to rob
- 2A 110-4 Blank

intent to kill, or to commit burglary, rape, kidnapping, robbery or sodomy, or to carnally abuse a female under the age of 16, with or without her consent, shall be guilty of a high misdemeanor, and punished by a fine not exceeding \$3,000 or by imprisonment at hard labor not exceeding 12 years, or both

Source R S 2 110-2

2A:110-3. Assault with dangerous weapon, or demand of money, etc., by menaces or force, with intent to rob. Any person who shall willfully or maliciously assault another with an offensive weapon or instrument, or by menaces, or in and by other forcible and violent manner and means demand of another, any money or personal goods and chattels, with intent to rob such other, and any person who shall counsel, aid or abet therein, shall be guilty of a high misdemeanor

Source R S 2 110-3

2A:110-4. Blank

Chapter 111. Blank.

Chapter 112. BANKS AND FINANCIAL CORPORATIONS.

Section

- 2A 112-1 Bank officials asking or receiving bribes or undue fees
- 2A 112-2 Exceptions to section 2A 112-1
- 2A 112-3 False reports as to solvency of banks
- 2A 112-4 Officers of banks overdrawing accounts
- 2A 112-5 False entries by bank officers and employees

Section

- 2A 112-6 Banks and trust companies, false statements, entries and reports to deceive examiners
- 2A 112-7 Building and loan associations, false statements, entries or reports to deceive examiners
- 2A 112-8 Building and loan association director or officer, false statement or report or misrepresentation

2A:112-1. Bank officials asking or receiving bribes or undue fees. Any officer, director, employee, agent or attorney of a bank, trust company, savings bank or building and loan

association incorporated under any law of this state, or any other state who shall, directly or indirectly, ask for, demand, exact, require, receive or accept, for his personal use, benefit or advan-

tage, any money, or any other property or other thing, or any credit, or any promissory note, bill of exchange, check or other evidence of debt, or any security, promise, contract, covenant, agreement or obligation, express or implied, for the payment, delivery, alienation or transfer of any money, property or other thing, or for the performance or rendering of any act or service, as a bribe, present, reward, inducement, commission or fee for loaning any funds of or giving any credit on behalf of such bank, trust company, savings bank or building and loan association, or for recommending, approving, voting for or consenting to the making of any loan or the giving of any credit by such bank, trust company, savings bank or building and loan association, shall be guilty of a misdemeanor

Source R S 2 112-1

2A:112-2. Exceptions to section 2A:112-1. Nothing contained in section 2A 112-1 of this title shall be construed to prevent

a The attorney or solicitor of any bank, trust company, saving bank or building and loan association, such attorney or solicitor being a member of the bar of New Jersey, from charging fees for professional services; or

b Any committee of said bank, trust company, savings bank or building and loan association, appointed to examine and appraise property offered as security, from charging fees to cover the expenses of said committee

Source R S 2 112-2

2A:112-3. False reports as to solvency of banks. Any person who shall willfully or maliciously instigate, make, circulate or transmit to another any statement, written or oral, untrue in fact, derogatory to the financial condition or affecting the solvency or financial standing of any bank, banking institution, trust company or building and loan association doing business in this state, or who shall counsel, aid, procure or induce another to start, transmit or circulate any such statement or rumor, shall be guilty of a misdemeanor

Source R S 2 112-3

2A:112-4. Officers of banks overdrawing accounts. Any director, cashier, bookkeeper, or other officer, employee or agent of any bank, trust company, safe deposit and trust company or savings bank who shall knowingly overdraw his account with such bank, trust company, safe deposit and trust company or savings bank, for his own private use and benefit, shall be guilty of a misdemeanor

Source R S 2 112-4

2A:112-5. False entries by bank officers and

employees. Any cashier, bookkeeper, or other officer, employee or agent of any bank, trust company, safe deposit and trust company or savings bank who shall make, or cause to be made, any false entry on any book of account, or in any way falsely keep the accounts of such bank, trust company, safe deposit and trust company or savings bank with intent to cheat or defraud such bank, trust company, safe deposit and trust company or savings bank or any person dealing therewith, shall be guilty of a high misdemeanor.

Source R S 2 112-5

2A:112-6. Banks and trust companies; false statements, entries and reports to deceive examiners. Every incorporator, stockholder, director, officer, agent or employee of any bank or trust company or proposed bank or trust company, who willfully and knowingly subscribes or makes any false statement of facts, or any false oath or affidavit, or false entries in the books of any such existing or proposed bank or trust company, or knowingly subscribes or exhibits any false paper with intent to deceive any person authorized to examine the condition of such existing or proposed bank or trust company, or who willfully or knowingly subscribes to or makes any false report, shall be guilty of a high misdemeanor

Source R S 2 112-6

2A:112-7. Building and loan associations; false statements, entries or reports to deceive examiners. Every director, officer, agent or employee of any building or loan association who shall willfully and knowingly subscribe or make any false statement of facts, or false entries in the books of the association, or knowingly subscribe or exhibit any false paper, or conceal or refrain from exhibiting any books, papers or records of the association with intent to deceive any person authorized to examine the condition of affairs of the association, or who shall willfully and knowingly subscribe to or make any false report, shall be guilty of a high misdemeanor

Source R S 2 112-7

2A:112-8. Building and loan association director or officer; false statement or report or misrepresentation. Any director or officer of a building and loan association of this state, who shall willfully and knowingly issue any false accounting statement or report of the financial condition of said association or who shall misrepresent in writing investment in the association to be safe, knowing the facts to be otherwise, shall be guilty of a high misdemeanor

Source 2 112-8, L 1941, c 239, p 659, §1

Chapter 113. BIGAMY.

Section

2A 113-1 Bigamy, punishment, exceptions

2A:113-1. Bigamy; punishment; exceptions. Any person who, having a husband or wife living, marries another person, shall be guilty of a high misdemeanor

Nothing in this section contained shall extend to

a Any person whose husband or wife shall be continually remaining without the United States for the space of 5 years together, or

b Any person whose husband or wife shall absent himself or herself, the one from the other, for the space of 5 years together, the party marrying again being ignorant that the other was living within that time, or

c Any person who is or shall be, at the time of such marriage, divorced by the judgment or

Section

2A 113-2 Punishment of consort

decree of any authority or court having cognizance thereof, or

d Any person where the former marriage has been, or shall be, by the judgment or decree of any such authority or court, declared to be void and of no effect

Source R S 2 113-1

2A:113-2. Punishment of consort. Any person who marries the husband or wife of another, knowing that the circumstances of such marriage are such that such husband or wife, by reason of such marriage, is guilty of bigamy under the provisions of section 2A 113-1 of this title, shall be guilty of a misdemeanor

Source R S 2 113-2

Chapter 113A. Blank.**Chapter 114. BRIBERY AND CORRUPTION.**

Section

- 2A 114-1 Bribery of judge or magistrate, acceptance of bribe
- 2A 114-2 Bribery of legislators, acceptance by legislators or other persons
- 2A 114-3 Exemption from prosecution under section 2A 114-2 on giving testimony
- 2A 114-4 Soliciting or receiving reward for official vote
- 2A 114-4 1 Blank See proposed additional legislation
- 2A 114-5 Disqualification to hold office
- 2A 114-6 Giving or accepting bribes in connection with contracts
- 2A 114-7. Bribery of labor representative
- 2A 114-8 Bribery of foreman for certain purposes
- 2A 114-9 Witnesses in case of indictment under sections 2A 114-7, 2A 114-8, incrimination, immunity

Section

- 2A 114-10 to
- 2A 114-13 Blank
- 2A 114-14 Giving or promising bribe to participant in sporting contest
- 2A 114-15 Receiving of bribe by participant in sporting contest
- 2A 114-16 Giving or promising bribe to referee, umpire or other official in sporting contest
- 2A 114-17 Receiving of bribe by referee, umpire or other official in sporting contest
- 2A 114-17 1 Blank See proposed additional legislation
- 2A 114-18 Blank
- 2A 114-19 Blank

2A:114-1. Bribery of judge or magistrate; acceptance of bribe. Any person who shall directly or indirectly give any money, goods, chattels, real estate, or any other thing, as a bribe, present or reward, or give or make any promise, contract, covenant, obligation or security for the payment, delivery, alienation or transfer of any money, goods, chattels, real estate, or other thing, as a bribe, present or reward, to obtain, procure or influence the opinion, judgment, decree or behavior of any judge or magistrate in any action, plea, suit, complaint, indictment, accusation, controversy, matter or cause depending, or which shall depend before him, and a judge or magistrate who shall in anywise receive or accept the same, shall be guilty of a high misdemeanor

Source R S 2 114-1

2A:114-2. Bribery of legislators; acceptance by legislators or other persons. Any person who shall directly or indirectly give, offer or promise

to give any money or other valuable thing or any promissory note, bill of exchange, check or other evidence of debt, or any other thing, as a bribe, present or reward, or give or make or offer to give or make, any promise, contract, covenant, obligation or security for the payment, delivery, alienation or transfer of any money or other valuable thing or any other thing, as a bribe, present or reward, to obtain, procure or influence the opinion, behavior, vote or abstention of voting of any member of the senate or general assembly, upon any bill, resolution, election, appointment or other proceeding pending before the legislature, or before either house, or before both houses in joint meeting, and a member of the senate or general assembly, or other person who shall in any way, directly or indirectly, receive or accept the same, shall be guilty of a high misdemeanor.

Source R S 2 114-2

2A:114-3. Exemption from prosecution under section 2A:114-2 on giving testimony. If a person who shall make a gift, offer or promise in violation of section 2A 114-2 of this title shall, in any legal proceeding in which the evidence is relevant and material, give evidence concerning such gift, offer or promise, against any member of the senate or general assembly, or other person who shall in any way, directly or indirectly, receive or accept the same, he shall not be liable to indictment or conviction for having made such gift, offer or promise

If any member of the senate or general assembly, or other person who shall in any way, directly or indirectly, receive or accept a gift, offer or promise in violation of said section 2A 114-2 shall, in any legal proceeding in which the evidence is relevant and material, give evidence concerning such gift, offer or promise, against any person who shall make the same, he shall not be liable to indictment or conviction for receiving or accepting any such gift, offer or promise

Source R S 2 114-3

2A:114-4. Soliciting or receiving reward for official vote. Any member or officer of any state, county or city government, or a member of any public board, association or commission, who shall solicit or receive, directly or indirectly, any money or valuable thing, reward or commission for his vote in the appointment or selection of a person to a position in any department of any such public body aforesaid, shall be guilty of a misdemeanor

Source R S 2 114-4

2A:114-4.1. Blank See proposed additional legislation

2A:114-5. Disqualification to hold office. Any person convicted of an offense under sections 2 114-2 or 2 114-4 of this title, or any judge or magistrate who shall receive or accept a bribe, present, service or reward in violation of section 2 114-1 of this title, shall, in addition to the punishment prescribed for such offense, be forever disqualified from holding any office of honor, trust or profit under this state

Source R S 2 114-5

2A:114-6. Giving or accepting bribes in connection with contracts. Any person who shall directly or indirectly give or receive, offer to give or receive, or promise to give or receive any money, contract, or chose in action, or other valuable thing, or anything, as a bribe, present or reward to obtain, secure or procure any work, service or thing connected with or appertaining to any office or department of the government of the state or of any county, municipality or other political subdivision thereof, shall be guilty of a misdemeanor.

Source R S 2 114-6

2A:114-7. Bribery of labor representative. Any person who gives or offers to give any money

or other thing of value to any duly appointed representative of a labor organization, with intent to influence him in respect to any of his acts, decisions or other duties as such representative, or to induce him to prevent or cause a strike by the employees of any person or corporation, or any such representative who accepts or agrees to accept any money or other thing of value for any such purpose, shall be guilty of a misdemeanor

Source R S 2 114-7

2A:114-8. Bribery of foreman for certain purposes. Any person who shall give or offer to give any money or anything of value to any person employed by or working for any individual partnership, association or corporation in this state as a foreman, or in a similar capacity, having other workmen or employees under his control or authority, for the purpose of influencing such foreman or person in control or authority to retain any workman or employee in his position, or for the purpose of procuring employment in the business of such individual or corporation, or to avoid being discharged from such employment, and any such foreman, or person in control or authority, who shall accept or agree or offer to accept any money or anything of value for any of the purposes mentioned in this section, shall be guilty of a misdemeanor

Source R S 2 114-8

2A:114-9. Witnesses in case of indictment under sections 2A:114-7, 2A:114-8; incrimination; immunity. On the trial of any indictment against any person for violation of any of the provisions of sections 2A 114-7 or 2A 114-8 of this title, all witnesses sworn on any such trial shall truly answer all questions put to them which the court shall decide to be proper and pertinent to the issue involved, and no witness shall be excused from answering any such question on the ground that to answer the same might or would incriminate or tend to incriminate him, but no answer made by any witness to any such question shall be used or admitted in evidence in any proceeding against said witness, except in case of a criminal proceeding for perjury in respect to his answers to such questions

Source R S 2 114-9

2A:114-10
to

2A:114-13. Blank

2A:114-14. Giving or promising bribe to participant in sporting contest. Any person who shall, directly or indirectly, give or promise to give, any money or valuable thing, as a bribe, present or reward, to any person taking part or intending to take part, as a professional or amateur participant, in any race, baseball, football, basketball, or hockey game, boxing match or sporting contest, with intent to induce such person to lose or cause the loss, or attempt to lose or cause the loss, of any such game, match or

contest, by such person or by the team or side of such person, shall be guilty of a misdemeanor
Source 2 114-14, L 1945, c 217, p 722, §1, as am L 1947, c 19, p 71, §1

2A:114-15. Receiving of bribe by participant in sporting contest. Any person taking part or expecting to take part, in any race, baseball, football, basketball, or hockey game, boxing match or sporting contest, as a professional or amateur participant, who shall solicit or receive, directly or indirectly, any money or valuable thing, as a bribe, present or reward, to lose or cause the loss, or to attempt to lose or cause the loss, of such game, match or contest, by such person or by the team or side of such person, shall be guilty of a misdemeanor

Source 2 114-15, L 1945, c 217, p 722, §2, as am L 1947, c 19, p 71, §2

2A:114-16. Giving or promising bribe to referee, umpire or other official in sporting contest. Any person who shall, directly or indirectly, give or promise to give, any money or valuable thing, as a bribe, present, or reward, to any person acting, or intending to act, as a referee, umpire, judge, timer, measurer or as an official for any purpose, for any amateur or professional athletic or sporting game, match, or race con-

test, with intent to induce such person to act corruptly in making decisions, rulings, interpretations or adjudications or in the performance of his official duties in connection therewith, shall be guilty of a misdemeanor

Source 2 114-16, L 1946, c 28, p 69, §1, as am L 1947, c 20, p 72, §1

2A:114-17. Receiving of bribe by referee, umpire or other official in sporting contest. Any person acting, or intending to act, as a referee, umpire, judge, timer, measurer, or as an official for any purpose, for any amateur or professional athletic or sporting game, match, race or contest, who shall solicit or receive, directly or indirectly, any money or valuable thing, as a bribe, present, or reward, to act corruptly in making any decision, ruling, interpretation or adjudication, or in any matter in the performance of his official duties in connection therewith, shall be guilty of a misdemeanor.

Source 2 114-17, L 1946, c 28, p 69, §2, as am L 1947, c 20, p 73, §2

2A:114-17.1. Blank See proposed additional legislation

2A:114-18. Blank.

2A:114-19. Blank

Chapter 115. BURGLARY AND LIKE CRIMES.

Section

2A 115-1 Breaking and entering or entering

2A 115-2 Blank.

2A 115-3 Blank

2A:115-1. Breaking and entering or entering. Any person who shall, willfully or maliciously break and enter or enter without breaking any dwelling house, shop, warehouse, mill, barn, stable, outhouse, railway car, canal boat, garage, hangar, office, airplane, vehicle, room, vault, safe, depository, ship or vessel, or any building whatever, with intent to kill, rob, steal, commit rape, mayhem or battery, and his counselors, procurers, aiders and abettors, shall be guilty of a high misdemeanor

Source R S 2 115-1

2A:115-2. Blank

2A:115-3. Blank

2A:115-4. Use of high explosives in breaking or entering. Any person who shall willfully or maliciously break or enter any dwelling house, shop, banking house, warehouse, mill, barn, stable, outhouse, railway car, canal boat, ship, vessel, garage, hangar, office, airplane, vehicle, room, vault, safe, depository or any building

Section

2A 115-4 Use of high explosives in breaking or entering

2A 115-5 Manufacturing or possessing burglar's tools

whatever, with intent to kill, rob or steal, and who, for the purpose of effectuating such intent, uses or attempts to use any nitroglycerine, dynamite, powder or other high explosive, and his counselors, procurers, aiders and abettors, shall be guilty of a high misdemeanor, and punished by a fine not exceeding \$5,000, or imprisonment not exceeding 30 years, or both

Source R S 2 115-4

2A:115-5. Manufacturing or possessing burglar's tools. Any person who shall manufacture, or knowingly have in his possession any engine, machine, tool or implement adapted or designed for cutting through, forcing or breaking open any building, room, vault, safe or other depository, in order to steal therefrom any money or other property, knowing the same to be adapted or designed for the purpose aforesaid, with intent to use or employ or allow the same to be used or employed for the purpose aforesaid, shall be guilty of a high misdemeanor

Source R S 2 115-5

Note of Reporter Compare 2 202-6

Chapter 116. CEMETERIES.

Section

2A 116-1 Desecrating grave

2A:116-1. Desecrating grave. Any person who shall remove the body or remains of a deceased person from his grave, tomb or other place of sepulture, for the purpose of dissection or surgical or anatomical experiments, or for the purpose of selling the same, or for the purpose of any stealing or from mere wantonness, or shall open the grave, tomb or other place of sepulture of a deceased person, or the grave, tomb or other place of sepulture where the body or remains of a deceased person have been deposited, for any of the purposes aforesaid or from mere wantonness, without the consent of the surviving husband or wife, or if there be no surviving husband or wife, of the next of kin of the deceased person, or without an order of a coroner or other person having legal authority in the premises, or shall in any way aid, assist

Section

2A 116-2 Destroying, injuring or removing property on cemeteries

or procure the same to be done, shall be guilty of a high misdemeanor.

Source. R S 2 116-1.

2A:116-2. Destroying, injuring or removing property on cemeteries. Any person who shall unlawfully and willfully destroy, mutilate, deface, injure or remove.

a Any tomb, statute, monument, gravestone, building or other structure, or any memorial to the dead, placed in or upon any cemetery or burial plot; or

b Any fence, hedge, railing or other work placed in or inclosing any cemetery or burial plot; or

c. Any tree, shrub or plant within the limits of any cemetery or burial plot—

Shall be guilty of a misdemeanor.

Source R S 2 116-2

Chapter 117. CHILDREN.

Section

2A 117-1 Concealment of birth of bastard child or death of any child

2A 117-2 to

2A 117-6. Blank.

2A:117-1. Concealment of birth of bastard child or death of any child. Any woman who shall conceal her pregnancy and shall willingly and of purpose be delivered in secret by herself of a child which by law shall be a bastard, or any woman who shall endeavor privately, by drowning, secret burying or in any other way, by herself or the procurement of others, conceal the death of any child of which she shall have been delivered so that it may not come to light, whether the child was born alive or not, or was murdered or not, and her aiders, abettors, counselors and procurers, shall be guilty of a misdemeanor

Source. R S 2 117-1

2A:117-2

to

2A:117-6. Blank.

Section

2A 117-6.1 Debauching or impairing morals of child under 16

2A 117-7 Contributing to delinquency of child

2A:117-6.1. Debauching or impairing morals of child under 16. Any person who shall force or induce any child under the age of 16 years to do or to submit to the doing of any act which tends to corrupt such child or which tends to impair the morals of such child shall be guilty of a misdemeanor.

Source 2 117-6.1, L 1945, c 242, p 765, §1

2A:117-7. Contributing to delinquency of child. Any parent, legal guardian or person having the custody or control of a child, who by any continued negligence or willful act, shall encourage, cause, or contribute to such child's delinquency (as defined by the laws of this state), or any other person who by any willful act, shall encourage, cause, or contribute to a child's delinquency (as defined by the laws of this state), shall be guilty of a misdemeanor.

Source R S 2 117-7

Chapter 118. COMPOUNDING AND CONCEALING CRIMES.

Section

2A 118-1 Compounding of crimes

2A:118-1. Compounding of crimes. Any person who shall take any money, goods, chattels, lands or other reward, or promise thereof, to compound, or upon agreement to compound, any offense indictable under the laws of this

Section

2A 118-2 Concealment of crimes

state, shall be guilty of a misdemeanor, but in no case shall the punishment for a violation of this section be greater than is provided for the actual commission of the offense compounded.

Source R S 2 118-1

2A:118-2. Concealment of crimes. Any person having knowledge of the actual commission within the jurisdiction of this state of manslaughter, murder, or of any high misdemeanor under the laws of this state, who shall conceal

and not, as soon as may be, disclose and make known the same to a judge, magistrate, prosecutor or police authority, shall be guilty of a misdemeanor.

Source R S 2 118-2

Chapter 119. CONSPIRACY.

Section

2A 119-1 Conspiracy

2A:119-1. Conspiracy. Any 2 or more persons who shall combine, unite, confederate, conspire or bind themselves by oath, covenant, agreement or other alliance

- a To commit an indictable offense, or
- b Falsely and maliciously to indict another for a crime, or to procure another to be charged or arrested, or
- c Falsely to institute and maintain any suit, or
- d To cheat and defraud a person of any property by any means which are in themselves criminal, or
- e To cheat and defraud a person of any property by any means which, if executed, would amount to a cheat, or
- f To obtain money by false pretenses; or
- g To conceal or spread any contagious disease, or

Section

2A 119-2 Overt act necessary, exceptions

h To commit any act for the perversion or obstruction of justice or the due administration of the laws—

Shall be guilty of a conspiracy and be liable to the same penalty as persons convicted of a misdemeanor

Source R S 2 119-1

2A:119-2. Overt act necessary; exceptions. No agreement within R S 2A 119-1 or at common law to commit any crime, shall be deemed a conspiracy unless some act in execution of such agreement be done to effect the object thereof by 1 or more of the parties to such agreement, except in the case of an agreement to commit arson, breaking and entering or entering, kidnapping, manslaughter, murder, rape, robbery or sodomy

Source R S 2 119-2

Chapter 120. COURTS AND COURT PROCESS.

Section

2A 120-1 Obstructing execution of process, assaulting officers

2A:120-1. Obstructing execution of process; assaulting officers. Any person who shall knowingly and willfully obstruct, resist or oppose a sheriff, coroner, constable or other officer, or other person duly authorized, in serving or executing, or attempting to serve or execute any mesne process, writ, warrant, rule or order of any of the courts of this state, or any other legal or judicial writ, warrant, rule, order or

Section

2A 120-2 Blank

2A 120-3 Blank

process whatsoever, or who shall assault, beat or wound any such officer or other duly authorized person while engaged in serving or executing the same, or for having served or executed the same, shall be guilty of a misdemeanor

Source R S 2 120-1.

2A:120-2. Blank

2A:120-3. Blank

Chapter 121. DESERTION.

Section

2A 121-1 Desertion and neglect of family by husband or father out of state

2A 121-2 Blank

2A 121-3 Order of support pendente lite

2A 121-4 Order for future support, release on recognition conditioned on obeying order

Section

2A 121-5 Violation of order

2A 121-6 Proof of marriage, husband and wife as witnesses

2A 121-7 Blank

2A 121-8 Place of residence confers jurisdiction of offense

Note of Reporter Recommend the elimination of competing jurisdictions over this subject matter. Present statutory provisions conferring jurisdiction as follows

R S 2 121J, -2, -4—county court—criminal.

R S 9 18-14—juvenile and domestic relations court

R S 2 204-1 et seq —magistrate's court

R S 9 6-1 (abandonment, abuse, cruelty and neglect

of children)—county court—criminal, or upon waiver, juvenile and domestic relations court, inter alia

As revised

a R S 2A 121-1 et seq —one jurisdiction necessarily criminal for out-of-state offenders to permit extradition. See new definition containing additional element in distinguishing offense from (b) infra on constitutional grounds.

b R S 9 18-14 stat—repeal R S 2 204-1 et seq, thereby effecting consolidation of all intrastate jurisdiction in the juvenile and domestic relations court

c As a necessary corollary, the repeal of R S 30 5-33 (state welfare department law) requiring the indictment as condition precedent to state department of welfare relief. Conceived as a collusion deterrent measure but not justified by results experienced. Results in most cases in automatic

indictment, although defendant amenable to the jurisdiction of juvenile and domestic relations court, where bulk of such cases are ultimately disposed of anyway

d Additional non-criminal remedy and method of securing support also available. Chapter 122 P L 1949, support of dependents law, establishing civil relief through interstate reciprocity

2A:121-1. Desertion and neglect of family by husband or father out of state. Any husband or parent who shall willfully neglect or refuse to provide for and maintain his wife or minor child or children, in destitute or necessitous circumstances, and who shall depart or absent himself from the jurisdiction of this state with the intention of neglecting or refusing to provide for or maintain his wife or minor child or children, shall be guilty of a misdemeanor

Proof of absence from this jurisdiction and of failure to provide for or maintain such wife or minor child or children, in destitute or necessitous circumstances, shall be prima facie evidence that the failure so to provide or maintain was willful and that the departure or absence were with the intent to neglect or refuse so to provide for or maintain his wife or minor child or children

Source. R S 2 121-1

2A:121-2. Blank

2A:121-3. Order of support pendente lite. At any time after a sworn complaint shall have been made charging an offense under section 2A 121-1 of this title, and before trial upon petition of any party interested, and upon notice to the defendant, the court, having jurisdiction in the county wherein the complaint is made, may enter such temporary order as may seem just, providing for the support of the said wife or children, or both, pendente lite, and may punish a violation of such order as for contempt

Source 2 121-3, R S 2 121-3, as am L 1950, c 182, p 415, §1

2A:121-4. Order for future support; release on recognizance conditioned on obeying order. Before the trial, with the consent of the defendant, or at the trial, on entry of a plea of guilty, or after conviction, instead of imposing the penalty provided for by section 2A 121-1 of this title, or in addition thereto, the court in its discretion, having regard to the circumstances and to the financial ability or earning capacity of the defendant, may make an order, which shall be subject to change by the court from time to time as circumstances may require, directing the defendant to pay a certain sum periodically to the wife, or to the guardian, or custodian of the minor child or children, or to an organization or individual approved by the court as trustee, and to release the defendant from custody on probation, upon his or her entering into a recognizance, with or without surety, in such sum as

the court or a judge thereof in vacation may order and approve. The condition of the recognizance shall be such that if the defendant shall personally appear in court whenever ordered to do so, and shall further comply with the terms of the order, or of any modification thereof, such recognizance shall be void, otherwise in full force and effect

Source R S 2 121-4

2A:121-5. Violation of order. If the court be satisfied by information and due proof under oath that the defendant has violated the terms of the order, it may forthwith proceed with the trial of the defendant under the original charge, or sentence the defendant under the original conviction or plea of guilty, or enforce the suspended sentence or punish for contempt as the case may be. In case of forfeiture of a recognizance, and the enforcement thereof by execution, the sum recovered may, in the discretion of the court, be paid in whole or part to the wife, or to the guardian, custodian or trustee of such minor child or children

Source R S 2 121-5

2A:121-6. Proof of marriage; husband and wife as witnesses. No other or greater evidence shall be required to prove the marriage of such husband and wife, or that the defendant is the father or mother of such child or children, than is or shall be required to prove such facts in a civil action. In no prosecution under this chapter shall any existing statute or rule of law prohibiting the disclosure of confidential communications between husband and wife apply, and both husband and wife shall be competent and compellable witnesses to testify against each other as to any and all relevant matters, including the fact of the marriage and the parentage of the child or children

Source R S 2 121-6

2A:121-7. Blank

2A:121-8. Place of residence confers jurisdiction of offense. The place of residence at the time of the desertion of the wife, child or children, under the provisions of this chapter, shall confer jurisdiction of the offense set forth therein, upon the county, criminal judicial district or domestic relations court of the county of such residence, until the deserted party shall establish a legal residence in some other county or state.

Source 2 121-8, L 1946, c 292, p 987, §1

Chapter 122, Chapter 122A, Chapter 123. Blank.

Chapter 124. EMBEZZLEMENT, CONVERSION AND MISAPPROPRIATION.

Section		Section	
2A 124-1	Embezzlement by state, municipal or corporate officers	2A 124-12	Embezzlement by carriers
2A 124-2	Blank	2A 124-13	Purchasing property from carrier without consent of owner
2A 124-3	Embezzlement by trustee, etc	2A 124-14	Embezzlement and conversion by operatives
2A 124-4	Blank.	2A 124-15	Misappropriation of funds paid by mortgagee to mortgagor for building purposes
2A 124-5	Blank	2A 124-16	Misappropriation of funds paid to contractor for building purposes
2A 124-6	Conversion of property of corporation by director or officer	2A 124-17	Misappropriation of funds paid to subcontractor for building purposes
2A 124-7	Embezzlement by officers or employees of banks	2A 124-18	Misappropriation of funds received by contractor for construction of public improvement
2A 124-8	Embezzlement by employees, etc		
2A 124-9	to		
2A 124-11	Blank		

2A:124-1. Embezzlement by state, municipal or corporate officers. Any person holding a public office, position or employment, who shall embezzle, convert, dispose of, or unlawfully loan or retain in his hands, any of the money or property received, collected or committed to his keeping, by virtue of his public office or employment, shall be guilty of a high misdemeanor
Source R S 2 124-1

2A:124-2. Blank

2A:124-3. Embezzlement by trustee of funds for charitable purposes. Any person who, being a trustee of any property for the use or benefit, either wholly or partially, of any public or charitable purpose, any person acting as executor, administrator, assignee, trustee or guardian, appointed by any will, deed, or other written instrument, or by the judgment, order or decree of any court in this or any other state, or any officer appointed by any court of this state, who shall embezzle or shall with intent to defraud, convert, appropriate, take, make away with, secrete, or withhold any money or property whatever, belonging to the estate, fund, person or corporation, which shall have come into his possession, care or control by virtue of said trust, appointment, employment, or office, shall be guilty of a misdemeanor
Source R S 2 124-3

2:124-4. Blank.

2A:124-5. Blank

2A:124-6. Conversion of property of corporation by director or officer. Any director, member or officer of any corporation, partnership or association who shall fraudulently take or apply for any use or purpose other than the use or purpose of such corporation, partnership or association, any money or property of such corporation, partnership or association, shall be guilty of a misdemeanor.
Source. R S 2 124-6

2A:124-7. Embezzlement by officers or employees of banks. Any director, officer, employee or agent of any bank, trust company, safe deposit and trust company or savings bank, who shall purloin, embezzle or convert any money, property, bank bill or note, securities or choses in action belonging to such bank, trust company, safe deposit and trust company, or savings bank, or to its depositors, with intent to defraud such bank, trust company, safe deposit and trust company, or savings bank, or its depositors, or wrongfully to make use of the same, or shall in any way fraudulently dispose of any such money, property, bank bill or note, securities or choses in action, shall be guilty of a high misdemeanor
Source R S 2 124-7

2A:124-8. Embezzlement by employees, agents, consignee, factor, bailee, lodger or tenant. Any employee, agent, consignee, factor, bailee, lodger or tenant who shall embezzle, or with intent to defraud, take money or receive, retain or appropriate to his own use or the use of another, any property or the proceeds thereof of or above the price or value of \$200 00 belonging to his employer, consignor, principal, bailor, or landlord, shall be guilty of a misdemeanor.
Source. R S 2 124-8

2A:124-9
to

2A:124-11. Blank.

2A:124-12. Embezzlement by carriers. Any person engaged in transporting coal, iron, lumber or other articles of merchandise, or any property whatsoever, on any highway, river, railroad or canal, within this state, who shall knowingly sell, dispose of or pledge the same, or any part thereof, without the consent of the owner, shall be guilty of a misdemeanor.
Source R S 2 124-12

2A:124-13. Purchasing property from carrier without consent of owner. Any person who shall, without the consent of the owner thereof, pur-

chase any coal, iron, lumber or other articles of merchandise, or any property whatsoever, consigned to any person in this state or any other state, from any person engaged in transporting such property, knowing the same to be consigned, shall be guilty of a misdemeanor

Source R S 2 124-13

2A:124-14. Embezzlement and conversion by operatives. Any person who, without the consent of the owner, shall unlawfully sell and dispose of any goods or materials above the value of \$200 00 furnished to him for the purpose of being manufactured, repaired, made up or having any labor bestowed thereon for the benefit of the owner, or who, with intent to defraud the owner, shall unlawfully refuse or neglect to deliver the same to the owner or to his order on demand after payment or tender of all just claims and liens for work or labor done upon such goods or materials, or any persons hired or employed to prepare or work upon any silk or other manufacture, who shall purloin, embezzle, secrete, sell or otherwise unlawfully dispose of any of the materials with which he is intrusted, whether the same or any part thereof has been manufactured or finished or not, shall be guilty of a misdemeanor

Source R S 2 124-14

2A:124-15. Misappropriation of funds paid by mortgagee to mortgagor for building purposes. All moneys which are the proceeds of any mortgage on real estate or any leasehold or other interest therein, paid to any mortgagor by the mortgagee while a building shall be erected, constructed, completed, altered or repaired or having an addition made thereto, are hereby declared to constitute trust funds in the hands of the mortgagor for the purpose of paying the cost of the erection, construction or completion of the building or any alteration, repair or addition thereto, and for the payment of liens or encumbrances on the mortgaged property prior to the mortgage, the cost of procuring and financing the mortgage and any other reasonable and necessary charge in connection with the carrying on and completion of the work on the building. Any mortgagor, or any officer, director or agent of the mortgagor who pays or consents to the appropriation of such funds for any other purpose prior to the paying of the costs, liens, encumbrances and charges, for the payment of which such funds constitute trust funds as above provided, shall be guilty of a misdemeanor

Source R S 2 124-15

2A:124-16. Misappropriation of funds paid to contractor for building purposes. All moneys received by a contractor from the owner or mortgagee of real estate or any leasehold or other interest therein, while a building is being

erected, constructed, completed, altered, repaired or having an addition made thereto, are hereby declared to be trust funds in the hands of such contractor to be applied to the amount of all claims due or to become due and owing from such contractor to all persons furnishing labor or materials to him for the erection, construction or completion of the building or any alteration, repair or addition thereto, and any other reasonable and necessary charge in connection with the carrying on and completion of the work on the building. Any contractor or any officer, director or agent of such contractor who pays or consents to the appropriation of such funds for any other purpose prior to the payment of all claims and charges for the payment of which such funds constitute a trust fund as above provided, shall be guilty of a misdemeanor

Source R S 2 124-16

2A:134-17. Misappropriation of funds paid to subcontractor for building purposes. All moneys received by a subcontractor from the owner or mortgagee of real estate or any leasehold or other interest therein, or from a contractor, while a building is being erected, constructed, completed, altered, repaired or having an addition made thereto, are hereby declared to be trust funds in the hands of such subcontractor to be applied to the amount of all claims due or to become due and owing from such subcontractor to all persons furnishing labor or materials to him for the erection, construction or completion of the building or any alteration, repair or addition thereto, and any other reasonable and necessary charge in connection with the carrying on and completion of the work on the building. Any subcontractor, or any officer, director or agent of such subcontractor, who pays or consents to the appropriation of such funds for any other purpose prior to the payment of all claims and charges for the payment of which such funds constitute a trust fund as above provided, shall be guilty of a misdemeanor

Source R S 2 124-17

2A:124-18. Misappropriation of funds received by contractor for construction of public improvement. All moneys paid by the state, or any agency, commission or department thereof, or by any county, municipality or school district, to any person pursuant to the provisions of any contract for the making of any public improvement shall constitute a trust fund in the hands of such person as such contractor. Any such person who shall use any of such moneys so received for any purpose other than the payment of claims for labor or material and such other proper charges which shall have been incurred in connection with such contract, shall be guilty of a misdemeanor

Source R S 2 124-18

Chapter 125. Blank.

(See 2A.96-1 and 2A.96-2)

Chapter 126. ESCAPES AND RESCUES.**Section**

- 2A 126-1 Permitting escapes in capital cases
- 2A 126-2 Permitting escapes in noncapital cases
- 2A 126-3 Officers permitting escapes disqualified from holding office
- 2A 126-4 Rescues in capital cases
- 2A 126-5 Rescues in noncapital and civil cases
- 2A 126-6 Prisoners escaping or attempting to escape
- 2A 126-7 Aiding or assisting prisoners in escape or attempt to escape

Section

- 2A 126-8 Conveyance or delivery of disguises or instruments to aid escape of prisoner
- 2A 126-9 Aiding attempt to escape from institution or from officer taking prisoner thereto
- 2A 126-10 Aiding escapes from public institutions
- 2A 126-11 Aiding escapes from state home for girls
- 2A 126-12 Communication with prisoners prohibited
- 2A 126-13 Taking prohibited articles to or from prisoners or inmates

2A:126-1. Permitting escapes in capital cases.

Any sheriff, coroner, jailer, keeper of a jail, constable or other officer or person whatsoever, having any prisoner charged with or convicted of treason or murder or any crime punishable by death in his custody, or any deputy, subordinate, employee or agent of any such sheriff, coroner, jailer, keeper of a jail, constable or other officer, who shall voluntarily permit or suffer such prisoner to escape, or shall connive at or assist such escape, shall be guilty of a high misdemeanor, and punished by imprisonment not exceeding 30 years

Source R S 2 126-1

2A:126-2. Permitting escapes in noncapital cases. Any sheriff, coroner, jailer, keeper of jail, constable or other officer, or any other person, having in his lawful custody any prisoner charged with or convicted of any crime except treason, murder or a crime punishable by death, or any deputy, subordinate, employee or agent of any such sheriff, coroner, jailer, keeper of a jail, constable or other officer, who shall voluntarily permit or suffer such prisoner to escape, or shall connive at or assist such escape or who, through negligence, shall suffer such prisoner to escape, shall be guilty of a misdemeanor

Source R S 2 126-2

2A:126-3. Officers permitting escapes disqualified from holding office. Any officer mentioned in section 2A:126-1 and 2A:126-2 of this title, who shall be guilty of a voluntary escape in any criminal case whatever, shall be disqualified from holding any office or honor, trust or profit under this state

Source R S 2 126-3

2A:126-4. Rescues in capital cases. All rescues by force or fraud of any person charged with or convicted of treason or murder or any crime punishable by death, shall be high misdemeanors,

and every person so offending shall be punished by imprisonment not exceeding 30 years

Source R S 2 126-4

2A:126-5. Rescues in noncapital and civil cases.

Any person who shall by force or fraud rescue, or attempt to rescue, a prisoner charged with or convicted of a crime excepting treason or murder or a crime punishable by death, or a prisoner held in custody or confinement upon any writ or process in any civil case, from lawful custody, or from an officer or any other person having such prisoner in lawful custody, shall be guilty of a misdemeanor

Source R S 2 126-5

2A:126-6. Prisoners escaping or attempting to escape. Any person imprisoned or detained in any place of confinement, or being in the lawful custody or control of any penal or correctional institution or of any officer or other person whatsoever, upon any charge, indictment, conviction or sentence for any crime, or upon any writ or process in any civil action or proceeding, or to await extradition, who shall by force or fraud escape or attempt to escape from such place of confinement or from such custody or control, or shall leave the building or grounds of such place of confinement without the consent of the officer in charge thereof, shall be guilty of a misdemeanor

Source R S 2 126-6

2A:126-7. Aiding or assisting prisoners in escape or attempt to escape. Any person who shall aid or assist a prisoner in any jail, prison, prison farm, reformatory, or other penal or correctional institution or in the custody and control of any such institution or of a sheriff or other officer, indicted for or convicted of any offense, or sentenced to imprisonment on such conviction, or committed or detained in any such institution as aforesaid on any criminal charge, or held

awaiting extradition, to make or attempt to make his escape from any such institution, or from the custody or control of the sheriff or other officer, although no escape be actually made, shall be guilty of a misdemeanor
Source R S 2 126-7

2A:126-8. Conveyance or delivery of disguises or instruments to aid escape of prisoner. Any person who shall convey or deliver or cause to be conveyed or delivered, into any jail, prison, prison farm, reformatory, or other penal or correctional institution or place of confinement, or to any prisoner, or to any other person for the use of any prisoner, any mask, visor or other disguise, or any instrument or arms intended to facilitate the escape of such prisoner, although no escape or attempt to escape be actually made, shall be deemed to have conveyed or delivered the same with intent to aid or assist the escape of such prisoner, and shall be guilty of a misdemeanor.

Source. R S 2 126-8

2A:126-9. Aiding attempt to escape from institution or from officer taking prisoner thereto. Any person who shall aid or assist any prisoner to attempt to make his escape from any jail, prison, prison farm, reformatory, or other penal or correctional institution, or from the custody of any sheriff, constable, officer or other person having lawful charge of such prisoner in order to carry him to any such institution by virtue of a warrant of commitment for a crime expressed in such warrant, or by virtue of any order of transfer or any order, sentence or judgment of imprisonment on conviction of any crime, shall be guilty of a misdemeanor.

Source R S 2 126-9

2A:126-10. Aiding escapes from public institutions. Any person who shall aid or abet in any way the escape or elopement of a patient confined in any public institution in this state, shall be guilty of a misdemeanor.

Source R S 2 126-10

2A:126-11. Aiding escapes from state home for girls. Any person who shall aid or assist a

girl who is an inmate of the state home for girls to escape therefrom, or aid or assist her to escape from any place of employment where she shall have been placed by the board of managers of said state home for girls, or aid or assist any such girl to leave this state, knowing her to be an inmate or charge of such home, without the consent of the board of managers of such home, shall be guilty of a misdemeanor

Source R S 2 126-11

2A:126-12. Communication with prisoners prohibited. Any person who not being authorized by law, visits a prison, reformatory, penitentiary, county jail, house of correction, workhouse, jail or other place for the detention of persons convicted of crime or other offenses, and communicates with any prisoner therein without the consent of the agent or warden, superintendent, keeper, sheriff, chief executive officer or other person having charge thereof, shall be guilty of a misdemeanor.

Source R S 2 126-12

2A:126-13. Taking prohibited articles to or from prisoners or inmates. Any person who shall convey into or take from any prison, reformatory, penitentiary, county jail, workhouse, house of correction, jail, hospital for the insane, village for epileptics, institution or colony for the feeble-minded or other place of detention, or upon or from any land set apart or authorized by law for use in connection with any such place of detention, or of any person convicted of crime or other offense or committed or admitted to a hospital for the insane, village for epileptics, or institution or colony for the feeble-minded, or who personally or through another shall give, sell, furnish or otherwise deliver to any prisoner, inmate or patient in custody, any drug, liquor, knife, dagger, pistol, explosive matter or any other article prohibited by law or by the rules of the agent, warden, superintendent, keeper, sheriff, board of managers, chief executive officer or other person or official having charge or control of any such place of detention, shall be guilty of a misdemeanor

Source R S 2 126-13

Chapter 127. EXTORTION AND THREATS.

Section

2A 127-1 Extortion

2A 127-2 Magistrate or constable taking fees in criminal cases

Section

2A 127-3 Sending or delivering threatening letters or letters demanding money

2A 127-4 Threatening to kidnap, kill or injure for purposes of extortion

2A:127-1. Extortion. Any judge, magistrate, sheriff, coroner, constable, jailer or other officer who shall by color of his office, receive or take

any fee or reward whatsoever not allowed by law for doing his office, shall be guilty of a misdemeanor.

Source R S 2 127-1

2A:127-2. Magistrate or constable taking fees in criminal cases. Any magistrate, constable or other officer who shall ask, demand or receive from any complainant, witness or other person, directly or indirectly, any fee or reward for the performance of any service in any criminal case, shall be guilty of a misdemeanor.

Source R S 2 127-2

2A:127-3. Sending or delivering threatening letters or letters demanding money. Any person who shall knowingly send or deliver any letter or writing, whether signed or unsigned, or signed with a fictitious name

a Threatening to accuse any person of a crime of an indictable nature under the laws of this state, with intent to extort from any person any money or other valuable thing, or

b Demanding money or other valuable thing, or

c Threatening to maim, wound, kill or murder any person or to burn, destroy or injure his house, outhouse, barn or other building or stacks of corn, grain or hay, or to do any civil injury to any person or to his property, though no

money or other valuable thing be demanded by such letter or writing—

Shall be guilty of a misdemeanor

Source R S 2 127-3

2A:127-4. Threatening to kidnap, kill or injure for purposes of extortion. Any person who, with intent to extort from any person any money or other thing of value, shall by speech, writing, printing, drawing or by any other method either directly or indirectly threaten to kidnap or steal or forcibly take away any man, woman or child, or who shall directly or indirectly demand, either orally or in writing, any sum of money or other thing of value whatsoever, on a threat to kidnap, steal or forcibly take away any man, woman or child, or who shall directly or indirectly threaten to kill or to do any bodily injury to any man, woman or child unless a sum of money be paid, shall be guilty of a high misdemeanor and punished by imprisonment at hard labor for a term not exceeding 30 years, or by a fine not exceeding \$5,000, or both

Source R S 2 127-4

Chapter 128. EXTRADITION.

Section

2A 128-1 Violating statutes relating to procedure on extradition

2A:128-1. Violating statutes relating to procedure on extradition. Any agent or officer, or other person, appointed by or representing the authorities of any other state, who shall violate any provision of any statute of this state regu-

lating the procedure for the extradition of a person charged with a criminal offense in any other state, or claimed to be a fugitive from justice, shall be guilty of a misdemeanor.

Source R S 2 128-1

Chapter 129, Chapter 129A. Blank.

Chapter 130. FLAG—OFFENSES AGAINST.

Section

2A 130-1 Use of state or national flag for advertising

2A 130-2 Mutilation or defilement of flag

2A 130-3 "Flag, standard, color or ensign" defined.

Section

2A 130-4 Permitted uses of flag

2A.130-5 Influencing school pupils against salute to flag

2A:130-1. Use of state or national flag for advertising. Any person who in any manner, for exhibition or display, places, appends, annexes or affixes, or causes to be placed, appended, annexed or affixed, to or upon any flag, standard, color or ensign of the United States or state flag of this state, any inscription, design, device, symbol, name, advertisement, words, characters, marks, notice or token of any nature whatever, or who displays or exhibits or causes to be displayed or exhibited any such flag, standard, color or ensign upon which shall in any manner be

placed, attached, annexed or affixed any such inscription, design, device, symbol, name, advertisement, words, characters, marks, notice or token, shall be guilty of a misdemeanor

Source R S 2 130-1

2A:130-2. Mutilation or defilement of flag. Any person who shall publicly mutilate, trample upon or otherwise deface or defile any flag, standard, color or ensign of the United States or state flag of this state, whether the same be public or private property, shall be guilty of a misdemeanor

Source R S 2 130-2

2A:130-3. “Flag, standard, color or ensign” defined. The words “flag, standard, color or ensign”, as used in this chapter, shall include a flag, standard, color or ensign, or any picture or representation thereof, made of any substance or represented upon any substance, and of any size, evidently purporting to be a flag, standard, color or ensign of the United States of America, or state flag of this state, or a picture or representation of either, upon which shall be shown the colors, the stars and stripes, in any number of either, or by which the person seeing the same may without deliberation believe the same to represent the flag, standard, color or ensign of the United States or the state flag of this state
Source. R S 2 130-3

2A:130-4. Permitted uses of flag. This chapter shall not apply to any act permitted by the

statutes of the United States of America, or by the United States army or navy regulations, nor shall it be construed to apply to a newspaper, periodical, book, pamphlet, circular, certificate, diploma, warrant or commission of appointment to office, ornamental picture, or stationery used in correspondence, on any of which shall be printed, painted or placed such flag, standard, color or ensign disconnected from any advertisement
Source R S 2 130-4

2A:130-5. Influencing school pupils against salute to flag. Any person, corporation, society or organization who or which shall influence or attempt to influence any school pupil in this state against the salute to the flag of the United States of America by instruction printed or otherwise shall be guilty of a misdemeanor
Source 2 130-5, L 1939, c 65, §1

Chapter 131. FOOD AND DRUGS.

Section
2A 131-1 Sale of unwholesome provisions
2A 131-2 Manufacture or sale of adulterated lard without so labeling same
2A 131-3 Rendering or selling fat of diseased swine
2A 131-4 Advertising or labeling oleomargarine, etc., as natural butter or cheese

Section
2A 131-5 Falsely representing nonkosher foods as kosher
2A 131-6 Misrepresentation as to kosher and nonkosher meats
2A 131-7 Punishment for violation of sections 2A 131-5 or 2A 131-6
2A 131-8 Sale of poisons without label

2A:131-1. Sale of unwholesome provisions. Any butcher or other person who shall sell, offer or expose for sale, the flesh of any animal that has died otherwise than by slaughter, or has been slaughtered while diseased, or any contagious or unwholesome flesh, or any baker, brewer, distiller or other person who shall sell unwholesome bread, drink or liquor, shall be guilty of a misdemeanor. If such selling, offering or exposing for sale is willfully and knowingly done such person shall be punishable by a fine of not more than \$1,000 or by imprisonment for 1 year or both. If such selling, offering or exposing for sale is not done willfully or knowingly such person shall be punishable by a fine not exceeding \$500 or by imprisonment for 6 months or both
Source R S 2 131-1

2A:131-2. Manufacture or sale of adulterated lard without so labeling same. Any person who shall knowingly sell or exchange, or expose for sale or exchange, any impure or adulterated lard, or who shall manufacture or refine lard, adding thereto fat of other animals than swine, water, liquid or any chemical substance, and offer the product thereof for sale, without plainly stamping upon the firkin, package, box or parcel containing the same, in plain and durable letters, the words “adulterated and impure lard”, shall be guilty of a misdemeanor
Source. R S 2 131-2

2A:131-3. Rendering or selling fat of diseased swine. Any person who shall render, or cause to be rendered, swine or the fat of swine that have died a natural death by disease or in transportation to market, and expose or offer the product of the same for sale or exchange as lard, shall be guilty of a misdemeanor.
Source R S 2 131-3

2A:131-4. Advertising or labeling oleomargarine, etc., as natural butter or cheese. Any person who, with intent to sell or otherwise dispose of any oleomargarine, butterine or suine, or any substance in imitation or semblance of natural butter or cheese, or any substance that is rendered, made, manufactured or compounded out of any animal, vegetable or mineral fat or oil, not produced from pure milk or cream from pure milk, or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto or to acquire title thereto, or an interest therein, shall make, publish, disseminate, circulate or place before the public, or cause directly or indirectly to be made, published, disseminated, circulated or placed before the public, in this state, in a newspaper or other publication, or in the form of a book, notice, handbill, poster, bill, circular, pamphlet or letter, or in the form of a label or designation upon any tub, pail, box, carton, wrapper, or other container, or in any

other way, an advertisement which contains the word "Holstein", "Jersey", or "Guernsey", or any other word commonly used as designating a breed of cows, or bearing any representation or picture of a cow, or the word "creamery" or "butter", shall be guilty of a misdemeanor.

Source R S 2 131-4

2A:131-5. Falsely representing nonkosher foods as kosher. No person shall sell or expose for sale in any restaurant, hotel, or other place where food products are sold, any article of food which is falsely represented to be kosher, either

a. By direct statements, orally or in writing, or

b. By the display of the word "kosher" in English or Hebrew letters, or by the display of any sign or mark in simulation of such word, or

c. By having or permitting to be inscribed on any food product or the contents of any package or container the word "kosher" in any language; or

d. By display of any insignia, six-pointed star, or any mark which might reasonably be calculated to deceive or lead a reasonable person to believe that a representation is being made that the food exposed for sale or sold is kosher, or prepared in accordance with orthodox Hebrew religious requirements

Source R S 2 131-5

2A:131-6. Misrepresentation as to kosher and nonkosher meats. No person shall

a. With intent to defraud, sell or expose for sale any meat or meat preparation, whether the same be raw or prepared for human consumption, and falsely represent the same to be kosher, or as

having been prepared under and of a product or products sanctioned by the orthodox Hebrew religious requirements; or

b. Sell or expose for sale in the same place of business, both kosher and nonkosher meat or meat preparations, either raw or prepared for human consumption, unless he shall indicate on his window signs and all display advertising, in block letters at least 4 inches in height, "Kosher and nonkosher meat sold here", or

c. Expose for sale in any show window or place of business both kosher and nonkosher meat or meat preparations, either raw or prepared for human consumption, unless he shall display over each kind of meat or meat preparations so exposed a sign in block letters at least 4 inches in height, reading "kosher" or "nonkosher", as the case may be.

Source R S 2 131-6

2A:131-7. Punishment for violation of sections 2A:131-5 or 2A:131-6. Any person who shall violate any of the provisions of sections 2A 131-5 or 2A 131-6 of this title, shall be guilty of a misdemeanor.

Source R S 2 131-7

2A:131-8. Sale of poisons without label. Any person who shall sell, either at wholesale or retail, any of the drugs usually denominated poisons, without distinctly labeling each and every box or package thereof with the name of the drug therein, and the word "poison", together with the name and place of business of the seller, shall be guilty of a misdemeanor

Source R S 2 131-8

Chapter 132. FORGERY AND COUNTERFEITING.

Section

2A 132-1 Forgery or uttering forged records, instruments, writings, etc

2A 132-2 Forging or uttering forged letters of credit

2A 132-3 Selling or possessing counterfeit promissory notes, bank notes or clearing house certificates

2A 132-4 Making or possessing plate for counterfeiting promissory notes, bank notes or clearing house certificates

2A 132-5 Forging or using forged passenger tickets

2A 132-6 Using false passage tickets

Section

2A 132-7 Counterfeiting gold or silver coins

2A 132-8 Counterfeiting or possessing counterfeit foreign coins

2A 132-9 Uttering bills of insolvent banks

2A 132-10 Advertising counterfeit money, stamps, and "green goods"

2A 132-11 Using fictitious name or address in promoting counterfeiting schemes

2A 132-12 Writings or papers as presumptive proof of fraudulent character of scheme

2A:132-1. Forgery or uttering forged records, instruments, writings, etc. Any person who, with intent to prejudice, injure, damage or defraud any other person shall

a. Falsely make, alter, forge or counterfeit, or cause, counsel, hire, command or procure to be falsely made, altered, forged or counterfeited, or willingly act or assist in the false making, altering, forging or counterfeiting

1. Any record or other authentic matter of a

public nature, character, letters patent, deed, lease, writing sealed, will, testament, annuity, bond, bill, writing obligatory, bank bill or note, United States treasury note, check, draft, bill of exchange, or promissory note for the payment of money, or

2. Any indorsement or assignment of any check, draft, bill of exchange, or promissory note for the payment of money or clearing house certificate or other medium of exchange, or

- 3 Any acceptance of a bill of exchange, or
- 4 The number or principal sum of any accountable receipt for any note, bill or other security for the payment of money, or
- 5 Any warrant, order or request for the payment of money, or delivery of goods or chattels of any kind, or
- 6 Any acquittance or receipt, either for money or goods, or
- 7 Any acquittance, release or discharge of any debt, account, action, suit, demand or other thing, real or personal, or
- 8 Any transfer or assurance of money, stock, goods, chattels or other property whatsoever, or
- 9 a Any letter of attorney or other power to receive money, or to receive or transfer stock or annuities, or to let, lease, sell, dispose of, alien or convey any goods or chattels, lands or tenements, or other estate, real or personal, or
- b Utter or publish, or cause, counsel, hire, command or procure to be uttered or published, as true, any such false, altered, forged or counterfeited matter, knowing the same to be false, altered, forged or counterfeited; or
- 10 Any document or paper purporting to be a license or permit, or certified copy thereof, required by law to engage in any business, profession, pastime, occupation, operation or activity whatever—

Shall be guilty of a high misdemeanor
Source R S 2 132-1

Note of Reporter The question has arisen in a number of cases involving forged automobile driver's licenses, where blank forms have been stolen from a local agency and filled in, whether such licenses constitute a record of a public nature. The argument has been that a license is simply evidence of a public record for private possession and use. The proposed amendment will clarify the matter.

2A:132-2. Forging or uttering forged letters of credit. Any person who, with intent to defraud any other person shall

- a Forge, alter or counterfeit, or cause, counsel or procure to be forged, altered or counterfeited, any order or request in writing for the giving of credit to any person named or referred to in such order or request in writing, or
- b Utter or publish as true, any such forged, altered or counterfeited order or request in writing, knowing the same to be forged, altered or counterfeited—

Shall be guilty of a high misdemeanor
Source R S 2 132-2

2A:132-3. Selling or possessing counterfeit promissory notes, bank notes or clearing house certificates. Any person who, with intent to defraud, shall

- a Sell or exchange or offer for sale or exchange, or willingly receive, any forged or counterfeit clearing house certificate or other medium of exchange, or promissory note, with intent to have the same uttered or passed; or

b Have in his possession or receive any forged or counterfeit clearing house certificate or other medium of exchange, or promissory note for the payment of money, with intent to utter or pass the same, or to permit, cause or procure the same to be uttered or passed, knowing the same to be forged or counterfeited, or

c Have or keep in his possession any blank or unfinished note or clearing house certificate or other medium of exchange, made in the form and similitude of any clearing house certificate or other medium of exchange, or promissory note for the payment of money, made to be issued by any incorporated bank of this state or any of the United States, or any corporation authorized to issue clearing house certificates or other mediums of exchange with intent to fill up and complete the same or to permit, cause or procure the same to be filled up and completed, in order to utter or pass the same or to permit, cause or procure the same to be uttered or passed—

Shall be guilty of a high misdemeanor
Source R S 2 132-3

2A:132-4. Making or possessing plate for counterfeiting promissory notes, bank notes or clearing house certificates. Any person who shall

- a Make or engrave, or cause or procure to be made or engraved, any plate for forging or counterfeiting any clearing house certificate or other medium of exchange, or promissory note for the payment of money in the name of any person, or
- b Have or keep in his custody or possession any plate for forging or counterfeiting any clearing house certificate or other medium of exchange, or promissory note for the payment of money, in the form or similitude of any clearing house certificate or other medium of exchange, or promissory note issued by any incorporated bank of this state or any of the United States or any corporation authorized to issue clearing house certificates or other mediums of exchange, with intent to forge or counterfeit, or to assist in forging or counterfeiting, or to permit, cause or procure to be counterfeited, any such clearing house certificate or other medium of exchange, or promissory note—

Shall be guilty of a high misdemeanor
Source R S 2 132-4

2A:132-5. Forging or using forged passenger tickets. Any person who, with intent to defraud, shall

a Falsely make, alter, forge or counterfeit or cause to be falsely made, altered, forged or counterfeited any ticket or token given or issued upon payment of fare or without payment, as evidence of the right of any person to pass over any railroad, ferry, steamboat, or other road or public conveyance, or

b Utter, publish or use, or cause or counsel to be uttered, published or used, as true, any

such ticket or token, knowing the same to be false, altered, forged or counterfeited—

Shall be guilty of a misdemeanor

Source R S 2 132-5

2A:132-6. Using false passage tickets. Any person who, with intent to deceive and defraud, shall knowingly or designedly cause or procure himself or any other person to pass or be carried without payment upon or over any railroad, ferry, steamboat or other road or public conveyance by color of any false, altered or counterfeited ticket or token, or by exhibiting on such passage or at the entrance to or exit from such railroad, ferry, steamboat or other road or public conveyance, as a ticket, token or order for such passage, any ticket, token or order which to his knowledge does not then entitle him to be carried or passed, shall be guilty of a misdemeanor

Source R S 2 132-6

2A:132-7. Counterfeiting gold or silver coins. Any person who shall counterfeit or cause or procure to be counterfeited any gold or silver coin which is current in this state, or who shall pass or give in payment or offer to pass or give in payment any such coin, knowing the same to be counterfeit, shall be guilty of a high misdemeanor

Source R S 2 132-7

2A:132-8. Counterfeiting or possessing counterfeit foreign coins. Any person who shall counterfeit any gold, silver, copper or other metallic coin of any foreign government or country, although the same be not current in this state, or who shall have or keep in his possession or custody any such coin with intent to export the same to injure or defraud any foreign government or the subjects thereof, shall be guilty of a high misdemeanor

Source R S 2 132-8

2A:132-9. Uttering bills of insolvent banks. Any person who, with intent to defraud any other person, shall utter and publish as of value any bank bill or note issued by any bankrupt or insolvent bank, knowing the same to be of no value, shall be guilty of a misdemeanor

Source R S 2 132-9

2A:132-10. Advertising counterfeit money, stamps, and "green goods". Any person who

a Prints, writes, utters, publishes, sells, lends, gives away, circulates or distributes, or has in his possession with intent to utter, publish, sell, lend, give away, circulate or distribute, any letter, writing, circular, paper, pamphlet, handbill or any other written or printed matter

1 Advertising, offering or purporting to advertise or offer for sale, loan, exchange, gift or distribution, or to furnish, procure or distribute any counterfeit coin, paper money, internal

revenue stamp, postage stamp or any other token of value, or what purports to be any counterfeit coin, paper money, internal revenue stamp, postage stamp or any other token of value, or

2 Giving or purporting to give, directly or indirectly, information where, how, of whom or by what means any counterfeit coin, paper money, internal revenue stamp, postage stamp or token of value, or what purports to be any of the same, can be procured or had, or

b Shall in any manner aid, assist or abet in any scheme or device whatsoever, offering or purporting to offer for sale, loan, exchange, gift or distribution, any counterfeit coin, paper money, internal revenue stamp, postage stamp, or any other token of value, whether called "green articles", "queer coin", "paper goods", "bills", "spurious treasury notes", "United States goods", "green paper goods", "business that is not legitimate", "cigars", "green segars", or by any other name or title, or any other device of a similar character—

Shall be guilty of a high misdemeanor.

Source R S 2 132-10

2A:132-11. Using fictitious name or address in promoting counterfeiting schemes. Any person who, in promoting, operating, carrying on or executing, or in aiding or abetting the promoting, operating, carrying on or executing of any scheme or device mentioned in section 2 132-10 of this title, whether it be by the use of any written or printed matter or by any other means whatsoever, shall.

a Use any fictitious, false or assumed name or address, or name or address other than his own right, proper and lawful name or address, or

b Knowingly receive or take from the mails of the United States any letter or package addressed to any such fictitious, false or assumed name or address, or name other than his own right, proper or lawful name—

Shall be guilty of a high misdemeanor

Source R S 2 132-11

2A:132-12. Writings or papers as presumptive proof of fraudulent character of scheme. Any letter, circular, writing or paper, offering or purporting to offer for sale, loan, gift or distribution, or giving or purporting to give, directly or indirectly, information where, how, of whom or by what means any counterfeit coin, paper money, internal revenue stamp, postage stamp or token of value may be obtained or had, or concerning any similar scheme or device to defraud the public, whether such article, matter or thing is called "green articles", "queer coins", "queer articles", "paper goods", "bills", "business that is not legitimate", "spurious treasury notes", "United States goods", "green paper goods", "cigars", "green segars", or by any other name, device or title of a similar character, shall be deemed presumptive proof of the fraudulent character of such scheme.

Source R S 2 132-12

Chapter 133. Blank.

Chapter 134. FRAUDS AND CHEATS.

Section

- 2A 134-1 Obtaining money or property by false pretense
 2A 134-2 Making false reports as to solvency, obtaining property thereby, confirming false reports previously made
 2A 134-3 Destruction of books of corporation or making false entries therein
 2A 134-4 Keeping fraudulent accounts by directors or officers of corporations
 2A 134-5 Making or circulating false statements by officers of corporations
 2A 134-6 Issuing false stock
 2A 134-7 Incorporation for fraudulent purposes

2A:134-1. Obtaining money or property by false pretense. Any person who, knowingly or designedly, by color of any false token, counterfeit letter or writing, or by any false pretense shall obtain from any person any money, wares, merchandise, goods or chattels or other valuable thing, with intent to cheat or defraud any person of the same, shall be guilty of a misdemeanor.
 Source R S 2 134-1

2A:134-2. Making false reports as to solvency; obtaining property thereby; confirming false reports previously made. Any person

a Who shall knowingly make or cause to be made, either directly or indirectly, or through any agency whatsoever, any false statement in writing, with the intent that it shall be relied upon, respecting the financial condition or means or present ability to pay, of himself, or any other person, firm or corporation in whom or which he is interested, or for whom or which he is acting, for the purpose of procuring in any form whatsoever, either the delivery of personal property, the payment of cash, the making of a loan or credit, the extension of a credit, the discount or sale of an account receivable, or the making, acceptance, discount, sale or indorsement of a bill of exchange or promissory note, or the procurement of contracts of indemnity or suretyship, for the benefit of either himself or of such person, firm or corporation, or

b Who, knowing that a false statement in writing has been made, respecting the financial condition or means or ability to pay, of himself, or such person, firm or corporation in which he is interested, or for whom he is acting, procures, upon the faith thereof, for the benefit either of himself, or of such person, firm or corporation, either or any of the things of benefit mentioned in paragraph "a" of this section, or

c Who, knowing that a statement in writing has been made respecting the financial condition or means or ability to pay, of himself, or such person, firm or corporation in which he is interested, or for whom he is acting, represents on a later day, in writing, that such statement

Section

- 2A 134-8 Use of corporations to defraud
 2A 134-9 Overdrawing credit or checking account
 2A 134-10 Issuing bad check as evidence of intent to defraud
 2A 134-11 "Credit" defined
 2A 134-12 False personation
 2A 134-13 Evidence of intent to defraud hotel keepers and landlords
 2A 134-14 Misrepresentations in regard to redemption of tax sale certificate and holder's rights
 2A 134-15 to
 2A 134-27 Blank

theretofore made, if then again made on said day, would be then true, when he knows in fact that said statement if then made would be false, and procures upon the faith thereof, for the benefit either of himself or such person, firm or corporation, either or any of the things of benefit mentioned in paragraph "a" of this section—

Shall be guilty of a misdemeanor, except where the amount involved is \$200 or less, in which case such person shall be deemed a disorderly person
 Source R S 2 134-10

2A:134-3. Destruction of books of corporation or making false entries therein. Any director, public officer, manager or member of a corporation or public company, who, with intent to defraud, shall destroy, alter, mutilate or falsify any book, paper, writing or valuable security belonging to such corporation or public company, or make or concur in the making of any false entry, or omit or concur in omitting any material particular in any book of accounts or other document belonging thereto, shall be guilty of a misdemeanor

Source R S 2 134-11

2A:134-4. Keeping fraudulent accounts by directors or officers of corporations. Any director, officer, agent, employee or stockholder, public officer or manager of a corporation or public company who shall, as such, receive or possess himself of any property of such corporation or public company, otherwise than in payment of a just debt or demand, and shall, with intent to defraud, omit to make or to cause or direct to be made a full and true entry thereof in the books and accounts of such corporation or public company, shall be guilty of a misdemeanor

Source R S 2 134-12

2A:134-5. Making or circulating false statements by officers of corporations. Any director, officer or manager of any corporation or public company who shall make, circulate or publish, or concur in making, circulating or publishing any written statement or account which he shall know to be false in any material particular,

with intent to deceive or defraud any member, shareholder or creditor of such corporation or public company, or with intent to induce any person to become a shareholder or partner therein, or to intrust or advance any property to such corporation or public company, or to enter into any security for the benefit thereof, shall be guilty of a misdemeanor.

Source R S 2 134-13

2A:134-6. Issuing false stock. Any director, manager, officer or agent of any corporation who shall

a. Willfully or designedly sign, with intent to issue, transfer, sell or pledge, or to cause to be issued, transferred, sold or pledged.

1 Any false, fraudulent or simulated certificate or other evidence of the ownership or transfer of any share of the capital stock of such corporation, or

2 Any certificate or other evidence of the ownership or transfer of any share in such corporation, or any instrument purporting to be a certificate or other evidence of ownership or transfer, the signing, issuing, transferring, selling or pledging of which by such director, officer or agent shall not be authorized by the charter or by-laws of such corporation; or

b Willfully, designedly or fraudulently issue, transfer, sell or pledge any such certificate or other evidence of ownership or transfer, or any such instrument as aforesaid, with intent to prejudice, injure, damage or defraud any person or body politic or corporate—

Shall be guilty of a misdemeanor.

Source R S 2 134-14

2A:134-7. Incorporation for fraudulent purposes. Any person who shall organize or incorporate, or procure to be organized or incorporated, any corporation under the laws of this state, with intent thereby to further, promote or conduct any fraudulent or unlawful object, shall be guilty of a misdemeanor.

Source R S 2 134-15

2A:134-8. Use of corporations to defraud Any director, officer, agent, employee or stockholder of any corporation or body politic incorporated under the laws of this state, who shall willfully use, operate or control such corporation for the furtherance or promotion of any fraudulent or unlawful object, shall be guilty of a misdemeanor

Source. R S 2 134-16

2A:134-9. Overdrawing credit or checking account. Any person who, for himself or as agent or representative of another, or as an officer or agent of any corporation, shall, with intent to defraud, make, draw, utter or deliver a check, draft or order for the payment of money, upon any bank or other depository, knowing at the time of so doing that the maker, or drawer, has no funds or insufficient funds in, or credit with, such bank or other depository for the payment of such check, draft or order, in full, upon its

presentation, although no express representation is made in reference thereto, shall be guilty of a misdemeanor.

Source R S 2 134-17

2A:134-10. Issuing bad check as evidence of intent to defraud. The making, drawing, uttering or delivering of a check, draft or order as stated in section 2A:134-9 of this title shall be prima facie evidence of intent to defraud and the certificate of protest of nonpayment of same shall be admissible as proof and shall be presumptive evidence that there were no funds or insufficient funds in or credit with such bank or other depository and that the person making, drawing, uttering or delivering such check, draft or order had knowledge that there were no funds or insufficient funds in or credit with such bank or other depository

Source R S 2 134-18

2A:134-11. "Credit" defined. The word "credit" as used in sections 2A:134-9 and 2A:134-10 of this title shall be construed to mean an arrangement or understanding with the bank or depository for the payment of such check, draft or order

Source R S 2 134-19

2A:134-12. False personation. Any person who shall acknowledge or procure to be acknowledged, any deed, recognizance, bail or judgment, in the name of any other person not privy or consenting to the same, or who shall, before any person authorized to take bail, represent or personate any other person whereby the person so represented or personated may be liable in any suit or action to the payment of any sum of money for debt or damages as if he had really acknowledged or entered into said bail, shall be guilty of a misdemeanor.

Source. R S 2 134-20

2A:134-13. Evidence of intent to defraud hotel keepers and landlords. Proof that lodging, food or other accommodation was obtained by false or fictitious showing, or pretense of baggage, or that the person refused or neglected to pay for such food, lodging or other accommodation upon demand, or removed or caused to be removed his baggage therefrom, without paying for such food, lodging or other accommodation, shall be presumptive evidence of the fraudulent intent mentioned in section 2A:202-30 of this title, but neither this section nor said section 2A:202-30 shall apply where there has been a special agreement for delay in payment

Source R S 2 134-22

2A:134-14. Misrepresentations in regard to redemption of tax sale certificate and holder's rights. Any person who shall knowingly misrepresent

a The period for redemption of any tax sale certificate;

b The amount required for redemption of any tax sale certificate; or

c That the holder of any tax sale certificate other than a municipal corporation is entitled to possession of the premises sold, or to the rents,

issues or profits therefrom, shall be guilty of a misdemeanor

Source 2 134-28, L 1941, c 82, p 194, §1

2A:134-15

to

2A:134-27. Blank.

Chapter 135. GAMING.

Section

2A 135-1 Gaming, playing slot machines
2A 135-2 Keeping slot machines for gaming
2A 135-3 Bookmaking and pool selling, keeping gambling resort
2A 135-4 Wagering, disorderly person, immunity from prosecution

Section

2A 135-5 Corporation convicted under section 2A 135-3 to be dissolved
2A 135-6 to
2A 135-9. Blank

2A:135-1. Gaming. Any person who shall, for the purpose of gain or profit, keep, conduct, maintain or operate or permit to be kept, conducted, maintained or operated, any game, device, machine or other operation wherein money or other thing of value is wagered or gambled, and any person who shall aid or abet therein shall be guilty of a misdemeanor

Source R S 2 135-1

Note of Reporter It should be noted that this revision excludes the friendly game and applies only to gaming as a business. The home and club poker games etc are excluded. This redraft represents the majority view of the committee. The minority feels that public policy requires the retention of the present prohibition against the friendly game as well, and it is felt that players in friendly games should be deemed disorderly persons

2A:135-2. Keeping slot machines for gaming. Any person:

a Who shall own, possess or have in his custody, any slot machine or device in the nature of a slot machine, which may be used for the playing of or for money or other valuable thing; or,

b Who shall own, possess or have in his custody any books, papers, apparatus or paraphernalia, for the purpose of recording or registering bets or wagers, or of selling pools, shall be guilty of a misdemeanor

Source R S 2 135-2

2A:135-3. Bookmaking; keeping gambling resort; pari-mutuel betting excepted. Any person

a Who shall with or without writing make or take what is commonly known as a book, upon the result of any event, contest, game or race, or,

b Who shall with or without writing conduct the practice of making or taking such book, or,

c Who shall keep, conduct, maintain or operate or permit to be kept, conducted, maintained or operated, a place for engaging in any such acts or practices, or,

d Who shall aid or abet any such act or practice, shall be guilty of a misdemeanor, and may be punished by a fine not to exceed \$25,000 or by imprisonment for not more than 5 years or both

Nothing in this section contained shall be construed to prohibit pari-mutuel betting as authorized by the statutes of this state

Source R S 2 135-3, as am L 1940, c 205, p 862, §1

Note of Reporter The possible fine or imprisonment is increased but the mandatory feature of the act is excised. It is felt that the sentencing judge's discretion should be restored. The reason for the increased possible fine is that if a trial judge has for sentence a defendant he believes to be part of an organization engaged in gambling, such a fine may well be an effective preventive measure

2A:135-4. Wagering; disorderly person; immunity from prosecution. Any person who shall wager money or thing of value with a person engaged in the violation of sections 2A:135-1 or 2A:135-3 shall be deemed a disorderly person; provided, however, that any person guilty of violating this section shall be immune from prosecution hereunder if he shall give information, under oath, to the prosecuting authorities of a violation of sections 2A 135-1 or 2A 135-3 by another in connection with his wager, and shall, whenever called upon, give testimony thereof

Source. New

2A:135-5. Corporation convicted under sections 2A:135-1 or 2A:135-3 to be dissolved or license to do business forfeited. Upon a conviction of any corporation of an offense under section 2A 135-1, 2 or 3, in addition to the penalties therein authorized the court may order the dissolution of the corporation if of this state, or the forfeiture of the license to do business within this state if a foreign corporation. And upon the entry of such order and the filing thereof with the secretary of state by the county clerk of the county where such order is entered such corporation shall become dissolved and its corporate franchises or license to do business shall become forfeited and void without any other proceedings to that end

Source R S 2 135-4

2A:135-6

to

2A:135-9. Blank.

Chapter 136. GANGSTERS.

Section

2A 136-1 Gangster declared enemy of state
 2A 136-2 Possession of machine gun, exceptions
 2A 136-3 Penalty.

Section

2A 136-4 Blank
 2A 136-5 Blank

2A:136-1. Gangster declared enemy of state.
 A gangster is hereby declared to be an enemy of the state.
 Source. R S 2 136-1

2A:136-2. Possession of machine gun; exceptions. Any person in whose possession is found a machine gun or a submachine gun is declared to be a gangster, but nothing in this section contained shall be construed to apply to any member of the military or naval forces of this state, or to any police officer of the state or of

any county or municipality thereof, while engaged in his official duties
 Source R S 2 136-2

2A:136-3. Penalty. Any person convicted of being a gangster under the provisions of this chapter shall be guilty of a high misdemeanor, and shall be punished by a fine not exceeding \$10,000, or by imprisonment not exceeding 20 years, or both
 Source R S 2 136-5

2A:136-4. Blank.

2A:136-5. Blank.

Chapter 137. Blank.**Chapter 138. HOMICIDE.**

Section

2A 138-1 Murder
 2A 138-2 Degrees of murder, designation in verdict
 2A 138-3 Murder, plea of guilty not to be received, plea of non vult or nolo contendere and sentence thereon
 2A 138-4 Murder, punishment
 2A 138-5 Manslaughter

Section

2A 138-6 Killing by misadventure, self-defense or defense of others
 2A 138-7 Attempts to kill by poisoning
 2A 138-8 Advocating or threatening to take life
 2A 138-9 Killing by driving vehicle carelessly and heedlessly, judgment or conviction not evidence in action for damages

2A:138-1. Murder. Homicide shall be murder
 a. If any person shall willfully kill another, or,
 b. If any person in committing or attempting to commit arson, burglary, kidnapping for ransom, rape, robbery or sodomy, shall kill another, or when the death of anyone shall ensue from the commission or attempted commission of any such crime, or,
 c. If any person in committing or attempting to commit any unlawful act against the peace of this state, of which the probable consequences may be bloodshed, shall kill another, or when the death or anyone shall ensue from the commission or attempted commission of any such act; or,
 d. If any person shall kill any judge, magistrate or commissioner, sheriff or marshal, coroner, constable or police officer, or other officer of justice, civil or criminal, of this state or of the United States, in the execution of his office or duty, or shall kill any of his assistants, whether specially called to his aid or not, endeavoring to preserve the peace or apprehend a criminal, knowing the authority of such assistant; or,
 e. If any person shall kill a private person endeavoring to suppress an affray, or to apprehend a criminal, knowing the intention with which such private person interposes.
 Source R S 2 138-1

hend a criminal, knowing the intention with which such private person interposes.
 Source R S 2 138-1

2A:138-2. Degrees of murder; designation in verdict. There shall be 2 degrees of murder

a. Murder which shall be perpetrated by means of poison, or by lying in wait, or by any other kind of willful, deliberate and premeditated killing, or which shall be committed in perpetrating or attempting to perpetrate, or which shall ensue from the perpetration of or from an attempt to perpetrate, arson, burglary, kidnapping for ransom, rape, robbery or sodomy, shall be murder in the first degree,

b. All other kinds of murder shall be murder in the second degree

The jury before whom any person indicted for murder shall be tried must, if they find such person guilty thereof, designate by their verdict whether it be murder in the first degree or in the second degree.

Source R S 2 138-2

2A:138-3. Murder; plea of guilty not to be received; plea of non vult or nolo contendere and sentence thereon. In no case shall the plea of guilty be received upon any indictment for

murder, and if, upon arraignment, such plea should be offered, it shall be disregarded, and the plea of not guilty entered, and a jury, duly impaneled, shall try the case in manner aforesaid

Nothing herein contained shall prevent the accused from pleading non vult or nolo contendere to such indictment, the sentence to be imposed, if such plea be accepted, shall be either imprisonment at hard labor for life or the same as that imposed upon a conviction of murder in the second degree

Source R S 2 138-3

2A:138-4. Murder; punishment. Every person convicted of murder in the first degree, his aiders, abettors, counselors and procurers, shall suffer death, if the jury unanimously agrees upon such penalty, in which case the verdict shall be "guilty of murder in the first degree" The jury may by its verdict and as a part thereof, upon and after a consideration of all the evidence, recommend imprisonment at hard labor for life, in which case the verdict shall be "guilty of murder in the first degree with a recommendation of imprisonment at hard labor for life", and upon such recommendation, this and no greater punishment shall be imposed

Every person convicted of murder in the second degree shall suffer imprisonment at hard labor not exceeding 30 years

Source R S 2 138-4

Note of Reporter This is a revision of language rather than an actual amendment Its design is to make clear that the verdict and all of its parts must be unanimous (See State v Bunk, 4 N J 461)

2A:138-5. Manslaughter. Any person who shall commit the crime of manslaughter shall be guilty of a high misdemeanor and be punished by fine not exceeding \$10,000, or imprisonment at hard labor or otherwise not exceeding 10 years, or both

Source R S 2 138-5

2A:138-6. Killing by misadventure; self-defense or defense of others. Any person who shall kill another by misadventure, or in his or her own

defense, or in the defense of his or her husband, wife, parent, child, brother, sister, master, mistress or servant, or who shall kill any person attempting to commit arson, burglary, murder, rape, robbery or sodomy, shall be guiltless and totally acquitted and discharged

Source R S 2 138-6

2A:138-7. Attempts to kill by poisoning. All willful poisoning of any person that shall be done, or attempted to be done, with intent to kill, although death shall not ensue therefrom, shall be a high misdemeanor, and punished by fine not exceeding \$10,000, or imprisonment at hard labor not exceeding 15 years, or both

Source R S 2 138-7

2A:138-8. Advocating or threatening to take life. Any person who shall, in public or private, by speech, writing, printing or drawing, or by any other method

a Advocate the homicidal death of any person; or

b Threaten to take or procure the taking of the life of any person—

Shall be guilty of a high misdemeanor, and punished by fine not exceeding \$5,000, or imprisonment at hard labor not exceeding 15 years, or both

Source R S 2 138-8

Note of Reporter In State v Gibbs, 134 N J L 366, the supreme court said that "a" meant homicidal death

2A:138-9. Killing by driving vehicle carelessly and heedlessly; judgment or conviction not evidence in action for damages. Any person who shall cause the death of another by driving any vehicle carelessly and heedlessly in willful or wanton disregard of the rights or safety of others shall be guilty of a misdemeanor, but it shall be unlawful to use or offer in evidence the record of any judgment or conviction obtained hereunder in any civil action brought to recover damages arising out of the accident in which such death occurred

Source R S 2 138-9

Chapter 139. INCEST.

Section

2A 139-1 Incest

2A:139-1. Incest. Persons who shall intermarry within the degrees prohibited by law, or who, being related within such degrees, shall together commit fornication or adultery, shall be guilty of incest, and punished by fine not exceeding \$1,000, or imprisonment at hard labor not exceeding 5 years, or both

Source R S 2 139-1

2A:139-2. Incestuous conduct between parent and child. Every parent who shall be guilty of incest, fornication, adultery or open or private

Section

2A 139-2 Incestuous conduct between parent and child.

lewdness with, or any act of indecency towards, or tending to debauch the morals and manners of any child or children of such parent, or who shall make any infamous proposal to any child or children of his own flesh and blood, with intent to commit adultery or fornication with such child, shall be guilty of a high misdemeanor, and punished by fine not exceeding \$1,000, or imprisonment at hard labor not exceeding 15 years, or both

Source R S 2 139-2

Chapter 140. INDECENCY AND OBSCENITY.

Section

2A 140-1 Lewdness or indecency

2A 140-2. Uttering or exposing obscene literature or pictures

2A:140-1. Lewdness or indecency. Any person who shall be guilty of open lewdness, or any notorious act of public indecency, grossly scandalous and tending to debauch the morals and manners of the people, or who shall in private be guilty of any act of lewdness or carnal indecency with another, grossly scandalous and tending to debauch the morals and manners of the people, shall be guilty of a misdemeanor.

Source. R S 2 140-1

2A:140-2. Uttering or exposing obscene literature or pictures. Any person who, without just cause, shall utter or expose to the view of another, or have in his possession with intent to utter or expose to the view of another, or to sell the same, any obscene or indecent book, pamphlet, picture or other representation, however made, or who shall in any way advertise, or aid in advertising the same, or shall in any manner, whether by recommendation against its use or otherwise, give or cause to be given, or aid in giving any information how or where any of the same may be had, seen, bought or sold, shall be guilty of a misdemeanor.

Source. R S 2 140-2

Section

2A 140-3 Indecent communications to female

2A 140-4 Exposing to view body of one who has suffered death penalty, exceptions.

2A:140-3. Indecent communications to female. Any person who, without lawful purpose, shall willfully and wantonly send or convey to any female, against her will and consent, an insulting, indecent, lascivious or disgusting letter or communication, shall be guilty of a misdemeanor.

Source R S 2 140-4

2A:140-4. Exposing to view body of one who has suffered death penalty; exceptions. Any person who shall expose to public view the body of any person who shall have suffered the death penalty, either in this state or in any part of the United States, for the crime of murder, after such body shall have been delivered from the custody of the sheriff, or who shall hold or cause to be held a public funeral in connection with the burial of the body of any such offender, shall be guilty of a misdemeanor.

Nothing contained in this section shall prevent relatives within the first or second degree and the clergymen officiating from being present and viewing the body.

Source R S 2 140-5

Chapter 141, Chapter 142. Blank.**Chapter 143. KIDNAPING.**

Section

2A 143-1 Kidnaping, demanding ransom

2A:143-1. Kidnaping; demanding ransom. Any person who shall kidnap or steal or forcibly take away a man, woman or child, and send or carry, or with intent to send or carry, such man, woman or child to any other point within this state, or into another state, territory or country, or shall force, persuade or entice any child within the age of 14 years to leave his father, mother or guardian, or other person intrusted with the care of such child, and shall secrete or conceal such child, or who shall procure any such act to be done, shall be guilty of a high misdemeanor, and punished by imprisonment at hard labor for the term of his natural life, or for such other term as the court shall deem proper.

Any person who shall kidnap or steal or forcibly take away a man, woman or child, as aforesaid, and shall demand for the return of such man, woman or child, any money or any valuable thing of any value whatsoever, shall likewise be guilty of a high misdemeanor, and upon con-

Section

2A 143-2 Threatening or attempting to kidnap

viction shall suffer death, unless the jury shall by their verdict and as a part thereof, upon and after consideration of all the evidence, recommend imprisonment at hard labor for life, in which case this and no greater punishment shall be imposed

Source R S 2 143-1

Note of Reporter Nature of sentence short of life term should be in discretion of the court

2A:143-2. Threatening or attempting to kidnap. Any person who shall threaten or attempt to kidnap or steal or forcibly take away any man, woman or child, or threaten or attempt to send or carry such man, woman or child to any other point within this state, or into another state, territory or country, or who shall threaten or attempt to force, persuade or entice any child within the age of 14 years to leave his father, mother or guardian or other person intrusted with the care of such child, or to secrete or conceal such child, or who shall procure any such

act to be done, shall be guilty of a high misdemeanor and punished by imprisonment at hard

labor for a term not exceeding 30 years, or by a fine not exceeding \$25,000, or both
Source R S 2 143-2

Chapter 144. Blank.

Chapter 145. LARCENY AND OTHER STEALINGS.

Section

2A 145-1 Larceny from the person
2A 145-2 Stealing money, chattels and other articles, property and things
2A 145-3 Stealing or obtaining by false statements, bank bills, notes, securities, etc
2A 145-4 Stealing deeds, leases, account books and other written instruments

Section

2A 145-5 Stealing or fraudulent destruction of wills
2A 145-6 Stealing motor vehicles
2A 145-7 Bringing stolen property into state
2A 145-8 to
2A 145-15 Blank.

2A:145-1. Larceny from the person. Any person who shall willfully or maliciously take or steal, or attempt to take or steal any money, goods or chattels from the person of another, whether with or without his knowledge, but without such force or putting in fear as is sufficient to constitute robbery, or who shall be present, aiding or abetting therein, shall be guilty of a high misdemeanor.

Source R S 2 145-1

2A:145-2. Stealing money, chattels and other articles, property and things. Any person

a Who shall steal any real or personal property of another; or,

b Who shall dig, pull, pull up, pick, gather, break, rip, cut, sever, root up or otherwise destroy or damage, carry away or unlawfully appropriate, with intent to steal, any real or personal property of another or any part thereof, or

c Who shall willfully kill any animal with intent to steal it or any part thereof, the property of another.

Shall be guilty of a misdemeanor, if the price or value of such property be under \$500; if \$500 or over such person shall be guilty of a high misdemeanor.

Source R S 2 145-2

2A:145-3. Stealing or obtaining by false statements, bank bills, notes, securities, etc. Any person who shall steal or take by robbery or obtain possession of by false statements, representations or promises any bank bill or note, bill of exchange, order, warrant, draft, check, bond, bill or promissory note for payment of money, or any certificate or other public security of the United States or of this state or of any other state of the United States, for the payment of money, or acknowledging the receipt of money or goods, being the property of any other person, notwithstanding said particulars, or any of them, are or may be termed in law choses in action, shall be guilty of a high misdemeanor

Source R S 2 145-3

2A:145-4. Stealing deeds, leases, account books

and other written instruments. Any person who shall steal or take by robbery any letters patent, charter, testament, will, or deed whether indented or poll, covenant, assurance, lease, indenture of apprenticeship, articles of agreement, contract, letter of attorney, or other power, or any instrument of writing respecting any property, real or personal, acquittance, release, voucher, receipt book, waste book, day book, journal, ledger, or other book of accounts of or belonging to another, shall be guilty of a high misdemeanor

Source R S 2 145-4

2A:145-5. Stealing or fraudulent destruction of wills. Any person who, either during the life of the testator or after his death, shall steal, or for any fraudulent purpose, shall destroy, cancel, obliterate or conceal the whole or any part of any will, codicil or other testamentary instrument, whether the same relates to real or personal estate, or both, shall be guilty of a high misdemeanor

In any indictment for an offense under this section, it shall not be necessary to allege that the will, codicil or other testamentary instrument is the property of any person.

Source R S 2 145-5

2A:145-6. Stealing motor vehicles. Any person who shall steal any motor vehicle, or shall be an accessory thereto, shall be guilty of a high misdemeanor.

Source R S 2 145-6

2A:145-7. Bringing stolen property into state. Any person who, having at any place without this state stolen the property of another, or received such property knowing it to have been stolen, brings the same into this state, shall be guilty of a misdemeanor.

Complaint may be made and the indictment found and tried, and the offense may be charged to have been committed in any county into or through which the stolen property is brought

Source R S 2 145-15, R S 2 184-6

2A:145-8

to

2A:145-15. Blank.

Chapter 146. LIBEL.

Section

2A 146-1 Securing publication, broadcasting or televising of defamatory statements or representations

2A:146-1. Securing publication, broadcasting or televising of defamatory statements or representations. Any person who knowingly and willfully states, delivers or transmits by any means, to any owner, manager, editor, publisher, reporter or employee of or connected with, any newspaper, magazine, periodical or other publication, or of any radio or television station, any false, defamatory and untrue statement or representation as thought it were a fact, concerning any person, firm, corporation or association, for the purpose of securing and does thereby secure the publication, broadcasting or televising of

Section

2A 146-2 Publishing, broadcasting or televising defamatory statements or representations

such statement or representation, shall be guilty of a misdemeanor

Note of Reporter This combines 2A 146-1 and C 2 129A-1, "representation" is intended to take care of defamation by pictorial means on television where statements might not be used

2A:146-2. Publishing, broadcasting or televising defamatory statements or representations. Any such owner, manager, editor, publisher, reporter or employee referred to in section 1 hereof, who shall knowingly and willfully publish, broadcast or televise any such statement or representation, shall be guilty of a misdemeanor
Source New

Chapter 147. LOTTERIES.

Section

2A 147-1 Selling lottery tickets, agreements relating thereto, issuing lottery policies

2A 147-2 Advertising lotteries

2A 147-3 Permitting lotteries on premises, possessing lottery paraphernalia, working for lottery business

2A:147-1. Selling lottery tickets; agreements relating thereto; issuing lottery policies. Any person who shall

a Give, barter, sell or otherwise dispose of, or offer to give, barter, sell or otherwise dispose of, any ticket or any share or interest in any ticket in any lottery, whether erected, set up, opened or made in this state or elsewhere, or the chance of any such ticket, or

b Issue any policy of insurance, or insure or receive any consideration for insuring for or against the drawing of any ticket or number, or any share or interest in any ticket, in any lottery, or

c Receive any money, goods or thing in action, in consideration of any agreement to repay any sum of money, or to deliver any goods or thing in action if any ticket or any share of any ticket in any lottery shall prove fortunate or unfortunate, or shall be drawn or not drawn on any particular day or in any particular order, or

d Promise or agree to pay any sum of money or to deliver any goods or thing in action, or to do or forbear to do anything for the benefit of any other person, upon any event or contingency dependent on the drawing of any ticket or number, or any share of any ticket, in any lottery—

Shall be guilty of a misdemeanor
Source R S 2 147-1

2A:147-2. Advertising lotteries. Any person

Section

2A 147-4 Transmitting messages or packages relating to lotteries

2A 147-5 Proof on trial of lottery

who shall advertise, either directly or by indirect, covert or suggestive language, any lottery company, or the place and manner at or in which tickets, slips or advertisements of any lottery company may be procured, or shall bring into this state or print or distribute herein any such advertisements, shall be guilty of a misdemeanor

Source R S 2 147-2

2A:147-3. Permitting lotteries on premises; possessing lottery paraphernalia; working for lottery business. Any person

a Who shall knowingly engage as a messenger, clerk or copyist, or in any other capacity in or about any office or room in any building or place where lottery slips or copies of numbers or lists of drawings of any lottery, drawn or to be drawn anywhere within or without this state, shall be printed, kept or used in connection with the business of lottery or lottery policy, so-called, or

b Who shall knowingly have in his possession any paper, document, slip or memorandum that shall pertain in any way to the business of lottery or lottery policy, so-called, whether the drawing has taken place or not, or

c Who, being the owner of any building or place where any business of lottery or lottery policy, so-called, is carried on, shall knowingly, by himself or his agent, permit such premises to be so used—

Shall be guilty of a misdemeanor.

Source R S 2 147-3

Note of Reporter Contrast R S 2 202-16, and see State v Murzda, 116 N J L 19, State v Dombrowski, 111 N J L 546, on subject of implied repealer. It is believed that R S 2 206-16 should be repealed.

2A:147-4. Transmitting messages or packages relating to lotteries. Any person, or any express, telephone, telegraph or other company or corporation, engaged in the business of carrying or transmitting packages, letters or communications within this state, that shall knowingly

a Transmit or carry to any place within this state, by letter, telephone, telegraph, express or any other means of communication whatsoever, whether written or expressed by letters, numbers, characters or ciphers, the drawing or list of numbers drawn, or purporting to be drawn, of any lottery, or

b Receive from any person or corporation by letter, telephone or telegraph, any list of numbers or drawing of any such lottery—

Shall be guilty of a misdemeanor

Source R S 2 147-4

2A:147-5. Proof on trial of lottery. It shall not be necessary, upon the trial of any indictment or accusation for violation of any of the provisions of this chapter, to prove (a) the existence of any lottery, in which any ticket, share, or part of a ticket, purports to have been issued, or (b) the actual signing of any such ticket or share or part, or (c) that any ticket, share or interest was signed or issued by the authority of any manager, or of any person assuming to have authority as manager, or (d) the existence of any lottery in which any number or numbers may be charged to have been issued. In all cases proof of the sale, furnishing, bartering or procuring of any ticket, share or interest therein, or of any instrument purporting to be a ticket, or part or share of any ticket, shall be conclusive evidence that such ticket, share or interest was signed and issued according to the purport thereof.

Source R S 2 190-5

Chapter 148. MALICIOUS MISCHIEF.

Section

2A 148-1 Malicious injury to property

2A 148-2 Injuring or destroying mortgaged property after foreclosure proceedings begun

2A 148-3 Malicious destruction of written instruments

Section

2A 148-4 Injuring fire alarm system, false alarms

2A 148-5 to

2A 148-26 Blank

2A:148-1. Malicious injury to property. Any person who shall willfully or maliciously commit any damage, injury or spoil to or upon any real or personal property of another person, either of a public or private nature shall be guilty of a misdemeanor.

Source R S 2 148-26

2A:148-2. Injuring or destroying mortgaged property after foreclosure proceedings begun.

The owner in fee of any mortgaged premises, or any tenant under him, who shall willfully remove, tear down or destroy, or aid, counsel, procure or consent to the removing, tearing down or destroying of any dwelling house, shop, warehouse, storehouse, mill, barn, stable, wagon-house, outhouse or other building whatsoever, erected upon the mortgaged premises, or any of the fencing thereon, or shall cut down and remove the growing timber thereon, with the intent to cheat, wrong or defraud any party holding any encumbrance on such premises, after foreclosure proceedings have been commenced thereunder, and a subpoena legally served upon such owner or tenant, without having first obtained the written consent of the complainant in such suit, and of all other persons holding encumbrances against the mortgaged premises, or the written consent of the chancellor, or of a justice of the supreme court if foreclosure be

commenced in the circuit court, upon petition for that purpose, shall be guilty of a misdemeanor

Source R. S 2 148-3

2A:148-3. Malicious destruction of written instruments.

Any person who, with intent to prejudice, injure, damage or defraud any other person, shall willfully or maliciously tear, cut, burn or in any way whatever, destroy

a Any charter, letters patent, deed, indented or poll, lease, document of title to land, indenture of apprenticeship, writing sealed, will, testament, bond, annuity, bill, writing obligatory, release or written chose in action, or

b Any bank bill or note, check, draft, bill of exchange, promissory note for the payment of money, or any indorsement or assignment of any bill of exchange or promissory note for the payment of money, or any acceptance of a bill of exchange, or

c The number or principal sum of any accountable receipt for any note, bill or other security for the payment of money, or

d Any warrant, order or request for the payment of money or the delivery of goods or chattels of any kind, or

e Any valuable security, or any certificate or other public security of the United States or of this or any other state, for the payment of money or acknowledging the receipt of money or goods; or

f. Any acquittance or receipt, either of money or goods, or any acquittance, release or discharge of any debt, account, action, suit, demand or other thing, real or personal, or

g. Any transfer or assurance of money, stock, goods, chattels or other property whatsoever, or

h. Any letter of attorney or other power to receive money or to receive or transfer stock or annuities, or to let, lease, sell, dispose of, alien or convey any real estate or personal property; or

i. Any day book, journal, ledger or book of accounts; or

j. Any agreement or contract in writing, whether sealed or not, respecting any real estate or personal property—

Shall be guilty of a misdemeanor

Source R S 2 148-8

2A:148-4. Injuring fire alarm system; false

alarms. Any person who shall willfully or maliciously:

a. Destroy or injure any of the wires, posts, machines, bells, boxes, locks or other apparatus of any fire alarm system of any municipality of this state; or

b. Interfere with any such fire alarm system, or any part thereof, with intent to create a false alarm, or

c. Obstruct or attempt to obstruct the efficient operation of any such fire alarm system, or any part thereof, or hinder or impede any of the operations lawfully intended to be accomplished thereby—

Shall be guilty of a misdemeanor

Source R S 2 148-22

2A:148-5

to

2A:148-26. Blank

Chapter 149, Chapter 149A. Blank.

Chapter 150. MARRIAGE.

Section

2A 150-1 Marriage of diseased person

2A:150-1. Marriage of diseased person. Any person who, knowing himself or herself to be infected with a venereal disease such as chancroid, gonorrhœa, syphilis or any of the varieties or stages of such diseases, shall marry, shall be guilty of a misdemeanor.

Source R S 2 150-1

2A:150-2. Marriage of insane, epileptic or feeble-minded persons; aiding such marriage.

Section

2A 150-2 Marriage of insane, epileptic or feeble-minded persons, aiding such marriage

Any person of sound mind who shall marry any other person knowing such other person to have been committed to any public institution as an epileptic, insane or feeble-minded person, unless such other person shall have been satisfactorily discharged from such institution, or who shall advise, aid, abet, cause or assist in procuring any such marriage, shall be guilty of a misdemeanor.

Source. R S 2 150-2

Chapter 151. MAYHEM.

Section

2A 151-1 Mayhem

2A:151-1. Mayhem. Any person who, from premeditated design, evinced by lying in wait for the purpose, or in any other manner, or with intent to kill, maim or disfigure, shall cut out and disable the tongue, put out an eye, cut off

or slit a lip, cut off, slit or destroy a nose or ear, or cut off or disable any limb or member of another, willfully and on purpose, shall be guilty of a high misdemeanor.

Source R S 2 151-1

Chapter 152. MOBS, RIOTS AND UNLAWFUL ASSEMBLIES.

Section

2A 152-1 Definition of "mob"

2A 152-2 Taking part in mob with intent to injure person or property

2A 152-3 Mob violence, penalty for persons participating

2A 152-4 Unlawful assemblies, proclamation to disperse, form, duties of peace officers

Section

2A 152-5 Arrest of persons continuing together after proclamation, penalty

2A 152-6 Persons killing rioters held guiltless

2A 152-7 Obstructing making of proclamation to disperse

2A:152-1. Definition of "mob". Any collection of individuals, 5 or more in number, assembled

for the unlawful purpose of offering violence to the person or property of anyone supposed to

have been guilty of a violation of the law, or for the purpose of exercising correctional powers or regulative powers over any person by violence, and without lawful authority, shall be regarded and designated as a "mob".

Source R S 2 152-1

2A:152-2. Taking part in mob with intent to injure person or property. Any person or persons who shall participate in or compose a mob, with the intent to inflict damage or injury to the person or property of any individual charged with a crime, or under the pretense of exercising correctional powers over such person by violence, and without authority of law, shall be guilty of a misdemeanor

Source R S 2 152-2

2A:152-3. Mob violence; penalty for persons participating; "serious injury" defined. Any person or persons participating in or composing a mob under the provisions of sections 2A 152-1 and 2A 152-2 of this title, who shall inflict material damage to the property or any injury to the person of any other person upon the pretense of exercising correctional powers over such person, by violence and without authority of law, shall be guilty of a high misdemeanor

Source R S 2 152-3

2A:152-4. Unlawful assemblies; proclamation to disperse; form; duties of peace officers. When persons to the number of 12 or more, being armed with clubs, guns, swords or other weapons, or persons to the number of 30 or more, shall be unlawfully, routously, riotously or tumultuously assembled, any magistrate, sheriff, undersheriff or constable of the county where such assembly shall be, shall go among the rioters, or as near to them as may be safe, command silence while proclamation is making, and shall, openly and with a loud voice, make or cause to be made a proclamation in substantially the following words

"State of New Jersey By virtue of the statute of the state of New Jersey, I am directed to charge and command all persons, being here assembled, immediately to disperse themselves and peaceably to depart to their habitations, or to their lawful business, upon the pains and penalties contained in said statutes God save the state"

All magistrates, sheriffs, undersheriffs, police officers, and constables, on notice or knowledge of any such unlawful, routous, riotous or tumultuous assembly within their respective jurisdictions, shall proceed to the place where such

assembly shall be, and there make or cause to be made a proclamation in the manner aforesaid.
Source R S 2 152-4

2A:152-5. Arrest of persons continuing together after proclamation; penalty. If, after proclamation has been made or attempted to be made, in accordance with the provisions of section 2A 152-4 of this title, the persons so unlawfully, routously, riotously and tumultuously assembled, shall continue together and not disperse themselves within 1 hour, every magistrate, sheriff, undersheriff, police officer or constable of the county where such assembly shall be, and such other persons as shall be commanded to assist them, which assistance such magistrate, sheriff, undersheriff, police officer or constable is hereby authorized to command of all citizens of this state, shall seize and apprehend such persons so unlawfully, routously, riotously and tumultuously continuing together, after proclamation has been made or attempted to be made as aforesaid, and shall bring them before 1 or more magistrates of the county wherein they were apprehended, so that they may be proceeded against according to law.

All persons who, for the space of 1 hour after proclamation has been made or attempted to be made as aforesaid, shall unlawfully, routously, riotously and tumultuously continue together to the number of 12, if armed, or of 30 or more, if unarmed, shall be guilty of a misdemeanor

Source R S 2 152-5

2A:152-6. Persons killing rioters held guiltless. If, in the dispersing, seizing or arresting of any persons so unlawfully, routously, riotously and tumultuously assembled, or in endeavoring to disperse, seize or arrest such persons, any of such persons shall be killed, hurt or wounded, by reason of their resisting the persons so dispersing, seizing or arresting them, or endeavoring to disperse, seize or arrest them, then every such magistrate, sheriff, undersheriff, police officer, or constable, and any person assisting them, or any of them, shall be held guiltless, and be absolutely indemnified and discharged.

Source R S 2 152-6

2A:152-7. Obstructing making of proclamation to disperse. Any person who shall, with force and arms, willfully and knowingly oppose, obstruct or in any manner hinder or hurt any person who goes to make the proclamation, or begins to make the proclamation in accordance with section 2A 152-4 of this title, whereby such proclamation shall not be made, shall be guilty of a misdemeanor

Source R S 2 152-7

Chapter 153. MOTOR VEHICLES.

Section

- 2A 153-1 "Motor vehicle" and "person" defined
 2A 153-2 Altering or removing serial or motor numbers on motor vehicles *
 2A 153-3 Possessing motor vehicle with trade-mark or serial numbers altered, reporting alteration to commissioner

Section

- 2A 153-4 Installing short wave radios in automobiles without permit, police excepted
 2A 153-5 Blank
 2A 153-6 Blank.

2A:153-1. "Motor vehicle" and "person" defined. As used in this chapter

"Motor vehicle" includes motor bicycles, motor cycles, automobiles, trucks, tractors or other vehicles designed to be self-propelled by mechanical power, and otherwise than by muscular power, except motor vehicles running upon or guided by rails or tracks

"Person" includes individuals, corporations, and the officers and agents thereof, and any other form of business association, and the members, officers and agents thereof

Source R S 2 153-1

2A:153-2. Altering or removing serial or motor numbers on motor vehicles. Any person who removes, defaces, alters, changes, destroys or obliterates, in any manner or way, any trade-mark, distinguishing or identification number, serial number, or mark on or from any motor vehicle, or who shall cause the same to be done, shall be guilty of a high misdemeanor

Source R S 2 153-2

2A:153-3. Possessing motor vehicle with trade-mark or serial numbers altered; reporting alteration to commissioner. Any person knowingly having in his possession any motor vehicle, or any of the parts thereof, from or on which any trade-mark, distinguishing or identification number, or serial number or mark has been removed, covered, altered, changed, defaced, destroyed or obliterated in any manner or way, shall be guilty of a misdemeanor, unless he shall within 10

days from the time when such motor vehicle, or any such part thereof, shall have come into his possession, file with the director of the division of motor vehicles in the department of law and public safety of this state a verified statement showing

The source of his title, the proper trade-mark, identification or distinguishing number, or serial number or mark, if known, and if known, the manner of and reason for such mutilation, change, alteration, concealment or defacement, the length of time such vehicle has been held and the price paid therefor

Source R S 2 153-3

2A:153-4. Installing short wave radios in automobiles without permit; police excepted. Any person who shall install or have in any automobile, a short-wave radio receiver operative on frequencies assigned by the federal communications commission for fire, police, municipal or other governmental uses, unless a permit therefor has been first obtained from the chief of the county police, or from the chief of the police of the municipality, wherein such person resides, shall be guilty of a misdemeanor

Nothing in this section contained shall be construed to apply to any fire, police or other governmental official of the state or of any county or municipality thereof

Source R S 2 153-6, as am L 1946, c 268, p 927, §1

2A:153-5. Blank.

2A:153-6. Blank.

Chapter 154. NAVIGATION.

Section

- 2A 154-1 False lights to endanger vessel, causing destruction of vessel
 2A 154-2 Mooring vessels to or removing or destroying buoys or beacons
 2A 154-3 Carrying more than 30 persons on sailboats, exceptions

Section

- 2A 154-4 Opening floodgates and other obstruction of navigation
 2A 154-5 Dumping mud or refuse into Hudson or Delaware rivers, exceptions
 2A 154-6 Arrest without warrant for violation of section 2A 154-5, neglect of duty by constables,

2A:154-1. False lights to endanger vessel; causing destruction of vessel. Any person who shall put up a false light, with intent to bring any vessel into danger, or willfully do any act or thing tending to the immediate loss of such vessel, whereby the vessel shall be lost or destroyed, shall be guilty of a misdemeanor

Source R S 2 154-1

2A:154-2. Mooring vessels to or removing or destroying buoys or beacons. Any person who

shall moor any vessel of any kind or name or any raft or part of raft to any buoy or beacon placed in the waters of New Jersey by any lawful authority, or shall in any manner hang on with any vessel or raft or part of raft to any such buoy or beacon, or shall willfully remove, damage or destroy any buoy or beacon placed in the waters of New Jersey or erected on land in this state by any lawful authority, shall be guilty of a misdemeanor.

Source R S 2 154-2

2A:154-3. Carrying more than 30 persons on sailboats; exceptions. Any captain, sailing master or other person in charge of a sailboat or sailing vessel used or engaged in the business or occupation of carrying out to sea or upon the ocean passengers or parties from any place within this state, who shall take or permit to be on board such boat or vessel more than 30 persons at any one time, shall be guilty of a misdemeanor

This section shall not apply to a vessel carrying passengers between different ports of the United States, or from any port in the United States to any foreign port, nor to a vessel of more than 100 tons register.

Source R S 2 154-3

2A:154-4. Opening floodgates and other obstruction of navigation. Any person who shall willfully or maliciously open or draw up any floodgate or sluice, or do any other injury or mischief to any navigable river or canal, with intent thereby to obstruct or prevent the carrying on, completion or maintenance of the navigation thereof, shall be guilty of a misdemeanor

Source. R S 2 154-4

2A:154-5. Dumping mud or refuse into Hudson or Delaware rivers; exceptions. Any person who, by means of any boats, scows or vessels, or in any manner whatever, shall cast or cause to be cast, thrown, dumped or deposited any mud, earth, soil, ashes, gravel, refuse, rock or other solid substance or material, into the waters of the Delaware river below the head of navigation, or into the waters of the Hudson river at any point west of the line between the states of New Jersey and New York, unless the

same be so deposited, dumped or placed behind a bulkhead for filling, or by the side of a bulkhead, to be thrown over the same, or be so confined that no dirt or refuse can escape into the waters of said river, shall be guilty of a misdemeanor

This section shall not apply to any person acting under and by virtue of any act of the congress of the United States, or under the authority of the secretary of war of the United States, nor shall this section be held to interfere with improvements made upon lands under water which have been or may be granted or leased by the planning and development council in the department of conservation and economic development or its predecessors, or which have been granted or leased by direct legislative act, but all such improvements shall be so made as to deposit, dump or place all filling behind a bulkhead, so that no portion of such filling shall escape onto lands under water adjoining the lands so granted or leased as aforesaid

Source R S 2 154-5

2A:154-6. Arrest without warrant for violation of section 2A:154-5; neglect of duty by constables. If any violation of section 2A 154-5 shall be committed in the view of any constable or police officer, he is hereby authorized and required, without warrant, to arrest and take the offender before a magistrate of the county wherein the arrest is made, there to be proceeded with as in other criminal cases

Any constable or police officer who shall neglect or refuse to perform the duties required of him by this section, shall be guilty of a misdemeanor

Source R S 2 154-6

Chapter 155. Blank.

Chapter 156. NUISANCES.

Section

- 2A 156-1 "Building", "place" and "person" defined
- 2A 156-2 Places constituting nuisance
- 2A 156-3 Maintaining nuisance a misdemeanor

2A:156-1. "Building", "place" and "person" defined. As used in this chapter

"Building" means and includes so much of any structure of any kind as may be reached by the same outside entrance

"Place" means and includes any privately owned park, picnic or recreation ground

"Person" means and includes 1 or more individuals, corporations, associations, partnerships, trustees, lessees and agents

Source R S 2 156-1

Section

- 2A 156-4 Abating nuisance, seizure and forfeiture of chattels involved
- 2A 156-5 Additional penalty, house may be closed 1 year
- 2A 156-6 Violation of order as contempt of court

2A:156-2. Places constituting nuisance. Every building or place where the law is habitually violated is hereby declared to be a nuisance.

Source R S 2 156-2

2A:156-3. Maintaining nuisance a misdemeanor. Any person who maintains a nuisance as defined in this chapter, or who aids or abets in maintaining such nuisance, shall be guilty of a misdemeanor.

Source R S 2 156-3

2A:156-4. Abating nuisance; seizure and forfeiture of chattels involved. In addition to the punishment provided in case of conviction of a misdemeanor under section 2A 156-3 of this title, the court, wherein the conviction is had, in its discretion, and as a part of the penalty for the conviction, may order the immediate abatement of the nuisance whereof the defendant may be convicted, and for that purpose may order the seizure, and the forfeiture or the destruction of any chattels, liquors or other personal property, which may be found in such building or place, and which the court is satisfied from the evidence in the case wherein the conviction was had, were used or intended to be used to maintain or to aid and abet such nuisance. In the event of such order of forfeiture, such forfeiture shall be in the name and to the use of the state of New Jersey, and the court shall direct the forfeited property to be sold at public sale, and the pro-

ceeds of such sale to be paid to the treasurer of the county wherein such conviction was had
Source: R S 2 156-4

2A:156-5. Additional penalty; house may be closed 1 year. If the owner of any building or place is found guilty of maintaining a nuisance as defined in this chapter, the court, wherein the conviction is had, in its discretion, and as an additional penalty for such conviction may order that the building or place where the nuisance was maintained be closed and disused for a period of time not exceeding 1 year from the date of the conviction.

Source: R S 2 156-5, L 1922, c 256, p 628, §5 [1924 Suppl §52-239]

2A:156-6. Violation of order as contempt of court. A violation of any order of the court authorized by this chapter shall be in the nature of a contempt of such court, and subject to punishment accordingly

Source: R S 2 156-6

Chapter 157. PERJURY AND FALSE SWEARING.

Section

Article 1 Perjury and Subornation of Perjury

- 2A 157-1 Perjury and subornation of perjury
- 2A 157-2 Perjury before commissioner of another state or of the United States
- 2A 157-3 Using false oaths or depositions

Article 2 False Swearing

- 2A 157-4 False swearing, offense stated

Section

- 2A 157-5 Allegations in indictment as to false statements, prima facie evidence of falsity of statements, sufficiency of evidence to convict
- 2A 157-6 Corroboration unnecessary, proof of materiality
- 2A 157-7 Affirmation equivalent to oath, willful defined
- 2A 157-8 Blank.

Article 1 PERJURY AND SUBORNATION OF PERJURY

2A:157-1. Perjury and subornation of perjury. Any person who shall willfully and corruptly commit perjury or shall by any means procure or suborn any person to commit corrupt and willful perjury, on his oath or affirmation, in any action, plea, suit, bill, answer, complaint, indictment, controversy, matter or cause depending or which may depend in any of the courts of this state, or before any referee or arbitrator, or in any deposition or examination taken or to be taken pursuant to the laws of this state before any public officer legally authorized to take the same, shall be guilty of a high misdemeanor.

Source: R S 2 157-1

2A:157-2. Perjury before commissioner of another state or of the United States. Any person who shall be sworn or affirmed before a commissioner, authorized by any commission issued out of any court of competent jurisdiction of the United States, or of any state or territory of the United States, to take the testimony of any witness in a cause named in such commission, or any person who shall be sworn or affirmed before a commissioner appointed by authority of any other state or territory of the United States, to take affidavits, or the acknowl-

edgment and proof of deeds, or sealed instruments of writing in this state to be used in the state or territory by authority of which such commissioner was appointed, in a judicial proceeding, or to prove the execution of a deed, or the identity of a grantor in any deed, and who shall, in taking such oath or affirmation willfully swear or affirm falsely before such commissioner, shall be guilty of a high misdemeanor

Source: R S 2 157-2

2A:157-3. Using false oaths or depositions. Any person who shall use or offer for use for any purpose whatever, an oath or deposition required or authorized to be taken in any suit or legal proceeding in this state, or for any lawful purpose whatever, whether the same shall be taken in or out of this state, knowing the same to be untrue, shall be guilty of a high misdemeanor

Source: R S 2 157-3

Article 2 FALSE SWEARING

2A:157-4. False swearing; offense stated. Any person, his procurers, aiders and abettors, who shall willfully swear falsely in any judicial proceeding, or who shall willfully swear falsely before any person authorized by virtue of any provision of law of this state to administer an

oath and acting within his authority, shall be guilty of a misdemeanor

Source. R S 2 157-4

2A:157-5. Allegations in indictment as to false statements; prima facie evidence of falsity of statements; sufficiency of evidence to convict. Where a person has made contrary statements on his oath or oaths administered within the provisions of this article, it shall not be necessary to allege in an indictment or allegation which statement is false but it shall be sufficient to set forth the contradictory statements and allege in the alternative that one or the other is false.

Proof that both such statements were made under oath duly administered shall be prima facie evidence that one or the other is false; and if the jury are satisfied from all the evidence beyond a reasonable doubt that one or the other is false and that such false statement was willful, whether the same was made in any judicial proceeding or before a person authorized to administer an oath and acting within his authority, it shall be sufficient for a conviction.

Source R. S 2 157-5

2A:157-6. Corroboration unnecessary; proof of materiality. The rule that there must be corroboration or proof by more than 1 witness to establish the falsity of testimony or statements under oath shall not be applicable to prosecution under this article. It shall not be necessary to prove, to sustain a charge under this article, that the oath or matter sworn to was material, or if before a judicial tribunal, that such tribunal had jurisdiction.

Source. R S. 2 157-6

2A:157-7. Affirmation equivalent to oath; willful defined. An affirmation shall be for all the purposes of this article the same as an oath. Willful shall, for the purposes of this article, be understood to mean intentional and knowing the same to be false.

Source R S 2 157-8

2A:157-8. Blank.

Chapter 157A. POLICE RADIO ALARMS.

Section

2A 157A-1 False alarms or messages over police radio or telegraph transmissions.

2A:157A-1. False alarms or messages over police radio or telegraph transmissions. Any person who shall willfully and maliciously send or

cause to be sent any false alarm or message by police radio or telegraph transmission in this state, shall be guilty of a misdemeanor.

Source R S 2 157A-1

Chapter 157B. Blank.

Chapter 158. PROSTITUTION.

Section

2A 158-1 "Prostitution" defined

2A 158-2 Soliciting, procuring or engaging in prostitution, keeping, occupying or permitting use of place for prostitution

2A 158-3 Taking, placing, harboring or enticing female into house of prostitution

2A 158-4 Compelling prostitution or immorality.

2A 158-5 Placing female in custody of another for immoral purposes

2A 158-6 Procuring female for house of prostitution

Section

2A 158-7 Forcing prostitution of wife

2A 158-8 Accepting earnings of prostitution

2A 158-9 Parent or guardian consenting to taking of female for prostitution

2A 158-10 Attempting to detain female because of debt

2A 158-11 Permitting immoral relations with female under 18

2A 158-12 Transporting female for purpose of prostitution, venue of offense

2A:158-1. "Prostitution" defined. The term "prostitution", as used in this chapter, shall include the giving or receiving of the body for sexual intercourse for hire, and the giving or receiving of the body for indiscriminate sexual intercourse without hire

Source R S 2 158-1

2A:158-2. Soliciting, procuring or engaging in prostitution; keeping, occupying or permitting use of place for prostitution. Any person who shall

a Keep, set up, maintain, or operate any place,

structure, building, vehicle or conveyance for the purpose of prostitution, lewdness or assignation; or

b. Occupy any place, structure, building, vehicle or conveyance for the purpose of prostitution, lewdness or assignation, or permit any place, structure, building, vehicle or conveyance owned by him or under his control to be used for the purpose of prostitution, lewdness, or assignation, with knowledge or reasonable cause to know that the same is, or is to be, used for such purpose; or

c Receive, or invite by gesture or otherwise, or offer or agree to receive any person into any place, structure, building, vehicle or conveyance for the purpose of prostitution, lewdness, or assignation, or permit any person to remain there for such purpose, or

d. Direct, take, or transport, or offer or agree to take or transport, any person to any place, structure, or building, or to any other person with knowledge or reasonable cause to know that the purpose of such directing, taking, or transporting is prostitution, lewdness, or assignation, or

e. Procure or solicit or offer to procure or solicit for the purpose of prostitution, lewdness, or assignation, or

f Reside in, enter, or remain in any place, structure, or building, or enter or remain in any conveyance, or vehicle, for the purpose of prostitution, lewdness or assignation, or

g Engage in prostitution, or assignation or knowingly aid or abet prostitution, lewdness, or assignation—

Shall be guilty of a misdemeanor
Source R S 2 158-2

2A:158-3. Taking, placing, harboring or enticing female into house of prostitution. Any person who takes, places, harbors, enveigles, entices, persuades, encourages, either by threats or promises, or by any device or scheme takes or places or causes to be placed or taken any female into a house of ill fame or of assignation, or elsewhere, against her will, for the purpose of prostitution or illegal sexual intercourse, shall be guilty of a high misdemeanor
Source R S 2 158-3

2A:158-4. Compelling prostitution or immorality. Any person who shall compel a female to reside with him or with any other person for immoral purposes, or for the purpose of prostitution, or shall compel a female to live a life of prostitution, shall be guilty of a high misdemeanor.
Source R S 2 158-4

2A:158-5. Placing female in custody of another for immoral purposes. Any person who shall place any female in the charge or custody of any person for immoral purposes, or in a house of prostitution, with intent that she shall live a life of prostitution, shall be guilty of a high misdemeanor
Source R S 2 158-5

2A:158-6. Procuring female for house of prostitution. Any person who shall receive any money or other valuable thing for or on account of procuring for or placing in a house of prostitution or elsewhere any female for the purpose of causing her to cohabit with any male person, shall be guilty of a high misdemeanor
Source R S 2 158-6

2A:158-7. Forcing prostitution of wife. Any person who, by force, fraud, intimidation or threats, places or leaves or procures any other person to place or leave his wife in a house of prostitution or to lead a life of prostitution, shall be guilty of a high misdemeanor
Source R S 2 158-7

2A:158-8. Accepting earnings of prostitution. Any person who knowingly receives any money or other valuable thing, without actual and bona fide consideration, from the earnings of any female engaged in prostitution, shall be guilty of a high misdemeanor
Source R S 2 158-8

2A:158-9. Parent or guardian consenting to taking of female for prostitution. Any person who, being parent or guardian or having legal charge of the person of a female, consents to her taking or detention by any person for the purpose of prostitution or illegal sexual intercourse, shall be guilty of a high misdemeanor
Source R S 2 158-9

2A:158-10. Attempting to detain female because of debt. Any person who attempts to detain a female in a disorderly house or house of prostitution because of any debt she has contracted, or is said to have contracted, while living in said house, shall be guilty of a high misdemeanor
Source R S 2 158-10

2A:158-11. Permitting immoral relations with female under 18. Any person who shall permit, suffer or procure any female under the age of 18 years, whether single or married, with or without her consent, to be carnally abused by another, or to be used for immoral purposes by another, in any house, room or place, public or private, kept by or under the control or management of such person, shall be guilty of a high misdemeanor
Source R S 2 158-11

2A:158-12. Transporting female for purpose of prostitution; venue of offense. Any person who shall knowingly transport or cause to be transported, or aid or assist in obtaining transportation for, by any means of conveyance, through or across this state, any female for the purpose of prostitution or with intent and purpose to induce, entice or compel such female to become a prostitute, shall be guilty of a high misdemeanor

Any person who shall commit the offense mentioned in this section may be prosecuted, indicted, tried and convicted in any county in or through which the female was transported or attempted to be transported
Source R S 2 158-12

Chapter 159. PUBLIC HEALTH.

Section	
2A 159-1	Exposure of others to infection of certain diseases, exceptions
2A 159-2	Disinfection of rooms occupied by persons having certain diseases
2A 159-3	Deposit of refuse of chemical manufactories
2A 159-4	Filling lowlands with decaying matter prohibited, exceptions

Section	
2A 159-5	Pollution of waters distributed for public uses
2A 159-6	Pollution of waters used for ice harvesting
2A 159-7	Refusal or neglect to bury offensive matter
2A 159-8	Burial of poultry or animals dying of contagious diseases
2A 159-9	Blank

2A:159-1. Exposure of others to infection of certain diseases; exceptions. Any person having reason to believe that he is affected with smallpox, diphtheria, scarlet fever, typhus fever, yellow fever, cholera or plague, who shall appear in any public street, conveyance, building or place, and any person who shall knowingly subject another, without the latter's knowledge, to exposure to the infection of any such disease, shall be guilty of a misdemeanor

Nothing contained in this section shall be understood to prevent the transportation or care of a person infected with any such disease by any board of health or its duly authorized officers or agents

Source R S 2 159-1

2A:159-2. Disinfection of rooms occupied by persons having certain diseases. Any person knowing that any room is or has been occupied by a person suffering with smallpox, diphtheria, scarlet fever, typhus fever, yellow fever, cholera or plague, or knowing that any room is or has been infected by any such disease, who shall lease the same or grant or give the right of occupancy thereof to any person before it shall have been disinfected and cleansed in a manner satisfactory to the local board of health within whose territorial jurisdiction such room may be, shall be guilty of a misdemeanor

Source R S 2 159-2

2A:159-3. Deposit of refuse of chemical manufactories. Any manufacturer of chemicals in this state who shall deposit or cause to be deposited on any vacant lot within 100 feet of any human habitation any refuse or proceeds from such manufacture, shall be guilty of a misdemeanor

Source R S 2 159-4

2A:159-4. Filling lowlands with decaying matter prohibited; exceptions. Any individual, firm or corporation owning or having possession or control of any land bordering upon the tide or river waters of this state, or owning or possessing rights to lowlands or lands covered by tide or river waters, or any officer, agent or employee of any such firm or corporation, who has the control or management of any such lands on behalf of such firm or corporation, who shall cause or allow such lands to be filled in with any substance containing animal or vegetable matter, or any other material which is, or is likely to become, prejudicial to the health or comfort of the inhabitants of the municipality within

whose limits such filling is caused or allowed, shall be guilty of a misdemeanor

Nothing contained in this section shall be held to prevent the dumping or depositing of any animal or vegetable matter by any person during the months of October, November, December, January, February or March, if such matter or refuse so dumped be covered with earth so that it will not emit any stench, to the discomfort of or danger to the health of the inhabitants of the municipality within whose limits such filling is done

Source R S 2 159-5

2A:159-5. Pollution of waters distributed for public uses. Any person who shall

a Throw, or cause or permit to be thrown into any reservoir, or into the waters of any pond, lake, brook, creek or river of the state which runs through or along the border of any municipality, the waters of which are used to supply any aqueduct or reservoir for distribution for public use, any carcass of any dead animal or any offal or offensive matter whatsoever, calculated to render said waters impure or to create noxious or offensive smells, or

b Connect any water-closet with any sewer or other means whereby the contents thereof may be conveyed to or into any such pond, lake, brook, creek, river or reservoir, or

c So deposit, or cause or permit to be deposited, any such carcass, offal or other offensive matter that the washing or waste therefrom shall or may be conveyed to and into any such pond, lake, brook, creek, river or reservoir—

Shall be guilty of a misdemeanor

Source R S 2 159-6

2A:159-6. Pollution of waters used for ice harvesting. Any person who shall

a Throw, or cause or permit to be thrown into the waters of any pond, lake, brook, creek or river of this state, the waters of which may be used for the cutting and harvesting of ice, any carcass of any dead animal or any offal or offensive matter whatsoever, calculated to render such waters impure or to create noxious or offensive smells, or

b Maliciously or willfully pollute, corrupt or render impure the ice in front of the lands of persons having ice houses, or

c Connect any water-closet with any sewer or other means whereby the contents thereof may

be conveyed to or into any such pond, lake, brook, creek or river—

Shall be guilty of a misdemeanor.

Source R S 2 159-7

2A:159-7. Refusal or neglect to bury offensive matter. Any person who shall own or occupy any land whereon any carcass, offal or other offensive matter may be, shall forthwith cause the same to be buried so that all portions thereof shall be covered with solid earth to a depth of at least 2 feet below the surface of the ground, and not within a distance of 200 feet from any pond, lake, brook, creek, river or reservoir mentioned in section 2A:159-6 of this title. Any such owner or occupant who shall refuse or neglect for a period of 2 days so to remove and bury,

or cause to be removed and buried, any such carcass, offal or offensive matter, shall be guilty of a misdemeanor

Source R S 2 159-8

2A:159-8. Burial of poultry or animals dying of contagious diseases. Any person who shall own or have in possession any poultry or animals of any kind that came to their death by reason of any contagious disease, shall, within 24 hours after such death, bury such poultry or animals under the surface of the earth to a depth of not less than 2 feet. A person neglecting or refusing to comply with this section shall be guilty of a misdemeanor

Source R S 2 159-9

2A:159-9. Blank.

Chapter 160. PUBLIC OFFICERS AND OFFICES.

Section

- 2A 160-1 Neglect of official duty
- 2A 160-2 Failure of municipal official to prevent continuance of law violations after receiving notice
- 2A 160-3 Municipal officers unlawfully obtaining state or municipal funds
- 2A 160-4 Unlawful detention of public property by public officer after expiration of term
- 2A 160-5 Disbursing moneys or incurring obligations in excess of appropriations or amount limited by law
- 2A 160-5.1 Disbursing moneys or incurring obligations in excess of appropriations or amount limited, penalty, proceedings to recover and disposition.

Section

- 2A 160-6 Proceedings in relation to bids or proposals for public supplies, works, etc., penalty for noncompliance
- 2A 160-7 Officers or employees of institutions having interest in furnishing goods or supplies thereto
- 2A 160-8 Members of governing bodies of counties, municipalities and school districts not to be interested in public contracts
- 2A 160-9 Forfeiture of office
- 2A 160-10 Restoration on reversal
- 2A 160-11 Personating public officers or employees
- 2A 160-12 Unauthorized persons taking acknowledgments.
- 2A 160-13. Blank.

2A:160-1. Neglect of official duty. Any magistrate or other public officer who shall willfully refuse or neglect to perform, within the time required by law, any duty imposed upon him by law, shall be guilty of a misdemeanor

Source R S 2 160-1

2A:160-2. Failure of municipal official to prevent continuance of law violations after receiving notice. Whenever the mayor or other chief executive, or the chief of police or other head officer of police, of any municipality shall receive a written communication pursuant to section 2A:178-8 of this title that there exists in such municipality open, continued or notorious violation of any 1 or more of the provisions of this subtitle by any person or persons, and shall neglect or refuse, for a period of 10 days after receiving such communication, to take proper and efficient measures as required by said section 2A:178-8 to prevent the further continuance of such illegal acts and to bring the person or persons alleged to be offending to justice, he shall be guilty of a misdemeanor.

Source. R S 2 160-2

2A:160-3. Municipal officers unlawfully obtaining state or municipal funds. Any officer of any city, township, village, borough, ward or county of this state who shall obtain, or counsel, a d,

assist or procure in obtaining for any other person or corporation from the state, or any such city, township, village, borough, ward or county, any money, notes, bonds, scrip, securities or other valuable thing not lawfully and justly due to such officer or such other person at the time of obtaining the same, shall be guilty of a high misdemeanor.

Source R S 2 160-3

2A:160-4. Unlawful detention of public property by public officer after expiration of term. Any officer or agent of this state, or of any public or municipal corporation existing by the laws thereof, who shall neglect or refuse, on demand, to deliver to his successor in office, or other person authorized by law to receive or have charge of the same, any money, books, paper, evidences of debt or other instruments of writing, or other property of whatever nature, real or personal, belonging to the state, or any such public or municipal corporation, which may have come into his hands or possession by virtue of his office or agency, shall be guilty of a misdemeanor.

Source R S 2 160-4

2A:160-5. Disbursing moneys or incurring obligations in excess of appropriations or amount limited by law. Any person, board or body

charged with or having the control of any state office, department or institution, or any board of education, or any committee of any such board, which, or any member thereof who shall

a Disburse, order or vote for the disbursement of public moneys, in excess of the appropriation respectively to any such board, or

b Incur obligations in excess of the appropriation and limit of expenditure provided by law for the purposes respectively of any such board

Shall be jointly or severally guilty of a misdemeanor

Nothing contained in this section shall be construed to prevent any board of education from keeping open the public schools

Source R. S. 2 160-5, as am L. 1939, c. 387, p. 927, §1

2A:160-5.1. Disbursing moneys or incurring obligations in excess of appropriations or amount limited; penalty; proceedings to recover and disposition. Any member of any board of chosen freeholders or of any township committee or of any board of aldermen or of any council of any municipality or of any board of commissioners of any township, city, town or borough in this state who shall either disburse, order or vote for the disbursement of public moneys, in excess of the appropriation respectively to such board, committee or council, or incur obligations in excess of the appropriation and limit of expenditure provided by law for the purposes respectively of any such board, committee or council, shall be liable to a penalty of \$50. Such penalty shall be sued for and recovered in a civil action by and in the name of the division of local government in the department of the treasury. The pleadings in any such action shall conform in all respects to the practice prevailing in the court in which the action shall be instituted. All moneys recovered in such actions shall be paid to said department for its use and purposes

Source L. 1939, c. 387, p. 928, §2

2A:160-6. Proceedings in relation to bids or proposals for public supplies, works, etc.; penalty for noncompliance. When bids or proposals for supplies or for public works or buildings or for other public purposes are asked for by boards of managers having charge of any of the public institutions of this state or by boards of freeholders, common councils, boards of works or other bodies having control of the counties or municipalities of this state or any department of the same, or any committees representing such boards or bodies, such boards or bodies or committees shall proceed in the following manner. Said boards or governing bodies or committees shall give public notice at the time the bids or proposals are advertised, of the time and place when the bids shall be received, and at such time and place said board or governing body or committee, being in session, shall receive the bids and thereupon immediately proceed to unseal the

same and publicly announce the contents in the presence of the parties bidding or their agents, providing said parties or their agents choose to be then and there present, and also make proper record of the prices and terms upon the minutes of the body. No bids shall be received previous to the hour designated in the public notice, and none shall be received thereafter. Any failure to comply with the provisions of this section shall be a misdemeanor.

Source R. S. 2 160-6

2A:160-7. Officers or employees of institutions having interest in furnishing goods or supplies thereto. Any employee or person having the whole or partial control or management of any institution, the moneys for the support of which are drawn in whole or in part from the treasury of the state, or any county or city thereof, who shall be directly or indirectly interested in furnishing any goods, chattels, supplies or property of any kind whatsoever to or for the use of any such institution, shall be guilty of a misdemeanor

Source. R. S. 2 160-7

2A:160-8. Members of governing bodies of counties, municipalities and school districts not to be interested in public contracts. Any member of any board of chosen freeholders, or any township committee, or any board of education in any school district, or any board of aldermen or common council in any city, or any board of commissioners of any county, township, city, town or borough, who shall

a Be directly or indirectly concerned in any agreement or contract for the construction of any bridge or building of any kind whatsoever, or any improvement whatever to be constructed or made for the public use or at the public expense; or

b Be a party, either as principal or surety, to any contract or agreement between the county, township, city, town, borough or school district, as the case may be, and any other party, or

c Be directly or indirectly interested in furnishing any goods, chattels, supplies or property of any kind whatsoever to or for the county, township, city, town, borough or school district, the contract or agreement for which is made or the expense or consideration of which is paid by the board, council or committee of which such member is a part—

Shall be guilty of a misdemeanor

Source R. S. 2 160-8

2A:160-9. Forfeiture of office. Any person holding an office, elective or appointive, under this state, or any county or municipality thereof, who shall be convicted upon, or who shall plead guilty, non vult or nolo contendere to, an indictment, accusation or complaint charging him with the commission of a misdemeanor or high misdemeanor touching the administration of his office, or which involves moral turpitude, shall forfeit such office and cease to hold the same

from the date of such conviction or entry of such plea as aforesaid.

Source R S 2 160-9

2A:160-10. Restoration on reversal. If the conviction against such officer be reversed, he shall be restored to his office with all the rights and emoluments thereof from the date of such forfeiture, but a pardon shall not have such effect.

Source R S 2 160-10

2A:160-11. Personating public officers or employees. Any person who shall, without authority, exercise or attempt to exercise the functions of, or hold himself out to anyone as, an officer or employee of the state or any of its

agencies or political subdivisions, not so being, shall be guilty of a misdemeanor

Source R S 2 160-11

2A:160-12. Unauthorized persons taking acknowledgments. Any person, knowing that he is not authorized by the laws of this state to take acknowledgments or proofs to deeds or other instruments in writing, who shall take an acknowledgment or proof to any deed or instrument in writing, and shall sign a certificate thereon certifying that the said deed or instrument in writing was acknowledged before him, shall be guilty of a misdemeanor

Source R S 2 160-12

2A:160-13. Blank

Chapter 161. PUBLIC RECORDS AND DOCUMENTS.

Section

2A 161-1 Stealing or altering records, additional penalty when court decree or sentence affected

2A:161-1. Stealing or altering records; additional penalty when court decree or sentence affected. Any clerk, coroner, sheriff, magistrate or judge, or any other person, who shall steal, embezzle, take away, alter, withdraw, falsify, mutilate or avoid any record, or any part of the same, or any writ, return, panel, process, minutes, documents, book or other proceedings of or belonging to any of the courts of this state, or to the office of the clerk of the supreme court, or

the superior court, or a county court, or other court of any city or county of this state, and his procurers, counselors, aiders and abettors shall be guilty of a misdemeanor, and if, as a result of any such act, any verdict, judgment, sentence or decree shall be reversed, annulled, made void or lose its force and effect, such offender, and his procurers, counselors, aiders and abettors, shall be guilty of a high misdemeanor

Source R S 2 161-1

Chapter 162. RAILROADS AND RAILWAYS.

Section

2A 162-1 Malicious tampering with steam, electric or diesel railways

2A 162-2 Injuring or destroying railroad property

Section

2A 162-3 Obstructing engines or cars

2A 162-4

to

2A 163-6 Blank

2A:162-1. Malicious tampering with steam or electric railways. Any person who shall willfully or maliciously

a Put, place, cast or throw any wood, stone or other matter or thing upon or across any steam, electric or diesel railway; or

b Take up, remove or displace any rail, sleeper or other matter or thing belonging to any such railway, or

c Turn, move or divert any switch or other machinery belonging to any such railway, or

d Make, show, hide or remove any signal or light upon or near to any such railway; or

e Cut, break or otherwise injure any trolley or electric wire used in the operation of any such railway, or

f Do or cause to be done any other matter or thing to obstruct, upset, overthrow, derail, injure or destroy any engine, tender, carriage, car or truck running upon or used in the operation of any such railway—

Shall be guilty of a high misdemeanor

Source R S 2 162-1

2A:162-2. Injuring or destroying railroad property. Any person who shall willfully or maliciously injure, hinder, obstruct, impair or destroy any railroad within this state, or any of the necessary works, carriages or machines used in such railroad, shall be guilty of a misdemeanor

Source R S 2 162-2

2A:162-3. Obstructing engines or cars. Any person who, by any unlawful act, or by any willful omission or neglect, shall obstruct or cause to be obstructed any engine or car upon any railway, or shall aid or assist therein, shall be guilty of a misdemeanor

Source R S 2 162-3

2A:162-4

to

2A:162-6. Blank.

Chapter 163. RAPE AND CARNAL ABUSE.

Section

2A 163-1 Rape, penalty

2A 163-1.1 Carnal abuse, penalty

2A:163-1. Rape; penalty. Any person who shall have carnal knowledge of a woman forcibly against her will, or shall aid, abet, counsel, hire, cause or procure any person to commit such offense, shall be guilty of a high misdemeanor, and punished by a fine not exceeding \$10,000, or imprisonment at hard labor not exceeding 30 years, or both

Source R S 2 163-1

2A:163-1.1. Carnal abuse; penalty. Any person

a. Being of the age of 16 or over, who shall unlawfully and carnally abuse a woman-child under the age of 12 years, with or without her consent, shall be guilty of a high misdemeanor, and punished by a fine not exceeding \$10,000, or by imprisonment at hard labor not exceeding 30 years, or both, or

b. Being of the age of 16 or over, who shall unlawfully and carnally abuse a woman-child of or over the age of 12 years and under the age of 16 years, with or without her consent, shall

Section

2A 163-2 Carnal knowledge of inmates of homes for feeble-minded

be guilty of a high misdemeanor, and punished by a fine not exceeding \$5,000, or by imprisonment at hard labor not exceeding 15 years, or both

Source R S 2 163-1

Note of Reporter. It has been deemed advisable to deal with carnal abuse in a statute separate from that denouncing the crime of rape. The offenses of rape and carnal abuse are not the same and should not be intermixed in the same statute. It is noted that the present statute denouncing carnal abuse fails to make the offense criminal if the child is exactly 12 years of age. This omission has been corrected in the text above

2A:163-2. Carnal knowledge of inmates of homes or institutions for feeble-minded or mentally ill. Any person who shall have carnal knowledge of any female who is an inmate of any home or institution for feeble-minded or mentally ill females, or of any home or training school for feeble-minded girls and boys in this state, with or without her consent, shall be guilty of a misdemeanor.

Source R S 2 163-2

Chapter 164. RECEIVING STOLEN PROPERTY.

Section

2A 164-1 Buying or receiving stolen property, harboring thief, possession as sufficient evidence to convict, except in certain cases

2A:164-1. Buying or receiving stolen property; harboring thief; possession as sufficient evidence to convict, except in certain cases. Any person who shall receive or buy any goods or chattels, or choses in action or other valuable thing whatsoever, that shall have been stolen from any other person or taken from him by robbery or otherwise unlawfully or fraudulently obtained, or converted in any manner contrary to any of the provisions of this subtitle, whether such stealing or robbery shall have been committed either in this state or in some other jurisdiction, and whether such goods, chattels, choses in action, or other valuable thing shall be received or bought from the thief, robber, or person so obtaining, taking, or converting them, or from any other person, or shall receive, harbor or conceal any thief or robber knowing him to be so, shall be guilty of a high misdemeanor

If the person accused is shown to have or to have had possession of such goods, chattels, choses in action, or other valuable thing, within 1 year from the date of such stealing, robbery or unlawful or fraudulent obtaining, such possession shall be deemed sufficient evidence to authorize conviction, unless such person show to the satisfaction of the jury either

a That the goods or chattels or choses in

Section

2A 164-2

to

2A 164-4 Blank

action or other valuable thing were, considering the relations of the parties thereto and the circumstances thereof, a gift to him and not received by him from a minor under the age of 16 years, or

b That the amount paid by him for the goods or chattels or choses in action or other valuable thing represented their fair and reasonable value and they were not received by him from a minor under the age of 16 years, or

c That when he bought the goods or chattels or choses in action or other valuable thing he knew of his own knowledge or made inquiries sufficient to satisfy a reasonable man, that the seller was in a regular and established business for dealing in goods, chattels, choses in action or other valuable thing of the description of the goods purchased, or

d That when he received or bought the goods or chattels or choses in action or other valuable thing, he simultaneously with or before the receipt or sale, reported the transaction to the police authorities of the municipality in which he resided at the time of such receiving or buying and that such goods or chattels or choses in action or other valuable thing were not received by him from a minor under the age of 16 years; or

e. That before he received or bought the goods or chattels or choses in action or other valuable thing from a minor under the age of 16 years, he first communicated with the police authorities of the municipality in which he resided and obtained their approval for the purchase, barter,

exchange or receipt of possession of such goods, chattels, choses in action or other valuable thing
Source R S 2 164-1, as am L 1938, c 348, p 875, §1

2A:164-2

to

2A:164-4. Blank.

Chapter 165. RELIGION.

Section

2A 165-1 Imposters in religion

2A:165-1. Imposters in religion. All imposters in religion, such as pretend to personate Jesus Christ, or suffer their followers to worship or pay them divine honors, or who terrify, delude or abuse the people by false denunciation of judgments, shall be guilty of a misdemeanor

Source R S 2 165-1

Section

2A 165-2 Blasphemy

2A:165-2. Blasphemy. Any person who shall willfully blaspheme the name of God, by denying, cursing or contumeliously reproaching His being or providence, or by cursing or contumeliously reproaching Jesus Christ, or by profane scoffing at, or exposing them or either of them to contempt or ridicule, shall be guilty of a misdemeanor

Source R S 2 165-2

Chapter 166. ROBBERY.

Section

2A 166-1 Robbery, penalty

2A:166-1. Robbery; penalty. Any person who shall forcibly take from the person of another, money or personal goods and chattels, of any value whatever, by violence or putting him in fear, and his aiders, procurers and abettors,

shall be guilty of a high misdemeanor, and punished by a fine not exceeding \$10,000, or imprisonment at hard labor not exceeding 15 years, or both

Source R S 2 166-1

Chapter 167. SEDUCTION.

Section

2A 167-1 Seduction of single female by married man

2A 167-2 Seduction of single female by single man, marriage of female

2A:167-1. Seduction of single female by married man. Any married man who shall have sexual intercourse with a single female of good repute for chastity, by representation that he is a single man, or under promise of marriage, she thereby becoming pregnant, shall be guilty of a misdemeanor

Source R S 2 167-1

2A:167-2. Seduction of single female by single man; marriage of female. Any single man over the age of 18 years who, under promise of marriage, shall have sexual intercourse with a single female of good repute for chastity, under the age of 21 years, she thereby becoming pregnant, shall be guilty of a misdemeanor

Section

2A 167-3 Evidence of female must be corroborated

If the man offending shall marry the female at any time before sentence, the same shall be suspended and he shall be discharged from custody, and if he shall marry the female after sentence he shall be discharged from further imprisonment.

Source R S 2 167-2

2A:167-3. Evidence of female must be corroborated. No conviction shall be had for any offense specified in sections 2A 167-1 and 2A 167-2 of this title, unless the evidence of the female be corroborated to the extent required in case of an indictment for perjury

Source R S 2 167-3

Chapter 168. SODOMY.

Section

2A 168-1 Sodomy, punishment

Section

2A 168-2 Sodomy with children under 16

2A:168-1. Sodomy; punishment. Sodomy, or the infamous crime against nature, committed with man or beast, shall be a high misdemeanor, and punished by a fine not exceeding \$10,000, or imprisonment at hard labor not exceeding 20 years, or both.

Source. R S 2 168-1.

2A:168-2. Sodomy with children under 16. Any person who shall commit sodomy, or the infamous crime against nature, with any child under the age of 16 years, shall be guilty of a high misdemeanor and punished by imprisonment at hard labor for a period of not more than 30 years

Source R S 2 168-2

Chapter 169. Blank.

Chapter 170. TAXES.

Section

2A 170-1 Evasion of taxes by transfer of property

2A:170-1. Evasion of taxes by transfer of property. Any person who shall make a transfer of any real or personal property liable to taxation by the laws of this state for the purpose of thereby evading the payment of any taxes that may be afterward assessed thereon, or shall obtain a loan for the purpose of thereby claiming

a deduction in any taxes that may be afterward assessed against him, with the intention of obtaining a retransfer of said real or personal property, or of taking up said loan when such purpose shall be accomplished, shall be guilty of a misdemeanor.

Source R S 2 170-1

Chapter 171. TELEGRAPH, TELEPHONE, EXPRESS, ETC.

Section

2A 171-1 Tapping telegraph or telephone lines, disclosing messages

2A 171-2 Malicious injury to telegraph, telephone, radio or television lines, obstructing sending or delivery of messages

2A:171-1. Tapping telegraph or telephone lines; disclosing messages. Any person who shall willfully and maliciously.

a Cut, break, tap or make any connection with any telegraph or telephone line, wire, cable or instrument belonging to another, or

b Read, take, copy, make use of, disclose, publish or testify concerning any message, communication or report intended for another and passing over any such telegraph or telephone line, wire or cable in this state; or

c Use any apparatus unlawfully to do or cause to be done any of the aforesaid acts; or

d Aid, employ or conspire with any person unlawfully to do, or permit or cause to be done, any of the aforesaid acts—

Shall be guilty of a misdemeanor

Source R S 2 171-1

2A:171-2. Malicious injury to telegraph, telephone, radio or television lines; obstructing sending or delivery of messages. Any person who shall willfully and maliciously.

a Displace, remove, injure or destroy any machinery, wire, cable, pole, conduit, pier, abutment or any material or property connected with or forming a part of any telegraph, telephone, radio or television line, plant or facility belonging to another; or

Section

2A 171-3 Sending messages or carrying packages in aid of illegal businesses

b Prevent, obstruct or delay, by any means or contrivance whatsoever, the sending, transmission, conveyance, delivery or furnishing in this state of any message, communication, report or service by or through any telegraph or telephone line, wire or cable, or radio or television channel or wave-band, under the control of another, or

c Use any apparatus or means unlawfully to do or cause to be done any of the aforesaid acts; or

d Aid, employ or conspire with any person unlawfully to do, or cause or permit to be done, any of the aforesaid acts—

Shall be guilty of a misdemeanor.

Source R S 2 171-2

2A:171-3. Sending messages or carrying packages in aid of illegal businesses. Any person, or any express, telephone, telegraph or other company or corporation, engaged in the business of carrying or transmitting packages, letters or communications within this state, whether by express, telegraph, telephone or any other means whatsoever, that shall knowingly carry any message of a kind which shall further or promote the interest of any unlawful pursuit, or enable a person to carry on any business or practice declared illegal by any statute of this state, shall be guilty of a misdemeanor

Source R S 2 171-3

Chapter 172. Blank.

Chapter 173. TREASON AND OFFENSES AGAINST THE GOVERNMENT.

Section

Article 1 Treason

- 2A 173-1 Treason, proof of treason, evidence upon trial
- 2A 173-2 Misprision of treason
- 2A 173-3 Maintaining foreign authority
- 2A 173-4 Conspiracy to invade other states of the union
- 2A 173-5 Concealment, penalty

Article 2 Assaulting High Executive Officers

- 2A 173-6 Assaulting president, vice president, governor or foreign ruler, with intent to kill, inciting assaults

Article 3. Anarchy

- 2A 173-7 Advocating anarchy
- 2A 173-8 Becoming member of anarchistic society
- 2A 173-9 Circulating printed matter inciting anarchy

Article 4 Inciting Violence

- 2A 173-10 Inciting personal violence or destruction of property
- 2A 173-11 Publishing or circulating propaganda inciting personal violence or destruction of property

Article 5 Insurrection or Sedition.

- 2A 173-12 Inciting insurrection or sedition
- 2A 173-13 Advocating subversion or destruction of state or federal government

Article 1 TREASON.

2A:173-1. Treason; proof of treason; evidence upon trial. Any person owing allegiance to this state, who shall levy war against it, or shall adhere to its enemies, or to the enemies of the United States, by giving them or any of them any aid or comfort whatsoever within this state or elsewhere, and shall be thereof convicted, on the testimony of 2 witnesses, to the same overt act of the treason whereof he shall stand indicted, or on confession in open court, shall be guilty of treason, and suffer death. Upon the trial of any indictment for treason, no evidence shall be admitted or given against any person of any overt act of treason that is not expressly alleged in the indictment

Source R S 2 173-1, R S 2 190-6

2A:173-2. Misprision of treason. Any person having knowledge of the commission of any of the treasons aforesaid, who shall conceal and not, as soon as may be, disclose and make known the same to the governor of this state, or to a justice of the supreme court, or to a judge of the superior court, or to a judge of a county court, or to a magistrate, shall be guilty of a high misdemeanor

Source R S 2 173-2

2A:173-3. Maintaining foreign authority. Any person owing allegiance to this state, who shall, by speech, writing, open deed or act, advisedly

Section

- 2A 173-14 Attending meeting or joining society advocating destruction of state or federal government
- 2A 173-15 Printing or producing books, pamphlets, pictures, emblems, etc., inciting destruction of state or federal government
- 2A 173-16 Selling, distributing or possessing books, pamphlets, pictures, emblems, etc., inciting destruction of state or federal government
- 2A 173-17 Letting rooms or buildings to organizations advocating destruction of state or federal government
- 2A 173-18 Hiring rooms or buildings for organizations advocating destruction of state or federal government
- 2A 173-19 Allowing use of building by organization advocating destruction of state or federal government
- 2A 173-20 Displaying red flag or other emblem inciting destruction of government
- 2A 173-21 Displaying flag, picture, etc., inciting destruction of state or federal government
- 2A 173-22 Opposing enlistments, advocating noncooperation with federal government in carrying on war, citizen defined

Article 6. Unauthorized Use of State Seal

- 2A 173-23 Exhibition or display of state seal without authorization, misdemeanor
- 2A 173-24 Use pursuant to statutory authority

and wittingly maintain and defend the authority or jurisdiction of any foreign power, potentate, republic, king, state or nation, in and over this state, or the people thereof, shall be guilty of a high misdemeanor

Source R S 2 173-3

2A:173-4. Conspiracy to invade other states of the union. Any person who shall, within this state, get up or enter into any combination, organization or conspiracy, with the intent and purpose of making or attempting to make a hostile invasion of any other state or territory of the United States, or shall engage in plotting or contriving any such invasion, or who shall knowingly furnish any money, arms, ammunition or other means in aid of such object, or shall in any way knowingly and willfully aid, abet or counsel any such combination, organization, conspiracy or hostile invasion, shall be guilty of a high misdemeanor

Source R S 2 173-4

2A:173-5. Concealment; penalty. Any person having knowledge of the commission of any of the high misdemeanors denounced in sections 2A 173-2 and 2A 173-3 of this title, who shall conceal and not, as soon as may be, disclose and make known the same to one of the public officers mentioned in section 2A 173-2 of this title, shall be guilty of a high misdemeanor

Source R S 2 173-5

Article 2 ASSAULTING HIGH EXECUTIVE OFFICERS

2A:173-6. Assaulting president, vice president, governor or foreign ruler, with intent to kill; inciting assaults. Any person who shall assault the president or vice president of the United States, or any official in the line of succession to the presidency of the United States, or the governor of this state, or the ruler, governor or other chief executive of any state, or heir apparent or heir presumptive to the throne of any foreign state, with intent to kill and with intent thereby to show his hostility or opposition to any and all government, or any person who shall incite, promote, encourage or attempt any such assault, or aid or assist therein, such assault not resulting in the death of such official, or any person who shall conspire to kill such official, shall be guilty of a high misdemeanor and shall suffer death unless the jury trying the case shall recommend the defendant to the mercy of the court, in which case the punishment shall be imprisonment for life

Source R S 2 173-6

Article 3 ANARCHY

2A:173-7. Advocating anarchy. Any person who shall, in public or private, by speech, writing, printing or any other mode or means advocate the subversion or destruction by force of any and all government, or attempt by speech, writing, printing or in any other way whatsoever to incite or abet, promote or encourage hostility or opposition to any and all government, shall be guilty of a high misdemeanor, and punished by a fine not exceeding \$2,000, or imprisonment at hard labor not exceeding 15 years, or both

Source R S 2 173-7

Note of Reporter This and the 2 sections following deal with anarchy, which today is not a serious problem. Perhaps these 3 sections should be revised after the supreme court of the United States passes upon constitutionality of the Smith Act (presently before it), in order to deal with present-day problems

2A:173-8. Becoming member of anarchistic society. Any person who shall become a member of any organization, society or order organized or formed, or attend any meeting or council, or solicit others to do so, for the purpose of inciting, abetting, promoting or encouraging hostility or opposition to, or the subversion or destruction by force of any and all government, or who shall in any manner aid, abet or encourage any such organization, society, order or meeting in the propagation or advocacy of such a purpose shall be guilty of a high misdemeanor, and punished by a fine not exceeding \$2,000, or imprisonment at hard labor not exceeding 15 years, or both.

Source R S 2 173-8

2A:173-9. Circulating printed matter inciting anarchy. If any person, organization, society or order shall bring, introduce, circulate or aid, assist or be instrumental in bringing, intro-

ducing or circulating within this state any printed or written paper, pamphlet, book or circular with intent to incite, promote or encourage hostility or opposition to, or the subversion or destruction of any and all government, such person or the members of such organization, society or order in any way responsible therefor, shall be guilty of a high misdemeanor and punished by a fine not exceeding \$2,000, or imprisonment at hard labor not exceeding 15 years, or both

Source R S 2 173-9

Article 4 INCITING VIOLENCE

2A:173-10. Inciting personal violence or destruction of property. Any person who shall, in public or private, by speech, writing, printing or any other mode or means advocate, encourage, justify, praise or incite

a The unlawful burning or destruction of public or private property, or

b Assaults upon the army of the United States, the national guard, or the police force of this or any other state, or of any municipality; or

c The killing or injuring of any class or body of persons, or of any individual—

Shall be guilty of a high misdemeanor.

Source R S 2 173-10

2A:173-11. Publishing or circulating propaganda inciting personal violence or destruction of property. Any person who shall print, publish or circulate, or cause or assist the printing, publishing or circulating of any written or printed paper, book, pamphlet or circular containing any speech, article or communication advocating, encouraging, justifying, praising, inciting or tending to incite

a The unlawful burning or destruction of public or private property, or

b Assaults upon the army of the United States, the national guard or the police force of this or any other state or of any municipality, or

c The killing or injuring of any class or body of persons, or of any individual—

Shall be guilty of a high misdemeanor

Source R S 2 173-11

Article 5 INSURRECTION OR SEDITION

2A:173-12. Inciting insurrection or sedition. Any person who shall incite an insurrection or sedition among any portion or class of the population of this state, or shall attempt by writing, speaking or any other means, to incite such insurrection or sedition, shall be guilty of a high misdemeanor, and punished by a fine not exceeding \$10,000, or imprisonment not exceeding 20 years, or both

Source R S 2 173-12

2A:173-13. Advocating subversion or destruction of state or federal government. Any person who shall advocate, in public or private, by speech, writing, printing, or by any other means, the subversion or destruction by force of the

government of the United States, or of this state, or attempt by speech, writing, printing, or in any other way whatsoever to incite or abet, promote or encourage the subversion or destruction by force of the government of the United States, or of this state, shall be guilty of a high misdemeanor, and punished by a fine not exceeding \$2,000, or imprisonment not exceeding 10 years, or both

Source R S 2 173-13

Note of Reporter This section, together with sections 2A 173-14 to 2A 173-21 inclusive, should perhaps be revised after the supreme court of the United States passes upon the constitutionality of the Smith act (presently before it), in order to deal with the problem

2A:173-14. Attending meeting or joining society advocating destruction of state or federal government. Any person who shall become a member of any organization, society or order organized or formed, or attend any meeting, or counsel or solicit others so to do, for the purpose of inciting, abetting, promoting or encouraging the subversion or destruction by force of the government of the United States or of this state, or who shall in any manner aid, abet, or encourage any such organization, society or order, or meeting in the propagation or advocacy of such a purpose, shall be guilty of a high misdemeanor, and punished by a fine not exceeding \$2,000, or imprisonment not exceeding 10 years, or both

Source R S 2 173-14

2A:173-15. Printing or producing books, pamphlets, pictures, emblems, etc., inciting destruction of state or federal government. Any person who shall print, write, multigraph or in any manner whatever make or produce, or by any means set out and make legible, in any language

a Any book, speech, article, circular or pamphlet, which in any way, in any part thereof, incites, counsels, promotes, advocates or encourages the subversion or destruction by force of the government of the United States or of this state, or

b. Any constitution, by-laws, rules or record of the proceedings of any organization, association, society, order, club or meeting of 3 or more persons, which in any way incites, counsels, promotes, advocates or encourages the subversion or destruction by force of the government of the United States or of this state, or

c Any picture, photograph, emblem, representation, sign or token which in any way incites, counsels, promotes, advocates, encourages, or symbolizes the subversion or destruction by force of the government of the United States or of this state—

Shall be guilty of a high misdemeanor.

Source. R. S 2-173-15

2A:173-16. Selling, distributing or possessing books, pamphlets, pictures, emblems, etc., inciting destruction of state or federal government. Any person who shall utter, sell, give away, circulate,

distribute or exhibit to the view of another, or have in his possession with intent to utter, sell, give away, circulate, distribute or exhibit to the view of another

a Any book, speech, article, circular or pamphlet, made or produced in any manner, in any language, or by any means set out and made legible, which in any way, in any part thereof, incites, counsels, advocates or encourages the subversion or destruction by force of the government of the United States or of this state, or

b Any constitution, by-laws, rules or record of the proceedings of any organization, association, society, order, club or meeting of 3 or more persons, made or produced in any manner or by any means set out and made legible, in any language, which in any way, in any part thereof, incites, counsels, promotes, advocates or encourages the subversion or destruction by force of the government of the United States or of this state, or

c. Any picture, photograph, emblem, representation, sign or token, made or produced in any manner, which in any way incites, counsels, promotes, advocates, encourages or symbolizes the subversion or destruction by force of the government of the United States or of this state—

Shall be guilty of a high misdemeanor

Source R S 2 173-16

2A:173-17. Letting rooms or buildings to organizations advocating destruction of state or federal government. Any owner, lessee, manager, agent or other person, who shall knowingly let or hire out any building, structure, auditorium, hall or room, whether licensed or not, or any part thereof, to or for the use of any organization, association, society, order, club or meeting of 3 or more persons, the constitution, by-laws or rules of which organization, association, society, order, club or meeting, in any way, or in any part thereof, incites, counsels, promotes, advocates or encourages the subversion or destruction by force of the government of the United States or of this state, shall be guilty of a high misdemeanor

Source R S 2 173-17

2A:173-18. Hiring rooms or buildings for organizations advocating destruction of state or federal government. Any person who shall hire any building, structure, auditorium, hall or room whether licensed or not, or any part thereof, in the name of or for the use of any organization, association, society, order, club or meeting of 3 or more persons, the constitution, by-laws or rules of which organization, association, society, order, club or meeting in any way, or in any part thereof, incite, counsel, promote, advocate or encourage the subversion or destruction by force of the government of the United States or of this state, shall be guilty of a high misdemeanor.

Source R S 2 173-18

2A:173-19. Allowing use of building by organi-

zation advocating destruction of state or federal government. Any owner, lessee, manager, or other person in control of any building, structure, auditorium, hall, or room, whether licensed or not, or any part thereof, who shall, whether with or without a letting or a hiring for a consideration, knowingly suffer or permit any organization, association, society, order, club or meeting of 3 or more persons, the constitution, by-laws or rules of which organization, association, society, order, club or meeting, in any way, or in any part thereof, incite, counsel, promote, advocate or encourage the subversion or destruction by force of the government of the United States or of this state, to occupy or to hold a meeting in said building, structure, auditorium, hall or room, or any part thereof, shall be guilty of a high misdemeanor.

Source R S 2 173-19

2A:173-20. Displaying red flag or other emblem inciting destruction of government. Any person who shall, in public or private, display a red or black flag, or any ensign or sign bearing an inscription opposed to organized government, or the flag, emblem or insignia of any organization, society or order opposed to organized government, for the purpose of inciting, promoting or encouraging hostility or opposition to or subversion or destruction of any and all government, shall be guilty of a high misdemeanor and punished by a fine not exceeding \$2,000, or imprisonment at hard labor not exceeding 15 years, or both.

Source R S 2 173-20

2A:173-21. Displaying flag, picture, etc., inciting destruction of state or federal government. Any person who shall exhibit or display at any meeting of 3 or more persons, or at any parade, public or private, or in any public place, any flag, banner, emblem, picture, photograph, representation, sign or token, which in any way incites, counsels, promotes, advocates, encourages or symbolizes the subversion or destruction by force of any and all government, or of the government of the United States or of this state, shall be guilty of a high misdemeanor.

Source R S 2 173-21

2A:173-22. Opposing enlistments; advocating nonco-operation with federal government in carry-

ing on war; citizen defined. Any person who shall:

a Print, publish or circulate in any manner whatever any book, newspaper, pamphlet or written or printed matter whatsoever that advocates or attempts to advocate that persons should not enlist in the military or naval forces of the United States or of this state, or

b Advocate or teach, by word of mouth or otherwise, in any public place or at any meeting where more than 5 persons are assembled, that any person should not enlist in the military or naval forces of the United States or of this state; or

c. Advocate or teach by any written or printed matter whatsoever, or by oral speech, that the citizens of this state should not aid, abet or assist the United States in prosecuting or carrying on war with the enemies of the United States—

Shall be guilty of a high misdemeanor

For the purposes of this section, a citizen of this state is hereby defined to be any person within the confines of this state

Source R S 2 173-22

Article 6 UNAUTHORIZED USE OF STATE SEAL.

2A:173-23. Exhibition or display of state seal without authorization; misdemeanor. Any person, other than a person holding an office, position or employment in the executive, legislative or judicial departments of the state of New Jersey acting within the scope of official duty or privilege, the governor, or a member of the legislature or the judiciary of the state of New Jersey, who shall use, exhibit or display the great seal of the state of New Jersey, in whole or in part, without first having secured written authorization so to do from the secretary of state, shall be guilty of a misdemeanor

Source L 1941, c 218, p 627, §1

2A:173-24. Use pursuant to statutory authority. This article shall not apply to the use, exhibition, or display of the great seal of the state of New Jersey, in whole or in part, pursuant to chapter 136 of the Laws of 1939 or other express statutory authority

Source L 1941, c 218, p 627, §2

Chapter 174. Blank.

Chapter 174A. UNAUTHORIZED USE OF VOTING MACHINES OR ELECTRICAL VOTING SYSTEM IN LEGISLATIVE OR PUBLIC BODIES.

Section

2A 174A-1 Unauthorized use of voting machine or electrical voting system for recording votes

2A:174A-1. Unauthorized use of voting machine or electrical voting system for recording

votes. Any person who shall use or attempt to use any voting machine or electrical voting sys-

tem of any legislative or other public body of this state for the purpose of recording a vote or votes thereon or thereby upon any matter or question being considered or voted upon by the

members of such legislative or public body, and who is not entitled to use the same for said purposes, shall be guilty of a misdemeanor
Source L 1948, c 44, p 129, §1

Chapter 175. WAREHOUSE RECEIPTS.

Section

2A 175 1 Unlawful issuance or negotiation of warehouse receipts

2A:175-1. Unlawful issuance or negotiation of warehouse receipts. It shall be unlawful to negotiate, issue, sell, assign, transfer or deal with any receipt, or substitute for the same, designed to be understood as a warehouse receipt, or a receipt or voucher that goods, wares or merchandise are stored or deposited in any warehouse or other place of storage, in or out of this state

a. If such goods, wares and merchandise are

not so deposited and held on storage by the person issuing such receipt or voucher, or

b If such receipt, substitute or voucher shall not be the only receipt, substitute or voucher issued against the same goods, wares and merchandise, unless such receipt, substitute or voucher be plainly marked duplicate

Any person violating any of the provisions of this section shall be guilty of a misdemeanor

Source R S 2 175-1

Chapter 176. WEAPONS AND EXPLOSIVES.

Section

Article 1 In General

- 2A 176-1 "Pistol", "revolver" and "dangerous knife" defined
- 2A 176-2 Pawnbrokers not to deal in weapons
- 2A 176-3 Penalty for loaning on firearms
- 2A 176-4 Sale by persons other than retail or wholesale dealers, notice to police
- 2A 176-5 Additional sentence for armed criminals, allegations of indictment
- 2A 176-6 Blank
- 2A 176-7 Firearms in vehicles
- 2A 176-8 Convicted person not to have weapons, penalty
- 2A 176-9 Sale of weapons to idiot, drug addict or convicted person
- 2A 176-10 Sale of weapons or loaded or blank cartridges to minors
- 2A 176-11 Acquisition or use of firearms by minors, exceptions
- 2A 176-12 Manufacture or sale of dangerous instruments prohibited
- 2A 176-13 Manufacture, sale, possession or use of air or spring guns prohibited
- 2A 176-14 Silencers forbidden
- 2A 176-15 Altering serial number, etc, of pistol or revolver, sale
- 2A 176-16 Property rights in firearms, forfeiture
- 2A 176-17 Conviction of aliens
- 2A 176-18 Antiques and ornaments excepted

Article 2 Manufacturing and Wholesaling of Firearms

- 2A 176-19 Manufacturers and wholesalers of weapons to be registered
- 2A 176-20 Removal of name from register
- 2A 176-21 Appeals
- 2A 176-22 Manufacturer and wholesale dealer to keep record of sales
- 2A 176-23 Violations, penalty

Article 3 Retailing of Firearms

- 2A 176-24 Licenses for retail dealers, by whom granted, conditions upon which licenses granted
- 2A 176-25 Record of sales to be kept, inspection of register
- 2A 176-26 Preparation and furnishing of register

Section

- 2A 176-27 Signature of purchaser and salesman on register
- 2A 176-28 Duplicate sheet of register delivered to chief of police or county clerk
- 2A 176-29 Violations, penalty
- 2A 176-30 Form of register
- 2A 176-31 Exhibiting for purposes of sale, lease or hire after 5 P M prohibited

Article 4 Permit to Purchase Firearms

- 2A 176-32 Purchaser must have permit
- 2A 176-33 Permit to purchase, who may obtain
- 2A 176-34 Permit to purchase, by whom granted
- 2A 176-35 Application for permits, contents, blanks obtainable
- 2A 176-36 Granting of permit, fee
- 2A 176-37 Disposition of fees
- 2A 176-38 Form of permit, triplicate, disposition of copies
- 2A 176-39 One pistol for each permit
- 2A 176-40 Violations

Article 5 Carrying Concealed Weapons

- 2A 176-41 Carrying concealed weapons, penalty, license to carry pistol or revolver
- 2A 176-42 Carrying weapons about one's premises or for purposes of hunting or target practice
- 2A 176-43 Carrying concealed weapons, persons excepted from provisions of section 2A 176-41
- 2A 176-44 Permit to carry firearms, application, investigation of fingerprints, fee
- 2A 176-45 Permit to carry firearms, authority, expiration and renewal, revocation
- 2A 176-46 Violations of provisions relating to permits to carry
- 2A 176-47 Permits in blank for banking institutions
- 2A 176-48 False representations in permit applications or in purchases

Article 6. Machine Guns

- 2A 176-49 "Machine gun or automatic rifle" defined
- 2A 176-50 Sale, purchase or possession of machine guns, penalty
- 2A 176-51 Exceptions to section 2A 176-50

Section

- 2A 176-52 License to procure machine gun, application, reference and approval, issue of license
- 2A 176-52.1 Blank See proposed additional legislation.
- 2A 176-53 Record and delivery of license
- 2A 176-54 Banking institutions and public utilities licensed

Article 1 IN GENERAL

2A:176-1. "Pistol", "revolver" and "dangerous knife" defined. The words "pistol" or "revolver" as used in this chapter shall include a shotgun, rifle, or other firearm with over-all length less than 26 inches. The words "dangerous knife" as used in this chapter shall mean a switchblade knife, a razor, and any knife designed for use as an offensive weapon.

Source R S 2 176-1

2A:176-2. Pawnbrokers not to deal in weapons.

Any pawnbroker who shall sell or have in his possession for sale or to loan or give away, any machine gun, automatic rifle, revolver, pistol or other firearm, or other instrument of any kind known as a blackjack, slung shot, billy, sandclub, sandbag, bludgeon, metal knuckles, dagger, dirk, dangerous knife, stiletto, bomb or other high explosive, shall be guilty of a misdemeanor.

Source R S 2 176-2

2A:176-3. Penalty for loaning on firearms.

Any person who loans money secured by mortgage, deposit or pledge of a pistol or revolver shall be guilty of a misdemeanor.

Source R S 2 176-3

2A:176-4. Sale by persons other than retail or wholesale dealers; notice to police. Every person becoming the lawful possessor of a pistol, revolver or other firearm of a size capable of being concealed upon the person, who shall sell, give or transfer the same to any other person without first notifying the police authorities, shall be guilty of a misdemeanor. This section shall not apply to wholesale or retail dealers or manufacturers who have complied with the provisions of this chapter.

Source R S 2 176-4

2A:176-5. Additional sentence for armed criminals; allegations of indictment. Any person who shall commit or attempt to commit any assault, robbery, larceny, burglary, or breaking and entering, when armed with or having in his possession any machine gun, automatic rifle, revolver, pistol, or other firearm, or other instrument of any kind known as a blackjack, slung shot, billy, sandclub, sandbag, bludgeon, metal knuckles, dagger, dirk, dangerous knife, stiletto, bomb, or other high explosive, shall, in addition to the punishment provided for the crime, be punished by imprisonment for not more than 5 years. No such additional punishment shall be

Section

Article 7 Unlawful Use or Possession of Weapons or Explosives

- 2A 176-55 Unlawful use of dangerous weapons
- 2A 176-56 Possession as presumption of unlawful use
- 2A 176-57 Possession or carrying of bombs
- 2A 176-58 Possession of bombs with intent to use unlawfully, as evidence of intent, exceptions
- 2A 176-59 Possession or carrying of explosives with intent to use unlawfully
- 2A 176-60 Causing explosion with intent to injure

imposed unless the indictment shall have averred that the person was armed with or had in his possession any such instrument and conviction was had thereon.

Source R S 2 176-5

2A:176-6. Blank

2A:176-7. Firearms in vehicles. The presence of a firearm in a vehicle is presumptive evidence of possession by the driver or person in control of the vehicle at the time.

Source R S 2 176-7

2A:176-8. Convicted person not to have weapons; penalty. No person who shall have been convicted in this state or elsewhere of any of the crimes enumerated in section 2A 176-5 of this title, when armed with or having in his possession any of the firearms or instruments enumerated in section 2 176-5 of this title, and who shall purchase, own, have in his possession or under his control any of the said firearms or instruments shall be guilty of a misdemeanor.

Source R S 2 176-8

2A:176-9. Sale of weapons to idiot, drug addict or convicted person. Any person who shall knowingly sell any of the firearms or instruments enumerated in section 2A 176-5 of this title to a person not of sound mind, or to a drug addict, or to a person who has been convicted of committing or attempting to commit any of the crimes enumerated in said section when armed with any of the firearms or instruments enumerated in said section shall be guilty of a misdemeanor.

Source R S 2 176-9

2A:176-10. Sale of weapons or loaded or blank cartridges to minors. Any person who shall knowingly offer, sell, loan, lease or give to any person under the age of 18 years, any of the firearms or instruments enumerated in section 2A 176-2 of this title, or any instrument or weapon commonly known as a toy pistol in or upon which any loaded or blank cartridges may be used, or any loaded or blank cartridges therefor, shall be guilty of a misdemeanor.

Source R S 2 176-10

2A:176-11. Acquisition or use of firearms by minors; exceptions. No person under the age of 18 years shall purchase, barter or exchange any gun, pistol, toy pistol, or other firearm or any instrument or weapon in which any loaded or

blank cartridges may be used; nor shall any person under the age of 16 years carry, fire or use any such instrument or weapon except in the presence of his father or guardian, or some other responsible adult or for the purpose of military drill under competent supervision, or for the purpose of competition or target practice in and upon a firing range approved by the governing body or the chief of police of the municipality in which such range is located. Violation of any of the provisions of this section shall be a misdemeanor.

Source R S 2 176-11, as am L 1945, c 191, p 652, §1

2A:176-12. Manufacture or sale of dangerous instruments prohibited. Any person who manufactures or causes to be manufactured or sells or keeps for sale, or offers, gives or disposes of any instrument or weapon of the kinds usually known as a blackjack, slung shot, billy, sandclub, sandbag, bludgeon or metal knuckles to any person, shall be guilty of a misdemeanor.

Source R S 2 176-12

2A:176-13. Manufacture, sale, possession or use of air or spring guns prohibited. Any person who manufactures, sells, barter, exchanges, hires, loans, gives, buys or has in his possession, or uses or shoots any air gun, spring gun or pistol or other weapon of a similar nature in which the propelling force is a spring or air and ejecting a bullet or missile smaller than three-eighths of an inch in diameter, with sufficient force to injure the person, shall be guilty of a misdemeanor.

Source. R S 2 176-13

2A:176-14. Silencers forbidden. Any person who shall manufacture, sell, purchase or possess, except for military or police purposes, any muffler, silencer or device for deadening or muffling the sound of a firearm when discharged, shall be guilty of a misdemeanor.

Source R S 2 176-14

2A:176-15. Altering serial number, etc., of pistol or revolver; sale. Any person who shall alter, change, remove, disfigure, obliterate or deface the name of the maker, model, manufacturer's or serial number, or other mark of identification of any pistol or revolver; and any person engaged in the retail business of selling, leasing or otherwise transferring pistols, revolvers, or other firearms, who shall sell or lease any pistol or revolver having the serial number thereof altered, changed, disfigured or defaced, shall be guilty of a misdemeanor.

Source. R S 2 176-15

2A:176-16. Property rights in firearms; forfeiture. No property right shall exist in any firearms unlawfully possessed, carried or used, and all such firearms are hereby declared to be nuisances and forfeited to the state. When such forfeited firearms shall be taken from any person, they shall be surrendered to the sheriff of the county in which taken or to the head of the

police department in municipalities or to the office of the county prosecutor in counties. If any such firearms shall be found to be the property of an innocent owner, they shall be returned to him if and when no longer needed for evidential purposes.

Source R S 2 176-16

2A:176-17. Conviction of aliens. Whenever any person who is not a citizen of the United States is convicted under any provision of this chapter, the clerk of the court in which such conviction is secured shall certify the fact of such conviction to the proper officer of the United States government having supervision of the deportation of aliens.

Source R S 2 176-17

2A:176-18. Antiques and ornaments excepted. This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

Source R S 2 176-18

Article 2 MANUFACTURING AND WHOLESALING OF FIREARMS

2A:176-19. Manufacturers and wholesalers of weapons to be registered. Every person who manufactures, or who sells at wholesale, any machine gun, automatic rifle, revolver, pistol or other firearm, or other instrument of any kind known as a dagger, dirk, dangerous knife, stiletto, bomb or other high explosive, shall be registered with the superintendent of state police and shall furnish the said superintendent such particulars as may be prescribed by law for such registration.

If the superintendent of state police is satisfied that any applicant for such registration cannot be permitted to carry on business as a manufacturer or wholesale dealer in the firearms or instruments enumerated above without danger to the public safety, he may refuse to register such applicant.

The superintendent of state police shall furnish a certificate of registration to every person who is registered under this section.

Source R S 2 176-19

2A:176-20. Removal of name from register. If any person desires to have his name removed from registration, or if the superintendent of state police is satisfied that any person whose name is registered is no longer carrying on business as such manufacturer or wholesale dealer, or has ceased to have a place of business within the state, or cannot longer be permitted to carry on business as such manufacturer or wholesale dealer without danger to the public safety, the said superintendent shall, after giving reasonable notice to the manufacturer or wholesale dealer and hearing thereon, cause the name of such person to be removed from registration.

Source R S 2 176-20

2A:176-21. Appeals. Any person aggrieved by the refusal of the superintendent of state police

to register him as such manufacturer or wholesale dealer, or by removal of his name from registration, shall have a right of appeal to the appellate division of the superior court
Source R S 2 176-21

2A:176-22. Manufacturer and wholesale dealer to keep record of sales. Every such manufacturer and wholesale dealer shall keep a detailed record of each firearm or instrument sold by him. Such record shall include date of sale, name of purchaser, description of arm, and serial number thereof. The information contained in such record shall be available to police and other public officials in the performance of their official duties
Source R S 2 176-22

2A:176-23. Violations; penalty. A violation of any of the provisions of this article shall be a misdemeanor.
Source R S 2 176-23

Article 3 RETAILING OF FIREARMS.

2A:176-24. Licenses for retail dealers; by whom granted; conditions upon which licenses granted. No retail dealer shall sell or expose for sale or have in his possession with intent to sell, any of the firearms or instruments enumerated in section 2A:176-2 of this title, except that a retail dealer may sell any razor or rifle or shotgun with over-all length of 26 inches or more, and may be licensed to sell pistols and revolvers as hereinafter provided.

A judge of the county court of the county wherein the retail dealer shall have his place of business may, in his discretion, grant licenses in form prescribed by the superintendent of state police, effective for not more than 1 year from the date of issue, permitting the licensee to sell pistols or revolvers at retail within said city, town or political subdivision, subject to the following conditions, for breach of any of which the license shall be subject to forfeiture

a The business shall be carried on only in the building or buildings designated in the license;

b The license or copy thereof certified by the issuing authority shall be displayed in a conspicuous place on the premises on which the business is conducted where it can be easily read,

c No pistol or revolver, or imitation thereof, or placard advertising the sale thereof, shall be placed in any window or in any part of said premises where it can be readily seen from the outside,

d No pistol or revolver shall be delivered

1 Unless the purchaser shall have obtained a permit to purchase under the provisions of article 4 of this chapter (§2A:176-32 et seq.);

2 Until 7 days shall have elapsed after the date of the application for the permit,

3 Unless the purchaser either is personally known to the seller or shall present evidence of his identity,

4 Unless the pistol or revolver shall be unloaded

and securely wrapped, provided that a permit to cover a pistol or revolver shall, for the purposes of this section and article 4 of this chapter (§2A:176-32 et seq.), be equivalent to a permit to purchase a pistol or revolver,

e A true record of every pistol or revolver sold shall be kept by the retail dealer in accordance with the provisions of sections 2A 176-25 to 2A 176-30 of this title

No license to sell at retail shall be granted except as provided in this section

Violation of any of the provisions of this section shall be a misdemeanor.

Source R S 2 176-24

2A:176-25. Record of sales to be kept; inspection of register. Every person engaged in the retail business of selling, leasing or otherwise transferring a pistol, revolver or other firearm of a size capable of being concealed upon the person, whether such seller, lessor or transferor is a retail dealer or otherwise, shall keep a register in which shall be entered the time of the sale, date of sale, the name, age, color, nationality, occupation and residence of the purchaser, the name of the salesman making the sale, the place where sold, the make, model, manufacturer's number, caliber or other marks of identification on such pistol, revolver or other firearm. Such register shall be open at all reasonable hours for the inspection of any police or other peace officer
Source R S 2 176-25

2A:176-26. Preparation and furnishing of register. The form of such register shall be prepared by the superintendent of state police and by him transmitted to the clerk of every municipality. The clerk of such municipality shall thereupon prepare the register in accordance with the form so transmitted and furnish the same to each person within said municipality engaged in the business of selling, leasing or otherwise transferring pistols, revolvers or other firearms
Source R S 2 176-26

2A:176-27. Signature of purchaser and salesman on register. The purchaser of any pistol, revolver or other firearm of a size capable of being concealed upon the person shall sign and the dealer shall require him to sign his name and affix his address to such register, in duplicate, and the salesman shall affix his name, in duplicate, as a witness to the signature of the purchaser
Source R S 2 176-27

2A:176-28. Duplicate sheet of register delivered to chief of police or county clerk. The duplicate sheet of such register shall, before 12 o'clock midnight of the day of the sale, lease or transfer, be delivered to the office of the chief of police of such municipality, or to the office of the captain of the precinct of any such city, within which the dealer resides, and a receipt shall be given to such dealer therefor.

Where a sale, lease or transfer is made in a municipality having no chief of police, the dealer shall, on the day of sale, mail a duplicate copy of such register to the clerk of the county within which the sale, transfer or lease was made.

Source R S 2 176-28

2A:176-29. Violations; penalty. Any person violating any of the provisions of sections 2A 176-24 to 2A 176-31 of this title shall be guilty of a misdemeanor

Source R S 2 176-29

2A:176-30. Form of register. The form of such register shall be substantially in the following form

Sold, leased or transferred by salesman
 city, town or township
 description of arm (state whether revolver or
 pistol) maker number
 caliber name of purchaser
 age years
 permanent residence (state name of city, town or
 township, street and number of dwelling)
 height feet inches
 occupation color
 skin eyes hair
 if traveling or in locality temporarily, give local
 address

signature of purchaser
 (signing a fictitious name or address is a mis-
 demeanor.) (To be signed in duplicate)

Witness salesman
 (To be signed in duplicate)

Source R S 2 176-30

2A:176-31. Exhibiting for purposes of sale, lease or hire after 5 p.m. prohibited. No person engaged in the retail business of selling, leasing or otherwise transferring any pistol, revolver or other firearm of a size capable of being concealed upon the person, shall exhibit for the purposes of sale, lease or hire any pistol, revolver or other firearm after the hour of 5 p.m.

Source R S 2 176-31

Article 4 PERMIT TO PURCHASE FIREARMS

2A:176-32. Purchaser must have permit. No person shall sell a pistol or revolver to another unless the purchaser has first secured a permit to purchase or carry a pistol or revolver

Source R S 2 176-32

2A:176-33. Permit to purchase; who may obtain. No person of good character and who is of good repute in the community in which he lives, and who is not subject to any of the disabilities set forth in other sections of this chapter, shall be denied a permit to purchase a pistol or revolver

Source R S 2 176-33

2A:176-34. Permit to purchase; by whom granted. The judge of any county court within this state or the chief of police of a municipality shall, upon application, issue, to any person qualified under the provisions of section 2A 176-33

of this title, a permit to purchase a pistol or revolver

Source R S 2 176-34

2A:176-35. Application for permits; contents; blanks obtainable. Applications for permits to purchase shall be in form as prescribed by the superintendent of state police and shall set forth the name, residence, place of business, age, occupation, sex, color and physical description of the applicant, and shall state whether the applicant is a citizen, and whether he has ever been convicted of any crime. The application shall be signed by the applicant and shall contain as reference the names and addresses of 2 reputable citizens personally acquainted with him

Application blanks shall be obtainable from the superintendent of state police and from any other officer authorized to grant such permit, and may be obtained from licensed retail dealers

Source R S 2 176-35

2A:176-36. Granting of permit; fee. The application for the permit to purchase, together with a fee of \$100, shall be delivered or forwarded to the licensing authority who shall investigate the same, and unless good cause for the denial thereof shall appear, shall grant said permit within 7 days from the date of the receipt of the application. If the permit is not granted the fee shall be returned to the applicant

Source R S 2 176-36

2A:176-37. Disposition of fees. All fees for permits shall be paid to the municipality if the permit be issued by a municipal officer, in all other instances to the general fund of the county

Source R S 2 176-37

2A:176-38. Form of permit; triplicate; disposition of copies. The permit shall be in form prescribed by the superintendent of state police and shall be issued to the applicant in triplicate. The applicant shall deliver to the seller the permit in triplicate and the seller shall indorse on the back of each copy the make, model, caliber and serial number of the pistol or revolver sold under the permit. One copy shall then be returned to the purchaser with the pistol or revolver, 1 copy shall be kept by the seller as a permanent record, and the third copy shall be forwarded by the seller within 3 days to the superintendent of state police

Source R S 2 176-38

2A:176-39. One pistol for each permit. A person shall not be restricted as to the number of pistols or revolvers he may purchase, if he applies for and obtains permits to purchase the same, but only 1 pistol or revolver shall be purchased or delivered on each permit

Source R S 2 176-39

2A:176-40. Violations. Violation of any of the provisions of this article shall be a misdemeanor

Source R S 2 176-40

Article 5 CARRYING CONCEALED WEAPONS

2A:176-41. Carrying concealed weapons; penalty; license to carry pistol or revolver. Except as hereinafter provided, a person who shall carry in any automobile, carriage, motor cycle or other vehicle, or concealed on or about his clothes or person, or otherwise concealed in his possession

a A pistol, revolver or other firearm without having first obtained a permit to carry the same in accordance with the provisions of this chapter, or

b Any instrument of the kinds known as a blackjack, slung shot, billy, sandclub, sandbag, bludgeon, metal knuckles, dagger, dirk, dangerous knife or stiletto, bomb, or any high explosive, other than fixed ammunition—

Shall be guilty of a misdemeanor

Source R S 2 176-41

2A:176-42. Carrying weapons about one's premises or for purposes of hunting or target practice. Nothing contained in section 2A 176-41 of this title shall be construed to prevent a person from keeping or carrying about his place of business, dwelling house, premises, or on land possessed by him, any such revolver, pistol, firearm or other weapon; or from carrying the same from any place of purchase to his dwelling house or place of business, or from his dwelling house or place of business to or from any place where repairing is done, to have the same repaired, nor to prevent any person from carrying a gun, rifle or knife in the woods or fields or upon the waters of the state for the purpose of hunting or target practice

Source R S 2 176-42

2A:176-43. Carrying concealed weapons; persons excepted from provisions of section 2A:176-41. The provisions of section 2A 176-41 of this title shall not apply to

a The United States marshal or his deputies,

b Members of the army, navy or marine corps of the United States or of the national guard when on duty;

c Any sheriff, undersheriff, deputy sheriff, county prosecutor, assistant prosecutor or prosecutor's detectives,

d The regularly employed members, including detectives, of the police department of any municipality, or any special policeman appointed by the governing body of any municipality,

e Any member of the state police, or any motor vehicle inspector or state detective;

f Any jailer, constable, railway police, canal or steamboat police, or any other peace officer, when in discharge of his duties;

g The fish and game commissioners, or the regular fish and game wardens;

h Any prison or jail wardens or their deputies, or any guard or keeper of any penal institution in this state;

i Any court attendant serving as such under appointment by the sheriff of the county or by

the judge of the superior court, county court, and magistrates;

j Any member of a legally organized detective agency,

k Any guard in the employ of any railway express company, banking or building and loan institution of this state,

l Any officer of the society for the prevention of cruelty to animals,

m Any duly authorized military organization when under orders, or any member thereof when going to or from places of meeting of their respective organization, carrying the weapons prescribed for drill, exercise or parade;

n Persons having a hunter's license in going to or from places of hunting,

o Members of government civilian rifle clubs duly organized in accordance with the rules prescribed by the national board for the promotion of rifle practice, in going to or from their several places of target practice and carrying weapons necessary for such practice,

p The director, deputy directors, inspectors and investigators of the division of alcoholic beverage control in the department of law and public safety, or

q Public utility corporations in the transportation of explosives

Source R S 2 176-43, as am L 1938, c 125, p 259, §1

2A:176-44. Permit to carry firearms; application, investigation of fingerprints; fee. Any person desiring to obtain a permit to carry a revolver, pistol or other firearm shall in the first instance make application therefor either to the chief police official of the municipality in which the applicant resides or to the sheriff of the county wherein the applicant resides.

If such application is approved by the chief police official or by the sheriff, as the case may be, the applicant shall then present the same to a judge of the county in which the applicant is a resident, who, after investigation, which shall include the name and address of the manufacturer of such revolver, pistol or other firearm, also any and all of the manufacturer's identification numbers, letters and marks and a complete description of the kind and type of revolver, pistol or other firearm which the applicant intends to carry, provided, however, that 1 permit shall be sufficient for such revolvers, pistols or other firearms of the applicant, and also the taking of the fingerprints of the applicant and the comparison of the same with any and all records of fingerprints in the municipality and county in which the applicant is a resident and also the records of the supervisor of the state bureau of identification of this state and the national bureau in the department of justice in Washington, District of Columbia, and being satisfied of the sufficiency of the application and the need of such person to carry concealed upon his person a revolver, pistol or other firearm, shall issue a permit therefor

Each applicant for such a permit shall at the

time of granting the same pay to the clerk of the county in which he resides and in which the application is made, a license fee of \$3.00

Source R S 2 176-44, as am L 1939, c 321, p 790, §1

2A:176-45. Permit to carry firearms; authority; expiration and renewal; revocation. A permit issued pursuant to section 2A 176-44 of this title shall be sufficient authority for the holder thereof to carry concealed upon his person a revolver, pistol or other firearm in all parts of the state. All permits issued pursuant to said section 2A 176-44 shall expire on the 31st day of December subsequent to the date of issue, and may thereafter be renewed annually in the same manner and subject to the same provisions by which the original permit was obtained.

Any such permit may be revoked by a judge of the county court of the county wherein the permit was issued. The county prosecutor of any county, the chief of police of any municipality or any citizen may apply to such judge of the county court at any time for a revocation of any permit issued, and the judge of the county court may, after hearing upon notice, revoke any such permit. No person whose permit has been revoked pursuant to the provisions hereof shall thereafter be issued any permit under the provisions of this article.

Source R S 2 176-45

2A:176-46. Violations of provisions relating to permits to carry. A violation of any of the provisions of sections 2A 176-44 or 2A 176-45 of this title shall be deemed a misdemeanor.

Source R S 2 176-46

2A:176-47. Permits in blank for banking institutions. The president of any national bank, building and loan association, trust company or other banking institution located in any municipality of this state may make application to the chief of police of the municipality for permits, in blank, to be used by the messengers, clerks or other employees or agents of such institutions for use while engaged in the performance of their respective duties. Upon the issue of such permits, the president shall transmit to the chief of police from whom the permits were obtained, a record of the persons to whom the same were issued. Permits issued in blank in accordance with this section shall not exceed 20 in number to any one banking institution.

Source R S 2 176-47

2A:176-48. False representations in permit applications or in purchases. Any person who shall give or cause to be given any false information, or shall sign a fictitious name or address, in applying for a permit to purchase or a permit to carry a pistol, revolver or other firearm, or in purchasing or otherwise acquiring delivery of the same, shall be guilty of a high misdemeanor.

Source, R S 2 176-48

Article 6 MACHINE GUNS.

2A:176-49. "Machine gun or automatic rifle" defined. The term "machine gun or automatic rifle", as used in this article, shall mean any weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir, belt or other means of storing and carrying ammunition, which can be loaded into the said weapon, mechanism or instrument and fired therefrom at the rate of 5 or more shots to the second.

Source R S 2 176-49

2A:176-50. Sale, purchase or possession of machine guns; penalty. Any person who shall sell, give, loan, furnish or deliver any machine gun or automatic rifle to another person, or a person who shall purchase, have or possess any machine gun or automatic rifle, shall be guilty of a high misdemeanor.

Source R S 2 176-50

2A:176-51. Exceptions to section 2A:176-50.

Section 2A 176-50 of this title shall not apply to any person having a license to purchase, have and possess a machine gun or automatic rifle, when such license is obtained in the manner hereinafter provided, nor to the authorized agents or servants of such licensee, nor to the officers and members of any duly authorized military organization, nor to the officers and members of the police force of any municipality, or of the state, nor to any sheriff or undersheriff, nor to any county prosecutor, his assistants, detectives and employees.

Source R S 2 176-51

2A:176-52. License to procure machine gun; application; reference and approval; issue of license. Any person who desires to purchase, have and possess a machine gun or automatic rifle may apply to a judge of the county court of the county in which the applicant is a resident for a license to purchase, have and possess a machine gun or automatic rifle. The application shall be in writing and shall state in detail the reasons why the applicant desires such license. Upon such application being presented to the judge, he shall refer the same to the sheriff of the county or to the chief police officer of the municipality in which the applicant resides, for his investigation and approval. If the application is approved by the sheriff or chief police officer, said judge may, in his discretion, issue a license under his hand and the seal of his court to the applicant to purchase, have and possess a machine gun or automatic rifle, for his own protection and for the protection of his servants and employees.

Source R S 2 176-52

2A:176-52.1. Blank See proposed additional legislation

2A:176-53. Record and delivery of license. Upon the issuance of such license, the judge shall send or deliver the same to the county clerk of

his county, who shall, in a book provided for that purpose, enter a record of the license, stating the date of its issuance and the name and address of the person to whom it is issued. Upon such record being made, the county clerk shall deliver the license to the person to whom the same is issued.

Source R S 2 176-53

2A:176-54. Banking institutions and public utilities licensed. Upon the application of any bank or banking institution, trust company or building and loan association within this state, the judge of the county court of the county within which the applicant is located, shall issue to the applicant a license to purchase and possess 1 or more machine guns or automatic rifles for its own use and protection, and for the use and protection of its officers, servants and employees, which license shall be recorded by the county clerk as provided in section 2A:176-53 of this title.

Upon the application of any railway, canal or steamboat company within this state, the judge of the court of common pleas of any county within which the applicant operates, shall issue to the applicant a license to purchase and possess 1 or more machine guns or automatic rifles for its own use and protection, and for the use and protection of its officers, servants and employees, which license shall be recorded by the county clerk as provided in said section 2A:176-53.

Source R S 2 176-54

Article 7 UNLAWFUL USE OR POSSESSION OF WEAPONS OR EXPLOSIVES

2A:176-55. Unlawful use of dangerous weapons. Any person who attempts to use unlawfully against another, or who carries or possesses with intent to use unlawfully against another, any instrument or weapon commonly known as a blackjack, slung shot, billy, sandclub, sandbag, metal knuckles, bludgeon, dagger, dirk, dangerous knife, razor, stiletto, revolver, or any other dangerous or deadly instrument or weapon, shall be guilty of a high misdemeanor.

Source R S 2 176-55

2A:176-56. Possession as presumption of unlawful use. The possession by any person other than a public officer or one having a permit for the same, of any weapon specified in section 2A:176-55 of this title, concealed or furtively carried on the person, is presumptive evidence of carrying, or concealing, or possessing, with intent to use the same in violation of said section 2A:176-55.

Source R S 2 176-56

2A:176-57. Possession or carrying of bombs. Any person, except a duly appointed law enforcement officer, or a member of the army, navy or marine corps of the United States, or of the national guard or organized reserves when on duty, who shall possess or carry on or about his person or in a vehicle, any bomb or bombshell, except for blasting or other commercial use, shall be guilty of a high misdemeanor.

Source R S 2 176-57

2A:176-58. Possession of bombs with intent to use unlawfully; as evidence of intent; exceptions. Any person who shall have in his possession or control any shell, bomb or similar device charged or filled with 1 or more explosives, with intent to use the same or cause the same to be used for an unlawful purpose, shall be guilty of a high misdemeanor, and punished by imprisonment in the state prison for a term of not more than 25 years.

The possession or control by a person of any such device so charged or filled, shall be prima facie evidence of an intent to use the same or to cause the same to be used for an unlawful purpose.

Nothing contained in this section shall apply to the regular military or naval forces of the United States or its allies, nor the duly authorized militia of any state or territory thereof, nor to the police or fire departments of this state or any municipality or county thereof, providing the same are acting within their official capacity and in the performance of their duties, nor shall this section apply to explosives while being transported upon vessels or railroad cars in conformity with the regulations adopted by the interstate commerce commission.

Source R S 2 176-58

2A:176-59. Possession or carrying of explosives with intent to use unlawfully. Any person who, with intent to use the same unlawfully against the person or property of another, possesses or carries any explosive substance, or any explosive liquid, gas or like substance, shall be guilty of a high misdemeanor.

Source R S 2 176-59

2A:176-60. Causing explosion with intent to injure. Any person who shall in any manner cause or attempt to cause any explosion of dynamite, nitroglycerine, gun cotton or other explosive of any nature whatsoever, with intent unlawfully to injure the person or property of another, shall be guilty of a misdemeanor, and punished by imprisonment in the state prison for not less than 5 years nor more than 20 years.

Source R S 2 176-60

Chapter 177. Blank.

Subtitle 14. CRIMINAL PROCEDURE.

Chapter 178. DEFINITIONS, CONSTRUCTION AND GENERAL PROVISIONS.

Section	
2A 178-1	Definitions
2A 178-2	Forfeiture of estate, benefit of clergy and action of appeal abolished
2A 178-3	Information not to lie
2A 178-4	Laws relating to particular counties or localities not affected
2A 178-5	Blank
2A 178-6	Search for and seizure of obscene or indecent books, etc., disposition thereof
2A 178-7	Destruction of gaming apparatus
2A 178-7.1	Money seized on arrest for playing unlawful games, return prohibited, exceptions

Section	
2A 178-7.2	Disposition pending trial of moneys seized
2A 178-7.3	Disposition on conviction of money seized, order of forfeiture
2A 178-7.4	Blank See proposed additional legislation.
2A 178-7.5	Certified copy of order, filing of
2A 178-8	Continued violations of criminal law in municipalities, notice to municipal authorities
2A 178-9	Notice as authority to make complaint, warrants, absence of liability
2A 178-10	to
2A 178-12	Blank

2A:178-1. Definitions. In the construction of this subtitle, the following words and phrases shall, unless repugnant to the context, or unless another and different definition or meaning is expressly given or stated, have the meaning herein given to them

The term "finding of the indictment" includes "the taking of an inquisition" and "the making a presentment"

The word "indictment" includes "inquisition", "presentment", "information" and "accusation of crime", as well as "indictment", and also any "plea", "replication", or other pleading, and any nisi prius record

"Property" shall include every matter or thing, whether real or personal, tangible or intangible, upon or with respect to which any offense may be committed."

Source R S 2 178-1

Note of Reporter Under Rule 2A 4-10 we now have only "indictments" and "accusations" These cover all "offenses" as defined under Rule 2 1-3 Under present rules, "indictment" no longer covers "inquisition", criminal "information", "plea", "replication" or "presentment" Nor is there any further occasion or necessity for these terms

2A:178-2. Forfeiture of estate, benefit of clergy and action of appeal abolished. No conviction or judgment for any offense against this state, shall make or work corruption of blood, disinherison of heirs, loss of dower, or forfeiture of estate

The benefit of clergy is abolished.

The suit or action of appeal for murder, manslaughter, rape, arson, larceny, mayhem, or other offense or wrong whatsoever, is abolished

Source R S 2 178-2

2A:178-3. Information not to lie. No information for a matter merely criminal for which an indictment will lie, and in which no civil right is involved, or forfeiture or penalty given by law to any private person or common informer is prosecuted for, shall be exhibited or sustained in any court of this state.

Source R S 2 178-3

2A:178-4. Laws relating to particular counties or localities not affected. Nothing in this subtitle shall be construed to repeal or alter any law or part of any law, which, by the terms thereof, are made applicable only to particular counties or other localities

Source R S 2 178-4

2A:178-5. Blank

2A:178-6. Search for and seizure of obscene or indecent books, etc.; disposition thereof. Upon complaint founded on information and belief and supported by oath, any magistrate may issue a warrant directed to the sheriff or to any constable or police officer of the county within which the complaint is made, directing him, them, or any of them to search for, seize and take possession of any obscene and indecent books, papers, pictures, articles or things, and to bring the same before the magistrate Upon the same being brought before him, the magistrate shall transmit, inclosed and under seal, specimens thereof to the prosecutor of his county, and the remainder thereof shall be deposited by the magistrate, inclosed under seal, in the county jail of his county or such other secure place as to him shall seem meet, and upon the conviction of the person or persons in whose possession the same were found, the magistrate shall forthwith cause the same to be destroyed The magistrate shall cause to be entered upon the record of his court the fact of such destruction

Source R S 2 178-6

2A:178-7. Destruction of gaming apparatus. Whenever any furniture, implement, device or machine, made or used for the purpose of gambling or for the playing of any game wherein money or other thing of value is wagered or gambled, shall be seized or captured by the police, constabulary or other officer, the county prosecutor of the county where such seizure is made shall have the same destroyed or rendered useless for the uses and purposes aforesaid, and it shall be unlawful to return them to the

person or persons owning the same, or to any other person

Source R S 2 178-7

Note of Reporter Changed, to conform to language of gambling provisions

2A:178-7.1. Money seized on arrest for playing unlawful games; return prohibited; exceptions. Whenever any money, currency, or cash, shall be seized or captured by the police, constabulary or other officers in connection with any arrest for violation of or conspiracy to violate any gambling law of this state, the said money, currency, or cash shall be deemed prima facie to be contraband of law as a gambling device, or as part of a gambling operation, and it shall be unlawful to return the said money, currency, or cash to the person or persons claiming to own the same, or to any other person, except in the circumstances and manner hereinafter provided
Source L 1941, c 70, p 156, §1

2A:178-7.2. Disposition pending trial of moneys seized. Pending trial or ultimate disposition of the charge or charges, indictment or indictments, growing out of any arrest in connection with which any such money, currency, or cash was seized or captured, the same shall be accounted for and deposited with the county treasurer of the county in which said arrest occurred, by and under the supervision "of the prosecutor of the county"
Source L 1941, c 70, p 156, §2

2A:178-7.3. Disposition on conviction of money seized; order of forfeiture. If the trial or other ultimate disposition of such charge or charges, indictment or indictments result in a record of conviction being entered against the person or persons so arrested as aforesaid, in connection with which arrest, the said money, currency or cash was seized or captured, as aforesaid, then, the county treasurer, may, after 6 months from the date of the record of the entry of such conviction, make application without prior notice to a judge of the county court for an order to show cause why such money, currency or cash so seized or captured, shall not be forfeited to the sole use and gain of the county, such order to show cause shall then be served upon the person from whom said money, currency or cash was so seized or captured, in accordance with the rules of practice and procedure Upon the return of the said rule, hearing shall be conducted in summary manner, and at such hearing, proof of the conviction shall be prima facie evidence that the money, currency or cash so seized or captured was used in connection with the unlawful playing of any game wherein money or other thing of value is wagered or gambled, provided, however, that proof, to the satisfaction of the court, shall first be established that no suit or proceeding, then pending and undetermined, has been filed in any court of competent jurisdiction, against said county treasurer seeking a recovery or return of

the money, currency, or cash, so held in custody, as aforesaid

Source L 1941, c 70, p 156, §3

2A:178-7.4. Blank See proposed additional legislation

2A:178-7.5. Certified copy of order, filing of. A certified copy of the order of any court, made in compliance with the provisions of this act, shall be kept on file by said county treasurer.
Source L 1941, c 70, p 157, §5

2A:178-8. Continued violations of criminal law in municipalities; notice to municipal authorities. Whenever the mayor or other chief executive, or the chief of police or other head officer of police, of any municipality, shall be notified by a written communication delivered to him personally, signed by the governor or attorney general, or by a judge of the superior court, or county court, or the prosecutor of the county in which the municipality is situate, stating that it is alleged, and that there is reason to believe it to be true, that there exists in 1 or more places in such municipality, designated in the communication, open, continued or notorious violation of any 1 or more sections of subtitle 13 of this title (§2A 103-1 et seq), which section or sections shall be stated in such communication, by any person occupying or carrying on business in such place or places, whether such persons be known or unknown, the mayor or other chief executive or the chief of police or other head police officer so notified shall take immediate, proper and efficient measures, by complaint and arrest or by raid and arrest or otherwise, to prevent the further continuance of such illegal practices and to bring any person so alleged to be offending to justice
Source R S 2 178-8

2A:178-9. Notice as authority to make complaint; warrants; absence of liability. The receipt of the communication mentioned in section 2A 178-8 of this title, by any officer named in said section 2A 178-8, shall be sufficient warrant and authority for such officer to make a complaint upon information and belief founded thereon, charging that such person, known or unknown, is engaged in such illegal practices and violating the criminal laws of this state as in the communication stated, and any judge or magistrate having jurisdiction to issue criminal process may take and receive such complaint and issue a warrant for the arrest of such person, known or unknown, found upon the premises designated in the communication, and direct that such person be brought before such judge or magistrate to be dealt with as law and justice shall require

The officer making any complaint hereunder shall not be liable to any action, civil or criminal, by any person taken upon or found in the place or places mentioned in the written communication
Source. R S 2 178-9

2A:178-10
to
2A:178-12. Blank

Chapter 179. REWARDS FOR APPREHENSION OF PERSONS ACCUSED OF CRIME.

Section

2A 179-1 Authority of governor in general
2A 179-2 Authority of chosen freeholders

2A:179-1. Authority of governor in general. The governor or person administering the government for the time being may issue a proclamation for apprehending and securing any person, known or unknown, charged, on oath of 1 or more credible witnesses, with having committed murder, kidnapping, burglary or robbery or other heinous crime within this state, or for apprehending any person charged with aiding, abetting or concealing any such person, and in such proclamation, may offer such reward as he may think proper, according to the nature and aggravation of the crime, not exceeding \$25,000 for any 1 person. The reward shall be paid, on conviction of the party charged, to the person entitled thereto by the treasurer of the state, out of any public money in his hands unappropriated, on a warrant or certificate signed by the governor or person administering the government for the time being

The reward shall be paid to such person or persons as the governor or person administering the government for the time being shall, in his discretion deem entitled thereto. Such payment shall be made by the state treasurer on warrant of the comptroller under certification of the governor or person administering the government for the time being

Source R S 2 179-1, R S 2 179-3

2A:179-2. Authority of chosen freeholders. The board of chosen freeholders of any county, on the recommendation and request in writing of the prosecutor of the county, approved by a judge

Section

2A 179-3 Kidnapers, authority of governor
2A 179-4 Blank

of the superior court, or of the county court of the county, may offer a reward not exceeding \$5,000 for the detection and apprehension of any person guilty of murder, kidnapping, burglary, robbery, arson, or other heinous crime in such county, the reward to be payable after conviction out of the funds of the county as may be applicable thereto. The reward shall be paid to such person or persons as a judge of the county court in his discretion may deem entitled thereto

Source R S 2 179-2

2A:179-3. Escaped county prisoners; authority of chosen freeholders. The board of chosen freeholders of any county may publicly advertise the escape of any prisoner or prisoners from any penal institution in such county, and may offer a reward not exceeding \$300 for the detection and apprehension of each of such escaped prisoners. Any reward offered hereunder shall be payable only after the recapture and return of the prisoner or prisoners to the institution from which the escape was made. The amount of the reward and the expense of advertising shall be paid out of such funds of the county as may be applicable thereto

The reward shall be paid to such person or persons as a judge of the county court may in his discretion deem entitled thereto

Source R S 2 179-4

Note of Reporter Amount of reward increased from \$150 to \$300

2A:179-4. Blank.

Chapter 180. PEACE OFFICERS.

Section

2A 180-1 Conservators of the peace, powers and duties
2A 180-2 Qualifications of peace officers

2A:180-1. Conservators of the peace; powers and duties. A judge of the superior court, county court, the juvenile and domestic relations court in any county and all magistrates shall have power to cause to be kept all laws made or to be made for the conservation of the peace and for the good government of the citizens and inhabitants of this state, within their respective counties, according to the force, form and effect of such laws, and to apprehend, and to cause to come before them, and imprison and punish all

Section

2A 180-3 Court attendants as peace officers
2A 180-4 Blank
2A 180-5. Blank

persons offending against such laws, or any of them, in their respective counties, in such manner as, according to such laws, shall be right and proper, and to perform and execute all such matters, acts and things as by law appertain to their office, and are or shall be enjoined upon them, or be committed to their charge and execution

Source R S 2 180-1

2A:180-2. Qualifications of peace officers. No

sheriff or other person authorized to appoint special deputy sheriffs, constables, marshals, policemen or other peace officers in this state, for the purpose of preserving the public peace and preventing or quelling public disturbances, shall appoint as such any person who is not a qualified voter of this state

Source R S 2 180-2

2A:180-3. Court attendants as peace officers. All court attendants in the competitive class of civil service who have been or who may hereafter

be appointed by the sheriff of any county in this state shall, by virtue of such appointment and in addition to any other power or authority, be empowered to act as officers for the detection, apprehension, arrest and conviction of offenders against the law

Source L 1933, c 124, p 259, §1

2A:180-4. Blank.

2A:180-5. Blank.

Chapter 180A. UNIFORM FRESH PURSUIT LAW.

Section

2A 180A-1 Citation of chapter

2A 180A-2 Definitions

2A 180A-3 Application and construction of chapter

2A 180A-4 Officers of other states in fresh pursuit, authority to make arrests in this state

Section

2A 180A-5 Hearing before magistrate, commitment or discharge

2A 180A-6 Lawfulness of arrest

2A 180A-7 Copies of chapter to other states

2A:180A-1. Citation of chapter. This chapter may be cited as the uniform law on fresh pursuit

Source R S 2 180A-1

2A:180A-2. Definitions. As used in this chapter "State" shall include the District of Columbia "Fresh pursuit" shall include fresh pursuit as defined by the common law, and also the pursuit of a person who has committed a felony or who is reasonably suspected of having committed a felony It shall also include the pursuit of a person suspected of having committed a supposed felony, though no felony has actually been committed, if there is reasonable ground for believing that a felony has been committed Fresh pursuit as used herein shall not necessarily imply instant pursuit, but pursuit without unreasonable delay

"Felony" shall include high misdemeanor

Source R S 2 180A-2

2A:180A-3. Application and construction of chapter. The provisions of this chapter shall be applicable only to such officers of a state which has enacted a statute similar to the provisions hereof, and this chapter shall be so interpreted and construed as to effectuate the general purpose of making uniform the laws of the states which enact it

Source R S 2 180A-3

2A:180A-4. Officers of other states in fresh pursuit; authority to make arrests in this state. Any member of a duly organized state, county, or municipal peace unit of another state of the United States who enters this state in fresh pursuit, and continues within this state in such fresh pursuit, of a person in order to arrest him on the ground that he is believed to have com-

mitted a felony in such other state, shall have the same authority to arrest and hold such person in custody, as has any member of any duly organized state, county or municipal peace unit of this state, to arrest and hold in custody a person on the ground that he is believed to have committed a felony in this state

Source R S 2 180A-4

2A:180A-5. Hearing before magistrate; commitment or discharge. If an arrest is made in this state by an officer of another state in accordance with the provisions of section 2 180A-4 of this title, he shall, without unnecessary delay, take the person arrested before a neighboring magistrate, who shall conduct a hearing for the purpose of determining the lawfulness of the arrest If the magistrate determines that the arrest was lawful he shall commit the person arrested to await for a reasonable time the issuance of an extradition warrant by the governor of this state or admit him to bail for such purpose If the magistrate determines that the arrest was unlawful he shall discharge the person arrested

Source R S 2 180A-5

2A:180A-6. Lawfulness of arrest. Section 2 180A-4 of this title shall not be construed so as to make unlawful any arrest in this state which would otherwise be lawful

Source R S 2 180A-6

2A:180A-7. Copies of chapter to other states. It shall be the duty of the secretary of state to certify a copy of this chapter to the executive department of each of the states of the United States

Source R S 2 180A-7

Chapter 180B. UNIFORM ACT ON INTRASTATE FRESH PURSUIT.

Section

- 2A 180B-1 Peace officer in fresh pursuit may arrest anywhere in state
- 2A 180B-2 Disposition of prisoner, bail

2A:180B-1. Peace officer in fresh pursuit may arrest anywhere in state. Any peace officer of this state in fresh pursuit of a person who is reasonably believed by him to have committed a high misdemeanor in this state or has committed, or attempted to commit, any criminal offense in this state in the presence of such officer, or for whom such officer holds a warrant of arrest for a criminal offense, shall have the authority to arrest and hold in custody such person anywhere in this state

Source L 1941, c 89, p 203, §1

2A:180B-2. Disposition of prisoner; bail. An officer making an arrest under a warrant issued upon a complaint shall take the arrested person, without unnecessary delay, before the court or magistrate named in the warrant. A person making an arrest without a warrant shall take the arrested person, without unnecessary delay, before the nearest available magistrate

Source C 2 180B-2, L 1941, c 89, p 204, §2

Note of Reporter Amended to conform to Rule 2 3-3(a).

2A:180B-3. "Fresh pursuit" defined. The term "fresh pursuit" as used in this act shall include fresh pursuit as defined by the common law and

Section

- 2A 180B-3 "Fresh pursuit" defined
- 2A 180B-4 Validity of arrest
- 2A 180B-5 Short title

also the pursuit of a person who has committed a high misdemeanor or is reasonably suspected of having committed a high misdemeanor in this state, or who has committed or attempted to commit any criminal offense in this state in the presence of the arresting officer referred to in section 1 of this act or for whom such officer holds a warrant of arrest for a criminal offense. It shall also include the pursuit of a person suspected of having committed a supposed high misdemeanor in this state, though no high misdemeanor has actually been committed, if there is reasonable ground for so believing. Fresh pursuit as used herein shall not necessarily imply instant pursuit, but pursuit without unreasonable delay

Source L 1941, c 89, p 204, §3

2A:180B-4. Validity of arrest. Section 1 of this act shall not make unlawful an arrest which would otherwise be lawful

Source L 1941, c 89, p 204, §4

2A:180B-5. Short title. This act may be cited as the "uniform act on intrastate fresh pursuit".

Source L 1941, c 89, p 204, §5

Chapter 181. COUNTY DETECTIVES AND INVESTIGATORS.

Section

- 2A 181-1 County detectives in counties of the first class, number, appointment
- 2A 181-2 Powers of county detectives in counties of the first class, sheriffs to receive fees for writs served by detectives
- 2A 181-3 Chief, captain and lieutenants of county detectives in counties of the first class, designation
- 2A 181-4 Appointment of veterans as county detectives in counties of the first class, rights, powers, duties and salary, civil service
- 2A 181-5 Salaries of county detectives in counties of the first class
- 2A 181-6 County investigators in counties of the first class, appointment, terms, powers and duties
- 2A 181-7 County investigators in counties of the first class exempt from classified civil service, examination for office of county detective
- 2A 181-8 Salaries of county investigators in counties of the first class
- 2A 181-9 Powers of prosecutors of pleas in counties of the first class to incur certain expenses not limited
- 2A 181-10 County detectives in other counties, number, appointment, powers and duties, salaries
- 2A 181-11 Detectives and investigators in counties of 50,000-70,000, duties, compensation, approval of compensation and expenses
- 2A 181-12 Detective or investigator in counties of fourth class of 20,000-40,000
- 2A 181-13 Salary, removal

Section

- 2A 181-14 Special officers in third class counties of 82,000 to 175,000, appointment, compensation, removal
- 2A 181-14 1 Captain of county detectives in third class counties of 82,000 to 175,000, salary
- 2A 181-14 2 Increase in salary
- 2A 181-15 Detective or investigator in counties of fourth class, tenure of office and service
- 2A 181-16 Suspension or discharge, decrease in compensation
- 2A 181-17 Counties of 300,000 to 500,000, special officers as detectives, chief, captain
- 2A 181-18 Powers of special officers
- 2A 181-19 Salaries
- 2A 181-20 Amount of salaries, payment
- 2A 181-21 Increases in salary.
- 2A 181-22 County detectives in counties of 30,000 to 50,000 bordering on Atlantic ocean, salaries
- 2A 181-23 County detectives, chiefs and captains in counties of 175,000 to 300,000, increase in salaries
- 2A 181-24 Counties of 74,000 to 82,000, county detectives and special investigators, salaries
- 2A 181-25 Increases in salary
- 2A 181-26 Counties of 125,000 to 175,000, special officers
- 2A 181-27 Chief of county detectives, captain of county detectives
- 2A 181-28 Salaries, minimum and maximum amounts
- 2A 181-29 Amount of salaries, determination, payment
- 2A 181-30 Increase in salary
- 2A 181-31 Lieutenant of county detectives, salary

2A:181-1. County detectives in counties of the first class; number; appointment. The prosecutor of any county of the first class may appoint such number of suitable persons as shall be approved by the board of chosen freeholders of such county, not exceeding 18, to act as special officers for the detection, apprehension, arrest and conviction of offenders against the law. The persons so appointed shall be designated as county detectives.

Source R S 2 181-1

2A:181-2. Powers of county detectives in counties of the first class; sheriffs to receive fees for writs served by detectives. County detectives in the counties mentioned in section 2 181-1 of this title shall possess all the rights and powers of special deputy sheriffs, constables and police officers, and may serve or execute for the sheriff any process or writ in any criminal proceeding and make return thereof. For every process or writ so served or executed by a county detective the sheriff shall be entitled to collect and receive the same fees, and to tax such fees in the bills of costs, as if the process or writ had been served by him.

Source R S 2 181-2

2A:181-3. Chief, captain and lieutenants of county detectives in counties of the first class; designation. In the counties mentioned in section 2 181-1 of this title the prosecutor may designate 1 of the persons appointed as county detectives pursuant to said section 2 181-1 as chief of county detectives, 1 as captain of county detectives and 4 as lieutenants.

Source R S 2 181-3

2A:181-4. Appointment of veterans as county detectives in counties of the first class; rights, powers, duties, and salary; civil service. Any honorably discharged soldier, sailor, or marine of the United States who shall have been employed in the services of this state, or in the service of any department of a county mentioned in section 2A 181-1 of this title for a period or periods totaling 7 years or more, of which at least 4 years shall have been served as county investigator in such county, under appointment pursuant to section 2A 181-6 of this title, shall be eligible for appointment by the prosecutor of the county wherein such total period of service has been rendered to any vacancy existing in the office of county detective in such county, and the prosecutor of such county may make appointments under the provisions of this section, which shall be complete and effective, upon his certifying over his signature the name and qualifications of any such appointee to the board of chosen freeholders of such county.

Any person appointed as a county detective under authority of this section shall thereupon become entitled as county detective to all the benefits of Title 11, Civil Service, and shall be paid

the same salary and have all the rights, powers and duties of county detectives in the county wherein such appointment shall have been made.

Source R S 2 181-4

2A:181-5. Salaries of county detectives in counties of the first class. County detectives in the counties mentioned in section 2 181-1 of this title shall receive annual salaries as follows:

a Chief of county detectives, captain of county detectives and lieutenants, not less than \$1,500, to be fixed by the prosecutor,

b All other county detectives, not less than \$1,000, to be fixed by the prosecutor.

The salaries herein provided shall be paid semi-monthly by the county treasurer, but the amount thereof, if more than the minimum herein prescribed, shall be subject to the approval of the board of chosen freeholders of such counties.

Source R S 2 181-5

2A:181-6. County investigators in counties of the first class; appointment, terms; powers and duties. The prosecutor of any county mentioned in section 2 181-1 of this title may, in addition to the county detectives authorized to be appointed by said section 2 181-1, appoint and remove at his pleasure not more than 12 suitable persons to act as special officers for the detection, apprehension and conviction of offenders against the criminal law, who shall be designated county investigators, and who shall have all the rights, powers and duties attaching to the office of county detective.

Source R S 2 181-6

2A:181-7. County investigators in counties of the first class exempt from classified civil service; examination for office of county detective. The persons appointed as county investigators in the counties mentioned in section 2A 181-1 of this title pursuant to section 2A 181-6 of this title are expressly excluded from the "classified service" as defined and provided for by the provisions of Title 11, Civil Service, but they may nevertheless take examinations to fill vacancies in the office of county detective under the classified service as defined by said Title 11.

Source R S 2 181-7

2A:181-8. Salaries of county investigators in counties of the first class. County investigators in the counties mentioned in section 2A 181-1 of this title, appointed under authority of section 2A 181-6 of this title, shall receive annual salaries, of not less than \$2,500, to be fixed by the prosecutor, which shall be paid semi-monthly by the county treasurer upon the certification of the prosecutor, but the amount thereof, if more than the minimum herein prescribed, shall be subject to the approval of the board of chosen freeholders of such counties.

Source R S 2 181-8, as am L 1948, c 158, p 894, §1

2A:181-9. Powers of prosecutors of pleas in counties of the first class to incur certain ex-

penses not limited. Sections 2A 181-6 to 2A 181-8 of this title shall not be construed to limit the powers of prosecutors of the counties mentioned in section 2A 181-1 of this title, duly conferred upon them by law, to incur expenses in the detection, arrest, indictment and conviction of offenders against the criminal laws of this state
Source R S 2 181-9

2A:181-10. County detectives in other counties; number; appointment; powers and duties; salaries. The prosecutor in the counties herein specified may appoint, in their respective counties, such number of suitable persons, not exceeding the number stated herein for such counties, to act as special officers for the detection, arrest, indictment and conviction of offenders against the law. The persons so appointed shall possess all the powers and rights and be subject to all the obligations of constables and police officers in any county of this state, in criminal matters only, and shall receive such salaries as are herein provided. All appointments under authority of this section shall be approved by a judge of the county court of the respective counties.

a In counties having more than 70,000 and not more than 500,000 inhabitants, not exceeding 6 such special officers, 1 of whom may be designated by the prosecutor as chief of county detectives and 1 as captain of county detectives. The person designated as chief of county detectives shall receive an annual salary of \$4,000, and the others, annual salaries of not less than \$2,500 and not more than \$3,000. The amount of the salaries herein provided shall be determined by the prosecutor and a judge of the county court of the county, and shall be paid by the county treasurer in equal semimonthly installments out of the funds of the county. No person appointed as a special officer under authority of this paragraph shall be eligible to receive any increase in salary over the minimum salary as fixed by this paragraph until he shall have served 2 years as a county detective in the office of the prosecutor, and no increase in salary fixed by the prosecutor or the judge of the county court shall exceed \$100 per year for each year of service over 2 years; and all increases shall cease when the respective maximum amounts named in this paragraph are reached, but the prosecutor and a judge of the county court may fix an increase in salary for any person who, on April 6, 1931, has been employed as a county detective in the office of the prosecutor for a period exceeding 2 years, in an amount equal to \$100 per year for each year of service of any such person over 2 years, the total of such increases not to exceed the respective maximum sums named in this paragraph.

b In counties having more than \$50,000 and not more than 70,000 inhabitants, not exceeding 2 such special officers, each of whom shall receive an annual salary not exceeding \$1,500, payable

by the county treasurer in equal monthly installments out of the funds of the county. The amount of the salaries herein provided shall be fixed and the expenses of the persons so appointed shall be approved by the prosecutor and a judge of the county court.

c In counties of the 4th class having not less than 20,000 and not more than 40,000 inhabitants, 1 such special officer, who shall receive an annual salary of not less than \$1,700 nor more than \$2,200, payable in semimonthly installments by the county treasurer of the county. The amount of the salary herein provided shall be determined by the board of chosen freeholders of the county, and such board may, from time to time, increase the amount within the maximum limitation herein fixed. The special officer herein provided for shall be subject to removal by the prosecutor of the county with the consent of a judge of the county court of the county, and he shall not be subject to civil service or be affected by any tenure of office act in effect prior to April 18, 1930.

d In counties bordering on the Atlantic ocean and having not less than 30,000 and not more than 50,000 inhabitants, the prosecutor may appoint suitable persons, not exceeding 4, to act as special officers for the detection, arrest, indictment and conviction of offenders against the law. Such persons so appointed shall possess all the powers and rights and be subject to all the obligations of constables and police officers in the several counties of this state, and all said appointments shall be approved by a judge of the county court, and each person so appointed shall receive an annual salary of not less than \$2,500 and not more than \$3,000, which said compensation shall be fixed by the said judge and prosecutor and paid in equal semimonthly installments, provided, however, that 1 person shall be designated as chief of county detectives who shall receive an annual compensation of \$4,000 to be paid in the same manner as other salaries authorized by this act to be paid by the county treasurer out of the funds of the county. The officers so appointed shall not be eligible to receive any increase in salary over the minimum salary stated herein until he shall have served 5 continuous years as such officer in the prosecutor's office. No increase in salary, fixed by the judge and prosecutor, shall exceed more than \$100 per year for each year of service over 5 years and all such increases shall cease when the respective maximum sums herein fixed are reached; and provided, further, that any special officer who is now or has been employed by the said prosecutor's office as a special officer for a period exceeding 5 years shall be entitled to an increase in salary for any sum equal to \$100 per year for each year of service over 5 years but such total salary shall not exceed the maximum sums in this act fixed. Any such special officer, now holding office and who has

held such position for a period of 4 years, shall enjoy tenure of office, and shall not be removed therefrom except upon charges, after hearing, upon notice

e In counties bordering on the Atlantic ocean and now or hereafter having a population of not less than 20,000 and not more than 30,000 inhabitants, as ascertained by the preceding federal census, in addition to the special officer now authorized by law, an additional special officer, who shall receive compensation only for such services as he shall perform as such officer under the direction of the prosecutor and his reasonable expenses incident thereto, which compensation and expenses shall be approved by the prosecutor and a judge of the county court of any such county and be paid by the county treasurer out of the funds of the county

f Special officers in counties of the fourth class may receive an annual salary of not less than \$1,700 and not more than \$2,200, payable in semi-monthly installments by the county treasurer. The amount of the salary herein authorized shall be determined by the board of chosen freeholders of the county, and such board may, from time to time, increase the amount of such salary, but in no case to exceed the maximum herein authorized

Source R S 2 181-10, as am L 1938, c 353, p 881, §1

2A:181-11. Detectives and investigators in counties of 50,000-70,000; duties; compensation; approval of compensation and expenses. In all counties of this state now or hereafter having a population of between 50,000 and 70,000 inhabitants, as ascertained by the preceding federal census, it shall be lawful for the prosecutor of said county to appoint county detectives or special county investigators, not to exceed 2 in number, whose duties shall be determined by the prosecutor. Such officers, when so appointed or now holding office, shall receive annual compensation of not less than \$1,500 nor more than \$3,000, payable in semi-monthly installments by the county treasurer, upon the certification of the prosecutor and a judge of the county court; provided, however, that the provisions of this act shall not operate to reduce the compensation of any person now performing such duties. The amount of the salaries herein provided shall be fixed and the expenses of the person so appointed shall be approved by the prosecutor and a judge of the county court

Source L 1939, c 34, p 49, §1

2A:181-12. Detective or investigator in counties of fourth class of 20,000-40,000. In all counties of the fourth class now or hereafter having a population of between 20,000 and 40,000 inhabitants, it shall be lawful for the prosecutor of such county to appoint a county detective or county investigator, whose duties shall be determined by the prosecutor

Source. L 1939, c 5, p 17, §1, suppl §2 181-10.

2A:181-13. Salary; removal. Such officer, when so appointed, shall receive a salary of not less than \$1,700 nor more than \$3,500 per annum, payable in semi-monthly installments by the county treasurer upon the certification of the prosecutor and judge of the county court. Such officer shall be subject to removal by the prosecutor with the consent of a judge of the county court.

Source R S 2 181-13, as am L 1945, c 289, p 840, §1

2A:181-14. Special officers in third class counties of 82,000 to 175,000; appointment; compensation; removal. In third class counties having not less than 82,000 and not more than 175,000 inhabitants, the prosecutor may appoint suitable persons, not exceeding 6, to act as special officers for the detection, arrest, indictment and conviction of offenders against the law. Such persons so appointed shall possess all the powers and rights and be subject to all the obligations of constables and police officers in the several counties of this state, and all said appointments shall be approved by a judge of the county court, and each person so appointed shall receive an annual salary of not less than \$2,500 and not more than \$3,000, which said compensation shall be fixed by said judge and prosecutor and paid in equal semi-monthly installments; provided, however, that 1 person shall be designated as chief of county detectives who shall receive an annual compensation of \$4,000 to be paid in the same manner as other salaries authorized by chapter 181 of title 2 of the revised statutes to be paid by the county treasurer out of the funds of the county. The officers so appointed shall not be eligible to receive any increase in salary over the minimum salary stated herein until he shall have served 5 continuous years as such officer in the prosecutor's office. No increase in salary fixed by the judge and prosecutor, shall exceed more than \$100 per year for each year of service over 5 years and all such increases shall cease when the respective maximum sums herein fixed are reached; and provided, further, that any special officer who is now or has been employed by said prosecutor's office as a special officer for a period exceeding 5 years shall be entitled to an increase in salary for any sum equal to \$100 per year for each year of service over 5 years, but such total salary shall not exceed the maximum sums in this act fixed. Any such special officer, now holding office and who has held such position for a period of 6 years, shall enjoy tenure of office and shall not be removed therefrom except upon charges, after hearing, upon notice.

Source L 1939, c 307, p 745, §1

2A:181-14.1. Captain of county detectives in third class counties of 82,000 to 175,000; salary. The prosecutor of any county of the third class having not less than 82,000 and not more than 175,000 inhabitants may designate 1 of the special officers appointed in said county, under section

2A 181-14 to which this act is a supplement, as captain of county detectives who shall receive an annual salary of not less than \$2,500 and not more than \$4,500 to be fixed by the prosecutor, and a judge of the county court, with the approval of the board of chosen freeholders, of the county

Source L 1947, c 393, p 1245, §1

2A:181-14.2. Increase in salary. The salary of any person appointed or to be appointed in any such county, under section 2A 181-14 to which this act is a supplement, may be increased by a judge of the county court, and the prosecutor of the county, with the approval of the board of chosen freeholders of the county, as follows: special officers to not more than \$4,000 per year and chief of county detectives to not more than \$5,000 per year, but no increase in salary, so fixed and approved, shall exceed more than \$200 per year for each year of service over 2 years and all such increases shall cease when the respective maximum sums herein fixed are reached

Source L 1947, c 393, p 1246, §2

2A:181-15. Detective or investigator in counties of 4th class; tenure of office and service. All persons holding office or position as county detective or county investigator employed in the office of prosecutor of counties of the fourth class who have devoted full time to the duties of their office for a period of 3 continuous years, and who prior to appointment to such positions had served for at least 4 continuous years immediately preceding their appointment as county detective or county investigator in the New Jersey state police force, and who had been either furloughed from such force or honorably discharged from such force, shall have and enjoy tenure of office and service

Source L 1941, c 216, p 624, §1

2A:181-16. Suspension or discharge; decrease in compensation. No such person having and enjoying tenure of office or position and service shall be suspended or discharged, nor shall their compensation be decreased from the sum they are receiving at the time of the passage of this act, except upon a sworn complaint of inefficiency or misbehavior, and after a fair and impartial hearing before a judge of the county court of such county

Source L 1941, c 216, p 625, §2

2A:181-17. Counties of 250,000 to 500,000; special officers as detectives; chief; captain. In counties having more than 250,000 and not more than 500,000 inhabitants, the prosecutor may appoint, with the approval of a judge of the county court not exceeding 9 suitable persons to act as special officers for the detection, arrest, indictment and conviction of offenders against the law, one of whom may be designated by the prosecutor as chief of county detectives and 1 as captain of county detectives

Source L 1946, c 32, p 73, §1, as am L 1948, c 211, p 1012, §1

2A:181-18. Powers of special officers. The persons so appointed shall possess all the powers and rights and be subject to all the obligations of constables and police officers in any county of this state in criminal matters only

Source L 1946, c 32, p 73, §2

2A:181-19. Salaries. The person designated as chief of county detectives shall receive and annual salary of not less than \$4,000 and not more than \$5,000, any person designated as captain of county detectives shall receive, when approved by the board of chosen freeholders, an annual salary of not less than \$3,500 nor more than \$4,500, and the others shall receive annual salaries of not less than \$2,500 and not more than \$4,000

Source L 1946, c 32, p 73, §3, as am L 1947, c 399, p 1252, §1

2A:181-20. Amount of salaries; payment. The amount of the salaries herein provided shall be determined by the prosecutor and a judge of the county court of the county, but no amount shall be so determined in excess of the minimum salary provided except as provided in section 5 of this act or except with the concurrence of the board of chosen freeholders and said salary shall be paid by the county treasurer in equal semimonthly installments out of funds of the county

Source L 1946, c 32, p 73, §4, as am L 1947, c 399, p 1252, §2

2A:181-21. Increases in salary; eligibility to receive maximum salary. No person appointed as a special officer under authority of this act shall be eligible to receive any increase in salary over the minimum salary as fixed by this act until he shall have served 2 years as a county detective in the office of the prosecutor and no increase in salary fixed by the prosecutor or a judge of the county court exceed \$100 per year for each year of service over 2 years until a maximum of \$3,000 is reached, but any person who shall have served for 1 year as such county detective shall be eligible to receive an increase in salary of \$200 per year for each year of service over 1 year when such increase is approved by the board of chosen freeholders and all increases shall cease when the maximum amount named in this act is reached and any county detective who has served at least 10 years as such prior to the effective date of this act shall be eligible to receive the maximum salary provided for in this act if approved by the board of chosen freeholders

Source L 1946, c 32, p 73, §5, as am L 1947, c 399, p 1253, §3

2A:181-22. County detectives in counties of 30,000 to 50,000 bordering on Atlantic ocean; salaries. The salaries of special officers for the detection, arrest, indictment and conviction of offenders against the law, appointed or to be appointed in any county bordering on the Atlantic

ocean and having not less than 30,000 and not more than 50,000 inhabitants, may be increased by a judge of the county court, and the prosecutor of the county, with the approval of the board of chosen freeholders of the county, as follows special officers to not more than \$4,000 per annum, and chief of county detectives to not more than \$5,000 per annum

Source L 1947, c 378, p 1199, §1

2A:181-23. County detectives, chiefs and captains in counties of 175,000 to 300,000; increase in salaries. The salaries of special officers for the detection, arrest, indictment and conviction of offenders against the law, appointed or to be appointed, and of such special officers as are designated or shall be designated, as chief of county detectives and as captain of county detectives, in any county having more than 175,000 and less than 300,000 inhabitants, may be increased by a judge of the county court, and the prosecutor of the county, with the approval of the board of chosen freeholders of the county, as follows special officers to not more than \$4,000, the chief of county detectives to not more than \$5,000, and the captain of county detectives to not more than \$4,500 per annum, to be paid, upon the certification of the prosecutor and a judge of the county court by the county treasurer

Source L 1947, c 394, p 1246, §1

2A:181-24. Counties of 74,000 to 82,000; county detectives and special investigators; salaries. The prosecutor of any county having a population not less than 74,000 and not more than 82,000 inhabitants, as ascertained by the last preceding federal census, may designate 1 of the county detectives or special county investigators, appointed or to be appointed in said county, as chief of county detectives, who shall receive an annual salary of not more than \$5,000 payable, in semimonthly installments by the county treasurer, upon the certification of the prosecutor and a judge of the county court of the county.

Source L 1948, c 260, p 1135, §1

2A:181-25. Increases in salary. The salary of any person, appointed or to be appointed in any such county as county detective or special county investigator, may be increased by a judge of the county court of the county and the prosecutor of the county to not more than \$4,000 per annum, to be paid upon certification of the prosecutor and a judge of the county court by the county treasurer

Source L 1948, c 260, p 1135, §2

2A:181-26. Counties of 125,000 to 175,000; special officers. In counties bordering on the

Atlantic ocean and having not less than 125,000 and not more than 175,000 inhabitants, the county prosecutor may appoint suitable persons, not to exceed 6, to act as special officers for the detention, arrest, indictment and conviction of offenders of the law. Such persons so appointed shall possess all the powers and rights and be subject to all the obligations of constables and police officers in the several counties of this state.

Source L 1949, c 163, p 549, §1

2A:181-27. Chief of county detectives; captain of county detectives. One of the officers may be designated by the prosecutor as chief of county detectives and 1 as captain of county detectives

Source L 1949, c 163, p 550, §2

2A:181-28. Salaries; minimum and maximum amounts. The person designated as chief of the county detectives shall receive an annual salary of not less than \$4,500 and not more than \$5,000, and the others an annual salary of not less than \$3,500 and not more than \$4,000

Source L 1949, c 163, p 550, §3

2A:181-29. Amount of salaries; determination; payment. The amount of the salaries herein provided shall be determined by the prosecutor and the judge of the county court, with the approval of the board of chosen freeholders, and shall be paid by the county treasurer in equal semimonthly installments out of the funds of the county

Source L 1949, c 163, p 550, §4

2A:181-30. Increase in salary. No person appointed as a special officer under the authority of this act shall be eligible to receive any increase in salary over the minimum salary as fixed by this act until he shall have served 2 years as a county detective in the office of the prosecutor, and no increase in salary fixed by the prosecutor and the judge and approved by the board of chosen freeholders shall exceed \$100 per year for each year of service over 2 years until a maximum is reached

Source L 1949, c 163, p 550, §5

2A:181-31. Lieutenant of county detectives; salary. One of the special officers for the detection, arrest, indictment and conviction of offenders against the law, appointed or to be appointed in any county of the second class having more than 215,000 and not more than 300,000 inhabitants, shall be designated by the county prosecutor of the county, as the case may be, as lieutenant of county detectives and shall receive an annual salary to be fixed by said prosecutor of not less than \$4,250, nor more than \$4,500

Source L 1949, c 277, p 854, §1

Chapter 182. COUNTY PROSECUTORS.

Section		Section	
2A 182-1	Appointment of county prosecutors, general duties	2A 182-10 3	Third class counties under 100,000, salaries of prosecutors
2A 182-1 1	County prosecutor in counties of the fourth class, qualifications	2A 182-11	Payment of salaries of prosecutors, fees and costs paid to county
2A 182-2	County prosecutor in Bergen county, qualifications	2A 182-12	Salaries of prosecutors suspended when attorney general attends in county on request of supreme court justice
2A 182-3	Oath of prosecutors	2A 182-13	Assistant prosecutors, number, appointment, designation, terms of office, oath of office
2A 182-4	Exclusive jurisdiction of prosecutors over criminal business, exceptions	2A 182-14	Salaries of assistant prosecutors, amounts, payment, fees paid to county
2A 182-5	Powers, duties and liabilities of prosecutors	2A 182-14 1	Counties of 300,000 to 600,000, salaries of assistant prosecutors
2A 182-6	Fees of prosecutors	2A 182-15	Powers and duties of assistant prosecutors
2A 182-7	Expenses of prosecutors in enforcement of laws	2A 182-16	Tenure of office of secretaries and stenographers in office of county prosecutor and office of county detective in certain counties
2A 182-8	Expenses of prosecutors in enjoining nuisances under federal law	2A 182-17	Suspension, discharge or decrease of compensation of secretaries and stenographers
2A 182-9	Temporary prosecutors, appointment by court, powers, compensation		
2A 182-10	Salaries of prosecutors		
2A 182-10 1	Counties bordering on Atlantic ocean or under 30,000, salaries of prosecutors		
2A 182-10 2	Counties of fourth class over 40,000, salaries of prosecutors		

2A:182-1. Appointment of county prosecutors; general duties. There shall be appointed for each county some fit person, who shall be a counselor at law, who, except as otherwise provided by law, shall prosecute the pleas of the state in such county, and do and perform such acts and things in behalf of the state in and about such prosecutions as were formerly done and performed by the attorney general.

Source R S 2 182-1

2A:182-1.1. County prosecutor in counties of the fourth class; qualifications. In all counties of the fourth class in this state, it shall be lawful for any fit person, who is an attorney at law of this state, to be duly appointed county prosecutor for any such county, to exercise and perform all the duties and to be entitled to the same fees for services, and subject to the same penalties as specified in this chapter

Source R S 2 182-1 1

2A:182-2. Prosecutor in Bergen county; qualifications. L 1869, c 475, p 1161, entitled "A supplement to an act entitled 'An act respecting prosecutors of the pleas of this state,' approved April 16, 1846," approved April 1, 1869, saved from repeal [This act permits an attorney at law to be appointed prosecutor in Bergen county]

Source R S 2 182-2

2A:182-3. Oath of prosecutors. Every person appointed county prosecutor shall, before entering upon the duties of his office, take and subscribe before the clerk of the county for which he has been appointed, or before a judge of the county court of such county, the following oath

"I, _____, do solemnly promise and swear (or affirm), that I will faithfully, justly and impartially execute the duties of county prosecutor of this state, in and for the county of _____, to the best of my abilities and understanding So help me God"

Source R S 2 182-3

2A:182-4. Exclusive jurisdiction of prosecutors over criminal business; exceptions. The criminal business of the state shall be prosecuted exclusively by the county prosecutors, except in counties where, for the time being, there may be no prosecutor, or where the prosecutor desires the aid of the attorney general or as otherwise provided by law

Source R S 2 182-4

2A:182-5. Powers, duties and liabilities of prosecutors. Each county prosecutor shall be vested with the same powers and subject to the same penalties, within his county, as the attorney general shall by law be vested with or subject to, and he shall use all reasonable and lawful diligence for the detection, arrest, indictment and conviction of offenders against the laws

Source R S 2 182-5

2A:182-6. Fees of prosecutors. The same fees shall be payable for the services of county prosecutors as are by law made payable for similar services of the attorney general

Source R S 2 182-6

2A:182-7. Expenses of prosecutors in enforcement of laws. All necessary expenses incurred by the prosecutor for each county in the detection, arrest, indictment and conviction of offenders against the laws shall, upon being certified to and approved, under his hand, by a judge of the superior court or a judge of the county court for such county, be paid by the board of chosen freeholders thereof, whenever the same shall be approved by such board The amount or amounts to be expended shall not exceed the amount fixed by the board of chosen freeholders in its regular or emergency appropriation, unless such expenditure is specifically authorized by order of the assignment judge of the superior court for such county.

Source. R S 2 182-7

2A:182-8. Expenses of prosecutors in enjoining nuisances under federal law. Whenever the prosecutor of any county shall bring an action, as authorized by the laws of the United States, in any court having jurisdiction to hear and determine equity cases, to enjoin a nuisance as defined by the laws of the United States, all necessary expenses incurred thereby, certified to and approved under his hand by a judge of the superior court or county court of the county, shall be paid by the board of chosen freeholders thereof.

Source R S 2 182-8

2A:182-9. Temporary prosecutors; appointment by court; powers; compensation. In the absence of the attorney general and of the county prosecutor, at any term of the superior court or county court in any county, such court may appoint a fit person to prosecute the pleas of the state during that term. The person so appointed, on taking the oath or affirmation prescribed by section 2A:182-3 of this title, shall be vested, during such term, with the powers of a county prosecutor, and be entitled to the same compensation and subject to the same penalties. Source R S 2 182-9

2A:182-10. Salaries of prosecutors. The county prosecutors shall receive annual salaries as follows

a In counties of the first class, not less than \$8,000 and not more than \$12,000, the amount to be fixed by the board of chosen freeholders of the respective counties;

b In counties other than counties of the first class and counties bordering on the Atlantic ocean:

1. Counties now or hereafter having a population of not less than 300,000 and not more than 600,000, not less than \$7,500 or more than \$10,000, the amount to be fixed by the boards of chosen freeholders of the respective counties,

2. Counties having a population of not less than 190,000 and not more than 300,000, \$7,500,

3. Counties having a population of not less than 100,000 and not more than 190,000, \$7,000,

4. Counties having a population of not less than 82,000 and not more than 100,000, \$6,500,

5. Counties having a population of not less than 75,000 and not more than 82,000, \$4,500

6. Counties having a population of not less than 50,000 and not more than 75,000, \$4,000,

7. Counties having a population of not less than 24,000 and not more than 50,000, except counties of the fourth class, \$3,000,

8. Counties of the fourth class, not less than \$3,000 or more than \$5,000, the amount to be fixed by the boards of chosen freeholders of the respective counties,

9. Counties having a population of less than 24,000, \$2,000,

c In counties bordering on the Atlantic ocean:

1. Counties having a population of not less than 100,000 and not more than 200,000, \$7,000;

2. Counties having a population of not less than 75,000 and not more than 100,000, \$8,000,

3. Counties now or hereafter having a population of not less than 30,000 and not more than 75,000, \$5,000,

4. Counties now or hereafter having a population of less than 30,000, \$4,000

Source R S 2 182-10, as am L 1944, c 66, p 131, §1, L 1949, c 84, p 391, §1

2A:182-10.1. Counties bordering on Atlantic ocean or under 30,000; salaries of prosecutors. The salary of the prosecutor of in any county bordering on the Atlantic ocean now or hereafter having a population of less than 30,000 inhabitants may be increased to not more than \$5,000 per annum by resolution duly adopted by the board of chosen freeholders of the county. Source L 1947, c 223, p 884, §1

2A:182-10.2. Counties of fourth class; salaries of prosecutors. The annual salary of the county prosecutor, of any county of the fourth class may be increased by resolution of the board of chosen freeholders of the county to not more than \$5,000. Source L 1948, c 299, p 1217, §1, as am L 1949, c 263, p 830, §1

2A:182-10.3. Third class counties under 100,000; salaries of prosecutors. The annual salary of the county prosecutor, of any county of the third class having a population of less than 100,000 inhabitants according to the last federal census, may be increased, by resolution of the board of chosen freeholders of the county, to not more than \$5,000.

Source L 1949, c 133, p 506, §1

2A:182-11. Payment of salaries of prosecutors; fees and costs paid to county. The salaries of the county prosecutors shall be paid at the same times and in the same manner as other county salaries are paid, and shall be in lieu of all fees and costs or other compensation or allowances whatsoever.

All fees and costs allowed by law to the county prosecutors shall be taxed in the bills of costs in the manner provided by law, and, when collected in the manner provided by law, shall be paid into the treasury of the respective counties for the use thereof.

Source R S 2 182-11

Note of Reporter The Reporter is of the opinion that entire section 2 182 does not pertain to crime or criminal procedure. That it pertains to public offices and their compensation—beyond the scope of our work. See L 1944, c 20, R S 52 17A-1 etc

2A:182-12. Salaries of prosecutors suspended when attorney general attends in county on request of assignment judge of superior court. Whenever the attorney general, either personally, or by such assistance or assistants as he may designate, shall, at the request of the assignment judge of a county, attend in any county for the purpose of prosecuting the criminal business of the state therein, including the investigation of alleged crimes and misdemeanors, the attendance

before the criminals courts and grand jury of such county and the preparation and trial of indictments for crime and misdemeanors, in accordance with section 52 17-3 of the title State Government, Department and Officers, and such attendance, by the attorney general in person or by such assistant or assistants as the attorney general may have designated for that purpose, shall continue in such county for a period of more than 3 months, the payment of the salary or other compensation of the prosecutor in and for such county shall be suspended from and after the expiration of a period of 3 months after the commencement of such attendance, and such suspension of payment shall continue until such attendance of the attorney general shall have terminated and the prosecutor shall have reassumed the discharge of his duties. Whenever the payment of the salary or compensation of any prosecutor shall be subject to suspension as herein provided, the county board or officer charged with the duty of paying or providing for the payment of such salary or compensation shall suspend the payment thereof for the period fixed by this section.

Source R S 2 182-12

2A:182-13. Assistant prosecutors; number; appointment; designation; terms of office; oath of office. Assistant prosecutors in and for the respective counties may be appointed by the prosecutors of such counties as hereinafter provided, who shall hold their appointments at the pleasure of the respective prosecutors, and shall, before entering upon the performance of the duties of their appointment, take, before the clerk of the county court of the county in and for which they are appointed an oath or affirmation to faithfully perform the duties of the appointment to the best of their ability.

a In counties in which there are two or more judges of the court of common pleas, the prosecutor of the pleas may appoint not more than 3 assistant prosecutors. One of the assistants so appointed shall be designated as first assistant prosecutor and the others as assistant prosecutors.

b In counties having a population of more than 200,000 and not more than 250,000 the prosecutor of the pleas may appoint 2 assistant prosecutors. One of such assistant prosecutors shall be designated as first assistant prosecutor.

c In all other counties the prosecutor of the pleas may appoint 1 assistant prosecutor.

d In counties bordering on the Atlantic ocean and having a population of more than 150,000 the prosecutor of the pleas shall appoint 1 second assistant prosecutor of the pleas.

Source R S 2 182-13

2A:182-14. Salaries of assistant prosecutors; amounts; payment; fees paid to county. Assistant prosecutors appointed under authority of

section 2A 182-13 of this title shall receive annual salaries as follows:

a In counties of the first class, the first assistant prosecutor, not less than \$7,000 nor more than \$10,000; 1 of the assistant prosecutors, other than the first assistant prosecutor, not less than \$6,000 nor more than \$7,000, all other assistant prosecutors, not less than \$5,000 nor more than \$6,000. The amounts of the salaries herein provided for shall be fixed by the board of chosen freeholders of the respective counties.

b In counties, except counties of the first class, in which there are 2 or more judges of the county court the first assistant prosecutor, \$7,000; 1 assistant prosecutor, other than the first assistant, \$6,000, the other assistant prosecutor, \$5,000.

c In counties bordering on the Atlantic ocean, except any such county having 2 or more judges of the county court

1. Counties having a population of more than 75,000 and not more than 105,000, the assistant prosecutor, \$4,000,

2. Counties having a population of more than 130,000, the second assistant prosecutor, \$2,500,

3. In counties having a population of more than 32,000 and not more than 50,000, the assistant prosecutor, an amount to be fixed by the board of chosen freeholders,

4. All other such counties, the assistant prosecutor, an amount to be fixed by and paid out of the salary of the prosecutor of any such county.

d In all counties in which the salaries of the assistant prosecutors are not otherwise fixed by this section

1. Counties having a population of more than 200,000, the assistant prosecutor, \$6,500;

2. Counties having a population of more than 200,000 and not more than 250,000, the first assistant prosecutor, \$4,000, and the other assistant prosecutor, \$3,500,

3. Counties having a population of more than 135,000 and not more than 200,000, the assistant prosecutor, \$4,000,

4. Counties having a population of more than 100,000 and not more than 135,000, the assistant prosecutor, \$2,500,

5. Counties having a population of more than 80,000 and not more than 95,000, the assistant prosecutor, \$1,500,

5a. Counties having a population of more than 60,000 and not more than 70,000, according to the last preceding federal census, the assistant prosecutor, \$1,200, except as otherwise provided herein,

6. Counties having a population of not less than 74,000 and not more than 82,000 inhabitants, as ascertained by the last preceding federal census, the assistant prosecutor not more than \$2,500 as shall be fixed by the prosecutor and the judge of the county court of the county,

7. Counties having a population of more than 82,000 and not more than 150,000, except counties bordering on the Atlantic ocean, the assistant prosecutor, \$2,000;

8 In all other counties, the assistant prosecutor, an amount to be fixed by and paid out of the salary of the prosecutor of the county

In each county the salaries of the assistant prosecutors shall be paid at the same times and in the same manner as other county salaries are paid, and shall be in lieu of all fees and other compensation or allowances whatever

All fees allowed by law to assistant prosecutors shall be paid into the treasury of the respective counties for the use thereof

Source R S 2 182-14, as am L 1939, c 335, p 814, §1, L 1949, c 74, p 376, §1

2A:182-14.1. Counties of 300,000 to 600,000; salaries of assistant prosecutors. Assistant prosecutors and assistant county prosecutors, now or here after appointed, pursuant to section 2A 182-13 of the revised statutes, in counties now or hereafter having a population of not less than 300,000 and not more than 600,000, according to the last federal census shall receive annual salaries, to be fixed by the board of chosen freeholders of the respective counties, as follows

a. The first assistant prosecutor, not less than \$7,000 and not more than \$9,000,

b The second assistant prosecutor, not less than \$6,000 and not more than \$8,000,

c Other assistant prosecutors, not less than \$5,000 and not more than \$7,000

Source L 1949, c 84, p 393, §2

2A:182-15. Powers and duties of assistant prosecutors. In any county any of the assistant prosecutors of such county may attend the sessions of the grand jury of such county, and render therein any service or perform any duty that might be rendered or performed by the prosecutor of such county if he were present

Source R S 2 182-15, as am L 1944, c 32, p 89, §1

2A:182-16. Tenure of office of secretaries and stenographers in office of prosecutor of the pleas and office of county detective in certain counties.

All persons holding secretarial and stenographic positions in the office of the prosecutor and the population of not less than 82,000 nor more than 175,000, who have devoted full time to the duties of their office for 5 continuous years, shall have and enjoy tenure of office and service

Source L 1939, c 271, p 694, §1

office of county detectives in counties having a

2A:182-17. Suspension, discharge or decrease of compensation of secretaries and stenographers.

No such employee having and enjoying tenure of office and service shall be suspended or discharged nor shall their compensation be decreased, except upon a sworn complaint of inefficiency or misbehavior and after a fair and impartial hearing before the judge of the county court of such county

Source L 1939, c 271, p 694, §2

Chapter 182A. COUNTY PROSECUTORS.

Section

2A 182A-1 County prosecutors, qualifications, term, powers and duties

2A:182A-1. County prosecutors; qualifications; term; powers and duties. As the terms of the county prosecutors of the respective counties shall expire, there shall be appointed, for each county, by the governor with the advice and consent of the senate to serve for a term of 5 years and until the appointment and qualification of his successor, some fit person who shall have been admitted to the practice of law in this state for at least 5 years, who shall be known as the county prosecutor and who, except as otherwise provided by law, shall prosecute the pleas of the state in such county and shall have all of the powers, perform all of the duties formerly had and performed by the prosecutor of the pleas of such county and shall be entitled to

Section

2A 182A-2 County prosecutor substituted for prosecutor of the pleas in counties where appointed

all of the emoluments to which the prosecutor of the pleas of the county formerly was entitled

Source L 1948, c 54, p 141, §1

2A:182A-2. County prosecutor substituted for prosecutor of the pleas in counties where appointed. In any statute in which the term "prosecutor of the pleas" is used, said term shall be construed to mean the county prosecutor so far as it relates to any county in which a county prosecutor shall have been appointed, and no indictment or act done by any county prosecutor shall be invalidated because the same shall be signed or done in the name of, and under the title of, prosecutor of the pleas

Source L 1948, c 54, p 141, §2

Chapter 183. LIMITATION OF CRIMINAL PROSECUTIONS.

Section

2A 183-1 Treason

2A 183-2 Offenses not punishable with death

2A:183-1. Treason. No person shall be prosecuted, tried or punished for treason, unless the

Section

2A 183-3 Forgery, larceny or embezzlement, or conspiracy to commit same, or conspiracy to defraud by public officers, fiduciaries, etc

indictment therefor shall be found within 3 years next after the treason shall be done or com-

mitted This section shall not apply to any person fleeing from justice

Source R S 2 183-1

2A:183-2. Offenses not punishable with death. "Except as otherwise expressly provided by law" no person shall be prosecuted, tried or punished for any offense not punishable with death, unless the indictment therefor shall be found within 2 years from the time of committing the offense or incurring the fine or forfeiture This section shall not apply to any person fleeing from justice

Source R S 2 183-2

Note of Reporter A longer term is provided under 2A 183-3

2A:183-3. Forgery, larceny or embezzlement, or conspiracy to commit same, or conspiracy to defraud by public officers, fiduciaries, etc. Any person holding or having held, or who may hereafter hold, any public office position or employment, either under this state, or under any political subdivision or agency thereof, whether

elective or appointive, or any person being or having been, or who may hereafter be an executor, administrator, guardian, trustee or receiver, or any officer or director holding or having held, or who may hereafter hold, office position or employment with any public, quasi public or public quasi corporation or with any charitable, religious or fraternal organization or with any mutual benefit society or association for non-pecuniary benefit or with any bank or building and loan association or savings and loan association or with any trust, insurance, mortgage, guaranty, title or investment company, may be prosecuted, tried and punished for any forgery, larceny or embezzlement, or conspiracy to commit forgery, larceny or embezzlement, or conspiracy to defraud, committed while in such office or employment, where the indictment has been or may be found within 5 years from the time of committing such offense, but nothing herein contained shall apply to any person fleeing from justice

Source R S 2 183-3, as am L 1938, c 138, p 289, §1

Chapter 184. Blank.

Chapter 185. EXTRADITION.

Section

Article 1 General Provisions

- 2A 185-1 Persons taken out of state to answer criminal charge, warrant of governor or waiver of extradition
- 2A 185-2 Expenses of returning fugitives from justice
- 2A 185-3 Advance of money to prosecutor of pleas for expenses of extradition, statement filed and approved by court
- 2A 185-4 Accounting of expenditures, excess returned
- 2A 185-5 Return of person extradited from and imprisoned in another state to such state in certain cases

Article 2 Uniform Criminal Extradition Law

A Definitions, Construction and Short Title

- 2A 185-6 Definitions
- 2A 185-7 Construction of article
- 2A 185-8 Effect of article as to waivers by and rights, powers and privileges of this state
- 2A 185-9 Short title of article

B Extradition from This State into Other States

- 2A 185-10 Fugitives from justice found in this state, duty of governor to have arrested and delivered to demanding state
- 2A 185-11 Demand for extradition, form and contents, affidavit, copy of indictment or information, statement by executive authority of demanding state
- 2A 185-12 Investigation by governor, duty of attorney general and prosecuting officers
- 2A 185-13 Extradition of person leaving demanding state involuntarily
- 2A 185-14 Extradition of persons not present in demanding state at time of commission of crime
- 2A 185-15 Warrant of arrest, issue by governor, recitals
- 2A 185-16 Execution of warrant of arrest
- 2A 185-17 Authority of officer making arrest, assistance given

Section

- 2A 185-18 Rights of persons arrested, appearance before criminal court, habeas corpus, notice of and hearing on
- 2A 185-19 Noncompliance with section 2A 185-18 a misdemeanor, punishment
- 2A 185-20 Temporary confinement of persons arrested in county or city jail in this state, procedure, new requisition
- 2A 185-21 Arrest of accused before requisition made, warrant for arrest
- 2A 185-22 Arrest of accused without warrant
- 2A 185-23 Commitment to jail of person arrested before requisition made to await requisition, bail
- 2A 185-24 Bail of accused for appearance, when authorized, bond or undertaking, surrender of accused to be arrested on warrant
- 2A 185-25 Discharge of accused, extension of time of commitment of accused, new bail for appearance
- 2A 185-26 Forfeiture of bail, arrest of accused without warrant, recovery on bail bond
- 2A 185-27 Extradition of persons pending outcome of criminal prosecution in this state
- 2A 185-28 Inquiry into guilt or innocence of accused
- 2A 185-29 Recall of warrant of arrest, alias warrant
- 2A 185-30 Waiver of extradition proceedings, procedure, effect
- C Extradition from Other States of Persons Accused of Crime, Escaping from Confinement or Breaking Terms of Bail, Probation or Parole in This State
- 2A 185-31 Demand for extradition, issue of warrant by governor
- 2A 185-32 Application to governor for requisition, by whom made, contents, verification of application, execution in duplicate, certified copies of indictment, information and affidavits while in this state
- 2A 185-33 Extradition of persons imprisoned or awaiting trial in another state, agreement to return to state from which extradited

Section

2A 185-34 Immunity from service of process in certain civil actions

Section

2A 185-35 No immunity from other criminal prosecution filed, or complaint to accompany application, copy filed with secretary of state, copy forwarded with requisition

Article 1 GENERAL PROVISIONS

2A:185-1. Persons taken out of state to answer criminal charge; warrant of governor or waiver of extradition. It shall be unlawful to take, or cause or procure to be taken, or aid or abet in taking any person from out of this state, for the purpose of answering any criminal charge that may have been preferred against such person in any other state, except in the manner prescribed in this chapter, unless such person consents to his removal from this state by waiving extradition in the manner provided by section 2A 185-30 of this title

Source R S 2 185-1

2A:185-2. Expenses of returning fugitives from justice. Whenever any person charged in this state with any crime shall flee from justice and be found in another state or territory, and the attorney general or the prosecutor of the pleas for any county where such person is so charged shall recommend to the governor or person administering the government of this state that he demand the fugitive, so that he may be brought into this state for trial, and the fugitive shall, on the demand of the executive authority of this state, be delivered up for removal to this state, the expense of such removal, being first ascertained to the satisfaction of the prosecutor of the county where such person is so charged, and being approved by a judge of the county court of such county, shall be paid by the county treasurer out of the funds of such county

Source R S 2 185-2

2A:185-3. Advance of money to prosecutor of pleas for expenses of extradition; statement filed and approved by court. The county treasurer of any county may advance to the prosecutor of the county, or to such person as the prosecutor shall designate, from the funds of such county appropriated, set aside and available for court expenses, money necessary to defray the expenses of the prosecutor or such person as he shall designate, to be used for the arrest, extradition and return from foreign jurisdictions of persons charged with violating the criminal laws of this state, and who are fugitives from justice. No such money shall be advanced by the county treasurer, except upon written order of the prosecutor with the approval of a judge of the county court of such county indorsed thereon, and unless the prosecutor shall file with the county treasurer a statement of the purposes for which the money is to be used and an estimate, in reasonable detail, of the anticipated expenses

Source R S 2 185-3

2A:185-4. Accounting of expenditures; excess returned. Immediately after the person to whom

the money has been advanced by the county treasurer, as provided by section 2 185-3 of this title, shall have completed the duties for which such money was advanced, he shall file with the county treasurer an itemized statement or account of the necessary expenses incurred in the performance of such duties, duly verified, certified to and approved under the hand of the prosecutor, and with the written approval of a judge of the county court of such county. If the itemized statement or account so rendered and approved, as aforesaid, should exceed the sum of money so advanced to such person, the balance thereof shall be paid to such person by the county treasurer, and if the sum of money advanced to such person shall exceed the amount of his itemized statement or account of expenses, as the same shall be so certified and approved, such person shall forthwith return the excess money to the county treasurer

Source R S 2 185-4

2A:185-5. Return of person extradited from and imprisoned in another state to such state in certain cases. If any person charged with the crime of murder in this state is undergoing imprisonment in any other state, territory or district of the United States for a term less than imprisonment for life, and the governor of this state shall make demand for the return to this state of the person so charged, the governor may agree with the executive authority of such state, territory or district that, if the person so charged shall, on his trial in this state, be acquitted, or shall be convicted of the crime of manslaughter, or any degree of murder the punishment for which is less than death or imprisonment for life, such person shall be returned immediately to such other state, territory or district, at the expense of this state. The costs incident to the return of such person shall be borne by the county in which such person was tried for the crime of murder

In cases coming within the purview of this section the provisions of section 2A 192-2 of this title with respect to the imposition of sentence in criminal cases shall have no application

This section shall be subject to the provisions of the constitution of the United States controlling, and the acts of congress enacted in pursuance thereof

Source R S 2 185-5

Article 2 UNIFORM CRIMINAL EXTRADITION LAW

A DEFINITIONS, CONSTRUCTION AND SHORT TITLE

2A:185-6. Definitions. As used in this article, the term "governor" includes any person performing the functions of governor by authority of the law of this state. The term "executive

authority" includes the governor, and any person performing the functions of governor in a state other than this state. The term "state", referring to a state other than this state, includes any other state or territory, organized or unorganized, of the United States of America.
Source R S 2 185-6

2A:185-7. Construction of article. The provisions of this article shall be so interpreted and construed as to effectuate its general purposes to make uniform the law of those states which enact it.
Source R S 2 185-7

2A:185-8. Effect of article as to waivers by and rights, powers and privileges of this state. Nothing in this article contained shall be deemed to constitute a waiver by this state of its right, power or privilege to try such demanded person for crime committed within this state, or of its right, power or privilege to regain custody of such person by extradition proceedings or otherwise for the purpose of trial, sentence or punishment for any crime committed within this state, nor shall any proceedings had under this article which result in, or fail to result in, extradition be deemed a waiver by this state of any of its rights, privileges or jurisdiction in any way whatsoever.
Source R S 2 185-8

2A:185-9. Short title of article. This article may be cited as the uniform criminal extradition law.
Source R S 2 185-9

B EXTRADITION FROM THIS STATE INTO OTHER STATES

2A:185-10. Fugitives from justice found in this state; arrest and delivery to demanding state; person charged with murder in demanding state and imprisoned in this state for term less than life; warrant of governor. Subject to the provisions of this article, the provisions of the constitution of the United States controlling, and any and all acts of congress enacted in pursuance thereof, it is the duty of the governor of this state to have arrested and delivered up to the executive authority of any other state of the United States any person charged in that state with treason, felony, or other crime, who has fled from justice and is found in this state; provided, if the executive authority of any other state or district requests the extradition of any person charged in that state with murder, and that person is imprisoned in a penal institution or jail of this state for a term less than imprisonment for life, the governor of this state may deliver him or her up to the executive authority of the demanding state or district for the purpose of trial in said state or district; provided, however, that prior to the removal of the person from this state, the executive authority of the demanding state or district shall have agreed that the person so delivered up is to be returned immediately to this state, at the cost of the de-

manding state or district, to serve the balance of his or her term of imprisonment in the event of his or her acquittal in the demanding state, or in the event of his or her conviction in such state of manslaughter or any degree of murder the punishment for which is less than death or imprisonment for life.

The warrant of the governor of this state shall be sufficient authority to the keeper of the New Jersey state prison or officer of any other institution to surrender the person named therein and for whom extradition is sought.
Source R S 2 185-10, as am L 1940, c 259, p 976, §1

2A:185-11. Demand for extradition; form and contents; affidavit; copy of indictment or information; statement by executive authority of demanding state. No demand for the extradition of a person charged with crime in another state shall be recognized by the governor unless in writing alleging that the accused was present in the demanding state at the time of the commission of the alleged crime, and that thereafter he fled from the state, except in cases arising under section 2A:185-14 of this title, and accompanied by a copy of an indictment found or by information supported by affidavit in the state having jurisdiction of the crime, or by a copy of an affidavit made before a magistrate there, together with a copy of any warrant which was issued thereon, or by a copy of a judgment of conviction or of a sentence imposed in execution thereof, together with a statement by the executive authority of the demanding state that the person claimed from confinement or has broken the terms of his bail, probation or parole. The indictment, information, or affidavit made before the magistrate must substantially charge the person demanded with having committed a crime under the law of that state, and the copy of indictment, information, affidavit, judgment of conviction or sentence must be authenticated by the executive authority making the demand.
Source R S 2 185-11

2A:185-12. Investigation by governor; duty of attorney general and prosecuting officers. When a demand shall be made upon the governor of this state by the executive authority of another state for the surrender of a person so charged with crime, the governor may call upon the attorney general or any prosecuting officer in this state to investigate or assist in investigating the demand, and to report to him the situation and circumstances of the person so demanded, and whether he ought to be surrendered.
Source R S 2 185-12

2A:185-13. Extradition of person leaving demanding state involuntarily. The governor of this state may also surrender on demand of the governor of any other state any person in this state who is charged in the manner provided in section 2A:185-32 of this title with having violated the laws of the state whose governor is making

the demand, even though such person left the demanding state involuntarily

Source R S 2 185-13

2A:185-14. Extradition of persons not present in demanding state at time of commission of crime. The governor of this state may also surrender, on demand of the executive authority of any other state, any person in this state charged in such other state in the manner provided in section 8A:185-11 of this title with committing an act in this state, or in a third state, intentionally resulting in a crime in the state whose executive authority is making the demand, and the provisions of this article not otherwise inconsistent, shall apply to such cases, even though the accused was not in that state at the time of the commission of the crime, and has not fled therefrom

Source R S 2 185-14

2A:185-15. Warrant of arrest; issue by governor; recitals. If the governor decides that the demand should be complied with, he shall sign a warrant of arrest, which shall be sealed with the state seal, and be directed to any peace officer or other person whom he may think fit to entrust with the execution thereof. The warrant must substantially recite the facts necessary to the validity of its issuance.

Source R S 2 185-15

2A:185-16. Execution of warrant of arrest. Such warrant shall authorize the peace officer or other person to whom directed to arrest the accused at any time and any place where he may be found within the state and to command the aid of all peace officers or other persons in the execution of the warrant, and to deliver the accused, subject to the provisions of this article to the duly authorized agent of the demanding state

Source R S 2 185-16

2A:185-17. Authority of officer making arrest; assistance given. Every such peace officer or other person empowered to make the arrest, shall have the same authority, in arresting the accused, to command assistance therein, as peace officers have by law in the execution of any criminal process directed to them with like penalties against those who refuse their assistance

Source R S 2 185-17

2A:185-18. Rights of persons arrested; appearance before criminal court; habeas corpus; notice of and hearing on. No person arrested upon such warrant shall be delivered over to the agent whom the executive authority demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of a criminal court of record in this state, who shall inform him of the demand made for his surrender and of the crime with which he is charged, and that he has the right to demand and procure legal counsel, and if the prisoner or his counsel shall state that he or they desire to test the legality of his arrest, the judge of such criminal

court of record shall fix a reasonable time to be allowed him within which to apply for a writ of habeas corpus. When such writ is applied for, notice, thereof, and of the time and place of hearing thereon, shall be given to the prosecuting officer of the county in which the arrest is made and in which the accused is in custody, and to the said agent of the demanding state

Source R S 2 185-18

2A:185-19. Noncompliance with section 2A:185-18 a misdemeanor; punishment. Any officer who shall deliver to the agent for extradition of the demanding state a person in his custody under the governor's warrant, in willful disobedience to section 2A:185-18 of this title, shall be guilty of a misdemeanor, and, on conviction, shall be fined not more than \$1,000 or be imprisoned not more than 6 months, or both

Source R S 2 185-19

2A:185-20. Temporary confinement of persons arrested in county or city jail in this state; procedure; new requisition. The officer or persons executing the governor's warrant of arrest, or the agent of the demanding state to whom the prisoner may have been delivered may, when necessary, confine the prisoner in the jail of any county or city through which he may pass, and the keeper of such jail must receive and safely keep the prisoner until the officer or person having charge of him is ready to proceed on his route, such officer or person, however, being chargeable with the expense of keeping

The officer or agent of a demanding state to whom a prisoner may have been delivered following extradition proceedings in another state, or to whom a prisoner may have been delivered after waiving extradition in such other state, and who is passing through this state with such a prisoner for the purpose of immediately returning such prisoner to the demanding state may, when necessary, confine the prisoner in the jail of any county or city through which he may pass, and the keeper of such jail must receive and safely keep the prisoner until the officer or agent having charge of him is ready to proceed on his route, such officer or agent, however, being chargeable with the expense of keeping, but such officer or agent shall produce and show to the keeper of such jail satisfactory written evidence of the fact that he is actually transporting such prisoner to the demanding state after a requisition by the executive authority of such demanding state. Such prisoner shall not be entitled to demand a new requisition while in this state

Source R S 2 185-20

2A:185-21. Arrest of accused before requisition made; warrant for arrest. Whenever any person within this state shall be charged on the oath of any credible person before any judge or magistrate of this state with the commission of any crime in any other state, and, except in cases arising under section 2A:185-14 of this title with

having fled from justice, or, with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of his bail, probation or parole, or whenever complaint shall have been made before any judge or magistrate in this state setting forth on the affidavit of any credible person in another state that a crime has been committed in such other state and that the accused has been charged in such state with the commission of the crime, and, except in cases arising under said section 2A:185-14, has fled from justice, or with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of his bail, probation or parole and is believed to be in this state, the judge or magistrate shall issue a warrant directed to any peace officer commanding him to apprehend the person named therein, wherever he may be found in this state, and to bring him before the same or any other judge, magistrate or court who or which may be available in or convenient of access to the place where the arrest may be made, to answer the charge or complaint and affidavit, and a certified copy of the sworn charge or complaint and affidavit upon which the warrant is issued shall be attached to the warrant

Source R S 2 185-21

2A:185-22. Arrest of accused without warrant. The arrest of a person may be lawfully made also by any peace officer or a private person, without a warrant upon reasonable information that the accused stands charged in the courts of a state with a crime punishable by death or imprisonment for a term exceeding 1 year, but when so arrested the accused must be taken before a judge or magistrate with all practicable speed and complaint must be made against him under oath setting forth the ground for the arrest as in section 2A:185-21 of this title; and thereafter his answer shall be heard as if he had been arrested on a warrant.

Source R S 2 185-22

2A:185-23. Commitment to jail of person arrested before requisition made to await requisition; bail. If from the examination before the judge or magistrate it appears that the person held is the person charged with having committed the crime alleged, and, except in cases arising under section 2A 185-14 of this title, that he has fled from justice, the judge or magistrate must, by a warrant reciting the accusation, commit him to the county jail for such a time not exceeding 30 days and specified in the warrant, as will enable the arrest of the accused to be made under a warrant of the governor on a requisition of the executive authority of the state having jurisdiction of the offense, unless the accused give bail as provided in section 2 185-24 of this title, or until he shall be legally discharged.

Source R S 2 185-23

2A:185-24. Bail of accused for appearance, when authorized; bond or undertaking; surrender of accused to be arrested on warrant. Unless the offense with which the prisoner is charged is shown to be an offense punishable by death or life imprisonment under the laws of the state in which it was committed, a judge or magistrate in this state may admit the person arrested to bail by bond or undertaking, with sufficient sureties, and in such sum as he deems proper, conditioned for his appearance before him at a time specified in such bond or undertaking, and for his surrender, to be arrested upon the warrant of the governor of this state.

Source R S 2 185-24

2A:185-25. Discharge of accused; extension of time of commitment of accused; new bail for appearance. If the accused is not arrested under warrant of the governor by the expiration of the time specified in the warrant, bond, or undertaking, a judge or magistrate may discharge him or may recommit him for a further period of 60 days, or a superior court judge or county judge may again take bail for his appearance and surrender, as provided in section 2A 185-24 of this title, but within a period not to exceed 60 days after the date of such new bond or undertaking

Source R S 2 185-25

2A:185-26. Forfeiture of bail; arrest of accused without warrant; recovery on bail bond. If the prisoner is admitted to bail, and fails to appear and surrender himself according to the conditions of his bond, the judge, or magistrate by proper order, shall declare the bond forfeited and order his immediate arrest without warrant if he be within this state. Recovery may be had on such bond in the name of the state as in the case of other bonds or undertakings given by the accused in criminal proceedings within this state.

Source R S 2 185-26

2A:185-27. Extradition of persons pending outcome of criminal prosecution in this state. If a criminal prosecution has been instituted against such person under the laws of this state and is still pending, the governor, in his discretion, either may surrender him on demand of the executive authority of another state or hold him until he has been tried and discharged or convicted and punished in this state.

Source R S 2 185-27

2A:185-28. Inquiry into guilt or innocence of accused. The guilt or innocence of the accused as to the crime of which he is charged may not be inquired into by the governor or in any proceeding after the demand for extradition accompanied by a charge of crime in legal form as above provided shall have been presented to the governor, except as it may be involved in identifying the person held as the person charged with the crime."

Source R S 2 185-28

2A:185-29. Recall of warrant of arrest; alias warrant. The governor may recall his warrant of arrest or may issue another warrant whenever he deems proper
Source R S 2 185-29

2A:185-30. Waiver of extradition proceedings; procedure; effect. Any person arrested in this state charged with having committed any crime in another state or alleged to have escaped from confinement, or broken the terms of his bail, probation or parole may waive the issuance and service of the warrant provided for in sections 2A 185-15 and 2A 185-16 of this title and all other procedure incidental to extradition proceedings, by executing or subscribing in the presence of a judge of any criminal court of record within this state a writing which states that he consents to return to the demanding state. Before such waiver shall be executed or subscribed by such person it shall be the duty of such judge to inform such person of his rights to the issuance and service of a warrant of extradition and to obtain a writ of habeas corpus as provided for in section 2A 185-18 of this title.

If and when such consent has been duly executed it shall forthwith be forwarded to the office of the governor of this state and filed therein. The judge shall direct the officer having such person in custody to deliver forthwith such person to the duly accredited agent or agents of the demanding state, and shall deliver or cause to be delivered to such agent or agents a copy of such consent. Nothing in this section shall be deemed to limit the rights of the accused person to return voluntarily and without formality to the demanding state, nor shall this waiver procedure be deemed to be an exclusive procedure or to limit the powers, rights or duties of the officers of the demanding state or of this state.
Source R S 2 185-30

C EXTRADITION FROM OTHER STATES OF PERSONS ACCUSED OF CRIME, ESCAPING FROM CONFINEMENT OR BREAKING TERMS OF BAIL, PROBATION OR PAROLE IN THIS STATE

2A:185-31. Demand for extradition; issue of warrant by governor. Whenever the governor of this state shall demand a person charged with crime or with escaping from confinement or breaking the terms of his bail, probation or parole in this state, from the chief executive of any other state, or from the chief justice or a judge of the district court of the United States for the District of Columbia authorized to receive such demand under the laws of the United States, he shall issue a warrant under the seal of this state, to some agent, commanding him to receive the person so charged if delivered to him and convey him to the proper officer of the county in this state in which the offense was committed.

Source R S 2 185-31

2A:185-32. Application to governor for requisition;

by whom made; contents; verification of application; execution in duplicate; certified copies of indictment, information and affidavit filed, or complaint to accompany application; copy filed with secretary of state; copy forwarded with requisition.

1 When the return to this state of a person charged with crime in this state is required, the prosecuting attorney shall present to the governor his written application for a requisition for the return of the person charged, in which the person so charged, the crime charged against him, the approximate time, place and circumstances of its commission, the state in which he is believed to be, including the location of the accused therein at the time the application is made and certifying that, in the opinion of the said prosecuting attorney the ends of justice require the arrest and return of the accused to this state for trial and that the proceeding is not instituted to enforce a private claim.

2 When the return to this state is required of a person who has been convicted of a crime in this state and has escaped from confinement or broken the terms of his bail, probation or parole, the prosecuting attorney of the county in which the offense was committed, the parole board, or the warden of the institution or sheriff of the county, from which escape was made, shall present to the governor a written application for a requisition for the return of such person, in which application shall be stated the name of the person, the crime of which he was convicted, the circumstances of his escape from confinement or of the breach of the terms of his bail, probation or parole, the state in which he is believed to be, including the location of the person therein at the time application is made.

3 The application shall be verified by affidavit, shall be executed in duplicate and shall be accompanied by 2 certified copies of the indictment returned, or information and affidavit filed, or of the complaint made to the judge or magistrate, stating the offense with which the accused is charged, or of the judgment of conviction or of the sentence. The prosecuting officer, parole board, warden or sheriff may also attach such further affidavits and other documents in duplicate as he shall deem proper to be submitted with such application. One copy of the application, with the action of the governor indicated by indorsement thereon, and 1 of the certified copies of the indictment, complaint, information, and affidavits, or of the judgment of conviction or of the sentence shall be filed in the office of the secretary of state to remain of record in that office. The other copies of all papers shall be forwarded with the governor's requisition.
Source R S 2 185-32

2A:185-33. Extradition of persons imprisoned or awaiting trial in another state; agreement to

return to state from which extradited. When it is desired to have returned to this state a person charged in this state with a crime, and such person is imprisoned or is held under criminal proceedings then pending against him in another state, the governor of this state may agree with the executive authority of such other state for the extradition of such person before the conclusion of such proceedings or his term of sentence in such other state, upon condition that such person be returned to such other state at the expense of this state as soon as the prosecution in this state is terminated

Source R S 2 185-33

2A:185-34. Immunity from service of process in certain civil actions. A person brought into this state on, or after waiver of, extradition

based on a criminal charge shall not be subject to service of personal process in civil actions arising out of the same facts as the criminal proceeding to answer which he is being or has been returned, until he has been convicted in the criminal proceeding, or, if acquitted, until he has had reasonable opportunity to return to the state from which he was extradited

Source R S 2 185-34

2A:185-35. No immunity from other criminal prosecutions while in this state. After a person has been brought back to this state by extradition proceedings, he may be tried in this state for other crimes which he may be charged with having committed here as well as that specified in the requisition for his extradition

Source R S 2 185-35

Chapter 186. PRELIMINARY PROCEEDINGS IN GENERAL.

Section

2A 186-1 Appointment of citizen to make immediate arrest

Section

2A 186-2 Execution of warrant of arrest against person without jurisdiction of judge or magistrate issuing warrant

2A 186-3 Blank

2A:186-1. Appointment of citizen to make immediate arrest. In all criminal complaints before a judge of the superior court, or county court, or a magistrate, where, in the opinion of such judge or magistrate, public justice shall require that process to arrest the alleged offender be executed immediately, and no constable can be had in time, such judge or magistrate may, by writing, under his hand and seal, appoint some fit person, who shall be a citizen of this state, to execute the process of arrest, who shall have the same authority in the premises in all respects and be subject to the same liability as a constable

Source R S 2 186-1

2A:186-2. Execution of warrant of arrest against person without jurisdiction of judge or magistrate issuing warrant. If any person, against whom a warrant shall be issued by any judge or magistrate of any county upon com-

plaint for any offense alleged to have been there committed or done, shall escape, go into, or reside or be in any other county, out of the jurisdiction of the judge or magistrate granting such warrant, the judge of the county court or any magistrate of the county where such person may be shall, upon proof being made upon oath of the handwriting of the judge or magistrate granting the warrant, indorse his name on such warrant, which shall be a sufficient authority to the person bringing such warrant and to all other persons to whom the same was originally directed to execute the same in such other county, and to apprehend and carry the accused before the judge or magistrate indorsing the warrant or before some other judge or magistrate of the county where the warrant was indorsed

Source R S 2 186-2

2A:186-3. Blank

Chapter 186A. Blank.

Chapter 187. BAIL AND RECOGNIZANCES.

Section

2A 187-1 Examination of witnesses recognized to appear taken in writing
2A 187-2 Commitment or detention of witnesses
2A 187-3 Payment to persons detained in jail as witnesses against accused
2A 187-4 Duration of lien of forfeited recognizances not prosecuted to judgment
2A 187-5 Revival of judgment on forfeited recognizances, limitation

Section

2A 187-6 Money collected on forfeited recognizances paid to county treasurer, penalty for failure
2A 187-7 Return of amounts paid on forfeited recognizances
2A 187-8 to
2A 187-32 Blank

2A:187-1. Examination of witnesses recognized to appear taken in writing. Every judge or magistrate, who shall bind, by recognizance to

the proper court, all persons who can bear testimony touching any offense committed against this state, whether the offender be arrested, im-

prisoned, bailed, or not, shall, when in his judgment the ends of justice so require, take in writing the examination of such witnesses respecting such offense, and send such examination with the recognizance, to the clerk of the court where such witnesses are bound to appear.
Source R S 2 187-20

2A:187-2. Commitment or detention of witnesses. No person shall be committed to or detained in jail to secure his appearance as a witness against any person charged with a crime or misdemeanor, except such crimes and misdemeanors as are punishable by death or imprisonment in the state prison, whether the offender be arrested, imprisoned, bailed or not. Any person committed or detained as a witness shall not be kept in the same apartment with or be provided with the same fare as persons charged with or convicted of crime. The board of chosen freeholders of each county shall take care that all persons committed or detained as witnesses shall be comfortably lodged and provided for, and not further restricted of their liberty than is necessary for their detention.

Source R S 2 187-21

Note of Reporter First paragraph amended to conform to Rule 2 9-4

Second paragraph remains as is

2A:187-3. Payment to persons detained in jail as witnesses against accused. In every case where a person is committed or detained in jail for securing his appearance as a witness against any person charged with a crime or misdemeanor, the board of chosen freeholders of the county where such detention occurs and where the accused is tried or his case disposed of, shall, upon presentation of a claim properly verified and certified to be correct by the prosecutor of the county, order to be paid from the county treasury to the person so detained a per diem of \$3 for each and every day, that such person shall have been so detained, such amount to be paid upon proper order by the county treasurer.
Source R S 2 187-22

2A:187-4. Duration of lien of forfeited recognizances not prosecuted to judgment. All recognizances of bail made or entered into before any court, judge or magistrate having criminal jurisdiction, which have been or shall be forfeited, but upon which no writ of scire facias or other process to enforce or collect the same shall have been issued and prosecuted to final judgment within a period of 6 years after the same shall have been filed and recorded in the clerk's office, and all recognizances of bail which have not been forfeited, shall, after 6 years from the date of the filing and recording of any such recognizances of bail in the clerk's office, no longer be a lien or charge upon or against any real estate, of

which any principal or surety named in any such recognizance, was or shall have been seized, at the time of his entering into such recognizance, or at any time thereafter

Source R S 2 187-23

2A:187-5. Revival of judgment on forfeited recognizances; limitation. Judgments in any court of record, entered upon forfeited recognizances in criminal cases, may be revived by scire facias, or a civil action may be brought thereon within 6 years next after the date of such judgment and not after

Source R S 2 187-30

2A:187-6. Money collected on forfeited recognizances paid to county treasurer; penalty for failure. Every sheriff, county prosecutor or clerk of any court who shall collect or receive any money on any forfeited recognizance, whether before or after execution, or from any amercement awarded by any court against any offender, shall, within 10 days after collecting or receiving the same, pay over the same to the treasurer of the county wherein such forfeiture was had or amercement awarded for the use of the county

Any sheriff, county prosecutor or clerk who shall neglect or refuse to pay over all money in accordance with the provisions of this section, shall forfeit for every offense \$200, to be recovered by and in the name of the county treasurer to whom the same may be due, in any court of record where the same shall be cognizable, with costs of action, and applied to the use of such county, and shall also be subject to a civil action in the name of the county treasurer on behalf of such county, for the recovery of the whole sum so by him received, with interest and costs of action

Source. R S 2 187-31

2A:187-7. Return of amounts paid on forfeited recognizances. When any court which has ordered, or shall order the forfeiture of a recognizance, and the amount thereof has or shall be paid into the county treasury of any county in accordance with law, thereafter, in its discretion, orders the return of the moneys so paid upon the forfeited recognizance, thereupon the treasurer of the county shall repay the amount of such recognizance, less the taxed costs on the proceedings to forfeit the same, to the recognizer or recognizers or the personal representatives of any deceased recognizer, who shall have paid the same into the county treasury. Application for a return of moneys so paid shall be made to the court within 4 years after the recognizance shall have been declared forfeited.
Source R S 2 187-32

2A:187-8

to

2A:187-32. Blank

Chapter 188, Chapter 189. Blank.

Chapter 190. TRIAL; NEW TRIAL.

Section

2A 190-1 Blank See proposed additional legislation

2A:190-1. Blank See proposed additional legislation

2A:190-2. Findings required; acquittal on ground of insanity; confinement. If, upon the trial of any indictment, the defense of insanity is pleaded and it shall be given in evidence that the person charged therein was insane at the time of the commission of the offense charged in such indictment and such persons shall be acquitted, the jury shall be required to find specially by their verdict whether or not such person was insane at the time of the commission

Section

2A 190-2 Findings required, acquittal on ground of insanity, confinement

of such offense and to declare whether or not such person was acquitted by them by reason of the insanity of such person at the time of the commission of such offense and to find specially by their verdict also whether or not such insanity continues and if the jury shall find by their verdict that such insanity does continue, the court shall order such person into safe custody and direct him to be sent to the New Jersey state hospital at Trenton to be dealt with in the manner required by section 2 190-17 of the Revised Statutes

Source L 1943, c 41, p 81, §1

Chapter 191. Blank.

Chapter 192. SENTENCE AND IMPRISONMENT.

Section

2A 192-1 Clinics to study mental and physical conditions before sentence of convicted persons, organization, personnel, rules for conduct of, expenses

2A 192-1 1 Blank.

2A 192-1 2 Blank

2A 192-2 Examination of defendants before sentence

2A 192-3 Sex offenses, diagnostic center, commitment, examination

2A 192-4 Report on examination

2A 192-5 Specialized treatment, when

2A 192-6 Disposition of sex offenders upon request and recommendation of diagnostic center

2A 192-7 Treatment, arrangement for

2A 192-8 Release under parole supervision, rules and regulations

2A 192-9 Sentence imposed, when

2A 192-10 Compensation in lieu of remission of sentence for work performed

2A 192-11 Cost of maintaining persons committed to diagnostic center

2A 192-12 Supervision of persons released in parole, laws and rules applicable

2A 192-13 Voluntary admission to diagnostic center, treatment

2A 192-14 Security to keep the peace by person convicted of crime in addition to sentence

2A 192-15 Place of imprisonment

2A 192-16 Service of part of sentence with release on probation, court may require

2A 192-17 Sentences to state prison, maximum and minimum terms, commutation time, suspension of sentence and probation

Section

2A 192-18 Duties of clerk of court, sheriff and keeper on sentence to state prison

2A 192-19 Minors convicted of offenses punishable by imprisonment in state prison, confinement in county penitentiary, compensation of sheriff

2A 192-20 Imprisonment in county penitentiary in county other than that of conviction, expenses, weekly rate, overcrowding

2A 192-21 Imprisonment in another county when jail or penitentiary inadequate or insecure, expenses

2A 192-22 Change of place of imprisonment from state prison to county workhouse or penitentiary

2A 192-23 Transfer of persons sentenced to county jail, penitentiary or workhouse from 1 to another thereof

2A 192-24 Remission of sentence of prisoners confined in county jail or penitentiary for good conduct

2A 192-25 Remission of fines and costs due county, discharge or parole of county prisoners, violation of parole

2A 192-26 Deduction from sentence of time served pending writ of error

2A 192-27 Escape from prison or jail, time of absence not to affect original sentence

2A 192-28 Suspended sentence or fine of not more than \$500, expunging from record after 10 years, hearing, order and service thereof, fees, exceptions

2A:192-1. Clinics to study mental and physical conditions before sentence of convicted persons; organization; personnel; rules for conduct of; expenses. In order that judges conducting courts for the trial of criminal cases may have complete information for use in determining sentences to

be imposed, there may be organized and operated in each county a clinic for the study of the mental and physical conditions of defendants to be sentenced and their environments

Each assignment judge of the superior court shall have authority to organize a clinic in the

county or counties in which he presides, or, by consent of such assignment judge, the judge or judges of the county court and the juvenile and domestic relations courts in each county shall have authority to organize a clinic for such county

A clinic shall consist of any number of qualified persons, more than 3, as shall seem proper to the assignment judge or judges organizing the same, 1 of which number shall be the county probation officer, one a physician licensed to practice in this state and 1 a psychologist

Every clinic shall be conducted in accordance with rules prescribed by the courts which it shall serve and shall be operated without expense to the county in which it is organized unless the board of chosen freeholders thereof shall appropriate money to defray such expenses, which they are hereby authorized to do

Source R S 2 192-1 1, as am L 1938, c 273, p 594, §3

2A:192-1.1. Blank.

2A:192-1.2. Blank

2A:192-2. Examination of defendants before sentence. Every judge, before imposing sentence upon a defendant, may order an examination of the mental and physical condition of such defendant and an investigation of his environment by a clinic organized in the county wherein such sentence is to be imposed or may send the defendant to an appropriate institution within this state for examination, study and classification

Source R S 2 192-1 2, as am L 1938, c 273, p 595, §4

2A:192-3. Sex offenses, diagnostic center; commitment; examination. Whenever a person is convicted of the offense of rape, carnal abuse, sodomy or impairing the morals of a minor or of an attempt to commit any of the aforementioned offenses, the judge shall order the commitment of such person to the diagnostic center for a period not to exceed 60 days While confined in the said diagnostic center, such person shall be given a complete physical and mental examination

Source. C 2 192-1 13, L 1950, c 207, p 454, §1

2A:192-4. Report on examination. Upon completion of the physical and mental examination of such person, but in no event later than 60 days after the date of the order of commitment, a written report of the results thereof shall be sent to the court

Source. L 1950, c 207, p 454, §2

2A:192-5. Specialized treatment, when. If it shall appear from said report that it has been determined through clinical findings that the offender's conduct was characterized by

a A pattern of repetitive, compulsive behavior, and

b Either violence, or

c An age disparity from which it shall appear that the victim was under the age of 15 years and the offender is an adult aggressor, it shall be the duty of the court, upon recommendation

of the diagnostic center, to submit the offender to a program of specialized treatment for his mental and physical aberrations

Source L 1950, c 207, p 454, §3

2A:192-6. Disposition of sex offenders upon request and recommendation of diagnostic center. The disposition to be made by the court of such person, upon written report and recommendation of the diagnostic center, shall include 1 or more of the following measures

a The court may place such person on probation with the requirement, as a condition of said probation, that he receive out-patient psychiatric treatment in the manner to be prescribed in each individual case

b Such person may be committed to an institution to be designated by the commissioner of institutions and agencies for treatment and upon release shall be subject to parole supervision

In the event that the court shall order a commitment of the person as provided in this section, such order of commitment shall not specify a minimum period of detention, but in no event shall the person be confined or subject to parole supervision for a period of time greater than that provided by law for the crime of which such person was convicted

Source L 1950, c 207, p 455, §4

2A:192-7. Treatment, arrangement for. The commissioner of the department of institutions and agencies, upon commitment of such person, shall thereupon arrange for his treatment in 1 of the institutions under the jurisdiction of the department which, in the judgment of the commissioner, is best suited to care for the needs of such person The commissioner, in his discretion, is hereby authorized and empowered to arrange for the transfer of such person to or from any institution within the jurisdiction of the department for the purpose of providing for the needs and requirements of such person according to the individual circumstances of the case

Source L 1950, c 207, p 455, §5

2A:192-8. Release under parole supervision; rules and regulations. Any person committed to confinement, as provided for in section 4 hereof, may be released under parole supervision when it shall appear to the satisfaction of the commissioner, after recommendation by a special classification review board appointed by the state board of control of institutions and agencies, that such person is capable of making an acceptable social adjustment in the community It shall be the duty of the chief executive officer of any institution wherein such a person is confined to report in writing at least semiannually to the commissioner concerning the physical and mental condition of such person with a recommendation as to his continued confinement or consideration for release on parole by said special committee The state board of control

of institutions and agencies is hereby authorized and empowered to promulgate rules and regulations for the parole, revocation thereof for cause, and the proper supervision on parole of said persons when released from confinement

Source L 1950, c 207, p 455, §6

2A:192-9. Sentence imposed, when. If it shall appear from the report of such examination made of such person that the offender's conduct was not characterized by a pattern of repetitive, compulsive behavior and neither violence nor age disparity was indicated, as provided for in section 3 hereof, the court shall impose sentence on such person in the manner provided by law

Source. L 1950, c 207, p 456, §7

2A:192-10. Compensation in lieu of remission of sentence for work performed. No statute relating to remission of sentence by way of commutation time for good behavior and for work performed shall apply to any such person committed pursuant to section 4 hereof, but provision may be made for monetary compensation in amount to be prescribed by the state board of control of institutions and agencies, in lieu of remission of sentence for work performed

Source L 1950, c 207, p 456, §8

2A:192-11. Cost of maintaining persons committed to diagnostic center. The commissioner shall determine and fix the per capita cost of examining and maintaining any person committed to the diagnostic center and shall notify each county treasurer monthly of the number of persons committed from the several counties, and upon certification by the commissioner of the amount due, the board of chosen freeholders of the county shall make provision for payment of one-half of the cost thereof to the diagnostic center, the remaining one-half to be borne by the state.

Source. L 1950, c. 207, p 456, §9

2A:192-12. Supervision of persons released on parole; laws and rules applicable. Except as otherwise provided herein, the provisions of Title 30, Revised Statutes, and the rules and regulations promulgated by the state board of control pursuant thereto regarding supervision of persons released on parole and revocation of parole shall apply to any such person released on parole as provided herein

Source L 1950, c 207, p 456, §10

2A:192-13. Voluntary admission to diagnostic center; treatment. Any person, believing himself to be suffering from a physical or mental condition which may result in sexual trends dangerous to the welfare of the public, may make application, upon forms to be prescribed by the department of institutions and agencies, for voluntary admission to the diagnostic center for the purpose of receiving diagnosis therein When such application is approved and such person is admitted, he shall be given a complete physical and mental examination. If it shall

appear, as a result of such examination, that such person does in fact suffer from a physical or mental condition which may result in sexual trends of the type that might prove dangerous to the welfare of the general public, this fact shall be certified to such person and to the commissioner of institutions and agencies If such person thereupon indicates a desire to receive treatment for such condition, he may make application for voluntary admission to an institution to be designated by the commissioner and upon approval of such application he may be received in the designated institution and shall there receive the treatment indicated by the circumstances in the individual case If such person is possessed of sufficient financial ability to defray all or a portion of the cost of his care and treatment, he shall be required so to do If such person shall desire to leave such institution and discontinue the treatments being received by him, he shall be required to give 5 days' notice, in writing, to the chief executive officer of the institution of his intention to leave.

Source. L 1950, c 207, p 457, §11

2A:192-14. Security to keep the peace by person convicted of crime in addition to sentence. If any person be convicted of any offense against this state not punishable with death, the court, before whom the conviction shall be had, may order, besides the punishment prescribed by law, that such offender shall find surety to keep the peace or be of good behavior, or both, in such sum and for such time and in such number and sufficiency as the court shall judge proper

Source R S 2 192-2

2A:192-15. Place of imprisonment. Every person sentenced under the laws of this state to imprisonment for any time less than 1 year shall be confined in the common jail of the county where conviction was had, or the county workhouse or penitentiary, in the discretion of the court, and there safely kept until the term of his confinement shall expire and the fine and costs of prosecution be paid, or until he shall be discharged by due course of law, provided, in counties of the first class no sentence exceeding 6 months shall be made to the common jail of the county Every person so sentenced to the county workhouse or penitentiary shall be transferred to and confined therein within 10 days after the sentence

Every person sentenced to hard labor or imprisonment, except as hereinafter provided, for any term of 1 year or longer shall be imprisoned in the state prison; except that in any county in which a penitentiary is located, a person sentenced to hard labor and imprisonment for a term of not less than 1 year and not exceeding 18 months, shall be imprisoned in the penitentiary of such county instead of the state prison, unless the person so convicted shall have previ-

ously served a term in the state prison, in which case the person so convicted may, in the discretion of the court, be imprisoned in the state prison, provided, nothing herein contained shall be construed to prevent the sentence of persons to penitentiaries in counties of the first class to terms of between 6 months and 1 year

In any county in which a workhouse is located, any person sentenced to hard labor and imprisonment for a term of not less than 1 year and not exceeding 18 months, may, in the discretion of the court so sentencing, be imprisoned in such county workhouse instead of the state prison or county penitentiary

Source R S 2 192-3, as am L 1945, c 153, p 540, §1

2A:192-16. Service of part of sentence with release on probation, court may require. In any sentence involving imprisonment in any county penitentiary, or workhouse, the court may, as part of the sentence imposed, require the person so sentenced to serve a designated part of such sentence in the penitentiary or workhouse itself, and, thereafter, after having been given credit for days remitted, if any, to be released on probation under the care of the chief probation officer of the county, in accordance with section 2 199-1 et seq of the Revised Statutes The chief probation officer thereafter may, at any time within the period of probation fixed in the sentence, return such probationer to the court in which the sentence was pronounced, for violation of any of the conditions of such probation The court may, thereupon, resentence such person to such penitentiary or workhouse for the remaining portion of the sentence originally pronounced

Source L 1943, c 40, p 80, §1

2A:192-17. Sentences to state prison; maximum and minimum terms; commutation time; suspension of sentence and probation. All sentences to the New Jersey state prison shall, be for a maximum and minimum term, except sentences for life The maximum term shall not be in excess of the maximum term prescribed by law for the offense for which the offender was convicted The minimum term shall not be less than 1 year Commutation time for good behavior, as provided by law shall be allowed on both the maximum and minimum terms Nothing contained in this section shall be construed to repeal or affect the power of the courts to suspend the imposition or execution of sentence and place the offender on probation

Source R S 2 192-4

2A:192-18. Duties of clerk of court, sheriff and keeper on sentence to state prison. In all cases where the defendant, upon conviction, is sentenced by the court to hard labor and imprisonment for a term in the state prison, the clerk of the court in which the conviction was had shall, within 5 days after the sentence is pronounced, furnish to the sheriff of the county a certified copy of the taxed bill of costs in the

case, and the sheriff or his lawful deputy shall, within 15 days after receiving such certified copy, transport to the state prison, and there deliver into the custody of the keeper of the prison the person so sentenced, together with all other persons so sentenced within the same period, together with a copy of the sentence of the court ordering such imprisonment and of the taxed bill of costs of prosecution against the defendant, certified under the hand and seal of the clerk of the court where the conviction was had The person so delivered to the keeper of the state prison shall be safely kept therein until the time of his confinement shall have expired and the fine or fines and cost of prosecution be paid or remitted, or until he shall be otherwise discharged according to law

In every case at least 48 hours, exclusive of Sundays and legal holidays, shall elapse between the time of sentence and removal to the state prison

Source R S 2 192-5

2A:192-19. Minors convicted of offenses punishable by imprisonment in state prison; confinement in county penitentiary; compensation of sheriff. Whenever any person under the age of 21 years shall be convicted in the superior court or county court, of any offense punishable by imprisonment in the state prison, the court in which the conviction was had may, in its discretion, adjudge that he be confined at hard labor in the penitentiary of the county in which the conviction was had, if there be one, instead of in the state prison If there be no penitentiary in such county the court may, in its discretion, adjudge that the person so convicted be confined at hard labor in the penitentiary of any other county instead of in the state prison, in which case the clerk of the court in which the sentence was pronounced shall, within 5 days thereafter, deliver to the sheriff of his county a certified copy of the taxed bill of costs and of the sentence, and thereupon the sheriff or his lawful deputy shall, within 15 days, transport such person to the penitentiary to which he was sentenced, where he shall be safely kept until the expiration of his term of imprisonment The sheriff shall be entitled to receive the same compensation per mile for transporting the person to such penitentiary as is allowed for transporting offenders to the state prison, which shall be paid by the treasurer of the county in which the person was sentenced, upon the certificate of the warden or other principal keeper of such penitentiary

Source R S 2 192-6

2A:192-20. Imprisonment in county penitentiary in county other than that of conviction; expenses; weekly rate; overcrowding. Whenever a conviction has been or shall be had in any county and the court has adjudged or shall adjudge, pursuant to any law giving authority for that purpose, that the person convicted be con-

fined in the penitentiary of any county other than the county in which the conviction was or shall be had, the expense of keeping such convicted person in such penitentiary shall be paid to the warden or keeper of such penitentiary, for the benefit of the county in which the penitentiary is located, by the treasurer of the county in which the sentence was pronounced, upon the rendering to him of a bill for the same. The board of chosen freeholders of any county in which a county penitentiary is or may be established may fix and determine, from time to time the rate per week at which prisoners sentenced and committed from other counties shall be kept and maintained in such penitentiary, but such rate shall not exceed the actual cost of such maintenance.

No prisoner shall be received into a county penitentiary from any other county at any time when the inmates of such penitentiary occupy all the accommodations provided therein for the class to which the prisoner belongs.

Source R S 2 192-7

2A:192-21. Imprisonment in another county when jail or penitentiary inadequate or insecure; expenses. Whenever the jail used as a common jail or penitentiary for the confinement of prisoners in any county shall become insecure or inadequate to the needs of the county by reason of repairs, alterations or additions thereto being in progress, or by reason of a new jail for such county being in the process of erection or construction, or for any other reason, the jails or penitentiaries of the counties adjoining such county shall be and constitute the jails and penitentiaries for the first mentioned county, until such time as secure and adequate jails or penitentiaries shall be erected or constructed therein.

The superior court, county court, and all magistrates of the counties containing such condemned, insecure or inadequate jails or penitentiaries may respectively, in their discretion, when they deem it necessary, direct and order any prisoner or prisoners under sentence or charged with any criminal offense to be confined in the jail or penitentiary of any such adjoining county, and the keepers thereof shall receive and safely keep all such prisoners as they are by law required to keep the prisoners of their respective counties, until they shall be demanded under authority of law by the proper officer of the county from which they were committed, or be otherwise discharged by due course of law.

The keepers of the jails or penitentiaries in which prisoners from another county shall be confined under authority of this section shall be entitled to demand and receive from the board of chosen freeholders of the county from which such prisoners shall be committed such fees as are or shall be allowed to them by law in such cases, and the expense of keeping such prisoners shall be determined and paid as provided by section 2A 192-20 of this title.

Source R S 2 192-8

2A:192-22. Change of place of imprisonment from state prison to county workhouse or penitentiary. When any court having criminal jurisdiction in any county in which there is a penitentiary or workhouse shall sentence any person convicted of a misdemeanor to imprisonment at hard labor in the state prison, such court may change the place of such imprisonment for all or any part of the term imposed to such penitentiary or workhouse.

Source R S 2 192-9

2A:192-23. Transfer of persons sentenced to county jail, penitentiary or workhouse from one to another thereof. Every person sentenced under the laws of this state to imprisonment in the county jail, county penitentiary or county workhouse of the county where the conviction was had, may, upon the application of the board of chosen freeholders of such county and by order of a judge of the county court or the court of special sessions in the county where such conviction was had, be transferred from any one of such county penal institutions to any other thereof. No such transfer or retransfer shall in any way affect the term of the original sentence of the person so transferred or retransferred.

Source R S 2 192-10

2A:192-24. Remission of sentence of prisoners confined in county jail or penitentiary for good conduct. The board of chosen freeholders of any county or the committee on the discharge of prisoners of such board may, upon the recommendation of the sheriff or jail warden of the county jail or penitentiary in whose custody any prisoner may be, remit for good conduct from the sentence of any person committed to such county jail or penitentiary, a term not exceeding 1 day for every 6 days of such sentence. If any such person shall be again convicted and sentenced to imprisonment in such county jail or penitentiary, he shall, in addition to such new sentence, be required to serve out the number of days remitted to him on the previous term.

Source R S 2 192-11

2A:192-25. Remission of fines and costs due county; discharge or parole of county prisoners; violation of parole. The board of chosen freeholders of any county, or the prison committee or the committee on discharge of prisoners of such board, may remit fines and costs due to the county, and may discharge from imprisonment from the county jail or penitentiary any person committed or held therein in default of the payment of such fines and costs, but such act of the board or committee shall not take effect until the same is approved in writing by a judge of the county court of the county.

The board or committee may recommend to the county court of its county the parole of any prisoner in the jail or penitentiary upon the expiration of his term of imprisonment, in any case where the prisoner is in default of any fine

or costs, or both, and the judge may, upon such recommendation, parole the prisoner in the custody of the probation officer or other representative of the court as the judge may designate, pending the payment by the prisoner of the fines or costs, or both, as the case may be, upon such terms and conditions as the judge shall fix. The judge may at any time during the period of parole, in his discretion, remit the balance due on such fines or costs, or both, and discharge the prisoner from further parole. Any prisoner paroled under the provisions of this section for the payment of fines or costs, or both, who shall default in the payment thereof or violate the terms of his parole, may be remanded by the court to his place of imprisonment, there to be confined until the payment of such fines or costs, or both, or the unpaid balance of the same, as the case may be.

Source R S 2 192-12

2A:192-26. Deduction from sentence of time served pending writ of error. Whenever any defendant shall, after final judgment shall have been rendered in any criminal case, be confined in any county jail, penitentiary or workhouse or in the state prison, pending the prosecution of an appeal, the time which he shall thus serve in the county jail, penitentiary or workhouse or in the state prison shall be deducted from the period that he was sentenced to serve.

Source R S 2 192-13

2A:192-27. Escape from prison or jail; time of absence not to affect original sentence. If any person, while serving sentence of imprisonment in the state prison, or in any county penitentiary, jail or workhouse, shall escape from such place of imprisonment and shall be recaptured, he shall be required to serve out the whole of the term for which he was originally sentenced, without deducting any of the time he shall have been at large after escaping. The keeper or warden of the prison, penitentiary, jail or workhouse from which such person escaped shall enter upon his record of prisoners the time of the escape of any such person, and the time when he shall be returned to custody, and the entry so made shall be prima facie evidence of the time the prisoner has been absent from custody in computing the remaining period for which he is to be confined

in the prison, penitentiary, workhouse or jail to which he was originally sentenced.

Source R S 2 192-14

2A:192-28. Suspended sentence or fine of not more than \$500; expunging from record after 10 years; hearing; order and service thereof; fees; exceptions. In all cases wherein a criminal conviction has been entered against any person whereon sentence was suspended, or a fine imposed of not more than \$1,000, and no subsequent conviction has been entered against such person, it shall be lawful after the lapse of 10 years from the date of such conviction for the person so convicted to present a duly verified petition to the court wherein such conviction was entered, setting forth all the facts in the matter and praying for the relief provided for in this section.

Upon reading and filing such petition such court may by order fix a time, not less than 10 nor more than 30 days thereafter for the hearing of the matter, a copy of which order shall be served in the usual manner upon the prosecutor of the county wherein such court is located, and upon the chief of police or other executive head of the police department of the city or municipality wherein said offense was committed, within 5 days from the date of such order, and at the time so appointed the court shall hear the matter and if no material objection is made and no reason appears to the contrary, an order may be granted directing the clerk of such court to expunge from the records all evidence of said conviction and that the person against whom such conviction was entered shall be forthwith thereafter relieved from such disabilities as may have heretofore existed by reason thereof, excepting convictions involving the following crimes: treason, misprision of treason, anarchy, hostility to government, all capital cases, perjury, carrying concealed weapons or weapons of any deadly nature or type, rape, seduction, aiding, assisting or concealing persons accused of high misdemeanors, or aiding the escape of inmates of prisons, embracery, arson, robbery or burglary.

For services performed under this section the same fees shall be taxed as are usual for like services in other matters, which fees shall be payable by the petitioner.

Source R S 2 192-15

Chapter 193. DEATH SENTENCE.

Section	
2A 193-1	Electrocution
2A 193-2	Place of electrocution
2A 193-3	Care and management of place of electrocution
2A 193-4	Warrant to principal keeper of state prison for execution of death sentence, further warrants, time, publicity prohibited
2A 193-5	Blank
2A 193-6	Solitary confinement of condemned, visitors
2A 193-7	Persons allowed at execution of death sentence

Section	
2A 193-8	Disposition of dead body, religious services
2A 193-9	Certificate of execution, filing
2A 193-10	Deputy keeper may execute warrant of execution
2A 193-11	Violations of chapter, misdemeanor
2A 193-12	Transfer of insane criminals condemned to death to New Jersey state hospital at Trenton, procedure
2A 193-13	Return to prison on restoration to sanity of insane criminals condemned to death, sentence

2A:193-1. Electrocution. The punishment of death shall, in every case, be inflicted by causing to pass through the body of the convict, a current of electricity of sufficient intensity to cause death as speedily as possible, and the application of such current must be continued until the convict is dead.

Source R S 2 193-1

2A:193-2. Place of electrocution. The punishment of death shall be inflicted within the walls of the building mentioned in section 2A 193-3 of this title, or within the yard or inclosure adjoining thereto.

Source R S 2 193-2

2A:193-3. Care and management of place of electrocution. The building erected within the state prison inclosure for the purpose of providing a place for the infliction of the punishment of death shall continue to be under the control and supervision of the board of managers of the state prison, who shall provide for the care and management thereof, and of the electrical apparatus placed therein, together with the necessary machinery and appliances for the execution of convicted criminals in accordance with the provisions of this chapter.

Source R S 2 193-3

2A:193-4. Warrant to principal keeper of state prison for execution of death sentence; further warrants; time; publicity prohibited. When a person is sentenced to the punishment of death, the judge presiding in the court at which the conviction takes place, or in case of his absence, sickness or death, or of his going out of office, any judge of the court in which such conviction shall take place, shall make out, sign and deliver to the sheriff of the county, a warrant directed to the principal keeper of the state prison, stating the conviction and sentence, appointing a week within which the sentence must be executed, and commanding such principal keeper to execute the sentence upon some day within the week so appointed. If the execution of the sentence within the time appointed shall be prevented by, or in consequence of, proceedings instituted to test the validity of the conviction, such judge, on termination of such proceedings, if the conviction be not set aside, shall make out, sign and deliver another warrant as aforesaid. If the execution of the sentence within the time appointed be prevented by any other cause, such judge shall, as soon as such cause ceases to exist, make out, sign and deliver another warrant as aforesaid. The week so appointed must begin not less than 4 weeks and not more than 8 weeks after the issuing of the warrant. The time of execution within such week shall be left to the discretion of the principal keeper to whom the warrant is directed. No previous announcement of the day or hour of the execution shall be made, except to persons who shall be invited or permitted to be present at the execution, as hereinafter provided.

Source R S 2 193-4

2A:193-5. Blank

2A:193-6. Solitary confinement of condemned; visitors. Within 10 days after the issuing of the warrant or warrants mentioned in section 2A 193-4 of this title, the sheriff shall deliver the warrant, and also the person sentenced, in case he be not already in the state prison, to the principal keeper of the state prison. From the time of such delivery until the infliction of the punishment of death upon him, unless he shall be lawfully discharged from the sentence, the person so sentenced shall be kept in solitary confinement, and no person shall be allowed access to him without an order of a court of competent jurisdiction, except the officers of the prison, his counsel, his physician, a priest or minister of religion, if he shall desire one, and the members of his family.

Source R S 2 193-6

2A:193-7. Persons allowed at execution of death sentence. The principal keeper of the state prison shall be present at the execution and shall select and invite the presence, by at least 3 days' previous notice, of 12 reputable citizens of full age, of whom at least 2 shall be physicians. The principal keeper shall also, at the request of the criminal, permit not exceeding 2 ministers of the gospel, priests or clergymen of any religious denomination to be present at the execution. He shall, in addition to the persons hereinbefore designated, appoint 4 assistants, who shall attend the execution. He shall also authorize and permit the duly accredited representatives of daily newspapers and the associated press, and the standard news association, not exceeding 1 from each, and the total number not to exceed 6, to be present at the execution for the purpose of giving to such newspapers and associations correct and authentic accounts of such execution. He shall permit no person who is related to the sentenced person, or to any person for whose death such person has been sentenced, by either blood or marriage to be present at the execution nor shall he permit any other person to be present, except those designated in this section.

Source R S 2 193-7, as am L 1942, c 61, p 299, §1

2A:193-8. Disposition of dead body; religious services. Immediately after the execution, the principal keeper of the state prison shall, unless the body shall be claimed by some relative or relatives of the person executed, cause the body to be interred with a sufficient quantity of quicklime to consume the same without delay. No religious or other services shall be held over the remains after the execution, except within the place selected for the execution by the board of managers of the state prison, and no one shall be present at such service except the officers of the prison, the person conducting the services and the immediate family and relatives of the person executed.

Source R S 2 193-8

2A:193-9. Certificate of execution; filing. The principal keeper of the state prison shall prepare and sign a certificate, setting forth the time and place of the execution, and that the execution was conducted in conformity to the sentence of the court, and the provisions of this chapter, and shall request all the persons present and witnessing the execution to sign such certificate. He shall cause the certificate to be filed, within 10 days after the execution, in the office of the clerk of the court in which the conviction was had.

Source R S 2 193-9

2A:193-10. Deputy keeper may execute warrant of execution. The principal keeper of the state prison may appoint a deputy keeper to execute the warrant of execution, and to perform all the other duties imposed upon the principal keeper by this chapter.

Source R S 2 193-10

2A:193-11. Violations of chapter; misdemeanor. Any person who shall violate or omit to comply with any provision of sections 2A 193-6 to 2A 193-9 of this title, shall be guilty of a misdemeanor.

Source R S 2 193-11

2A:193-12. Transfer of insane criminals condemned to death to New Jersey state hospital at Trenton; procedure. Whenever a person is sentenced to the punishment of death for a crime and a warrant has been directed to the principal keeper of the state prison, stating the conviction and sentence and appointing a week within which such sentence must be executed, commanding such principal keeper, or his deputy, to execute the sentence upon some day within the week so appointed, or whenever such person is or shall be awaiting such execution of his sentence for a time fixed, or, by reason of relieve or otherwise, to be fixed, has been or shall be found to be insane, so as to be without sufficient degree of reason to be responsible for his crime until the contrary is proved, so as not to have been or be conscious of having committed the crime of which he has been or may be convicted, nor aware that he is amenable to punishment and is unappreciative of his situation as one condemned to death, and has been or shall be found and determined so to be by an inquisition held by the trial court by which he has been or may be convicted and sentenced to death, whereby the sentence of execution by death has been or shall be stayed and arrested, the trial judge, or such judge having jurisdiction, shall, in such case, on his own motion or upon application of the principal keeper of the state prison, the attorney general, or the prosecutor of the county in which the conviction was had, direct, by order in writing, the transfer by the principal keeper of the state prison of the person condemned to death, whose execution has been

stayed or arrested, to the New Jersey state hospital at Trenton, to be there confined in the house of detention for convict or criminal insane, or such other place provided by law for the detention of criminal insane persons, until such time as such condemned person shall be conscious of having committed such crime and shall be aware that he is amenable to punishment and is appreciative of his situation as one awaiting the execution of the death penalty for such crime.

Source R S 2 193-12

2A:193-13. Return to prison on restoration to sanity of insane criminals condemned to death; resentence. The trial judge, or any judge having jurisdiction, upon his own motion or upon information of the attorney general, the medical director of the New Jersey state hospital at Trenton, the principal keeper of the state prison, or the prosecutor of the county in which the conviction was had, that a person transferred to the state hospital at Trenton, or other lawful place of confinement, pursuant to section 2A 193-12 of this title, has been restored to sufficient reason, shall inquire into the mental condition of such person, and, if it shall be found that such person is able to understand that he has committed the crime for which he was convicted, is aware that he is amenable to punishment therefor, and is appreciative of his situation as one condemned to death, shall order in writing that such condemned person, by name, shall be returned to the state prison, or the place provided by law for the execution of death sentences. Thereupon such person shall, forthwith, as in the order directed, be delivered by the medical director of the New Jersey state hospital at Trenton, or his duly designated deputy, or by the person having the condemned person in his custody, to the principal keeper of the state prison, or his duly designated deputy, either at the place where the condemned person was confined, or to the state prison or other place provided for the execution of persons condemned to death. The order for such delivery shall designate the time and place, subject to continuance in open court, as such judge may direct, when and where he will sign and deliver a warrant for the execution of such person, when the execution has been otherwise stayed and arrested. The judge shall further direct in the order that a copy thereof shall be published in a newspaper of general circulation in the county in which the conviction was had, once in each calendar week for 2 weeks, commencing not sooner than the calendar week following the making of the order. Following such publication, the judge having jurisdiction shall, at the time designated in the order and after the publication thereof, unless good cause be shown to his satisfaction to the contrary, make, sign and deliver a warrant for the execution of the death penalty first

imposed upon such condemned person as provided by law in other cases where execution has been stayed or arrested, which warrant, in the hands of the persons authorized by law for the

purpose, shall be sufficient justification in all respects for the execution of the sentence imposed in the first instance
Source R S 2 193-13

Chapter 194. COSTS AND FINES.

Section
2A 194-1 Bills of costs, taxation by clerk, items taxable
2A 194-2 No costs when indictment quashed, verdict for defendant or recognizance discharged for want of prosecution
2A 194-3 Costs on joint indictment
2A 194-4 Costs on conviction and sentence to state prison, payment by county
2A 194-5 Witnesses paid by sheriff before leaving court
2A 194-6 Expenses of execution of compulsory process in another county, inclusion in taxed bill of costs
2A 194-7 Costs of prosecution when defendant unable to pay, payment by county
2A 194-8 Fees of witnesses and constables on acquittals, payment by and reimbursement of sheriff
2A 194-9 Fees of clerk and sheriff on acquittals, payment by county

Section
2A 194-10 Book of fines, forfeitures and costs collected kept by sheriff, payment to county treasurer, report to chosen freeholders
2A 194-11 Collection of fines and costs by fieri facias
2A 194-12 Execution against municipality for fines and costs returned unsatisfied
2A 194-13 Return of fine on reversal
2A 194-14 Defendant put at labor to pay fine or costs
2A 194-15 Release of defendant sentenced to pay fine, bail, default in payment, imprisonment
2A 194-16 No fees or costs payable to judge or officer receiving salary
2A 194-17 No fees from parties applying to magistrate for services in criminal cases, payment by county
2A 194-18 Convict's estate liable for fine, costs and expenses, scire facias, procedure
2A 194-19 to
2A 194-22 Blank

2A:194-1. Bills of costs; taxation by clerk; items taxable. All bills of costs in criminal cases shall be taxed by the clerk of the court in which the judgment is had, in the manner provided by law. The clerk shall in no case allow on such taxation, either for himself or others, any item or charge for any service or proceedings unless the same shall have been required by law in the regular conduct of the case, and unless the same shall have been actually performed, and shall so appear upon the minutes or records of the court. The clerk shall not allow any charge for more than 1 service for taking and entering the recognizances of several persons who appear and enter into recognizance together at the same time, nor shall any charge be allowed for more than 1 process of subpoena for the appearance of all the witnesses in the same case, residing in the same county, at the same term
Source R S 2 194-1

2A:194-2. No costs when indictment quashed, verdict for defendant or recognizance discharged for want of prosecution. If an indictment be dismissed, or a verdict pass or judgment be given for the defendant in any criminal proceeding, or any recognizor be discharged from his recognizance for want of prosecution, no costs shall be awarded against the defendant or recognizor
Source R S 2 194-3

2A:194-3. Costs on joint indictment. If several persons are or shall be jointly indicted for one and the same offense, and shall be convicted, the costs, except arrest fees, shall amount to no more than on an indictment against 1 person only
Source R S 2 194-4

2A:194-4. Costs on conviction and sentence to state prison; payment by county. The costs of conviction of every defendant sentenced to hard labor and imprisonment in the state prison shall be paid by the county treasurer of the county in which the conviction is had, on a certificate of the taxed bill of costs, signed by the clerk of the court in which the conviction is had and countersigned, as to the receipt of the prisoner by the principal keeper of the state prison. If the county treasurer is not satisfied as to the correctness of the taxed bill of costs, he shall return the same to the court in which the conviction was had, so that it may be re-examined and retaxed by the court, which the court shall do
Source R S 2 194-5

2A:194-5. Witnesses paid by sheriff before leaving court. When a trial shall be concluded in any court of this state on any indictment, the sheriff of the county where the verdict shall be rendered shall pay to the witnesses, who shall have been duly subpoenaed to testify in behalf of the state or of the defendant or defendants, their legal fees before they leave the court, but no fee shall be paid to any witness subpoenaed to testify for the defendant or defendants, unless the payment shall be approved by the court
Source R S 2 194-6

2A:194-6. Expenses of execution of compulsory process in another county; inclusion in taxed bill of costs. In all cases where any sheriff, coroner, constable or special deputy shall execute any bench warrant, state warrant, capias ad testificandum or other compulsory process whatever, issued by any court of record or magistrate of this state, and, in the execution

thereof, it shall become necessary for such officer to go beyond the limits of his county, he shall receive, in addition to the fees allowed by law, his traveling and other expenses necessarily incurred in such service, a particular statement of which shall be made out and sworn to by the officer, and, when certified to as reasonable by the prosecutor of the county from which such process issued and approved by the court, shall be included in the taxed bill of costs and collected and paid as other fees in criminal cases

Source R S 2 194-7

2A:194-7. Costs of prosecution when defendant unable to pay; payment by county. Whenever a defendant is sentenced to pay a fine, or to imprisonment in the county jail, workhouse or penitentiary, or whenever a sentence is suspended or a nolle prosequi or a discontinuance is entered, or there has been a nonconviction for any cause whatever, or in case of escape after conviction and before sentence, and the defendant is unable to pay the costs of prosecution, the county treasurer of the county in which the prosecution was had shall pay such costs to the sheriff of such county, on the taxed bill of costs being shown to him, and take from the sheriff a receipt therefor. The amounts so paid by the county treasurer shall be allowed to him in the settlement of his accounts.

Source R S 2 194-8

2A:194-8. Fees of witnesses and constables on acquittals; payment by and reimbursement of sheriff. Whenever, on any indictment, or accusation there is an acquittal, the sheriff of the county in which the trial was had shall pay the fees of the witnesses and constables, taking receipts from them for such payments. On the production of such receipts, or upon the oath of the sheriff, the amounts so paid shall, on demand, be repaid to the sheriff by the county treasurer from any moneys in his hand belonging to the county, and such payments shall be allowed to the county treasurer in the settlement of his accounts

Source R S 2 194-9

2A:194-9. Fees of clerk and sheriff on acquittals; payment by county. On the acquittal of any person indicted for crime the fees of the clerk and the sheriff shall be paid by the county treasurer, upon the taxed bill of costs, duly verified by the clerk and the sheriff, and certified to be correct by the county prosecutor

Source R S 2 194-10

2A:194-10. Book of fines, forfeitures and costs collected kept by sheriff; payment to county treasurer; report to chosen freeholders. The sheriff of each county shall keep a suitable book in which he shall enter or cause to be entered a true account of all costs, fines or forfeitures by him collected from all prisoners committed to his custody in the common jail, workhouse or

penitentiary in his county, a monthly report of which, verified under oath, he shall furnish to the board of chosen freeholders of the county. All such costs, fines or forfeitures, other than on recognizances, collected and shown on his report, shall be paid over monthly by him to the county treasurer, except in cases where the forfeiture is required by law to be paid to the director of welfare, in which case the sheriff shall pay the forfeiture and costs to the magistrate before whom the conviction was had, and the same shall be paid over by the magistrate as required by law

Source R S 2 194-11

2A:194-11. Collection of fines and costs by fieri facias. Whenever judgment shall be rendered upon an indictment or accusation, such proceedings may be had thereon for the purpose of obtaining satisfaction of the fine and costs, or costs adjudged, by writ or writs of fieri facias, in the like manner and to the same effect as in civil cases, but such execution shall not have the effect to discharge the defendant from imprisonment, pursuant to the judgment of the court, until the judgment shall be satisfied

Source R S 2 194-12

2A:194-12. Execution against municipality for fines and costs returned unsatisfied. When any execution, issued against any city, borough or township, for the amount of any fine and costs as provided in this subtitle shall be returned by the sheriff or other proper officer unsatisfied for want of goods and chattels or real estate of such city, borough or township, the clerk of the court out of which the same issued shall make a copy thereof, with the indorsements thereon, and the return of the sheriff or other proper officer there-to, having added to the costs indorsed thereon \$1 00, the fee of the clerk for the copy and a certificate thereof, and \$2 00, the fee of the sheriff for the services hereinafter required of him, and certify the same under his hand and seal of office, and deliver it to the sheriff or other proper officer. Upon receiving such certified copy of the execution and return, the sheriff or other proper officer shall present the same to the county treasurer, who shall pay to the sheriff or other proper officer the amount of the costs indorsed, together with the interest due thereon, taking a receipt from the sheriff or other proper officer therefor, which certified copy and receipt shall be a sufficient voucher for the payment thereof, in the settlement of the accounts of the treasurer. The county treasurer, having paid the costs, shall thereupon charge the same, together with the amount of the fine, to the city, borough or township against which such execution was issued, adding thereto interest up to the 15th day of December following the next annual levy of taxes in the county, and shall transmit a statement of the same to the county board of taxation on or before March 1st preceding such

annual levy. Such sum shall be added to the proportion or quota of the tax next to be levied and collected in such municipality, and shall be assessed, levied, collected and paid over in the same manner and under the same penalties as the proportion or quota of tax is by law directed to be assessed, levied, collected and paid for

Source R S 2 194-13

2A:194-13. Return of fine on reversal. When a defendant in a criminal action has paid a fine upon being found guilty of an offense and has taken an appeal and obtained a decision in his favor terminating the case of the state against him, the board of chosen freeholders of the county wherein the trial was had shall return to such person the amount of the fine so paid

Source R S 2 194-15

2A:194-14. Defendant put at labor to pay fine or costs. When, on any indictment or accusation, judgment shall be given in any of the courts of this state for fine or imprisonment and costs, or fine without costs, or costs without fine or imprisonment, the defendant against whom such judgment shall be rendered may be placed at labor in any state or county penal or correctional institution, until such fine and costs, or fine or costs, are paid by the proceeds of such labor or otherwise

Such prisoner shall be given credit against the amount of such fines and costs at the rate of \$3 00 for each day of such confinement. When the prisoner shall have been confined for a sufficient number of days to establish credits equal to the total aggregate amount of such fines and costs, and is not held by reason of any other sentence or commitment, he shall be discharged from imprisonment by the chief executive officer of the state or county penal or correctional institution wherein he is so confined

Source R S 2 194-16, C 2 194-17 1, L 1950, c 56, p §1

2A:194-15. Release of defendant sentenced to pay fine; bail; default in payment; imprisonment. Whenever any person shall be convicted of a misdemeanor, and shall be sentenced to pay a fine therefor, the court may permit the person so convicted to go at large, with or without bail, for a definite time, or until such fine, or fine and costs, or costs without fine, shall be paid, and if before or at the end of such definite time the same shall be paid, the bail, if any shall be taken, shall be discharged by the clerk upon the filing of a certificate signed by the sheriff certifying to the receipt thereof.

If default shall be made in paying the fine, or fine and costs, or costs without fine, within the time so definitely fixed by the court, or within a time to which the court may from time to time extend it, the court may then order the defendant

into custody to serve the sentence imposed, as if he had been originally committed at the time of the imposition thereof

Source R S 2 194-17

2A:194-16. No fees or costs payable to judge or officer receiving salary. No fees or costs shall be paid by the county treasurer for the services of any judge, magistrate or officer of any criminal court, where such judge, magistrate or officer receives a salary.

Source R S 2 194-20

2A:194-17. No fees from parties applying to magistrate for services in criminal cases; payment by county. In criminal cases no fees shall be demanded from parties applying to magistrates or constables for their services.

Source R S 2 194-21

2A:194-18. Convict's estate liable for fine, costs and expenses; scire facias; procedure. When any person is convicted of an offense for which he shall be sentenced to imprisonment in the state prison, any estate, real or personal, of which the person so convicted and sentenced is possessed shall, from the time of the rendition of the judgment against him, be bound by the judgment against him, and shall be liable for the payment of the fine, if any be adjudged, and costs of prosecution and the expenses of transporting him to the state prison. The clerk of the court by which such judgment was rendered or sentence pronounced shall, on the application of the attorney general or county prosecutor, transmit, under the seal of the court, to the superior court a certified copy of the record of such judgment and sentence, together with the bill of costs in the case. Thereupon the superior court, on motion of the attorney general or county prosecutor, may award a writ of scire facias against the person so convicted and sentenced to show cause why execution should not be awarded against him, in behalf of the state, for the fine, if any, costs and expenses as aforesaid, and to cause further proceedings to be had, as is by law allowed and directed to be had in cases of forfeited recognizances. If the person so convicted and sentenced shall be in the state prison at the time of issuing the scire facias as herein provided, the attorney general or county prosecutor shall cause a copy of the scire facias to be served on the principal keeper of the state prison, at least 10 days before the return thereof, and the keeper shall forthwith deliver such copy to the prisoner. If the prisoner shall be unable to procure counsel, the court shall thereupon appoint counsel to appear for him

Source R S 2 194-22

2A:194-19

to

2A:194-22. Blank.

Chapter 195, Chapter 195A. Blank.

Chapter 196. EXECUTIVE CLEMENCY.

Section	
2A 196-1	Pardons and reprieves
2A 196-2	Commutation of death sentence
2A 196-3	Order of governor
2A 196-4	Principal keeper's duties upon receiving order
2A 196-5	Form of order, filing
2A 196-6	Restoration of right of suffrage and other rights, suspension or remission of fine
2A 196-7	Form of application

Section	
2A 196-8	Investigation and report
2A 196-9	Convicts having license to be at large, security, legal custody, return to place of punishment
2A 196-10	Retaking and detention, warrant, credit for time spent in custody
2A 196-11	Revocation of license or order.
2A 196-12	Investigation by state parole board
2A 196-13	Order of revocation, arrest, detention, period of confinement

2A:196-1. Pardons and reprieves. The governor may grant pardons and reprieves in all cases other than impeachment and treason and may suspend and remit fines and forfeitures
 Source L 1948, c 83, p 477, §2

2A:196-2. Commutation of death sentence. The governor may, upon application for the pardon of any person under sentence of death, except for the crime of treason, direct that the sentence of death be commuted to imprisonment at hard labor, for life or for a term of years
 Source L 1948, c 83, p 477, §2

2A:196-3. Order of governor. Said direction shall be made by order signed by the governor and shall be delivered to the principal keeper of the state prison and shall be retained and filed in his office
 Source L 1948, c 83, p 477, §3

2A:196-4. Principal keeper's duties upon receiving order. The principal keeper of the state prison, upon receiving such order, shall refrain from executing the sentence of death and shall detain such person for the term for which the sentence was commuted but such term of imprisonment shall not be remitted or commuted except by the governor
 Source L 1948, c 83, p 477, §4

2A:196-5. Form of order; filing. The governor may, upon application for commutation of sentence of any person sentenced to imprisonment, order that such sentence be commuted upon such terms, conditions and limitations as the governor, in his discretion, may direct, as conditions precedent to the release of any such person from imprisonment; which terms, conditions and limitations shall be annexed to and form part of said order. Upon the filing of such order signed by the governor with the officer in whose custody such person may be, and after the acceptance by such person of the terms, conditions and limitations contained in said order, as evidenced by his signature affixed to the duplicate copy of such order to be kept in the files of the state parole board, such sentence shall thereupon be commuted in accordance with the terms, conditions and limitations of such order.
 Source L 1948, c 83, p 477, §5

2A:196-6. Restoration of right of suffrage and other rights; suspension or remission of fine. Any person who has been convicted of a crime and by reason thereof has been deprived of the right of suffrage or of any other of his civil rights or privileges, or upon whom there has been imposed a fine or who has suffered a forfeiture, except disqualification to hold and enjoy any public office of honor, profit or trust in this state under judgment of impeachment, may make application for the restoration of the right of suffrage or of such other rights or privileges or for the suspension or remission of such fine or forfeiture, which application the governor may grant by order signed by him
 Source. L 1946, c 83, p 478, §6

2A:196-7. Form of application. Applications for commutation of sentences, other than death sentences, or for the restoration of rights or privileges, or for the suspension or remission of any fine or forfeiture, shall be made upon forms prescribed by the governor
 Source L 1948, c 83, p 478, §7

2A:196-8. Investigation and report. The governor, in his discretion, may, prior to granting or denying any such application, refer the same to the state parole board for its investigation, and in such case the board shall make a full and complete investigation and report thereon in writing to the governor with its recommendation in the case
 Source L 1948, c 83, p 478, §8

2A:196-9. Convicts having license to be at large security; legal custody; return to place of punishment. Any convict who was undergoing imprisonment in any of the penal institutions of this state and to whom was granted a license to be at large or at liberty by the court of pardons, or to whom was granted a commutation of sentence by order of the governor, shall remain subject to the security, terms, conditions and limitations, in all respects, upon which the same was granted. Any convict undergoing imprisonment in any of the penal institutions of this state and to whom may be granted a commutation of sentence by order of the governor shall remain subject to the security, terms, conditions and

limitations, in all respects, upon which the same is granted

Every convict at large or at liberty under any such license or order shall continue to be in the legal custody of the warden, keeper or chief executive officer of the institution from which such convict was or may be released under such license or order, and under immediate and constant supervision of the division of parole of the department of institutions and agencies in accordance with the rules and regulations of the state parole board approved by the governor, and until the expiration of the maximum term of the sentence imposed upon such person for the crime for which he or she was committed

Every convict at large or at liberty under any such license or order shall be liable to be taken at any time and returned to the place of punishment to which he or she was originally sentenced, as hereinafter provided

Source L 1949, c 18, p 60, §1

2A:196-10. Retaking and detention; warrant; credit for time spent in custody. If the parole officer having charge of any convict at large or at liberty under any such license or order shall have reasonable cause to believe that such person has resumed, or is about to resume, criminal conduct or associations, or has violated the terms, conditions or limitations of such license or order in any important respect, and the situation is one of immediate emergency, then such parole officer shall notify the division of parole which may, if the facts warrant, treat such convict as delinquent under such license or order. The division of parole shall immediately notify the governor and the state parole board of such action. By his own warrant the parole officer may apprehend any such delinquent person and cause his or her return to the institution from which released or cause such person's immediate confinement in an appropriate county or municipal jail, penitentiary or lockup. Such retaking and detention shall continue under authority of the parole officer's warrant until the determination by the governor as to the revocation of the license or order under which such convict is at large or at liberty, or his or her return to the community under such license or order. Such warrant shall be in the form prescribed by the state parole board and approved by the governor, and, when signed by the parole officer in charge of the case, shall be sufficient warrant and authority to all peace officers to assist in the apprehension of the convict and shall be also sufficient authority for the detention of the convict in the institution from which released or in a municipal or county jail, penitentiary or lockup. In such case, credit shall be given the convict on his or her sentence for time spent in such custody while awaiting the decision of the governor as to revocation of such license or order

Source. L 1949, c. 18, p 61, §2

2A:196-11. Revocation of license or order.

The governor may, at any time, in his discretion, revoke any such license or order, and shall revoke any such license or order whenever it shall come to his knowledge that the person to or for whom the same was granted has violated any of the terms, conditions or limitations thereof, or any penal law of this state, or of any other state, or of the United States

Source L 1949, c 18, p 62, §3

2A:196-12. Investigation by state parole board.

The governor, in his discretion, may, prior to determining whether to revoke any such license or order, refer the matter to the state parole board for its investigation, and in such case the board shall make a full and complete investigation and report thereon in writing to the governor with its recommendations in the case. The governor may also, by general rule or regulation, require the state parole board to investigate all such cases. In such event the board shall make a full and complete investigation and report in writing to the governor with its recommendations in each such case

Source L 1949, c 18, p 62, §4

2A:196-13. Order of revocation; arrest; detention; period of confinement. When any such license or order is revoked it shall be done by an order in writing signed by the governor and filed with the state parole board. The form of such order shall be prescribed by the governor

Upon the signing of such order, the governor shall issue his warrant for the arrest of the convict to or for whom such license or order was granted, and his or her return to the place of confinement from which he or she was released thereunder. The warrant may be served by any person authorized to serve criminal process in any county in the state

The convict to or for whom such license or order was or may be granted, when returned to the place of confinement from which he or she was released thereunder, shall be detained therein according to the terms of his or her original sentence, and, in computing the period of such convict's confinement, the time between such person's release upon such license or order and return to confinement shall not be taken to be any part of the term of sentence. If the person for whose arrest such warrant is issued is confined in any prison or penal or correctional institution of this state, the officer to whom the warrant shall be delivered, shall deliver the same to the warden, keeper or chief executive officer of such institution or prison, and the warden, keeper or chief executive officer shall, upon the expiration of the term of imprisonment or period of confinement then being served in that institution or prison, return the convict to the institution or prison from which such person was released under such license or order, or, if the release under such license or order

was from the same institution or prison, he shall detain such convict therein according to the terms of his or her original sentence

No part of a sentence imposed upon a convict, concerning which a license or order has been granted and revoked, shall be deemed to

be served by such person while he or she is serving a sentence for an offense other than the one for which he or she was released under such license or order

Source L 1949, c 18, p 62, §5

Chapter 197, Chapter 197A, Chapter 198. Blank.

Chapter 199. PROBATION AND PAROLE.

Section

Article 1 General Provisions

- 2A 199-1 Power of courts to suspend sentence and place on probation, period of probation
- 2A 199-2 Conditions of probation
- 2A 199-3 Investigations by probation officers, fingerprints and photographs
- 2A 199-4 Termination or extension of probation, violation of conditions, arrest and detention, sentence
- 2A 199-5 Probation officers, appointment, qualifications
- 2A 199-5.1 Probation officers in counties of not less than 800,000, appointment of parole officers in certain cities as, civil service, compensation
- 2A 199-6 Powers and duties of chief probation officer, additional employees
- 2A 199-7 Salaries and expenses of probation officers and employees
- 2A 199-8 Temporary probation officers, appointment, compensation

Article 1 GENERAL PROVISIONS

2A:199-1. Power of courts to suspend sentence and place on probation; period of probation. When it shall appear that the best interests of the public as well as of the defendant will be subserved thereby, the courts of this state having jurisdiction over criminal or quasi-criminal actions shall have power, after conviction or after a plea of guilty or non vult for any crime or offense, to suspend the imposition or execution of sentence, and also to place the defendant on probation under the supervision of the chief probation officer of the county, for a period of not less than 1 year nor more than 5 years

The courts having jurisdiction over children's or domestic relations cases, when it shall appear that the best interests of the public as well as of the person adjudged guilty of any offense before such court will subserved thereby, shall have power to place the defendant on probation for a period of not less than 1 year nor more than 5 years. Such courts shall also have power to place on probation under the same conditions children who shall come within the jurisdiction of the court

If any person placed on probation shall abscond while under supervision, the time during which he remains away or hidden shall not be counted as part of her term of probation

Source R. S. 2 199-1

Section

- 2A 199-9 Oath of probation officers, bond, accounts audited
- 2A 199-10 Powers and duties of probation officers
- 2A 199-11 Transfer of probationers
- 2A 199-12 Investigations for court of chancery, financial status of persons seeking relief in forma pauperis, alimony payments

Article 2 Compact Between States Relating to Persons Convicted of Crime on Probation or Parole

- 2A 199-13 Governor authorized to enter into compact with states, form, contents of compact, investigations, duties of receiving state, retaking of probationers or parolees by sending state, extradition waived, rules and regulations, compact operative on ratification, force and effect of compact, renunciation
- 2A 199-14 Constitutionality
- 2A 199-15 Compact deemed ratified, when
- 2A 199-16 Citation

2A:199-2. Conditions of probation. The court shall determine and may, at any time, modify the conditions of probation, and may, among others, include any of the following. That the probationer shall avoid injurious, immoral or vicious habits, shall avoid places or persons or disreputable or harmful character, shall report to the probation officer as directed by the court or probation officer, shall permit the probation officer to visit him at his place of abode or elsewhere, shall answer all reasonable inquiries on the part of the probation officer, shall work faithfully at suitable employment, shall not change his residence without the consent of the court or probation officer, shall pay a fine or the costs of the prosecution, or both, in one or several sums, shall make reparation or restitution to the aggrieved parties for the damage or loss caused by his offense, shall support his dependents

Source R. S. 2 199-2

2A:199-3. Investigations by probation officers; fingerprints and photographs. Probation officers, when directed by the court, shall fully investigate and report to the court in writing on the circumstances of the offense, criminal record, social history and present condition of any person charged with or convicted of any crime or offense, and, whenever desirable and facilities exist therefor, they may also obtain a physical and

mental examination of such person and report thereon to the court prior to disposition or sentence by the court. They may also, during such investigation, except in cases of juveniles or adults who are being investigated for the judges of the courts having jurisdiction in children's or domestic relations cases, obtain the fingerprints and photographs of all such defendants.

Source R S 2 199-3, L 1929, c 156, p 269, §2

2A:199-4. Termination or extension of probation; violation of conditions; arrest and detention; sentence; powers of judge other than trial judge. Upon a report from the chief probation officer that the probationer has complied with the conditions of probation and that the best interests of the public and the probationer will be subserved thereby or for other good cause, the court may, at any time, discharge a person from probation, or may extend the probation period within the limits of the maximum period provided by section 2 199-1 of this title.

At any time during the probation period the court may issue a warrant and cause the probationer to be arrested for violating any of the conditions of his probation, or any probation officer, police officer, or other officer with power of arrest, upon the request of the chief probation officer, may arrest the probationer without a warrant, and a commitment by such probation officer setting forth that the probationer has, in his judgment, violated the conditions of his probation shall be sufficient warrant for the detention of such probationer in the county jail, house of detention or local prison, when designated in the commitment, until he can be brought before the court. Such probation officer shall forthwith report such arrest or detention to the court and submit to the court a report showing the manner in which the probationer has violated his probation. Thereupon the court, after summary hearing, may continue or it may revoke the probation and the suspension of sentence, and may cause the sentence imposed to be executed or impose any sentence which might originally have been imposed. When the trial judge dies or goes out of office all of his powers and duties under this section shall be exercised by his successor in office, or by any other judge of the trial court, as fully as if duly exercised by the trial judge and as if the trial judge were in office at the time of such action, and all such exercises shall be as valid and effectual as if such actions were duly taken by the trial judge and he were in office at the time thereof.

Nothing in this section shall be deemed as indicating that, prior to the passage of this act, probation could not be revoked, for violation of the terms thereof, by some other judge of the trial court in cases where the trial judge has died or gone out of office before the expiration of the probation period.

Source R S 2 99-4, as am L 1939, c 284, p. 705, §1, L 1947, c 121, p 591, §1

2A:199-5. Probation officers; appointment; qualifications. The judge or judges of the county court in each county, or a majority of them, acting jointly, may appoint a chief probation officer, and, on application of the chief probation officer, such men and women probation officers as may be necessary. All probation officers appointed subsequent to April 22, 1929, who are to receive salaries shall be appointed in accordance with the rules and regulations of the civil service commission. Orders of appointment shall be in writing and be filed in the office of the county clerk.

Chief probation officers and probation officers in office April 22, 1929, shall continue to serve in their respective counties under the provisions of this chapter.

In counties, other than counties of the first class, having a population of over 400,000, the judges or a judge of the county court and the judge of the juvenile and domestic relations court, or a majority of them may appoint a chief probation officer for such county, and on application of the chief probation officer, such men and women probation officers as may be necessary.

Source R S 2 199-5, as am L 1944, c 190, p 698, §1

2A:199-5.1. Probation officers in counties of not less than 800,000; appointment of parole officers in certain cities as; civil service; compensation. The judge or judges of the county court or a majority of them in counties having a population as established by the 1930 census, of not less than 800,000, may on application of the chief probation officer, appoint to the position of probation officer, any person who, prior to April 1, 1940, has served for more than 5 years as a parole officer of the city home of a city of the first class, the provisions of any other law to the contrary notwithstanding. Any person so appointed shall be deemed to be in the classified civil service of the county, and shall have the powers and perform the duties of and be compensated as probation officers appointed under the provisions of section 2 199-5 of the Revised Statutes.

Source L 1940, c 78, p 202, §1

Note of Reporter Section 2 of the Act of 1940 provided that the act should take effect immediately.

2A:199-6. Powers and duties of chief probation officer; additional employees. The chief probation officer shall have general supervision of the probation work under the direction of the court. He may appoint such other employees as may be necessary to carry out the purposes of this chapter, but the amount expended for this purpose shall not exceed the annual budget. The chief probation officer may make such necessary rules and regulations with respect to the management and conduct of the probation officers and other employees as may be authorized by the judge or judges of the county court.

Source R S 2:199-6.

2A:199-7. Salaries and expenses of probation officers and employees. The judge or judges authorized to appoint a chief probation officer or probation officers shall fix, by order under the hand of such judge or judges, annual salaries to be paid such officers, and such order shall be filed in the office of the clerk of the county court. The amounts so fixed shall be paid in equal semi-monthly payments in the same manner as the salaries of other officers of the county.

The necessary and reasonable expenses of salaried probation officers incurred in the performance of their duties shall be paid out of the county treasury, after itemized statements of such expenses have been approved by the chief probation officer and one of the county court judges. On request of the chief probation officer, the necessary traveling and maintenance expenses in attending probation officers' meetings and conferences of social work shall be included, when previously authorized by the judge or judges authorized to appoint probation officers.

The salaries of employees appointed by the chief probation officer shall be fixed by the board of chosen freeholders in accordance with the schedules of the civil service commission, and paid in the same manner as the salaries of probation officers.

Source R S 2 199-7

2A:199-8. Temporary probation officers; appointment; compensation. In case of the absence or disqualification of any probation officer for any cause, the judge or judges of the county court may appoint some other person to serve temporarily as a probation officer, who shall receive as compensation for each day's service a sum determined by the court. The compensation so paid for any excess over 90 days' absence of any probation officer in any 1 year may be deducted from the salary of such probation officer.

Source R S 2 199-8

2A:199-9. Oath of probation officers; bond; accounts audited. Each probation officer, before entering on the duties of his office shall take an oath of office to be administered by one of the judges making the appointment. Each probation officer or employee who collects or has the custody of money shall execute a bond in a penal sum, to be fixed by the judges, with sufficient sureties approved thereby, conditioned for the honest accounting of all money received by him as probation officer. The accounts of all probation officers shall be subject to audit at any time by the board of chosen freeholders.

Source R S 2 199-9

2A:199-10. Powers and duties of probation officers. Probation officers shall have the powers of constables in the execution of their duties. The duties of probation officers shall be, among others

a To make such investigations and reports under section 2 199-3 of this title as may be

required by the judge or judges of any court having jurisdiction within the county for which the officer is appointed,

b To receive under their supervision, on request of the court having jurisdiction, any person ordered to pay any sum for support in a decree of divorce or legal separation,

c To receive under supervision any person placed on probation by any court within the county for which the officer is appointed,

d To collect from persons under their supervision such payments as may be ordered by the court so to be made, and disburse the money so received under the direction of the court,

e To furnish each person under their supervision with a statement of the conditions of his probation and to instruct him regarding them,

f To keep detailed records of all the work done,

g To keep accurate and complete accounts of all money collected and disbursed, and to give and obtain receipts therefor, and

h To make such reports to the courts as they may require.

Source R S 2 199-10

2A:199-11. Transfer of probationers. Probation officers may at any time, after approval by the court or chief probation officer, transfer any probationer under their care and supervision to the jurisdiction of any other probation officer. Whenever such transfer is made, the probation officer making the transfer shall send to the probation officer to whose care and supervision the probationer is being transferred, a copy of all the records of such officer as to the offense, criminal record and social history of the probationer.

Probation officers may accept under their care and supervision on transfer, any person placed on probation in any other jurisdiction, and shall, from time to time, report to the probation officer from whom the probationer was received under transfer as to the conduct and progress of the probationer. Probation officers shall, with respect to persons transferred to their supervision from any other jurisdiction, have all of the powers and be subject to all of the duties imposed by law upon them in regard to probationers received on probation in their own jurisdiction.

Source R S 2 199-11

2A:199-12. Investigations for court of chancery; financial status of persons seeking relief in forma pauperis; alimony payments. The chief probation officer of each county shall, when requested by the superior court, immediately investigate and furnish to the superior court all necessary and available information and data concerning persons who may have become the subject of or legally interested in proceedings in that court, directly or indirectly involving the custody of infants, and who are residents of or

are temporarily found within the county for which such probation officer was appointed

When ordered by the superior court the chief probation officer shall cause to be investigated the financial status of applicants who are seeking relief through forma pauperis petitions

The superior court may also order alimony payments to be made in proper cases through the chief probation officer, who shall distribute such payments as directed by the superior court

The superior court is empowered and authorized formally to request and require such investigations and information from any chief probation officer as may be necessary to effectuate the provisions of this section, and such requests may be made at any time and at any stage of any proceeding pending in the superior court

Source R S 2 199-12.

Article 2 COMPACT BETWEEN STATES RELATING TO PERSONS CONVICTED OF CRIME ON PROBATION OR PAROLE

2A:199-13. Governor authorized to enter into compact with states; form; contents of compact; investigations; duties of receiving state; retaking of probationers or parolees by sending state; extradition waived; rules and regulations; compact operative on ratification; force and effect of compact; renunciation. The governor of this state is hereby authorized and directed to enter into a compact on behalf of the state of New Jersey with any of the United States legally joining therein in the form substantially as follows.

A compact entered into by and among the contracting states, signatories hereto, with the consent of the congress of the United States of America, granted by an act entitled "An act granting the consent of congress to any 2 or more states to enter into agreements or compacts for co-operative effort and mutual assistance in the prevention of crime and for other purposes"

The contracting states solemnly agree:

1 That it shall be competent for the duly constituted judicial and administrative authorities of a state party to this compact (herein called "sending state") to permit any person convicted of an offense within such state and placed on probation or released on parole to reside in any other state party to this compact (herein called "receiving state") while on probation or parole, if

a Such person is in fact a resident of or has his family residing within the receiving state and can obtain employment there;

b Though not a resident of the receiving state and not having his family residing there, the receiving state consents to such person being sent there.

Before granting such permission, opportunity shall be granted to the receiving state to in-

vestigate the home and prospective employment of such person

A resident of the receiving state, within the meaning of this section, is one who has been an actual inhabitant of such state continuously for more than 1 year prior to his coming to the sending state and has not resided within the sending state more than 6 continuous months immediately preceding the commission of the offense for which he has been convicted.

2 That each receiving state will assume the duties of visitation of and supervision over probationers or parolees of any sending state and in the exercise of those duties will be governed by the same standards that prevail for its own probationers and parolees.

3 That duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any person on probation or parole For that purpose no formalities will be required other than establishing the authority of the officer and the identity of the person to be retaken All legal requirements to obtain extradition of fugitives from justice are hereby expressly waived on the part of states party hereto, as to such persons The decision of the sending state to retake a person on probation or parole shall be conclusive upon and not reviewable within the receiving state; provided, however, that if at the time when a state seeks to retake a probationer or parolee there should be pending against him within the receiving state any criminal charge, or he should be suspected of having committed within such state a criminal offense, he shall not be retaken without the consent of the receiving state until discharged from prosecution or from imprisonment for such offense

4 That the duly accredited officers of the sending state will be permitted to transport prisoners being retaken through any and all states parties to this compact, without interference.

5 That the governor of each state may designate an officer who, acting jointly with like officers of other contracting states, if and when appointed, shall promulgate such rules and regulations as may be deemed necessary to more effectively carry out the terms of this compact

6 That this compact shall become operative immediately upon its ratification by any state as between it and any other state or states so ratifying When ratified it shall have the full force and effect of law within such state, the form of ratification to be in accordance with the laws of the ratifying state

7 That this compact shall continue in force and remain binding upon each ratifying state until renounced by it The duties and obligations hereunder of a renouncing state shall continue as to parolees or probationers residing therein at the time of withdrawal until retaken or finally discharged by the sending state Renunciation

of this compact shall be by the same authority which ratified it, by sending 6 months' notice in writing of its intention to withdraw from the compact to the other states party hereto

Source R S 2 199-13

2A:199-14. Constitutionality. If any section, sentence, subdivision or clause of this act is for any reason held invalid or to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act

Source R S 2 199-14

2A:199-15. Compact deemed ratified, when. The aforesaid compact with any other states shall be deemed to have been ratified by this state when executed by the governor of this state and such other state

Source R S 2 199-15

2A:199-16. Citation. This act may be cited as the uniform act for out-of-state parolee supervision

Source R S 2 199-16

Chapter 200. REMOVAL OF DISQUALIFICATION TO HOLD OFFICE BECAUSE OF CONVICTION OF CRIME.

Section

2A 200-1 Persons entitled to apply, petition, contents
2A 200-2 Order designating time and place of hearing, service of copies of petition and order
2A 200-3 Adjournment of hearing, notice
2A 200-4 Hearing, evidence, order removing disqualification

Section

2A 200-5 Revocation of order removing disqualification on subsequent conviction of petitioner
2A 200-6 Service of copy of petition, orders and other notices, how made
2A 200-7 Subpoenas to witnesses
2A 200-8 Copies of orders as evidence

2A:200-1. Persons entitled to apply; petition; contents. Any person who has been or shall be convicted of any crime in this state, committed before he attained his 21st birthday, for which crime he was not committed to state prison, and who has not been or shall not be again convicted of crime, may, at any time after the expiration of 10 years from the date of the conviction, if he has at such time completed any sentence which may have been imposed upon the conviction, file a verified petition in the office of the clerk of the county, in which the conviction was had, setting forth the following particulars

a His full name, age and residence since such conviction,

b The crime of which he was convicted and the particulars thereof, the name of the judge before whom he was tried, the date of the conviction and the penalty which was imposed,

c Whether the petitioner is or ever was married, and, if married at the signing of the petition, the names of the petitioner's spouse and children, if any, and whether or not he is cohabiting with such spouse,

d His age at the time the crime was committed,

e That since such conviction he has not been convicted of any crime,

f His business and occupation since the conviction and the name and address of his employer or employers since that time;

g That at least 25 residents of the municipality in which he resides at the time of signing of the petition approved of the granting of the prayer of the petition, whose approval shall be indorsed upon or attached to the petition, with the addresses of those signing the approval, and

h A request by the petitioner that a judge of the county court in and for the county in which the conviction was had shall consider the petition and approval and determine whether, in the dis-

cretion of the judge, the judgment of conviction shall no longer operate as a disqualification of the petitioner for any position or office

Source R S 2 200-1

2A:200-2. Order designating time and place of hearing; service of copies of petition and order. Upon the filing of the petition mentioned in section 2A 200-1 of this title, any judge of the county court of the county in which the conviction was had shall, upon application by the petitioner, make an order designating a day and place for hearing, which day shall be not less than 30 days from the date of the order. The petitioner shall, within 5 days from the date of the order, cause to be served upon the prosecutor of such county and upon the prosecutor of the county wherein the petitioner resides, and upon the chief of police or other executive head of the police department of the municipality in which the petitioner resides, a certified copy of the petition and of the order fixing the time and place for the hearing

Source R S 2 200-2

2A:200-3. Adjournment of hearing; notice. The judge may, on his own motion, or on application of the petitioner or one of the parties served with a certified copy of the petition and order, as provided by section 2A 200-2 of this title, adjourn the hearing from time to time. Notice of the time and place to which the hearing may be adjourned shall be served upon all of the aforementioned parties, not less than 5 days before the day to which the hearing shall have been adjourned

Source R S 2 200-3

2A:200-4. Hearing; evidence; order removing disqualification. Upon the hearing of the petition mentioned in section 2A 200-1 of this title, the judge may conduct the examination of the

witnesses without the assistance of counsel and may take testimony and inquire into the allegations of the petition, and the habits, surroundings, conditions and tendencies of the petitioner. He shall not be bound by the strict rules of evidence, and may, in his discretion, admit any information, testimony or evidence which to him shall seem proper or enable him to determine whether or not he should make the order prayed for. After hearing the evidence, the judge may, in his discretion, make an order in writing, adjudging that such judgment of conviction shall not thereafter operate as a disqualification of the petitioner for any position or office, which order shall be filed in the office of the clerk of the county in which the petition was filed.

Source. R S 2 200-4

2A:200-5. Revocation of order removing disqualification on subsequent conviction of petitioner. If any petitioner shall subsequently be convicted of any crime, whether in this state or elsewhere, the prosecutor of the county in which such order was entered may apply to a judge of the county court, on written notice to the petitioner, for an order revoking such former order, and, upon being satisfied that the petitioner has again been convicted of crime, the judge shall forthwith make an order revoking the former order, and the prosecutor shall cause the order of revocation to be forthwith filed in the office of the county clerk in such county.

Source R S 2 200-5

2A:200-6: Service of copy of petition, orders and other notices; how made. Service of the certified copy of the petition and order fixing the

time and place for the hearing on the petition, or notice of the day to which such hearing may be adjourned, or notice of application for an order of revocation, shall be made either personally or by mailing the same to the person upon whom service is to be made, by registered mail at his last known address, but service upon a county prosecutor or chief of police or other executive head of a police department may be made by handing the same to such officer personally or to the person for the time being in charge of his office, or by mailing the same to him by registered mail, addressed to him either personally or by his official title at his office. Proof of service shall, in each instance, be filed in the office of the county clerk, stating how and where service was made.

Source R S 2 200-6

2A:200-7. Subpoenas to witnesses. Subpoenas may be issued to procure the attendance of witnesses at any hearing held under the provisions of this chapter, in the same manner as is provided by law, or the rules governing the procedure of the courts of this state for procuring attendance of witnesses at trials, and with like effect.

Source R S 2 200-7, L 1930, c 160, p 589, §10

2A:200-8. Copies of orders as evidence. Copies of any order made pursuant to this chapter when certified to be a true copy under the hand and seal of the clerk of the court in which the order has been entered, shall be received as evidence in any court of this state to prove the facts contained therein.

Source R S 2 200-8

Subtitle 15. DISORDERLY PERSONS.

Chapter 201. GENERAL PROVISIONS.

Section
2A 201-1 Short title

2A:201-1. Short title. This subtitle may be cited as the "disorderly persons law."

Source R S 2 201-1

2A:201-2. Definitions and construction. As used in this subtitle "magistrate" includes all

Section
2A 201-2 Definitions and construction

magistrates and presiding magistrates of municipal courts, judges of criminal judicial district courts, judges and presiding judges of county district courts, and all other officers having the powers of a committing magistrate.

Source R S 2 201-2

Chapter 202. DISORDERLY PERSONS.

Section
2A 202-1 Uttering or exposing to view instruments, medicines, etc., to prevent conception or procure abortion
2A 202-2 Untrue and misleading advertisements
2A 202-3 Unauthorized placing of circulars or advertisements in newspapers or periodicals

Section
2A 202-4 Air-raid shelter, refusal to admit or permit to remain
2A 202-5 Alien not to act as detective
2A 202-6 Poisoning domestic animals
2A 202-7 Disturbing assemblies
2A 202-8 Assault, assault and battery

Section		Section	
2A 202-9	Fighting	2A 202-48	Persons representing themselves to be members of armed forces or auxiliaries, wearing insignia to induce belief of former membership therein
2A 202-10	Practice of law limited to licensed attorneys or counselors at law	2A 202-49	Unlawful use of badge, emblem or insignia of military orders
2A 202-11	Unlicensed persons not to appear as attorney or solicit law business, exception	2A 202-50	Unlawful wearing of fraternal insignia
2A 202-12	"Practice" includes preparation of wills and deeds	2A 202-51	Unlawful use of fraternal name or insignia
2A 202-13	Practicing law through agent or employee	2A 202-52	False representations as to credit of life insurance companies, misrepresentation in or concerning policies
2A 202-14	Unlicensed persons soliciting suits on contingent fee basis	2A 202-53	Conducting unauthorized fire insurance business
2A 202-15	Soliciting business for collection agencies upon an annual basis, or for definite time	2A 202-54	Lenders and others not to specify exclusive insurance agents
2A 202-16	Soliciting commencement of actions for injuries or negligence	2A 202-55	Driving horse while intoxicated
2A 202-17	Sale or use of inflammable paper balloons	2A 202-56	Offensive language, molesting or interfering with persons
2A 202-18	Taking drift lumber or boats	2A 202-57	Loitering or creating a disturbance while under the influence of intoxicating liquor
2A 202-19	Use of narcotic drugs	2A 202-58	Malicious injury to property
2A 202-20	Embezzlement by employees, etc	2A 202-59	Malicious mischief
2A 202-21	Embezzlement and conversion by operatives	2A 202-60	Malicious destruction of boundary marks
2A 202-22	Corruption of agents, employees or servants, corporate agents punishable individually	2A 202-61	Tapping, interfering with, or damaging sewers or sewerage works
2A 202-22 1	Immunity from prosecution under section 2A 202-22	2A 202-62	Obstructing extinguishment of fires, injuring fire apparatus
2A 202-23	"Kickback" by	2A 202-63	Destroying apparatus of United States volunteer life-saving corps, interfering with or deceiving life-savers
2A 202-24	Giving false alarm	2A 202-64	Marathons, etc., advertising, conducting or performing in, exceptions
2A 202-25	Making or furnishing device to defraud owners of slot machines or coin receptacles	2A 202-65	Mercury, use in treating hatters' fur, etc
2A 202-26	Obtaining property or service by fraudulently operating coin receptacles	2A 202-66	Permitting minors in dance halls
2A 202-27	Hiring horses or wagons by deceit	2A 202-67	Hiring out or employing minors for mendicant or immoral purposes
2A 202-28	Removal or sale of mortgaged property	2A 202-68	Permitting minors in pool rooms or permitting them to gamble therein
2A 202-29	Fraudulent disposition of borrowed or leased property	2A 202-69	Sale of cigarettes, cigarette papers or tobacco to minors
2A 202-30	Defrauding hotel or restaurant keeper or hospital	2A 202-70	Permitting children in theaters
2A 202-31	False statements concerning hotels or lodging houses	2A 202-71	Unlawful taking of motor vehicle
2A 202-32	Obtaining free hospital treatment by misrepresentation	2A 202-72	Paupers, beggars and idlers
2A 202-33	Renting motor vehicle with intent to defraud, evidence of intent	2A 202-73	Unauthorized use of plays and operas
2A 202-34	Damaging rental motor vehicle mileage registering instrument, evidence of intent to defraud	2A 202-74	Papers simulating summons, complaint, writ or process, printing or circulating
2A 202-35	Obtaining valuable thing from state, municipality, charitable organization or association by false statement	2A 202-75	Imitating court process
2A 202-36	Failure to pay fare on public conveyance	2A 202-76	Causing indecencies in publication
2A 202-37	Fraudulently tapping electric wires, or gas or water meters or pipes, presumptive evidence	2A 202-77	Displaying red light near grade crossing, exceptions
2A 202-38	Tampering or connecting with electric meters, presumptive evidence	2A 202-78	Jumping on or off trains
2A 202-39	False statements as to pedigree of animals	2A 202-79	Shooting or throwing objects at vehicles, placing objects on tracks, taking coal from cars or tracks
2A 202-40	Fortune tellers	2A 202-80	Trespassing on railroad trains or property, penalty
2A 202-41	Manufacture or sale of golf balls containing acid	2A 202-81	Unauthorized interference with running of trains
2A 202-42	Using closed highway or road, removal of warning signals, violating highway regulations	2A 202-82	Inquiry of applicant for relief as to religion, creed or politics prohibited
2A 202-43	Erecting signs or encroachments on highways without permission	2A 202-83	Relief work, using position to influence political action prohibited
2A 202-44	Defacing public bridges or laying wires or pipes thereon without permission	2A 202-84	Relief work, soliciting or receiving political contributions prohibited
2A 202-45	Temporary taking of horses	2A 202-85	Punishment for violating sections 2A 202-83, 2A 202-84
2A 202-46	Hydrocyanic acid gas, purchase, use or possession without permit	2A 202-86	Soliciting sale of funeral wreaths, etc
2A 202-47	Identification card or badge for employees or visitors, failure to surrender when required	2A 202-87	Soliciting funds for law enforcement organizations, venue of offense
2A 202-47 1	Finder of identification card or badge, surrendering it to nearest police station required, failure to do so	2A 202-88	Prostitution, fornication, adultery, soliciting unlawful sexual or indecent acts
2A 202-47 2	"Identification card" and "identification badge" defined	2A 202-89	Diseased person having sexual intercourse.
		2A 202-90	Smoking in bus or trolley car
		2A 202-91	Spitting
		2A 202-92	Possession or sale of stink bombs, exceptions

Section	
2A 202-93	Unlawful use of stink bombs
2A 202-94	Bonus in connection with rental of property under rent control
2A 202-95	Discrimination against children in renting houses
2A 202-96	Injuries to or destruction of property by tenant
2A 202-97	Definitions
2A 202-98	Sale, procurement, etc., of passage ticket, reservation or passenger accommodation above established tariff charge
2A 202-99	Selling tickets in excess of established price
2A 202-100	Counterfeiting trade-marks, sale of goods bearing false trade-mark
2A 202-101	Appropriating property bearing name, label or trade-mark of owner, possession, definitions
2A 202-102	Sale, etc., of containers bearing name or trade-mark of advertised or standard nationally advertised face lotion, etc

2A:202-1. Uttering or exposing to view instruments, medicines, etc., to prevent conception or procure abortion. Any person who, without just cause, shall utter or expose to the view of another, or have in his possession with intent to utter or expose to the view of another, or to sell the same, any instrument, medicine or other thing, designed or purporting to be designed for the prevention of conception or the procuring of abortion, or who shall in any way advertise or aid in advertising the same, or in any manner, whether by recommendation against its use or otherwise, give or cause to be given, or aid in giving any information how or where any such instrument, medicine or other thing may be had, seen, bought or sold, shall be adjudged a disorderly person

Source R S 2 105-3

2A:202-2. Untrue and misleading advertisements. Any person who, with intent to sell or otherwise dispose of merchandise, securities, service or anything offered by such person, directly or indirectly, to the public for sale or distribution, or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto or to acquire title thereto, or an interest therein, shall make, publish, disseminate, circulate or place before the public, or cause, directly or indirectly to be made, published, disseminated, circulated or placed before the public, in this state, in a newspaper or other publication, or in the form of a book, notice, handbill, poster, bill, circular, pamphlet or letter, or in any other way, and advertisement of any sort regarding the merchandise, securities, service or anything so offered to the public, which advertisement contains any assertion, representation or statement of fact which is untrue, deceptive or misleading, shall be adjudged a disorderly person

Source R S 2 107-1

2A:202-3. Unauthorized placing of circulars or

Section	
2A 202-103	Preparation, sale, etc., of substitute face lotions, etc., under name or in containers of trade-marked, advertised or standard nationally advertised products
2A 202-104	Purchase or sale of goods "not to be sold"
2A 202-105	Trespassing, penalty
2A 202-106	Removing or defacing posted notices against trespassing
2A 202-107	Removing or injuring notices or advertisements
2A 202-108	Unlawful dumping of junk on private property
2A 202-109	Persons unable to give good account of themselves, engaging in illegal occupation, in state for unlawful purpose, consorting with criminals
2A 202-110	Possession of lottery or numbers, ships or paraphernalia
2A 202-111	Attending or frequenting places for unlawful purposes
2A 202-112	Persons possessing ammunition, explosive missiles, fuses, etc., to notify police, presentation for inspection

advertisements in newspapers or periodicals. Any person who places upon, affixes to, or places in or causes to be placed upon, affixed to, or placed in a newspaper, magazine, periodical or book, any notice, circular, pamphlet, card, handbill, printed book or notice of any kind without the consent of the owner or publisher of such newspaper, magazine, periodical or book, shall be adjudged a disorderly person

Source R S 2 107-2

2A:202-4. Air-raid shelter; refusal to admit or permit to remain. It shall be unlawful for any person to refuse to another person access to a place of safety or shelter, or to refuse to permit a person to remain in a place of safety or shelter, during an air-raid or an air-raid practice alarm, by reason of race, creed, or color

Any person who shall violate this section shall be adjudged a disorderly person

Source L 1942, c 298, p 1126, §1

2A:202-5. Alien not to act as detective. Any person not a citizen of the United States of America who shall engage in the business of or accept employment as a private or public detective shall be adjudged a disorderly person

Source R S 2 122-1

2A:202-6. Poisoning domestic animals. Any person who places poison or poisoned food in or on any place, public or private, with the intention to injure or kill any domestic animal owned by another person, shall be adjudged a disorderly person

Source L 1944, c 133, p 364, §1

Note of Reporter Poisoning of domestic animals is equally reprehensible whether done on a person's own property or upon the property of another

2A:202-7. Disturbing assemblies. Any person who shall by noisy or disorderly conduct disturb or interfere with the quiet or good order of any place of assembly, public or private, including schools, churches, libraries and reading rooms, shall be adjudged a disorderly person

Source 2 202-11, 2 202-12, 2 210-1 to 2 210-3

2A:202-8. Assault; assault and battery. Any person who shall commit an assault or an assault and battery shall be adjudged a disorderly person

Note of Reporter There is at present no statutory prescription against simple assault or assault and battery. Assault and battery is now a common law crime and should be reduced to a disorderly persons offense

2A:202-9. Fighting. Any 2 or more persons who shall fight together, or shall commit or attempt to commit assaults and batteries upon each other, either in public or in a private place, or shall be present, aiding, assisting or abetting the same, shall be jointly adjudged disorderly persons
Source R S 2 110-4

2A:202-10. Practice of law limited to licensed attorneys or counselors at law. Any person not licensed as an attorney or counselor at law, and any corporation that shall

a Engage in this state in the practice of law; or

b Hold himself or itself out to the public, either alone or together with, by or through any other person, whether such other person is so licensed or not, as engaging in or entitled to engage in the practice of law, or as rendering legal service or advice, or as furnishing attorneys or counsel in legal actions or proceedings of any nature, or

c Assume, use or advertise the title of lawyer or attorney at law, or equivalent terms, in the English or any other language—

Shall be adjudged a disorderly person
Source R S 2 111-1

2A:202-11. Unlicensed persons not to appear as attorney or solicit law business; exception. Any person not licensed as an attorney or counselor at law, and any corporation that shall

a Solicit for himself or itself, directly or indirectly, any claim or demand, for the purpose of taking any legal action thereon, or

b Represent any person in the pursuit of any legal remedy, or

c Represent any person suing or sued, or about to sue or be sued, or threatened with suit in any legal action or proceeding—

Shall be adjudged a disorderly person

Nothing contained in this section shall make it unlawful for persons or corporations to solicit the aid, assistance or co-operation of other persons or corporations similarly situated with regard to pending, proposed, contemplated or threatened litigation
Source R S 2 111-2

2A:202-12. "Practice" includes preparation of wills and deeds. The term "practice of law" as used in this chapter shall include the engaging in the practice of preparation of wills or conveyances

Source R S 2 111-3

2A:202-13. Practicing law through agent or employee. The fact that an agent or employee of an individual, or any officer, trustee, director,

agent or employee of a corporation shall be a licensed attorney or counselor at law shall not be held to enable such individual or corporation to do any act prohibited by this chapter, nor shall such fact be a defense to any violation of any provision of this chapter

Source R S 2 111-4

2A:202-14. Unlicensed persons soliciting suits on contingent fee basis. Any person not licensed as an attorney or counselor at law who shall solicit, advise, request or induce any person in this state to institute or prosecute any suit for damages in which the person soliciting, advising, requesting or inducing the institution of such suit shall by agreement or otherwise, directly or indirectly, receive from the person solicited to institute or prosecute such suit, or his attorney, any compensation dependent upon the amount of the recovery in any such suit, or in which the compensation of any attorney for instituting or prosecuting such suit shall directly or indirectly depend upon the amount of the recovery therein, shall be adjudged a disorderly person.

Source R S 2 111-7

2A:202-15. Soliciting business for collection agencies upon an annual basis, or for definite time. Any person not licensed as an attorney or counselor at law, or any association or corporation engaged in the business of conducting a mercantile or collection agency or adjustment bureau who solicits, invites or procures, or assists in soliciting, inviting or procuring, directly or indirectly, any person, firm or corporation to become affiliated or associated in or with, or to become a member in, or join, or belong to any association, corporation or agency engaged in the business of conducting a mercantile or collection agency, upon an annual basis or arrangement, or for a definite or determinable period of time, for a definite, fixed or determinable sum, shall be adjudged a disorderly person

Nothing in this section shall be construed to prevent a mercantile or collection agency or adjustment bureau from charging a percentage or proportionate sum for each debt or account adjusted

Source R S 2 111-8

2A:202-16. Soliciting commencement of actions for injuries or negligence. Any person who shall, for pecuniary gain, solicit any person or corporation to engage, employ or retain either himself, any lawyer or any other person to manage, adjust or prosecute any claim, cause of action or action at law, against any person or corporation, for damages for negligence, or who shall, for pecuniary gain, directly or indirectly, solicit other persons to begin actions at law to recover damages for personal injuries or death, shall be adjudged a disorderly person

Source R S 2 202-17

2A:202-17. Sale or use of inflammable paper balloons. Any person who shall sell, store or

use any paper balloon containing paraffine or other combustible material, shall be adjudged a disorderly person.

Source R S 2 149-2

2A:202-18. Taking drift lumber or boats. Any person who shall take up and secure any drift lumber or boards, rails, posts or other valuable lumber, boats, scows, skiffs, barges or other craft, which may be found adrift or lodged on the land of any person in any of the rivers running through or bordering on this state, and shall carry away the same to a greater distance than 20 yards from the margin of the river in which the same may be found, or who shall secrete the same in any place whatever, or who shall appropriate the same or any part thereof to his own use without having first complied in all respects with the requirements of sections 2A 60-55 to 2A:60-58 of this title, or who shall aid in, assist or procure the same to be done, shall be adjudged a disorderly person

Source R S 2 145-11

2A:202-19. Use of narcotic drugs. Any person who shall use a narcotic drug, as defined in R S 24 18-2, for a purpose other than the treatment of sickness or injury as prescribed or administered by a person duly authorized by law to treat sick and injured human beings shall be adjudged a disorderly person

Source R S 2 202-3, as am L 1942, c 305, p 1134, §1, L 1948, c 135, p 860, §1

2A:202-20. Embezzlement by employees, etc. Any employee, agent, consignee, factor, bailee, lodger or tenant who shall embezzle, or with intent to defraud, take money or receive, retain or appropriate to his own use or the use of another, any property or the proceeds thereof of the price or value of \$200 00 or less belonging to his employer, consignor, principal, bailor, or landlord, shall be adjudged a disorderly person

Source R S 2 124-8

2A:202-21. Embezzlement and conversion by operatives. Any person who, without the consent of the owner, shall unlawfully sell and dispose of any goods or materials of the value of \$200 00 or less furnished to him for the purpose of being manufactured, repaired, made up or having any labor bestowed thereon for the benefit of the owner, or who, with intent to defraud the owner, shall unlawfully refuse or neglect to deliver the same to the owner or to his order on demand after payment or tender of all just claims and liens for work or labor done upon such goods or materials, or any persons hired or employed to prepare or work upon any silk or other manufacture, who shall purloin, embezzle, secrete, sell or otherwise unlawfully dispose of any of the materials with which he is intrusted, whether the same or any part thereof has been manufactured or finished or not, shall be adjudged a disorderly person

2A:202-22. Corruption of agents, employees or

servants; corporate agents punishable individually. Any person who shall give, offer or promise any gift or gratuity to any employee without the knowledge and consent of his employer, and with intent to influence his action with relation to his employer's business, and any employee who, without the knowledge and consent of his employer, requests or accepts any gift or gratuity, or any promise to make a gift, or to do any act beneficial to himself, under an agreement or understanding that he shall act in any particular manner to his employer's business, shall be adjudged a disorderly person

Any employee who, being authorized to procure materials, supplies, or other articles, either by purchase or contract, or to employ service or labor for his employer, receives directly or indirectly for himself or for another, a commission, discount or bonus from the person who makes such sale or contract, or furnishes such materials, supplies or other articles, or from a person who renders such service or labor, and any person who gives or offers such employee such commission, discount or bonus, shall be adjudged a disorderly person

If a corporation, partnership or other organization is guilty of a violation of this section, the persons through whom the corporation, partnership or other organization acts shall be adjudged a disorderly person

In this section, the term "employee" shall include any agent, employee or servant, and the term "employer" shall include any principal, employer or master

Source R S 2 114-11

2A:202-22.1. Immunity from prosecution under section 2A:202-22. Any person guilty of an offense under the provisions of section 2A 202-22 of this title who shall first report the facts under oath to any county prosecutor of this state, and who shall give evidence tending to the conviction of any other person charged with an offense under said section, shall be granted full immunity from prosecution or conviction under said section with respect to the offense reported

Source R S 2 114-12

2A:202-23. "Kickback" by. Whenever an agreement for the performance of personal service requires that workmen engaged in its performance shall be paid a specified rate of wages, it shall be unlawful for any person, either for himself or any other person, to request, demand or receive, either before or after such workman is engaged, that such workman forego, pay back, return, donate, contribute or give any part or all of such workman's wages, salary, or thing of value, to any person, upon the statement, representation, or understanding that failure to comply with such request or demand will prevent such workman from procuring or retaining employment Any person who violates the provisions of this section shall be adjudged a disorderly person, and any person who di-

rectly or indirectly aids, requests or authorizes any person to violate any of the provisions of this section shall be guilty of a violation of the provisions thereof and shall be adjudged a disorderly person

Source R S 2 114-13

2A:202-24. Giving false alarm. Any person who shall by work, act or other means willfully and maliciously give or cause to be given any false fire alarm or false police alarm, shall be adjudged a disorderly person

Source R S 2 202-13, as am L 1944, c 11, p 34, §1

2A:202-25. Making or furnishing device to defraud owners of slot machines or coin receptacles. Any person who, with intent to cheat or defraud the owner, lessee, licensee or other person entitled to the contents of any automatic vending machine, slot machine, coin box telephone or other receptacle, depository or contrivance designed to receive lawful coin of the United States of America in connection with the sale, use or enjoyment of property or service, or who, knowing that the same is intended for unlawful use, shall manufacture for sale, or sell or give away any slug, device or substance whatsoever intended or calculated to be placed or deposited in any such automatic vending machine, slot machine, coin box telephone or other such receptacle, depository or contrivance, shall be adjudged a disorderly person

Source R S 2 134-9

2A:202-26. Obtaining property or service by fraudulently operating coin receptacles. Any person who shall operate, or cause to be operated, or who shall attempt to operate, or attempt to cause to be operated any automatic vending machine, slot machine, coin box telephone or other receptacle designed to receive lawful coin of the United States of America in connection with the sale, use or enjoyment of property or service, by means of a slug or any false, counterfeited, mutilated, sweated or foreign coin, or by any means, method, trick or device whatsoever not lawfully authorized by the owner, lessee or licensee of such machine, coin box telephone or receptacle, or who shall take, obtain or receive from or in connection with any such automatic vending machine, slot machine, coin box telephone or other such receptacle, any goods, wares, merchandise, gas, electric current, article of value, or the use or enjoyment of any telephone or telegraph facilities or service, or of any musical instrument, phonograph or other property or service, without depositing in and surrendering to such machine, coin box telephone or receptacle lawful coin of the United States of America to the amount required therefor by the owner, lessee or licensee of such machine, coin box telephone or receptacle, shall be adjudged a disorderly person

Source R S 2 134-8

2A:202-27. Hiring horses or wagons by deceit. Any person who, in hiring or causing to be hired for his own use any horse or mule or any

wagon or other vehicle, or livery driving rig or outfit from any keeper of a livery stable, shall obtain or procure the same by means of any false token, deceit, fraud or misrepresentation, shall be adjudged a disorderly person

Source R S 2 134-23

2A:202-28. Removal or sale of mortgaged property. Any mortgagor, conditional vendee or purchaser of personal property in possession of the same who, without the consent of the owner of the claim secured by mortgage, and with intent to defraud, removes any of the property mortgaged out of the county where it was situated at the time it was mortgaged, or secretes, destroys, sells or exchanges the same without such consent, shall be adjudged a disorderly person

Source R S 2 134-24

2A:202-29. Fraudulent disposition of borrowed or leased property. Any person who, with intent to cheat or defraud the owner thereof, shall sell, pledge, pawn or secrete any property which he has borrowed, hired or leased, or purchased under an agreement in writing whereby the title of such property is not to pass until the agreement is fulfilled, shall be adjudged a disorderly person

Source R S 2 134-25

2A:202-30. Defrauding hotel or restaurant keeper or hospital. A person who shall obtain food, lodging or other accommodation or service at a hotel, inn, boarding house, restaurant or hospital, with intent to defraud the owner or keeper thereof, shall be adjudged a disorderly person

Proof that lodging, food or other accommodation or service was obtained by false pretense, or by false or fictitious show or pretense of any baggage or other property, or that the person refused or neglected to pay on demand or absconded without paying or offering to pay for such food, lodging or other accommodation or service, or that he gave in payment therefor negotiable paper on which payment was refused, or that he surreptitiously removed or attempted to remove his baggage, shall be prima facie proof of fraudulent intent

Source R S 2 202-19, R S 2 202-20

Note Evidently the intent of the Reporter revising this chapter was to have this section supplant R S 2 134-21 and 22

2A:202-31. False statements concerning hotels or lodging houses. The driver of a vehicle carrying passengers for hire, or any other person who makes any false statement or false representation to a passenger or other person concerning a hotel, boarding house or lodging house, with the intention of inducing any such person to enter, lodge at or become a guest of any other hotel, boarding house or lodging house, or who by any false statement or false representation induces any person not to enter, lodge at or become a guest of any hotel, boarding house or lodging house, shall be adjudged a disorderly person

Source R S 2 202-21

2A:202-32. Obtaining free hospital treatment by misrepresentation. Any person who shall obtain free or at greatly reduced rates care or treatment, or medicines, or surgical or dental treatment from any hospital, sanitarium, clinic or dispensary, either public or private, upon false representations as to his ability to pay for the same, shall be adjudged a disorderly person
Source R S 2 202-22

2A:202-33. Renting motor vehicle with intent to defraud; evidence of intent. Any person who, with intent to defraud the owner of any motor vehicle, or any person in lawful possession thereof, shall obtain possession of such motor vehicle by agreeing to pay a rental for the use thereof based in whole or in part upon the distance such motor vehicle shall travel, shall be adjudged a disorderly person

The refusal to pay the rental for such motor vehicle or absconding without paying such rental shall be prima facie evidence of the intent to defraud

Source R S 2 153-4

2A:202-34. Damaging rental motor vehicle mileage registering instrument; evidence of intent to defraud. Any person who, with intent to defraud the owner of any motor vehicle, or any person in lawful possession thereof, after obtaining possession of such motor vehicle by agreeing to pay a rental for the use thereof based in whole or in part upon the distance the motor vehicle shall travel, shall remove or damage any mileage registering instrument connected to the motor vehicle, shall be adjudged a disorderly person

The removal or damage of any such mileage registering instrument, shall be prima facie evidence of intent to defraud.

Source R S 2 153-5

2A:202-35. Obtaining valuable thing from state, municipality, charitable organization or association by false statement. Any person who shall by means of any false statement made orally or in writing obtain from the state of New Jersey or any county or municipality or from any officer, committee, commission or body thereof, or from any private or charitable organization or association of any kind, any money, personal property or other valuable thing, if the price or value of the money, personal property or other valuable thing be in the total not exceeding \$200 00, shall be adjudged a disorderly person

Source L 1941, c 281, p 755, §1

2A:202-36. Failure to pay fare on public conveyance. Any person who shall travel on any public conveyance without having paid his fare, and with intent to avoid payment thereof, or any person who, having paid his fare, and having traveled on such public conveyance to a point where, under the rule of the company operating the same as announced by the conductor or operator or other person in charge of the con-

veyance an additional fare is due, shall on demand refuse or fail to pay such additional fare or to leave the car or bus, shall be adjudged a disorderly person, and punished by a fine not exceeding \$25 00

Source R S 2 202-27

2A:202-37. Fraudulently tapping electric wires, or gas or water meters or pipes; presumptive evidence. Any person who, without permission and for the purpose of obtaining electric current, gas or water with intent to defraud any vendor of electricity, gas or water shall

a Connect or cause to be connected by wire or any other device with the wires, cables or conductors of any such vendor, or

b Connect or disconnect the meters, pipes or conduits of such vendor or in any other manner tamper or interfere with such meters, pipes or conduits, or connect with such meters, pipes or conduits by pipes, conduits or other instruments—
Shall be adjudged a disorderly person

The existence of any of the conditions with reference to meters, pipes, conduits or attachments, described in this section, shall be presumptive evidence that the person to whom gas, electricity or water is at the time being furnished by or through such meters, pipes, conduits or attachments has, with intent to defraud, created or caused to be created with reference to such meters, pipes, conduits, or attachments, the condition so existing, provided, however, that the presumption shall not apply to any person so furnished with gas, electricity or water for less than 31 days or until there has been at least 1 meter reading

Source R S 2 145-13, as am L 1938, c 266, p 587, §1

2A:202-38. Tampering or connecting with electric meters; presumptive evidence. Any person who, without permission or authority, shall connect or cause to be connected by wires or other devices, any meter erected or set up for the purpose of registering or recording the amount of electric current supplied to any customer by any vendor of electricity within this state, or change or shunt the wiring leading to or from any such meter, or by any device, appliance or means whatsoever tamper with any such meter so that the meter will not measure or record the full amount of electric current supplied to such customer, shall be adjudged a disorderly person The existence of any of the conditions with reference to meters, or attachments described in this section shall be presumptive evidence that the person to whom electricity is at the time being furnished by or through such meters or attachments has, with intent to defraud, created or caused to be created with reference to such meters or attachments, the condition so existing, provided, however, that the presumption shall not apply to any person so furnished with electricity for less than 31 days or until there has been at least 1 meter reading

Source R S 2 145-14, as am L 1938, c 267, p 588, §1

2A:202-39. False statements as to pedigree of animals. Any person who shall, by any false statement or pretense as to the pedigree or breeding of a domestic animal, obtain registration or transfer of registration of any animal in the herd register or other register of any club, association, society or company for improving the breed of cattle, horses, sheep, swine or other domestic animals, or who shall knowingly or designedly, with intent to defraud, give a false pedigree of any animal, shall be adjudged a disorderly person

Source R S 2 134-27

2A:202-40. Fortune tellers. Any person who shall use or pretend to use or have any skill in physiognomy, palmistry or like crafty science, or who shall pretend to tell destinies or fortunes, shall be adjudged a disorderly person.

Source R S 2 202-2

2A:202-41. Manufacture or sale of golf balls containing acid. Any person who shall manufacture or sell within this state any golf ball containing a fluid substance, acid or corrosive in character, shall be adjudged a disorderly person

Source R S 2 149-1

2A:202-42. Using closed highway or road; removal of warning signals; violating highway regulations. Whenever by order of the state highway commissioner, any state highway, by resolution of the board of chosen freeholders, any county public road, or by appropriate action of any municipality, any municipal street or road shall be declared closed to traffic for any lawful purpose, and a notice of such closing has been posted at the beginning and ending points of the closed section of such highway or road, and a barricade erected at such points, any person who without the permission of the state highway commissioner, board of chosen freeholders or municipality as the case may be, shall

a Mutilate or remove any such notice or damage, destroy or remove, any warning sign or signal or remove any such barricade placed or posted by the highway commissioner, board of freeholders or municipality at any point along such highway or road in connection with or relating to the closed portion thereof, or

b Drive any vehicle over or upon the closed section of such highway or road, or

c Violate any rule or regulation for the use of such highway or road, duly made by the highway commissioner, the board of chosen freeholders or municipality as authorized by law—

Shall be adjudged a disorderly person

Source R S 2 202-29

2A:202-43. Erecting signs or encroachments on highways without permission. Any person who erects within the limits of any state highway, county public road or municipal street or road any sign or encroachment of any nature without first having obtained permission to do so from the state highway commissioner, the board of chosen freeholders, or municipality, as

the case may be, shall be adjudged a disorderly person

Source R S 2 202-30

2A:202-44. Defacing public bridges or laying wires or pipes thereon without permission. Any person who shall attach or lay upon any public bridge any telegraph, telephone or electric wires, or any water or gas mains, without permission first had and obtained from the board of chosen freeholders of the county, or other proper authority, wherein the bridge is situate, shall be adjudged a disorderly person

Source R S 2 148-10

2A:202-45. Temporary taking of horses. Any person who shall unlawfully, willfully and maliciously take any horse, mare, gelding or mule without the consent of the owner, and cause the same, either directly or indirectly, to be removed from the possession or control of such owner, although only temporarily, shall be adjudged a disorderly person

Source R S 2 145-9

2A:202-46. Hydrocyanic acid gas; purchase, use or possession without permit. Any person who shall purchase, use or possess any hydrocyanic acid gas for fumigating premises wherein people reside without a permit first had and obtained from the police department of the municipality wherein such hydrocyanic acid gas is to be used shall be adjudged a disorderly person

Source R S 2 149-7

2A:202-47. Identification card or badge for employees or visitors; failure to surrender when required. Any person having in his or her possession an identification card or identification badge issued by a department of the state, or any political subdivision thereof, or any body of a municipal corporation, or by any corporation, firm or individual operating any factory, warehouse, storage house, manufacturing, printing or publishing establishment, mechanical or mercantile establishment, or any plant of any kind, or any mine, quarry, or any electric railway, steam railway, water, sewage, gas, electric light, power, transmission, heating, refrigerating, telephone or other publicly owned or public service property in this state, in which or upon which any person is required to have a special identification card or identification badge issued by the owners or operators thereof before entering therein or thereon as an employee or visitor, upon the termination of his or her employment or the time of an authorized visit, shall immediately surrender the same to the issuer thereof

Any person who shall fail to surrender any such identification card or identification badge in his or her possession after the termination of such employment or the expiration of the time limits of an authorized visit, and who shall attempt to use the same, shall be adjudged a disorderly person

This section shall not apply to any employees of any establishment, who are not working, while not working as the result of a labor dispute existing at the establishment, unless such employees shall expressly terminate their employment by accepting permanent employment elsewhere

Source L 1943, c 205, p 559, §1

2A:202-47.1. Finder of identification card or badge; surrendering it to nearest police station required; failure to do so. Any person finding or in any other way coming into possession of an identification card or identification badge, as defined in this act, other than his own, shall immediately surrender the same to the nearest state, county or local police station

Any person who shall fail to surrender any such identification card or identification badge found or in any other way coming into his possession, and who shall attempt to use the same, shall be adjudged a disorderly person

Source L 1943, c 205, p 560, §2

2A:202-47.2. "Identification card" and "identification badge" defined. "Identification card" is defined for the purposes of this act as any card or pass issued for the purpose of establishing the identity of any person and the right of such person to be in or on any premises described in this act

"Identification badge" is defined as any badge of metal or other composition, to be worn by any person for the purpose of establishing his identity or right to be in or on any premises described in this act

Source L 1943, c 205, p 560, §3, L 1943, c 205, p 560, §4

2A:202-48. Persons representing themselves to be members of armed forces or auxiliaries; wearing insignia to induce belief of former membership therein. Any person who shall represent himself orally or in writing to be a former member of the armed forces of the United States of America or any of the female auxiliaries thereof, or who shall exhibit, display, wear or use any badge, button, emblem, charm, card, insignia or other token whatsoever for the purpose of inducing a belief that he is a former member of any of the armed forces of the United States or the female auxiliaries thereof when in fact such person is not such former member or is not a former member of the service of which he represents himself to be or of the service which the badge, button, emblem, charm, card, insignia or other token whatsoever appertains shall be adjudged a disorderly person.

Source L 1949, c 173, p 563, §1

2A:202-49. Unlawful use of badge, emblem or insignia of military orders. Any person who
a Shall willfully wear the badge, emblem or insignia of

- 1 The Grand Army of the Republic, or
- 2 The United Spanish War Veterans, or

- 3 The military order of the Loyal Legion, or
- 4 The Sons of Veterans, U S A , or
- 5 The Veterans of Foreign Wars of the United States; or

6 The American Legion, or of any women's auxiliary organization thereof, or

7 The Disabled American Veterans of the World War, or of any women's auxiliary organization thereof, or

b Shall use or wear any such badge, emblem or insignia to obtain aid or assistance thereby within this state—

Unless he shall be entitled to use or wear the same under the constitution, rules, regulations, by-laws or charter of any such organization or of any duly and regularly organized post, camp, branch or chapter of such organization, shall be adjudged a disorderly person

Source R S 2 141-3

2A:202-50. Unlawful wearing of fraternal insignia. Any person who shall willfully wear the insignia of any incorporated fraternal organization of this state for the purpose of using the same to obtain recognition as a member thereof, or to obtain aid or assistance within this state, unless he shall be entitled to use or wear the same under the constitution, by-laws, rules and regulations of such fraternal organization, shall be adjudged a disorderly person

Source R S 2 141-1

2A:202-51. Unlawful use of fraternal name or insignia. Any person who shall willfully use the designated name or title of any incorporated fraternal organization of this state, or the insignia or emblem of such organization, for the purpose of advertising any public gathering or entertainment of any kind, without the consent of such organization, shall be adjudged a disorderly person

Source R S 2 141-2

2A:202-52. False representations as to credit of life insurance companies; misrepresentation in or concerning policies. No life insurance company or beneficial association in this state, or agent thereof, shall state or represent by advertisement in a newspaper, periodical or magazine, or by any sign, circular, card, policy of insurance or certificate of renewal thereof, or otherwise, that any funds or assets are in possession of any such company or association not actually possessed by it and available for the payment of losses and claims and held for the protection of its certificate holders or creditors

No such company or association, or officer, director, trustee or agent thereof, or any other person, copartnership or corporation, shall issue any illustration, circular or statement of any sort misrepresenting the terms of any policy or certificate issued by any such company or association, or the benefits or advantages promised thereby, or any estimate of the dividends or share of surplus to be received thereon, or shall use any name or title of any policy or class of

policies, misrepresenting the true nature thereof, nor shall any such company or association, or agent thereof, or any other person, copartnership or corporation, make any misleading representations or incomplete comparison of policies or contracts issued or to be issued to any person insured in another company or association, for the purpose of inducing or intending to induce such person to lapse, forfeit or surrender existing insurance

Any person who shall violate this section shall be adjudged a disorderly person

Source R S 2 142-1

2A:202-53. Conducting unauthorized fire insurance business. Any person who, within this state, shall, directly or indirectly

a Transact any fire insurance business for or on behalf of any fire insurance company or association not authorized by the laws of this state to do business within this state, or

b Seek or effect, or cause, procure or assist to be made or effected, or attempt to procure or effect any fire insurance on property within this state, by or in behalf of any company, association or person not authorized and duly qualified by the laws of this state to effect fire insurance on property within this state, or

c Act as agent, surveyor, canvasser or other representative of any such company, association or person in or about any business not permitted by the laws of this state—

Shall be adjudged a disorderly person

Source R S 2 142-2

2A:202-54. Lenders and others not to specify exclusive insurance agents. Any person, firm or corporation engaged in the business of financing the purchase, rehabilitation or retention of real or personal property, or of lending money on the security of real or personal property, and any agent or employee of any such person and any officer, trustee, director, agent or employee of any such firm or corporation, who shall directly or indirectly impose or require as a condition of any such financing or loaning of money, whether the financing or the security to be taken, shall be in the form of a mortgage, conditional sale, contract, pledge or otherwise, or as a condition of the doing of any other act in connection with any such transaction, that the person, firm or corporation with whom any such transaction shall be conducted, shall negotiate for or obtain any policy of insurance or renewal thereof, covering the property involved in the transaction from or through a particularly designated insurance agent or broker, shall be adjudged a disorderly person

This section shall not be deemed to prevent the exercise of the right to approve or disapprove the sufficiency of any policy or renewal thereof of insurance or of the underwriting company or agency issuing such policy or renewal which may be negotiated for or tendered in connection with any such transaction by the person, firm or cor-

poration seeking or obtaining the financing or loan involved in such transaction

Source L 1948, c 298, p 1216, §1, L 1948, c 298, p 1216, §2

2A:202-55. Driving horse while intoxicated.

Any person who shall drive a horse, mule or other beast of burden over a public street or highway while under the influence of intoxicating liquor shall be adjudged a disorderly person, and punished by a fine of not exceeding \$200 or by imprisonment for a term not exceeding 30 days, or by both such fine and imprisonment

Source R S 2 202-14

Note of Reporter Punishment increased to equivalent of that imposed for driving motor vehicle while under influence of intoxicating liquor

2A:202-56. Offensive language; molesting or interfering with persons.

1 Any person who shall utter loud and offensive or profane or indecent language in any public street, other public place, public conveyance, or place to which the public is invited, or

2 Any person who shall in any place, public or private,

a Address or make audible and offensive remarks to or concerning any passing persons, or

b Obstruct, molest or interfere with any person lawfully therein, or

3 Any person who shall telephone another and shall address to such person any lewd, lascivious, indecent or disgusting remarks, or

4 Any person who shall repeatedly telephone another for the purpose of annoying or molesting such person

Shall be adjudged a disorderly person

Any offense committed under subsections 3 or 4 herein may be deemed to have taken place at either the place at which the telephone call was made or the place at which the telephone call was received

Source 2 202-7, 2 202-8

Note of Reporter Substitute for portions of 2A 202-7 and 2A 202-8, and add new matter re telephoning communications

2A:202-57. Loitering or creating a disturbance while under the influence of intoxicating liquor.

Any person who, being under the influence of intoxicating liquor, shall loiter or create a disturbance upon the public streets, or shall be upon any other public places or public conveyances, or shall go in or upon any private property not his own without the permission of the owner or other person having authority to grant such permission, shall be adjudged a disorderly person

Source 2 202-7, 2 202-8

2A:202-58. Malicious injury to property. Any person who shall maliciously destroy, deface, damage or injure property may, where the damage does not exceed the sum of \$200, be adjudged a disorderly person.

Source R S 2 202-9

2A:202-59. Malicious mischief. Any person who shall willfully cut any tree, shrub or vine

upon, or remove any earth, gravel or sand from, any land belonging to another person in this state, without his consent, or who shall willfully cause injury or damage to, or destroy, any live stock, poultry, cultivated crop, orchard, fence, sign, signboard, notice or building, belonging to any other person, while on such person's land without such person's consent, shall be adjudged a disorderly person

Source L 1948, c 353, p 1418, §1

2A:202-60. Malicious destruction of boundary marks. Any person who shall willfully or maliciously

a Remove any monument of stone, wood or other durable material, erected to designate the corner or any other point in the boundary of any lot or tract of land, road or street, or

b Deface or alter the marks upon any tree, post or other monument, made for the purpose of designating any point, course or line in the boundary of any lot or tract of land, road or street, or

c Cut down or remove any tree upon which such marks shall be made for such purpose, with intent to destroy such marks—

Shall be adjudged a disorderly person

Source R S 2 148-13

2A:202-61. Tapping, interfering with, or damaging sewers or sewerage works. Any person who, without the authority of the person, body or board in control of any main intercepting sewer, system of sewers, branches, sewerage plant and work and appurtenances, or otherwise, shall unlawfully break into, make connection with, interfere with or willfully damage any such main intercepting sewer, system of sewers, branches, sewer plant and work and appurtenances, or any part thereof, or any conduit, pipe, cock, machine or structure whatsoever, or any thing appertaining to the works of any sewerage company, shall be adjudged a disorderly person

Source R S 2 148-15

2A:202-62. Obstructing extinguishment of fires; injuring fire apparatus. Any person who shall, during an alarm of fire, willfully hinder, prevent or deter by any device whatsoever, any fireman or other person from going to or returning from the place where any building or other property is on fire, or from which an alarm proceeds, or from aiding and assisting in extinguishing the fire in any building, or other property on fire, or from rendering lawful assistance in abating or quelling such alarm of fire, if false, or shall willfully obstruct or hinder the passage of any fire engine, hook and ladder truck, or hose cart, in going to or from the place from which an alarm of fire proceeds, or where any building or other property may be burning, or shall at any time willfully cut, deface or injure any fire engine, hook and ladder truck, hose cart, hose or any other apparatus or implement used for ex-

tinguishing fires, shall be adjudged a disorderly person

Source R S 2 148-21

2A:202-63. Destroying apparatus of United States volunteer life-saving corps; interfering with or deceiving life-savers. Any person who shall willfully destroy any apparatus of the United States volunteer life-saving corps, or interfere with any volunteer or professional life-saver in the proper performance of his duty, or unnecessarily call for help or aid while in or on the water to deceive any life-saver, shall be adjudged a disorderly person

Source R S 2 148-25

2A:202-64. Marathons, etc., advertising, conducting or performing in; exceptions. It shall be unlawful to advertise, perform in, hold, manage or conduct any marathon, walkathon or skatethon in this state. Any person advertising, holding, managing or conducting any marathon, walkathon or skatethon in this state, and any participant in any such exhibition or performance, shall be adjudged a disorderly person, provided, however, that nothing herein contained shall be construed to prohibit foot races sponsored by duly accredited athletic clubs or associations or any bicycle races which shall not be of longer duration than 7 consecutive days

Source R S 2 149A-1

2A:202-65. Mercury; use in treating hatters' fur, etc. Any employer using or permitting the use by any of his employees of mercury or any of its compounds in combination with nitric acid or any other material, in the process of treating hatters' fur or any animal fibers or other substance used in the manufacture of hats, shall be adjudged a disorderly person

Any employer using or permitting the use by any of his employees of hatters' fur or any animal fibers or other substance, which has been treated by the use of mercury or any of its compounds in combination with nitric acid or other material in the manufacture of hats, shall be adjudged a disorderly person

Employer, as used in this section, shall include corporations and the presidents, vice-presidents and treasurers thereof, companies, associations, societies, firms, partnerships and joint stock companies as well as individuals

Source L 1942, c 103, p 364, §§ 1, 2, 3

2A:202-66. Permitting minors in dance halls. Any person owning, keeping or having the management or control of any public dance hall where alcoholic beverages are sold or any tavern, whether licensed as such or not, his agents or servants, who shall admit thereto, or permit or suffer to be or remain therein any child under the age of 16 years, unaccompanied by a parent or guardian, or adult friend shall be adjudged a disorderly person

Source R S 2 117-2

2A:202-67. Hiring out or employing minors for mendicant or immoral purposes. Any person having the care, custody or control, lawfully or unlawfully, of a child under the age of 18 years, as parent, guardian, relative, employer or otherwise, who shall sell, apprentice, give away, hire out or otherwise dispose of, or any person who shall employ or use any such child for the purpose of begging, or for any mendicant business whatever, or in any immoral conduct or occupation whatever, shall be adjudged a disorderly person

Source R S 2 117-6

2A:202-68. Permitting minors in pool rooms or permitting them to gamble therein. Any person owning, keeping or having the management or control of any public room or place wherein the games commonly known as pool or billiards or games of a similar nature are played, or any agent or servant of any such person, who shall knowingly allow a minor under the age of 16 years, unaccompanied by a parent or guardian, to play such game or to frequent or lounge or congregate or gather in any such room or place, or who shall in any such room or place permit gambling by minors in any form or by means of any device such as are used in gaming, shall be adjudged a disorderly person

Source R S 2 117-4

2A:202-69. Sale of cigarettes, cigarette papers or tobacco to minors. Any person who shall directly or indirectly, acting as agent or otherwise, sell, give or furnish to a minor under the age of 16 years, any cigarettes made of tobacco or of any other matter or substance which can be smoked, or any cigarette paper or tobacco in any form shall, be adjudged a disorderly person and be punished by a fine not exceeding \$100

Source R S 2 117-5

2A:202-70. Permitting children in theaters. Any person having the management or control of any theater, or place wherein theatrical, acrobatic or vaudeville performances are given by paid performers, or wherein any moving picture show is given, his agents or servants, who shall admit thereto, or permit or suffer to be or remain therein any child under the age of 10 years, unaccompanied by a parent, guardian or adult friend, shall be adjudged a disorderly person

Source R S 2 117-3

2A:202-71. Unlawful taking of motor vehicle. Any person who shall take unlawfully any motor vehicle, or shall be an accessory thereto, shall be adjudged a disorderly person

Source R S 2 145-6

2A:202-72. Paupers, beggars and idlers. All persons who shall go about from door to door, or place themselves in streets, highways or passages, to beg or solicit alms or charity, or who shall wander abroad and beg or solicit charity under pretense of being or having been

soldiers, marines or seafaring men, or of loss by fire or other casualty, or by war or other pretense or thing, or who shall wander abroad and lodge in taverns, inns, beer houses, houses of entertainment, market houses, outhouses, barns or other places, or in the open air, and not give a good account of themselves, and all persons who shall leave or threaten to leave their families to be maintained by the city, township or county or to become chargeable thereto, and all persons who, not having sufficient property or means for their subsistence or support, shall live idle or not engage in some honest employment, or not provide for themselves or families, shall be adjudged disorderly persons

Source R S 2 202-1

2A:202-73. Unauthorized use of plays and operas. Any person who causes to be publicly performed or represented for profit an unpublished, undedicated or copyrighted dramatic composition, or a musical composition known as and opera, without the consent of its owner or proprietor, or who, knowing that such dramatic or musical composition is unpublished, undedicated or copyrighted, and without the consent of its owner or proprietor permits, aids or takes part in such a performance or representation, shall be adjudged a disorderly person

Source R S 2 108-2

2A:202-74. Papers simulating summons, complaint, writ or process; printing or circulating. Any person, firm or corporation, or any officer, employee or agent thereof, printing for the purposes of sale or distribution, or who circulates, distributes, publishes or offers for sale, any paper or document or any blank form of paper or document, which, when filled out, simulates or is intended to simulate a summons, complaint, writ or court process of any kind, shall be adjudged a disorderly person

Source L 1939, c 275, §1, suppl §2 202-1 et seq

2A:202-75. Imitating court process. Any person, firm or corporation, or any officer, employee or agent thereof, or any person, firm or corporation conducting the business of a collection agency, or any officer, employee or agent thereof, who shall issue or otherwise use any notice, letter or advertisement in the form or in imitation of a court summons, or any other formal court paper, shall be adjudged a disorderly person

Source. R S 2 120-4

2A:202-76. Causing indecencies in publication. Any person who shall maliciously set or cause to be set in type to be used in the printing of a newspaper, magazine or other current publication, or change or cause to be changed any piece of type in any form from which a newspaper, magazine or other publication is to be printed, for the purpose of causing to appear in print in any such publication, any indecent or lascivious word, shall be adjudged a disorderly person

Source R S 2 140-3

2A:202-77. Displaying red light near grade crossing; exceptions. Any person who shall erect, maintain, or place a red light or red signal within 400 yards of any grade crossing of any railroad or public service corporation in this state, shall be adjudged a disorderly person

This section shall not apply to railroad companies, public service corporations or municipal corporations, nor shall this section apply where of necessity a red light or danger signal should be displayed to warn of some impending danger
Source R S 2 162-6

2A:202-78. Jumping on or off trains. Any person who, not being a passenger or employee, shall be found trespassing upon any car or train of any railroad, by jumping on or off any car or train on its arrival, stay or departure at or from any station or depot or on the passage of any such car or train over any part of such railroad, shall be adjudged a disorderly person
Source R S 2 202-24

2A:202-79. Shooting or throwing objects at vehicles; placing objects on tracks; taking coal from cars or tracks. Any person who shall cast or throw any stick, stone, pebble or other substance, or who shall shoot from any air gun, machine gun, shotgun, pistol or rifle any shot or ball at, against or into any trolley car, street railway car, steam railroad car, electric railroad car, railroad locomotive, motor omnibus or motor vehicle, or who shall place any stick, stone or other substance upon any street railway track, trolley track, or railroad track, with intent to injure any car passing thereon, or the passengers therein, or who shall unlawfully climb into or upon any coal car, either in motion or standing at any of the stations or depots of any railroad company in this state, and throw from the same any coal, or who shall take up from the tracks or alongside the tracks any coal so thrown from the cars shall be adjudged a disorderly person
Source R S 2 202-25

2A:202-80. Trespassing on railroad trains or property; penalty. Any person found entering or being in or upon any railroad engine or car, whether the same be passenger, freight or coal or other car, on any railroad or railroad property in any city, town or township, contrary to rules of the corporation owning or operating the same and with the intention of being in, riding or traveling upon such engine or car or upon such railroad property without paying fare, or of committing larceny, violence or destruction thereon, or of threatening, intimidating or assaulting travelers or other persons upon such engines or cars, shall be adjudged a disorderly person and punished by a fine of not exceeding \$50
Source R S 2 202-23

2A:202-81. Unauthorized interference with running of trains. Any person not authorized or employed by the individuals or corporations

managing or owning any railway cars in this state, who shall maliciously and wantonly, for the purpose of hindering or delaying such car or cars, let down or apply the brakes of any car, or pull the bell rope, or convey to the engineer, conductor or others employed in the management of such cars, any such signal as is used for regulating the running and management of such cars, shall be adjudged a disorderly person
Source R S 2 162-4

2A:202-82. Inquiry of applicant for relief as to religion, creed or politics prohibited. No inquiry by any officer, agent or employee of any governmental agency, established by the congress or by the president of the United States under the provisions of any law or resolution of the congress of the United States or under any executive order, or established under the laws of this state, shall be made of any applicant for relief or work relief to be dispensed in this state, or any county or municipality thereof, in regard to the religion, creed, politics or party affiliation of any person proposed for or seeking such relief or work relief

Any person who shall violate this section shall be adjudged a disorderly person
Source R S 2 160-13

2A:202-83. Relief work, using position to influence political action prohibited. No overseer of the poor, welfare director or other employee of any welfare department shall use his or her position to influence the political action of any other person or in any way exploit recipients of relief for political purposes

Any person who shall violate this section shall be adjudged a disorderly person
Source L 1941, c 23, p 50, §1

2A:202-84. Relief work, soliciting or receiving political contributions prohibited. No overseer of the poor, welfare director or other employee of any welfare department shall, directly or indirectly, demand, solicit, collect or receive, or be in any manner concerned in demanding, soliciting or receiving any assessment, subscription or contribution, whether voluntary or involuntary, intended for any political purpose whatsoever

Any person who shall violate this section shall be adjudged a disorderly person
Source L 1941, c 23, p 50, §2

2A:202-85. Punishment for violating sections 2A:202-83, 2A:202-84. Any person who shall violate any provisions of this act shall be adjudged a disorderly person and upon conviction thereof forfeit his office, position or employment, and shall be further punished as in this chapter provided
Source L 1941, c 23, p 50, §3

2A:202-86. Soliciting sale of funeral wreaths, etc. Any person who shall, for pecuniary gain, solicit any person in the house of a family in which death has recently occurred, for the purpose of selling or obtaining orders for funeral

wreaths, flowers or like merchandise, shall be adjudged a disorderly person

Source R S 2 202-16 1

2A:202-87. Soliciting funds for law enforcement organizations; venue of offense. It shall be unlawful for any person to solicit funds or a contribution of any kind, by mail, telephone or in person, whether in payment for tickets, admission, books, tokens, advertising, honorary or other membership, or otherwise, for any organization of policemen, or sheriffs, or under-sheriffs, or deputy sheriffs, or court officers, or court attendants; or detectives, or constables, or magistrates, or other such law enforcement officers, or any organization composed of 1 or more than 1 of said groups, except that members of any such organization may personally solicit such funds or contributions in the municipality where they are employed, or in case of county or state organizations throughout the county or state where they are employed. Any person violating this section shall be adjudged a disorderly person.

Any offense committed under this section shall be considered to have taken place in the county in which the person solicited was at the time of such solicitation, notwithstanding that such solicitation was by telephone, originating outside of said county or by mail deposited in the post office outside of said county.

Source R S 2 202-16 2, as am L 1938, c 343, p 870, § 1

2A:202-88. Prostitution, fornication, adultery, soliciting unlawful sexual or indecent acts. Any person who shall commit fornication or adultery, or practice prostitution, or who shall, by word, act, sign or any device, invite or solicit unlawful sexual intercourse, or any other unlawful, indecent, lewd or lascivious act, shall be adjudged a disorderly person.

Source R S 2 202-4

2A:202-89. Diseased person having sexual intercourse. Any person who, while infected with a venereal disease such as chancroid, gonorrhoea, syphilis or any of the varieties or stages of such diseases, has sexual intercourse, shall be adjudged a disorderly person.

Source R S 2 159-3

2A:202-90. Smoking in bus or trolley car. Any person who shall smoke or carry a lighted cigar, cigarette, or tobacco in any form, in any bus or trolley car, shall be adjudged a disorderly person, and punished by a fine of not more than \$25 00 for such offense.

Source L 1944, c 14, p 39, § 1

Note of Reporter Amended and broadened to include all public places and conveyances

2A:202-91. Spitting. Any person who shall spit in or upon any public place or public conveyance, except in a suitable receptacle provided for such purpose, shall be adjudged a disorderly person, and punished by a fine not exceeding \$25 00.

Source R S 2 202-26, as am L 1944, c 53, p 111, § 1

2A:202-92. Possession or sale of stink bombs;

exceptions. Any person who shall have in his possession or sell in this state any stink bomb or any stinking, offensive smelling or injurious substances which are contained in any bomb or container, and which are so devised as to be designed to be broken or exploded for the purpose of emanating an unpleasant or injurious odor or gas for the purpose of injuring or being unpleasant to another or injuring the property of another, shall be adjudged a disorderly person.

Nothing contained in this section shall apply to any officer of the law in the performance of his duty, or to any such bomb or container when manufactured, possessed or sold, or used for the protection of life and property or for military purposes.

Source R S 2 169-1

2A:202-93. Unlawful use of stink bombs. Any person who shall break, open or explode, or abet in the breaking, opening or exploding of a stink bomb or any stinking, offensive smelling or injurious bomb or substance, thereby injuring, molesting or coercing another, or injuring the property or business of another, or molesting another in the use, management, conduct or control of his business or property, shall be adjudged a disorderly person.

Source R S 2 169-2

2A:202-94. Bonus in connection with rental of property under rent control. Any person, who shall, directly or indirectly, receive, collect or accept from another any donation, gratuity, bonus or gift, in addition to lawful charges, upon the representation, understanding or statement that compliance with such request or demand will facilitate, influence or procure an advantage over others in entering into an agreement, either oral or written for the lease or rental of real property which is subject to rent control by any federal or state agency for any term or for the use or occupation thereof, or any person who shall refuse to enter into such agreement unless he receives, directly or indirectly, any such donation, gratuity, bonus or gift, or any person who, directly or indirectly, aids, abets, requests or authorizes any other person to violate any of the provisions of this section, shall be adjudged a disorderly person.

This section shall cease to be effective upon the termination of the regulation and control of rents and rental agreements under state and federal law.

Source L 1949, c 164, p 551, § 1

2A:202-95. Discrimination against children in renting houses. Any person or corporation, or any agent, officer or employee of either, who shall

a Refuse to rent or lease any house or apartment to another person because the family of the person desiring to rent or lease such house or apartment includes children under 14 years of age, or

b Make an agreement, rental or lease of any house or apartment which shall provide that the agreement, rental or lease shall be rendered null and void upon the birth of a child—

Shall be adjudged a disorderly person

Source R S 2 144-2

2A:202-96. Injuries to or destruction of property by tenant. Any person who, being possessed of a dwelling house or other building, or part of a dwelling house or other building, held for any term of years or other less term, or at will, or held over after the termination of any tenancy, shall unlawfully and maliciously (1) pull down or demolish or begin to pull down or demolish the same or any part thereof, or (2) pull down or sever from the freehold any fixture fixed in or to such dwelling house or building, or part thereof, shall be adjudged a disorderly person

Source R S 2 144-1

2A:202-97. Definitions. Whenever used in this chapter

a The term "established tariff charge" is the charge set forth in the tariff as published and filed by the railroad, parlor or sleeping car owner or operator, steamship company, air line or bus line involved

b The term "passage ticket" includes, each passage ticket or combination of tickets issued by any railroad, parlor or sleeping car owner or operator, steamship company, air line or bus line, required by any 1 passenger for transportation from his original point of departure to final destination

c The term "reservation or passenger accommodation" includes each reservation or passenger accommodation issued by any railroad, parlor or sleeping car owner or operator, steamship company, air line or bus line, for the use of a passenger between his original point of departure and final destination

d The term "charge" shall include any service charge, fee, payment or consideration required, charged, made or received for rendering the service or procuring or transferring a ticket, reservation or passenger accommodation

e The terms "procure" and "procurement" shall include procuring by purchase or otherwise

Source L 1944, c 12, p 35, §1

2A:202-98. Sale, procurement, etc., of passage ticket, reservation or passenger accommodation above established tariff charge. Any person, whether acting on behalf of himself or another person, who

1 Sells, resells, or causes to be resold, or offers to sell or resell, any ticket, reservation or passenger accommodation, at a price in excess of \$100 above the established tariff charge or charges therefor, or

2 Procures or possesses or offers to procure any ticket, reservation or passenger accommodation, with the intent to sell or resell the same, or to cause the same to be sold or resold, at a price

in excess of \$100 above the established tariff charge or charges, or

3 Requires, makes or receives a charge in excess of \$100 for the procurement or transfer of a ticket, reservation or passenger accommodation, or

4 Procures or possesses or offers to procure a ticket, reservation or passenger accommodation, with the intent to require, make or receive a charge therefor in excess of \$100,

Shall be adjudged a disorderly person

Proof of the sale or resale of or offer to sell or resell a ticket, reservation or passenger accommodation at a price in excess of the amount or amounts herein specified, shall be presumptive evidence of the intent specified in this section

Proof of the making or receiving of any charge in excess of \$100 shall be presumptive evidence of the intent specified in this section

The person responsible for the management of each travel agency and hotel operating within the state of New Jersey shall cause a copy of this act to be posted in a conspicuous place upon the premises of the agency or hotel for the information of patrons, guests and members of the public at large.

This section shall not apply to tickets, reservations or passenger accommodations (a) to or from places outside of the continental United States and Canada, excluding Alaska nor (b) to existing written contracts between any travel agency and any corporation, firm or government agency covering tourist or travel services

Source L 1944, c 12, p 36, §2, L 1944, c 12, p 36, §3, L 1944, c 12, p 36, §4, L 1944, c 12, p 37, §5, L 1944, c 12, p 37, §6

2A:202-99. Selling tickets in excess of established price. Any person who shall sell or offer to sell or dispose of, or have in his possession with intent to sell or dispose of, any ticket of admission, or any ticket entitling the holder to the use of a reserved seat in or on any theater, athletic field, stadium or other public place of amusement or entertainment within this state, at or for a price in excess of the sale price established for such ticket as printed on the face thereof, shall be adjudged a disorderly person

Source R S 2 108-1

Note of Reporter A similar statute was held unconstitutional. See New York law which follows (From New York statute)

Ticket speculators

Any person who

1 Conducts on or in any street in a city the business of selling or offering for sale any ticket of admission or any other evidence of the right of entry to any performance or exhibition in or about the premises of any theater or concert hall, place of public amusement, circus or common show, or

2 Solicits on or in any street in a city by words, signs, circulars or other means any person to purchase any such ticket or other evidence of the right of entry, or

3 In or from any building, store, shop, booth, yard, garden, or in or from any opening, window, door, hallway, corridor or in or from any place of ingress or egress to or from any building, place of business, store, shop, booth, yard or garden in a city indicates, holds out or offers for sale to any person or persons

on or in the street by word of mouth, crying, calling, shouting or other means that such ticket or other evidence of the right of entry may be purchased in such building, store, shop, booth, yard, garden or any other place, or

4 In or from such place or places in a city solicits by word of mouth, crying, calling, shouting or other means any person on or in the street to purchase any such ticket or other evidence of the right of entry,

Shall be adjudged a disorderly person

2A:202-100. Counterfeiting trade-marks; sale of goods bearing false trade-mark. Any person who shall knowingly and willfully forge or counterfeit or cause or procure to be forged or counterfeited, upon any goods, wares or merchandise, the private stamps or labels of any mechanic or manufacturer, with intent to defraud the purchasers or manufacturers of any goods, wares or merchandise, or who shall vend any goods, wares or merchandise having thereon any forged or counterfeited stamps or labels purporting to be the stamps or labels of any mechanic or manufacturer, knowing the same to be forged or counterfeited, without disclosing the fact to the purchaser, shall be adjudged a disorderly person

Source R S 2 172-1

2A:202-101. Appropriating property bearing name, label or trade-mark of owner; possession; definitions. Any person who shall have in his possession, goods, wares, chattels, articles or other personal property belonging to another, which shall have the name, label or trade-mark of the true owner stamped, marked, sewed or otherwise impressed thereon or therein, and willfully appropriates said property to his use, or to the use of another not entitled thereto, without having first made every reasonable effort to find the true owner thereof for the purpose of restoring said property to said true owner, shall be adjudged a disorderly person

The possession by any person, other than the true owner or his lessee or sublessee, of any goods, wares, chattels, articles or other personal property belonging to another, which shall have the name, label or trade-mark of the true owner stamped, marked, sewed or otherwise impressed thereon or therein, shall be prima facie evidence of an intent to willfully appropriate said property to his use, or the use of another not entitled thereto, without having first made every reasonable effort to find the true owner thereof for the purpose of restoring said property to said true owner

As used in this section

"Appropriates" or "appropriate" shall be construed to include cleaning, processing, supplying, serving or servicing the property described herein

"Person" shall be construed to mean and include a person, persons, firm, copartnership, society, agency, corporation, association, unincorporated association or other corporation of any character whatsoever

Source R S 2 172-2, R S 2 172-3, R S 2 172-4

2A:202-102. Sale, etc., of containers bearing name or trade-mark of advertised or standard nationally advertised face lotion, etc. Any barber, beautician, hairdresser, or any owner of a barber shop, beauty shop, barber school or barber college, or any employee, agent or servant of any barber, beautician or hairdresser, or any other person who shall use, give, offer for sale or sell any containers bearing the name or trade-mark of any advertised or standard nationally advertised face lotion, hair tonic, cream or cosmetic, shall be adjudged a disorderly person

Source R S 2 149-6

2A:202-103. Preparation, sale, etc., of substitute face lotions, etc., under name or in containers of trade-marked, advertised or standard nationally advertised products. Any barber, beautician, hairdresser, or any owner of a barber shop, beauty shop, barber school or barber college, or any employee, agent or servant of any barber, beautician or hairdresser, or any other person who shall prepare, bottle, offer for sale, sell or use, any substitute face lotion, hair tonic, cream or cosmetic, under the name of any trade-marked, advertised or standard nationally advertised product, or in any container of such trade-marked, advertised or standard nationally advertised product, shall be adjudged a disorderly person

Source R S 2 149-5

2A:202-104. Purchase or sale of goods "not to be sold." Any person who shall purchase, sell, dispose of or traffic in any property, goods or chattels which contain the words "not to be sold", a description of which is filed and registered, according to law, in the offices of the county clerks of this state, without the consent of the owner or owners thereof, shall be adjudged a disorderly person

Source R S 2 149-4

2A:202-105. Trespassing; penalty. Any person who shall trespass on any lands, except fresh-meadow land over which the tide has ebbed and flowed continuously for 20 years or more, after forbidden so to trespass by the owner, occupant, lessee or licensee thereof, or after public notice on the part of the owner, occupant, lessee or licensee forbidding such trespassing shall have been conspicuously posted as provided by section 2A.77-1 of this title, shall be adjudged a disorderly person and punished by a fine not exceeding \$50 00

Source R S 2 202-31

Note of Reporter Amended and broadened so as to prohibit all trespassing

2A:202-106. Removing or defacing posted notices against trespassing. Any person who shall willfully or maliciously remove, deface or alter any notice posted in accordance with section 2A.77-1 of this title, with intent to destroy such notice, shall be adjudged a disorderly person, and punished by a fine not exceeding \$50 00 or

imprisonment in the county jail not exceeding 30 days, or both

Source R S 2 174-3

2A:202-107. Removing or injuring notices or advertisements. Any person who shall willfully or maliciously take down, remove or injure any notice, advertisement or other placard legally and publicly set up by an officer or person in accordance with the laws of this state, before the time to which such notice, advertisement or placard relates, shall be adjudged a disorderly person
Source R S 2 120-2

2A:202-108. Unlawful dumping of junk on private property. Any person, firm or corporation that shall dump on or tow to open fields or other private property, without first obtaining the permission of the owner of such property, any abandoned automobile, automobile parts or other junk, shall be adjudged a disorderly person
Source R S 2 202-10

2A:202-109. Persons unable to give good account of themselves, engaging in illegal occupation, in state for unlawful purpose, consorting with criminals. Any person who shall be apprehended who cannot give a good account of himself, or who is engaged in an illegal occupation and who is in this state for an unlawful purpose, shall be adjudged a disorderly person. In any prosecution under this paragraph the fact that the person apprehended cannot give a good account of himself or is engaged in an illegal occupation shall be prima facie evidence that he is present in this state for an unlawful purpose.

Any person who shall be apprehended and shall be proven to the satisfaction of the magistrate, recorder or judge before whom he shall be brought to be a person who is engaged in an illegal occupation or who bears a bad reputation, and consorts for an unlawful purpose with thieves, burglars, pickpockets, swindlers, confidence men, or other criminals or persons who bear a bad reputation shall be adjudged a disorderly person. In any prosecution under this paragraph the fact that the person apprehended is engaged in an illegal occupation or bears a bad reputation and is found consorting with thieves, burglars, pickpockets, swindlers, confidence men, or other criminals, or persons who bear a bad reputation, shall be prima facie evidence that such consorting was for an unlawful purpose.

Source R S 2 202-16

2A:202-110. Possession of lottery or numbers, slips or paraphernalia. Any person who shall have in his possession or custody any lottery slips, books or records pertaining to a lottery, or any person who shall have in his possession or have in an automobile in his custody any ticket or tickets, slip or slips, paper, document or memoranda in any way pertaining to the business of a number game, shall be adjudged to be a disorderly person. "Number game" as used in this paragraph is defined as any betting on any num-

ber or numbers, or sets or arrangements of numbers, on or according to any plan or method whatsoever

Source R S 2 202-16

2A:202-111. Attending or frequenting places for unlawful purposes. Any person who shall attend or frequent any place, public or private, for the purpose of committing a crime or an offense defined by the disorderly persons law, shall be adjudged a disorderly person

Note of Reporter New Substitute for present 2 202-5 and 2 202-6

2A:202-112. Persons possessing ammunition, explosive missiles; fuses, etc., to notify police; presentation for inspection. Every person who has, or shall become, the possessor of any ammunition, explosive missile, shell, projectile, fuse designed for use with any weapon, or other explosive weapon, which is loaded or as to which it cannot be determined by casual inspection whether or not it is loaded, except such as is possessed for lawful commercial or other purposes in connection with which the use of explosives is authorized or is suitable for use in a pistol, revolver, shotgun or rifle, shall notify the police authorities of the municipality in which he resides or the state police that the same is in his possession and present the same to them for inspection.

When any such ammunition, explosive missile, shell, projectile, fuse, or other explosive weapon is presented for inspection, the same shall be inspected to ascertain whether or not it is loaded or is of a dangerous character and if the same shall be found to be loaded or of a dangerous character, it shall be unloaded or be so processed as to remove its dangerous character before being returned to the possessor and if it is not possible to unload, or remove the dangerous character of, the same, it shall be destroyed.

Any police officer knowing or having reasonable cause to believe that any person is possessed of any such ammunition, explosive missile, shell, projectile, fuse, or other explosive weapon, shall investigate, under a proper search warrant when necessary, which it shall be his further duty to apply for, and shall seize the same for the purpose of inspection, unloading, processing or destruction, as provided in this act, and the same shall not be returned to the possessor thereof until the same has been unloaded or so processed.

Any person who has, or shall, become the possessor of any such ammunition, explosive missile, shell, projectile, fuse, or other explosive weapon, and does not, within 30 days after the effective date of this act, or within 30 days after becoming the possessor thereof, as the case may be, notify the police authorities of the municipality in which he resides or the state police that the same is in his possession, and present the same to them for inspection, shall, upon conviction, be adjudged a disorderly person.

Source L 1947, c 354, p 1149, §1, L 1947, c 354, p 1149, §2, L 1947, c 354, p 1149, §3, L 1947, c 354, p 1149, §4

Chapter 203. PUNISHMENT OF DISORDERLY PERSONS.

Section

- 2A 203-1 Arrest of disorderly person without process, exceptions
 2A 203-2 General penalty
 2A 203-3 Imprisonment on failure to pay fine
 2A 203-4 Defendant may be placed on probation

2A:203-1. Arrest of disorderly person without process; exceptions. Every constable or police officer shall, and any other person may, apprehend, without warrant or process, any disorderly person, and take him before any magistrate of the county where apprehended
 Source R S 2 206-2

2A:203-2. General penalty. Except as otherwise expressly provided, a person convicted of being a disorderly person shall be punished by imprisonment in the penitentiary or county jail for a term not exceeding 1 year, or by a fine not exceeding \$1,000, or by both such fine and imprisonment
 Source R S 2 205-1, as am L 1942, c 314, p 1148, §1

2A:203-3. Imprisonment on failure to pay fine. When any person defaults in the payment of a fine imposed upon him upon his conviction as a disorderly person, it shall be lawful for the court to commit him to the county jail or penitentiary, as it may see fit, until the fine has been paid. If the fine is not paid, the person so committed shall be discharged from custody after serving the number of days which shall be equal to one-third the dollars of fine imposed.
 Source R S 2 205-2, as am L 1942, c 314, p 1148, §2

2A:203-4. Defendant may be placed on probation. In any such proceeding, the magistrate may, after conviction or after a plea of guilty nolo contendere or non vult, suspend the imposition or execution of sentence, and may place the

Section

- 2A 203-5 Security to keep the peace
 2A 203-6 Copy of conviction as warrant of commitment
 2A 203-7 Fines to be paid to municipality
 2A 203-8 Limitation of prosecutions

defendant on probation under the supervision of the chief probation officer of the county for a period of not more than 1 year
 Source R S 2 206-5

2A:203-5. Security to keep the peace. If any person be convicted of any disorderly persons offense, the court before whom the conviction shall be had, in addition to the penalty prescribed may order that such offender shall find surety to keep the peace or be of good behavior, or both, in such sum and for such time as the court shall judge proper
 Source R S 2 192-2

2A:203-6. Copy of conviction as warrant of commitment. When the defendant is to be committed to jail the magistrate may sign the conviction in duplicate and one of the duplicate copies shall serve the purpose of a warrant of commitment
 Source R S 2 206-7

2A:203-7. Fines to be paid to municipality. All fines collected shall be paid to the treasurer of the municipality wherein the offense was committed
 Source R S 2 206-9

2A:203-8. Limitation of prosecutions. No person shall be prosecuted, tried or punished for any disorderly persons offense, unless the complaint therefor shall be filed within 1 year from the time of committing the offense. This section shall not apply to any person fleeing from justice
 Source New This is to provide uniformity in the law

Chapter 205 to Chapter 211. Blank.**Subtitle 16. BLANK.****Subtitle 17. CRIMINAL JUDICIAL DISTRICT COURTS.****Chapter 212. CONSTITUTION AND PERSONNEL.**

Section

- 2A 212-1 Creation and incorporation of criminal judicial districts
 2A 212-2 Designation and numbering of criminal judicial districts
 2A 212-3 Criminal court established in each district, designation
 2A 212-4 Criminal judicial districts created
 2A 212-5 Criminal court of record, seal, contempt
 2A 212-6 Judges, qualifications, appointment, term, vacancies, major political parties to have equal representation, when
 2A 212-7 Judge of one court sitting in another court, sitting in place of judge upon request

Section

- 2A 212-8 Salaries of judges
 2A 212-9 Clerk, appointment, term, removal
 2A 212-10 Bond of clerk
 2A 212-11 Sergeants at arms, court attendants, appointment, general powers and duties
 2A 212-12 Salaries of clerk, sergeants at arms and court attendants
 2A 212-13 Quarters and facilities for court, provision therefor where county board fails to act
 2A 212-14 Salaries and maintenance expenses paid by county, annual appropriation
 2A 212-15 Powers of county court and grand juries not affected

2A:212-1. Creation and incorporation of criminal judicial districts. The legislature may create and incorporate criminal judicial districts in any county. Each judicial district shall contain a population of not less than 50,000 inhabitants.

Source R S 2 212-1, as am L 1940, c 200, p 856, §1

2A:212-2. Designation and numbering of criminal judicial districts. Each incorporated criminal judicial district shall be called "The (number) criminal judicial district of the county of (name of county)". The criminal judicial districts of each county shall be numbered consecutively as each district may be incorporated.

Source R S 2 212-2

2A:212-3. Criminal court established in each district; designation. There shall be created and established in each incorporated criminal judicial district a criminal court to be known as "The court of (number) criminal judicial district of the county of (name of county)".

Source R S 2 212-3

2A:212-4. Criminal judicial districts created. The following enumerated acts, establishing and incorporating county criminal judicial districts, are saved from repeal

Bergen County

Criminal judicial district L 1944, c 39, p 95, entitled "An Act to incorporate the criminal judicial district of the county of Bergen", approved March 10, 1944 (This district comprises all of the county of Bergen)

Hudson County

First, second, third and fourth criminal judicial districts L 1940, c 201, p 859, entitled "An Act concerning administration of civil and criminal justice, and supplementing Title 2, subtitle 17, entitled 'criminal judicial district courts,' and incorporating the first, second, third and fourth criminal judicial districts in the county of Hudson", passed October 2, 1940 (The first district comprises the city of Bayonne, and the seventh, eighth and ninth wards of Jersey City, the second district the town of Kearny, the town of Harrison, and the borough of East Newark; the third district the town of Guttenberg, the township of North Bergen, the township of Weehawken, the town of Secaucus, the town of West New York, and the city of Union City; and the fourth district the city of Hoboken, and the first, second, third, fourth, fifth, sixth, tenth, eleventh and twelfth wards of Jersey City)

Passaic County

First criminal judicial district L 1941, c 201, entitled "An Act to amend an act entitled 'An Act to incorporate the first criminal judicial district in the county of Passaic,' approved March 30, 1931 (P. L. 1931, c 39), and to repeal 'An Act to incorporate the second criminal judicial district of the county of Passaic,' approved March 30, 1931 (P. L. 1931, c 40)", approved June 14, 1941 (This district comprises all of the county of Passaic)

2A:212-5. Criminal court of record; seal; contempt. Each criminal judicial district court shall be a court of record and have an official seal which shall bear the impress of the name of the court

Source R S 2 212-5

2A:212-6. Judges; qualifications; appointment; term; vacancies; major political parties to have equal representation, when. The judge of each criminal judicial district court shall be an attorney at law of New Jersey, and shall reside in the county in which the court to which he is to be appointed is established. Each judge shall be appointed by the governor, by and with the advice and consent of the senate, for a term of 5 years, and until his successor is appointed and qualified. Vacancies, by reason of resignation, death, removal or otherwise, shall be filled in the same manner for the unexpired term only. Nothing herein contained shall affect the unexpired terms of judges of criminal judicial district courts heretofore appointed.

When 2 or more criminal judicial districts are incorporated the judges shall be selected in such manner as to give each of the major political parties equal representation.

Source R S 2 212-6, as am L 1940, c 200, p 857, §2, L 1944, c 23, p 62, §1

2A:212-7. Judge of one court sitting in another court; sitting in place of judge upon request. The judge of any criminal judicial district court may sit as judge in any other such court within the same or any other criminal judicial district.

Whenever any judge of a criminal judicial district court shall be unable to sit as such judge he may designate any other judge of a criminal judicial district court, or any magistrate of a municipal court of the county who is an attorney at law, to sit for him temporarily and hold the court. Any such designation shall be made in writing and shall be filed in the court, and any such person so designated, while sitting temporarily, shall have the powers of the judge of such criminal judicial district court.

Source R S 2 212-8

2A:212-8. Salaries of judges. The annual salaries of the judges of the criminal judicial district courts shall be

a In judicial districts having a population of not more than 100,000, \$3,000 00,

b In judicial districts having a population of not less than 100,000 and not more than 145,000, \$3,500 00;

c In all other judicial districts, except judicial districts in counties of the second class, \$5,000 00, and

d In judicial districts, in counties of the second class, \$7,500 00

Source R S 2 212-9, as am L 1949, c 301, p 926, §1

2A:212-9. Clerk; appointment; term; removal. Each judge of a criminal judicial district court shall appoint a clerk of his court, who shall hold office during good behavior, and who shall be

removed for cause only after an opportunity to be heard respecting the cause assigned for removal

Source R S 2 212-10

2A:212-10. Bond of clerk. Each criminal judicial district court clerk shall, within 10 days after his appointment, enter into a bond to the state of New Jersey in such sum and with such sureties as shall be approved by the judge of the court, conditioned for the faithful performance of the duties of his office. The bond shall be renewed annually.

Source R S 2 212-11

2A:212-11. Sergeants at arms; court attendants; appointment; general powers and duties. Each judge of a criminal judicial district court shall appoint such sergeants at arms and court attendants as, in his judgment, may be necessary for the proper maintenance of the court, who shall, during their continuance in office be vested with and possess all the rights, privileges, powers and duties of a constable of the county.

Source R S 2 212-15

2A:212-12. Salaries of clerk, sergeants at arms and court attendants. The salaries of the clerk, sergeants at arms and court attendants of each criminal judicial district court shall be fixed by the judge of the court and approved by the board of freeholders. The salary of the clerk shall not exceed \$4,000 00 annually. The salary of the sergeant at arms shall not exceed \$3,300 00 annually. The salary of each court attendant shall not exceed \$2,800 00 annually.

Source R S 2 212-17, as am L 1946, c 186, p 774, §1

2A:212-13. Quarters and facilities for court; provision therefor where county board fails to act. The board of chosen freeholders of each county in which a criminal judicial district court exists shall provide suitable quarters for each such court in the county and its officers, together with the proper equipment, supplies, transportation and places of detention. In the event that such quarters or the proper equipment or supplies or transportation or places of detention are not provided by the said board within 10 days after written demand therefor by the judge of any such court, provision for all or any of the foregoing facilities may be made by such judge for and on behalf of the said board and the cost or expense thereof shall be paid by the said board upon warrant of the judge.

Source R S 2 212-19, as am L 1940, c 200, p 857, §3

2A:212-14. Salaries and maintenance expenses paid by county; annual appropriation. The salaries of the judges, officials and appointees provided for by this chapter shall be paid by the board of chosen freeholders of the county in which the criminal judicial district court is established, and such board shall likewise pay and defray the expenses for the maintenance of the court, and shall appropriate annually sufficient money to provide for the proper maintenance and support of the court.

Source R S 2 212-20

2A:212-15. Powers of county court and grand juries not affected. Nothing contained in this subtitle shall be construed to affect or abridge in any manner the powers of any county court or grand jury.

Source R S 2 212-21

Chapter 213. JURISDICTION.

Section

2A 213-1 Exclusive jurisdiction

2A 213-2 Concurrent jurisdiction

2A:213-1. Exclusive jurisdiction. Except as otherwise specifically provided by law, each criminal judicial district court shall have exclusive criminal jurisdiction within the territory comprised by the criminal judicial district in which it exists to try and determine all cases involving

a Violations of Title 44;

b Violations of sections 19 34-6, 19 34-7, 19 34-11, 19 34-12, 19 34-13, 19 34-15, 19 34-28 and 19 34-38 of the Revised Statutes, or any of them.

Source R S 2 213-1, as am L 1940, c 200, p 857, §4

2A:213-2. Concurrent jurisdiction. Each criminal judicial district court shall have concurrent jurisdiction

a With the several municipal magistrates, to try and determine all cases involving any violation set out in sections 2A:9-15 and 2A:9-16 of

Section

2A 213-3 Cases referable to court by judge of county court

2A 213-4 Powers of municipal court magistrate

the Revised Statutes, except where such jurisdiction is made exclusive by section 2A 213-1 of this title.

b Of violations of any civilian defense legislation for which a person may be adjudged a disorderly person.

c With the county courts, to try and determine all misdemeanors other than high misdemeanors, where such misdemeanors are committed within the limits of the criminal judicial district in which such criminal judicial district court is established, and the person or persons charged with any offense shall in writing waive indictment and trial by jury.

Source R S 2 213-2, and see P L 1948, c 394, §11, as am P L 1949, c 80

2A:213-3. Cases referable to court by judge of county court. The judge of the county court of any county in which a criminal judicial dis-

strict court is established may refer to the judge of such criminal judicial district court, for trial and determination, with power to determine, adjudge, convict and sentence, any case before the county court wherein trial by jury is waived,
Source R S 2 213-3

2A:213-4. Powers of municipal court magis-

trate. Each criminal judicial district court and the judge thereof shall have, possess and exercise, in addition to the powers and jurisdiction which such court and judge may have and those specifically granted by this subtitle, all the powers, authority and jurisdiction in criminal cases of a magistrate of the municipal court
Source R S 2 213-4

Chapter 214. PRACTICE AND PROCEDURE.

Section

2A 214-1 Trial by jury

2A 214-2 Holding to bail, commitment in default of bail

Section

2A 214-3 Powers of clerk

2A:214-1. Trial by jury. No person tried in a criminal judicial district court shall be entitled to a trial by jury, except in

a Actions or proceedings for the violation of ordinances of any municipality within the limits of the criminal judicial district in which the court is established,

b Cases arising under chapter 17 of the Title 9, and under Title 44 of the Revised Statutes, and

c Cases of desertion and nonsupport under subtitle 15 of this title

Source R S 2 214-12

2A:214-2. Holding to bail; commitment in default of bail. Any person waiving indictment and trial by jury in cases under section 2A 213-1 of

this title, may be held to bail to appear for trial in a criminal judicial district court, at such time as may be fixed, and in default of such bail, any such person may be committed to the county jail of the county in which the court is established

Source R S 2 214-8

2A:214-3. Powers of clerk. Each clerk of a criminal judicial district court shall have all the power and authority granted by law to clerks of courts of record He may

a Take any complaint or affidavit to be used in the court, and

b Administer any oath or affirmation proper to be administered in the court

Source R S 2 214-9

Subtitle 18. OTHER COURTS OF INFERIOR JURISDICTION.

Chapter 215. COUNTY TRAFFIC COURTS.

Section

2A 215-1 County traffic magistrate, county traffic court, seal, contempt

2A 215-2 Clerk of traffic court, appointment, powers and duties

2A 215-3 Jurisdiction

Section

2A 215-4 Bail

2A 215-5 Summary arrest, imprisonment pending bail

2A 215-6 Subpoena of witnesses, penalty for failure to appear or testify

2A:215-1. County traffic magistrate; county traffic court; seal; contempt. In any county having a county police force, the board of chosen freeholders may appoint a county traffic magistrate who shall hold office for a term of 2 years and receive such salary as the board may fix

The court of such magistrate shall be known as the "county traffic court", shall be a court of record and shall have an official seal All persons shall be amenable to punishment for contempt of such court in the same manner as in other courts of record in the state having power to punish for contempt of court

Source R S 2 229-1

2A:215-2. Clerk of traffic court; appointment; powers and duties. The county traffic magistrate may appoint a clerk The clerk may take any complaint or affidavit to be used in the court, and may administer any oath proper to be ad-

ministered in the court He shall have all the power and authority granted by law to the clerks of courts of record

Source R S 2 229-2

2A:215-3. Jurisdiction. The county traffic court shall have power to hear and determine all complaints made by any member of the county police force or any other person for the violation of any law, ordinance or regulation affecting the use of motor vehicles or regulating traffic, whether the alleged violation occur upon a county road or otherwise The court shall also have jurisdiction to try and determine cases for the alleged violation of subtitle 15 of this title (§2A-201-1 et seq), where such violation occurs upon any of the highways or at any place within the county in which the court is situate

The county traffic magistrate shall also have all the powers of a committing magistrate as

provided by subtitle 14 of this title (§2A.178-1 et seq)

Source R S 2 229-3

2A:215-4. Bail. The magistrate of the court, or the clerk thereof in his absence, may take bail in all bailable cases, provided the amount of such bail when taken by the clerk shall have been fixed by the magistrate

Source R S 2 229-6

2A:215-5. Summary arrest; imprisonment pending bail. In all cases of summary arrest, the defendant may be confined in any county prison, the county jail or in the municipal prison in the municipality in which the violation complained of was committed, pending bail, for trial before the county magistrate

Source. R S 2 229-7

2A:215-6. Subpoena of witnesses; penalty for failure to appear or testify. The traffic court shall have power to subpoena persons as witnesses Any person so summoned who shall not appear, or appearing, refusing to serve or give evidence shall be fined for every such default or refusal, unless some reasonable cause be assigned, not more than \$100 00 or less than \$1 00 in the discretion of the magistrate of the court, and in default of the payment of the fine, shall be committed to the county jail in the county in which the court is established, until the fine is paid, unless sooner discharged by order of the court Any fine so collected shall be paid over to the treasurer of the county in which the court is established

Source R S 2 229-8

Chapter 216 to Chapter 227. Blank.

Subtitle 19. Blank.

Chapter 228 to Chapter 230. Blank.

Table Showing Disposition of Statutes Contained In Title 2 of the Revised Statutes Chapter 1 to Chapter 230

All the statutes listed below are to be repealed		Comment or proposed new citation	All the statutes listed below are to be repealed		Comment or proposed new citation
Chapter 1. COURT OF ERRORS AND APPEALS.			C 9.1A-19		
R S 2 1-1, as am.			(L 1948, c 327, §6).....	Rule 3 104-5	takes the place of this statute
L 1946, c 189, 2 1-2	Obsolete		2.1A-20		
C. 2:1-21			(L 1948, c 327, §5).....	Rule 3 104-6	takes the place of this statute
(L 1941, c 282, §1).....	Obsolete		2 1A-21		
R S 2:1-3 to 2.1-4	Obsolete		(L 1948, c 327, §7)	Rule 3 104-7	takes the place of this statute
R S 2:1-5, as am			2.1A-22		
L 1946, c. 190, 2:1-8	Obsolete		(L 1948, c 327, §8).....	Rule 3 104-8	takes the place of this statute
Chapter 1A. SUPREME AND SUPERIOR COURTS [New].			2 1A-23		
C 2:1A-1			(L 1948, c 327, §9).	Effective date of act	
(L 1948, c. 270, §1) ..	First two sentences are to be found in 2A 1-1 Last sentence is to be found in 2A 2-1		2:1A-24		
2:1A-2			(L 1948, c 360, §1) ...	2A 2-14	
(L 1948, c. 270, §2)	Effective date of act		2:1A-25		
2.1A-3			(L 1948, c 360, §2).	2A 2-15	
(L 1948, c. 382, §2)	2A 2-1		2:1A-26		
2 1A-4			(L 1948, c 360, §3)...	2A 2-16	
(L 1948, c 382, §2)	2A 2-2		2.1A-27		
2 1A-5			(L 1948, c 360, §4)	2A 2-17	
(L 1948, c 283, §3)	2A 2-3		2:1A-28		
2:1A-6			(L 1948, c 360, §5).	2A 2-18, 2A 2-19	
(L 1948, c 382, §4).	Effective date of act		2 1A-29		
2 1A-7			(L 1948, c 360, §6)	2A 2-19	
(L 1948, c 389, §1)	2A 1-2, 2A 2-4		2 1A-30		
2.1A-8			(L 1948, c 360, §7)	2A 2-20	
(L 1948, c 389, §2) ..	2A 1-2, 2A 2-4		2 1A-31		
2 1A-9			(L 1948, c 360, §8)	Effective date of act	
(L 1948, c 389, §3)	2A 1-3, 2A 2-5		2:1A-32, as am		
2 1A-12			L 1950, c 64, §1 ..	This is to be included in article 22 of 2A 27 having to do with judgments	
(L 1948, c 389, §6)...	2A 2-4, 2A 2-6		2 1A-33		
2 1A-10			(L 1949, c 137, §2).....	This is to be included in article 22 of 2A 27 having to do with judgments	
(L 1948, c 389, §6)	2A 1-5, 2A 2-7		2 1A-34		
2:1A-11			(L 1949, c 137, §3) ..	This is to be included in article 22 of 2A 27 having to do with judgments	
(L 1948, c 389, §5)	2A 1-6, 2A 2-8		2 1A-35		
2 1A-13			(L 1949, c 265, §1).	2A 3-22	
(L 1948, c 389, §7)	2A 16-3		Chapter 1B. COUNTY COURTS [New].		
2 1A-14			C 2 1B-1		
(L 1948, c 389, §8)	Effective date of act		(L 1948, c 365, §1)	2A 3, 2A 3-4, 3A 1-1	
2 1A-14 1			2.1B-2		
(L 1948, c 139, §1).....	2A 2-9		(L 1948, c 365, §2)	2A 3-11, 2A 3-12	
2 1A-15			2 1B-3		
(L 1948, c 327, §1) ..	This is Rule 3 104-1. The statute is unnecessary		(L 1948, c 365, §3)	2A 3-13, 2A 3-17 to 2A 3-21, 2A 3-11	
2 1A-16			2 1B-4		
L 1948, c 327, §2, as am L 1949, c 147, §)	Rule 3 104-2 take the place of this statute		(L 1948, c 365, §4).	2A 3-14	
2 1A-17			2:1B-5		
(L 1948, c 327, §3)	Rule 3 104-3 takes the place of this statute		(L 1948, c. 365, §5)...	2A 3	
2 1A-18					
(L 1948, c 327, §4).	Rule 3 104-4 takes the place of this statute				

REVISION TITLE 2A

All the statutes listed below are to be repealed	Comment or proposed new citation	All the statutes listed below are to be repealed	Comment or proposed new citation
2 1B-6 (L 1948, c 365, §6)	Unnecessary in view of the constitution	2 1B-23 (L 1948, c 365, §23)	The particular statutes on partition, dower and curtesy will be modified, rather than leave the matter to a general provision such as this
2 1B-7 (L 1948, c 365, §7)	Unnecessary in view of the constitution	2 1B-24 (L 1948, c 365, §24)	2A 3-1
2 1B-8 (L 1948, c 365, §8)	2A 3-1	2 1B-25 (L 1948, c 365, §25)	2A 3-10
2 1B-9 (L 1948, c 365, §9)	2A 3-2	2 1B-26 (L 1948, c 365, §26)	Rule 5 2-2 covers this
2 1B-10 (L 1948, c 365, §10)	2A 3-23	2 1B-27 (L 1948, c 365, §27)	3A 1-2
2 1B-11 (L 1948, c 365, §11)	2A 3-24	2 1B-28 (L 1948, c 365, §28)	3A 1-2
2 1B-12 (L 1948, c 365, §12)	Rule 5 2-2	2 1B-29 (L 1948, c 365, §29)	Attachments to punish for contempt are abolished See Rule 3 80 The re- mainder of the section is to be found in 2A 3-8
2 1B-13 (L 1948, c 365, §13)	2A 3-25	2 1B-30 (L 1948, c 365, §30)	2A 3-8
2 1B-14 (L 1948, c 365, §14)	Unnecessary	2 1B-31 (L 1948, c 365, §31)	Practice and procedure, and therefore omitted
2 1B-15 (L 1948, c 365, §15)	The power to issue process to witness is inherent in every court of general jurisdiction Outside of R S 3 1-2, there was no statute on the matter prior to C 2 1B-15	2 1B-32 (L 1948, c 365, §32)	3A 1-3
C 2 1B-16 (L 1948, c 365, §16)	The power of adjournment is inherent in every court of general jurisdiction	2 1B-33 (L 1948, c 365, §33)	Rule 5 3-8 covers this
2 1B-17 (L 1948, c 365, §17)	This statute was taken from the second paragraph of R S 2 6-22, which was applicable only where there was no official ste- nographer in the county C 2 1B-17, as it stands, is inconsistent with C. 2 16-24 1	2 1B-34 (L 1948, c 365, §34)	2A 3-29
2 1B-18 (L 1948, c 365, §18)	Rule 3 63 applicable to the county court is more com- prehensive	2 1B-35 (L 1948, c 365, §35)	Rule 3 39-1 provides for an advisory jury, and it is ap- plicable to the probate division of the county court by Rules 3 101-5 and 5.3-1
2 1B-19 (L 1948, c 365, §19)	Rule 3 15 applicable to the county court is more com- prehensive	2 1B-36 (L 1948, c 365, §36)	2A 3-32
2 1B-20 (L 1948, c 365, §20)	2A 3-27	2 1B-37 (L 1948, c 365, §37)	2A 3-32, 2A 3-33
2 1B-21 (L 1948, c 365, §21)	2A 3-28	C 2 1B-38 (L 1948, c 365, §38)	2A 3-34
2 1B-22 (L 1948, c 365, §22)	Art VI, sec V, par 2 of the constitution of 1947, together with the rules as to appeals, makes this statute unnecessary. More- over the statute would seem to allow appeals from all interlocutory orders	2 1B-39 (L 1948, c 365, §39)	2A 3-35, 2A 3-33
		2 1B-40 (L 1948, c 365, §40)	This statute, including the provision requiring an order of the probate di- vision, is superfluous The whole matter is compre- hended by 2A 3-35 taken with the caveat found in the last sentence to 2A 3-32
		2 1B-41 (L 1948, c 365, §41)	2A 3-36
		2 1B-42 (L 1948, c 365, §42)	2A 3-37
		2 1B-43 (L 1948, c 365, §43)	2A 3-38
		2 1B-44 (L 1948, c 365, §44)	2A 3-39

DISTRIBUTION TABLE

All the statutes listed below are to be repealed	Comment or proposed new citation	All the statutes listed below are to be repealed	Comment or proposed new citation
2 1B-45 (L 1948, c 365, §45) .	2A 3-31	2 1C-17 (L 1948, c 364, §17) .	3A 2-44 Saved from repeal
2 1B-46 (L 1948, c 365, §46) ..	2A 3-30	2 1C-18 (L 1948, c 364, §18) .	3A 2-46 Saved from repeal
2 1B-47 (L 1948, c 365, §47) .	2A 3-30	2 1C-19 (L 1948, c 364, §19) .	Unnecessary
2 1B-48 (L 1948, c 365, §48) .	This repeals certain statutes	2 1C-20 (L 1948, c 364, §20) .	2A 7-31
2 1B-49 (L 1948, c 365, §49) .	Effective date of act	2 1C-21 (L 1948, c 364, §21) .	2A 7-32
2 1B-50 (L 1949, c 264, §1) .	2A 3-15	2 1C-22 (L 1948, c 364, §22) .	2A 7-33
2 1B-51 (L 1949, c 257, §1)	2A 3-17	2 1C-23 (L 1948, c 364, §23) .	2A 7-13
2 1B-52 (L 1949, c 257, §2) .	2A 3-18	2 1C-24 (L 1948, c 364, §24) .	2A 7-34
2 1B-53 (L 1949, c 257, §3) .	2A 3-19	C 2 1C-25 (L 1948, c 364, §25) .	2A 7-2
2 1B-54 (L 1949, c 257, §4) .	This repeals certain statutes	2 1C-26 (L 1948, c 364, §26) .	This repeals certain statutes
2 1B-55 (L 1949, c 257, §5) .	Obsolete	2 1C-27 (L 1948, c 364, §27) .	Effective date of act
2 1B-56 (L 1949, c 298, §1) .	2A 3-20	Chapter 2. COURT OF CHANCERY.	
2 1B-57 (L 1949, c 298, §2) .	This repeals certain statutes	RS 2 2-1 to 2 2-13	Obsolete
Chapter 1C. SURROGATES [New].		2 2-14, as am L 1949, c 307, p 827	
C 2 1C-1 (L 1948, c 364, §1) .	RS 2 7-12 to 2 7-35 are taken over in 2A 7 and therefore 2 1C-1 is un- necessary	§1	.. Obsolete
2 1C-2 (L 1948, c 364, §2) .	2A 7-1	2 2-15 to 2 2-18	Obsolete
2 1C-3 (L 1948, c 364, §3) .	3A 1-4	2 2-19	2A 2-10
2 1C-4 (L 1948, c 364, §4) .	2A 7-22	2 2-20 to 2 2-23 .	Obsolete
2 1C-5 (L 1948, c 364, §5) .	3A 1-6	2 2-27 to 2 2-29	Obsolete
2 1C-6 (L 1948, c 364, §6) .	3A 1-7	Chapter 3. PREGATIVE COURT.	
2 1C-7 (L 1948, c 364, §7) .	3A 1-8	RS 2 3-1 to 2 3-3	.. Obsolete
2 1C-8 (L 1948, c 364, §8) .	2A 7-24	C 2 3-4 (L 1944, c 173, §1) .	Obsolete
2 1C-9 (L 1948, c 364, §9) .	2A 7-25	Chapter 4. OLD SUPREME COURT.	
2 1C-10 (L 1948, c 364, §10) .	2A 7-26	RS 2 4-1 to 2 4-15	.. Obsolete
2 1C-11 (L 1948, c 364, §11) .	2A 7-27	Chapter 4. CIRCUIT COURTS.	
2 1C-12 (L 1948, c 364, §12) .	2A 7-28	RS 2 5-1 to 2 5-9	.. Obsolete
2 1C-13 (L 1948, c 364, §13) .	New Rule 3 92-5	2 5-15 to 2 5-20 .	.. Obsolete
2 1C-14 (L 1948, c 364, §14) .	New Rule 3 92-5	2 5-21 .	2A 16-47
2 1C-15 (L 1948, c 364, §15) .	3A 2-31	C 2 5-22 to 2 5-27 (L 1948, c 368, §1-6) .	2A 2-21 to 2A 2-26
2 1C-16 (L 1948, c 364, §16) .	3A 2-38	C 2 5-28 (L 1948, c 368, §7) .	Effective date of act
		Chapter 6. COURTS OF COMMON PLEAS.	
		RS 2 6-2, as am L 1948, c 352, §1. . . .	2A 3-11
		2 6-3, as am L 1948, c 330, §1 .	2A 3-13
		2 6-4, as am L 1948, c 101, §1 . .	2A 3-14
		2 6-5 . . .	2A 3-5
		2 6-6 .	2A 3-1; 2A 3-3
		2 6-7 .	The power of adjournment is inherent in every court of general jurisdiction
		RS 2 6-8 .	2A 3-6
		2 6-9	Unnecessary in view of 2A 3-6

REVISION TITLE 2A

All the statutes listed below are to be repealed		Comment or proposed new citation	All the statutes listed below are to be repealed		Comment or proposed new citation
2-6-10		Repealed by L 1949, c 208, §2 Unnecessary in view of the constitution	C 2 7-34 (L 1938, c 97, §2)		2A:7-4
2 6-13		2A 3-7	C 2 7-35 (L 1938, c 97, §3)		2A:7-18
2 6-14		2A:3-16	Chapter 8. DISTRICT COURTS.		
2 6-15		2A:3-26	2 8-1		This is included in 2A 8-1
C 2 6-16 1 (L 1947, c 232, §1)		Superseded by 2:1B-51 and 2:1B-52	2 8-2		Obsolete
C 2-6-16 2 (L 1948, c 300, §1)		Superseded by 2:1B-51 and 2 1B-52	2-8-3		Obsolete
2 6-20		2A:3-21	2 8-4		Obsolete
R S 2-6-21		2A:3-23	2 8-4 1		Obsolete
2 6-25		Obsolete	2-8-4 2		Obsolete
C 2 6-26 (L 1939, c 19, §1)		Superseded by Rule 3.63 which is made applicable to the county court by Rule 5:2-1	2-8-4 3		Obsolete
Chapter 7. ORPHANS COURTS AND SURROGATES.			2 8-4 4		Obsolete
R S 2 7-12		2A:7-1	2 8-4 5		Obsolete
2:7-13, as am			2 8-4 6		Obsolete
L 1943, c 23, §1		2A:7-3	2 8-4 7		Obsolete
2 7-14		2A:7-4	2 8-4 8		Obsolete
2:7-15		2A:7-3, 2A 7-4	2 8-4 9		Obsolete
2 7-16		2A:16-12	2 8-4 10		Obsolete
2 7-17		Unnecessary	2 8-4 11		Obsolete
2 7-18		Serves no sufficient purpose	2 8-4 12		Obsolete
2 7-19, as am			2 8-4 13		Obsolete
L 1947, c 196, §1		2A:7-5	2 8-4 14		Obsolete
2 7-20		2A:7-6	2-8-4 15		Obsolete
C 2 7-20 1 (L 1945, c 61, §1)		Superseded by R S 2:7-19, as amended by L 1947, c 196, §1	2 8-5		Obsolete
C 2 7-20 2 (L 1946, c 195, §1)		Superseded by C 2 7-20 3	2 8-6		Obsolete
C 2 7-20 3 (L 1948, c 301, §1 as am L 1949, c 103, §1)		2A:7-5	2 8-7		Obsolete
R S 2 7-21		Superseded by C 2 7-24 1 (2A 7-11)	2 8-8		2A:8-7
2 7-22		Superseded by C 2 7-24 1 (2A:7-11)	2 8-9		2A:8-8
2:7-23		Superseded by C 2:7-24 1 (2A 7-11)	2 8-9 1		2A:8-9
2:7-24, as am			2-8-9 2		This section is unnecessary
L 1948, c 207, §2		2A:7-11	2 8-9 3		This section is unnecessary
C 2 7-24 1 (L 1948, c 207, §1)		2A:7-12	2-8-9 4		This section is unnecessary
R S 2:7-25		2A:7-14	2 8-10		Covered by R S 2A 16-2
C 2:7-25 1 (L 1945, c 64, §1)		2A:7-15	2 8-11		2A:8-10
R S 2 7-26		2A 7-4	2 8-12		2A 8-11
2:7-27		2A:7-16	2 8-13		The temporary assignment of judges to other courts is a matter of court ad- ministration and is covered by 2A:8-12
2 7-29		2A 7-19	2-8-14		2A:8-15
R S 2:7-30		2A:7-20	2 8-15		This is included in 2A:8-12 which, however, limits the right to sit in other courts and makes it subject to assignment by the su- preme court
2:7-31		2A:7-10	2 8-16		2A:8-13
2 7-32, as am			2 8-17		2A 8-16
L 1948, c 279, §1		2A:7-21	2 8-18		2A 8-17
C 2 7-33 (L 1945, c. 129, §1)		2A:7-17	2 8-19		Covered by 2A:16-3
			2-8-20		2A:8-19
			2 8-21		Unnecessary
			2 8-22		2A 8-20
			2-8-23		Salary provision for clerks included in 2A:8-26
			2 8-23 1		2A 2-26, 2A:8-27
			2 8-24		2A 8-21
			2 8-25		2A 8-30
			2 8-26		2A 8-22
			2-8-27		Unnecessary in view of the fact that the revision pro- vides for clerks, deputy clerks, and clerical assis- tants

DISTRIBUTION TABLE

All the statutes listed below are to be repealed	Comment or proposed new citation	All the statutes listed below are to be repealed	Comment or proposed new citation
2·8-28	..2A 8-23	Chapter 8A. DISTRICT AND MUNICIPAL COURTS.	
2 8-29	..2A·8-24	2.8A-1	 Revision prescribes juris- diction of county district court
2 8-30	..Obsolete	2·8A-2	 Included in 2A 8-2
2 8-31	..2A·8-25	2·8A-3	 2A·8-6
2 8-31 1	..Included under 2A 8-25	2 8A-4	 2A·8-32
2 8-32	..No comment	2 8A-5	 Obsolete because of revision
2 8-33	..Salaries and fees of serge- ants-at-arms are provided for in 2A 8-26	2 8A-6	 2A:8-37 This also includes part of 2 8A-26
2 8-34	..2A·8-31	2 8A-7	 2A:8-5
2 8-35	..Obsolete	2 8A-8	 Obsolete
2·8-36	..Obsolete	2 8A-9	 2A:8-38
2 8-37	..Obsolete	2 8A-10	 Subject to rule
2 8-37 1	..Obsolete	2·8A-11	 2A·8-39
2·8-37 2	..Obsolete	2·8A-12	 Provided for specifically by revision
2 8-37 3	..Included in 2A 8-3 and 2A·8-4	C 2A:8-13	 (L 1948, c 264, §13, as am L 1948, c 394, §2 .
2 8-37 4	..Included in 2A:8-3 and 2A 8-4	C 2·8A-14	 2A 9-4
2 8-37 5	..Included in 2A·8-5	C 2.8A-15	 2A 9-2 Very few courts exist with a name other than "municipal court"
2 8-37 6	..Unnecessary	C 2·8A-16	 2A:9-9, 2A·9-10
2 8-37 7	..Included in 2A 8-14	C 2 8A-17	 2A 9-3
2 8-37 8	..Included in 2A:8-28	C 2·8A-18	 2A·9-5
2·8-37 9	..Unnecessary. Part in 8A·8-18	C 2:8A-19	 2A·9-6
2 8-37 10	..Obsolete	C 2 8A-20	 2A 9-7
2 8-37 11	..2A 8-31	C 2.8A-21	 Magistrate's oath covered by 2A 16-2
2·8-37 12	..Obsolete	C 2·8A-22	 2A·9-8; 2A·9-9
2 8-37 13	..Obsolete	C 2.8A-23	 2A·9-10
2·8-37 14	..Obsolete	C 2·8A-24	 2A 9-12
2·8-37 15	..Rule making power is in the supreme court	C 2·8A-25	 2A·9-13
2 8-37 16	..Obsolete	C 2.8A-26	 2A·9-14; 2A 9-15
2·8-37 17	..Obsolete	C 2·8A-27	 2A:9-19
2 8-38	 2A·8-32	C 2·8A-27 1	 2A·9-20
2 8-38 1	 2A 8-33	C 2:8A-28	 2A·9-16
2 8-39	 Obsolete	C 2·8A-29	 2A·9-17
2 8-40	 2A·8-34	C 2·8A-30	 2A 9-18
2·8-40 1	 Covered by 2A·8-35	C 2 8A-31	 2A·9-23
2 8-40 2	 Obsolete	C 2:8A-32	 2A 9-22
2 8-41	 Blank	C 2·8A-33	 2A 9-24
2 8-42	 2A·8-35	C 2·8A-34	 2A·9-26
2·8-43	 2A·8-36	C 2 8A-34.1	 2A:9-27
2 8-44	 Covered by Rule 7 6-1	C 2·8A-35	 2A 9-28
2 8-45	 Covered by Rule 7 6-1	C.2·8A-36	 2A 9-21
2·8-46	 Obsolete	C 2:8A-37	 2A 9-31
2 8-47	 Obsolete	C 2·8A-38	 2A 9-12, 2A 9-29
2·8-48	 Obsolete	C 2 8A-38 1	 2A 9-15, 2A 9-16, 2A 9-30
2 8-48 - to 2 8-48 26	 Obsolete	C 2 8A-39	 2A 9-9, 2A 9-25
2 8-48 27	 2A·8-15	C 2·8A-40	 Superseded 2A 9-1 et seq proposes to include all necessary jurisdiction and powers
2·8-48 28	 2A·8-15	C 2 8A-41	 Effective date
2 8-49	 Obsolete	C 2·8A-42	 2A·9-32
2·8-50	 Obsolete	C 2·8A-43	 Obsolete
2·8-51	 Obsolete	C 2 8A-44	 Saved from repeal
2·8-52	 2A·8-41	C 2:8A-45	 2A·9-33
2 8-53	 Obsolete	C 2·8A-46	 Obsolete
2·8-54	 Obsolete		
2·8-55	 Obsolete		
2·8-56	 2A·8-42		
2·8-57	 2A·8-43		
2 8-58	 Unnecessary		
2 8-59	 Covered by Rule 7 16-4		
2·8-60	 2A 8-44		
2·8-61	 2A·8-45		
2·8-62	 2A·8-46		

REVISION TITLE 2A

All the statutes listed below are to be repealed	Comment or proposed new citation	All the statutes listed below are to be repealed	Comment or proposed new citation
Chapter 9. JUSTICES OF THE PEACE; SMALL CAUSE COURTS.		R S 2:16-8 (as am L 1946, c 188, §1 and 2:16-9) .	
R.S. 2:9-1 to 2 9-26	Obsolete (L 1948, c 264, §37)		See Rules 1.1-1; 2:2, 3:102-2, 4:1-1; and Special Rule of supreme court No 4
Chapter 11. COURTS OF OYER AND TERMINER.		2:16-10 to 2:16-13 .	Obsolete
R S. 2:11-1 to 2:11-5	Obsolete	2:16-14	To be included in subtitle 10, juries
2:11-6	2A:3-4	2:16-15	Obsolete
2:11-7 to 2 11-11	Obsolete	2:16-18	Obsolete
		2:16-19	Obsolete
Chapter 12. COURTS OF QUARTER SESSIONS.		C 2:16-24 1 to 2 16-24 5	
R S. 2:12-1	Obsolete	(L 1948, c 376, §1-5	2A 16-18 to 2A:16-22
2:12-2	2A 3-4	2 16-24 6	Rule A20 Administration
2:13-3 to 2 12-6	Obsolete	2 16-24 7	Rule A20. Administration
		2:16-24 8 (as am	
		L 1949, c 131, §1). . .	2A:16-25 Rule 1 2-4(d), proposed Rule A20
Chapter 13. COURTS OF SPECIAL SESSIONS.		2:16-24 9	
R S. 2:13-1	2A:3-5	(L 1948, c 376, §9) . .	2A:16-26
2:13-2 to 2:13-4	Obsolete	2:16-24 10	
		(L 1948, c 376, §10). .	2A:16-27
Chapter 14. SPECIAL SESSIONS OF SUPREME COURT CIRCUITS FOR THE TRIAL OF MURDER AND MANSLAUGHTER.		C 2:16-24 11	
R S. 2:14-1 to 2:14-3.	Obsolete	(L 1948, c 376, §11) . .	This repeals certain statutes
		2:16-24 12	
		(L 1948, c 376, §12). .	Effective date of act
		R S 2:16-25	Obsolete Superseded by C 2:16-56
		2:16-26	2A:16-31
		2:16-27	2A:16-31
		2:16-28, as am	
		L 1947, c 342, §1 . . .	2A 16-32
		2:16-29	2A 16-33
		2 16-30	2A:16-34
		2 16-31, as am	
		L 1948, c 52, §1 . . .	2A:16-35
		R S 2:16-32	This statute was taken from L 1918, c 201, §1, p 38, which was apparently repealed by implication by L 1920, c 97, §1 (R S 2 16-31). It conflicts with the latter statute and only through error was carried into the Revised Statutes
		2 16-33	2A 16-36
		2 16-34	2A 16-37
		C 2 16-34 1	
		(L 1950, c 140, §1) . .	See 2A:16-31
		2 16-34 2	
		(L 1950, c 140, §2) . .	See 2A:16-33
		2 16-34 3	
		(L 1950, c 140, §3). .	2A:16-30
		2 16-34 4	
		(L 1950, c 140, §4) . .	2A 16-30
		2 16-34 5	
		(L 1950, c 140, §5) . .	This repeals inconsistent laws
		R S 2 16-35, as am	
		L 1948, c 410, §1 . . .	2A:16-38
		2 16-36, as am	
		L 1948, c 410, §2 . . .	2A 16-39
		C 2:16-36 1 to 2:16-36 3	
		(L 1949, c 134, §§1-3) . .	Saved from repeal
		R S 2 16-37	2A:16-40
		2 16-38	2A:16-42
Chapter 15. CONTEMPTS OF COURT.			
R S. 2:15-1	2A:15-1		
2:15-2	2A:15-4		
2:15-3, as am			
L 1948, c 333, §1. . . .	2A:15-5		
2:15-6, as am			
L 1948, c 333, §2	2A:15-6		
2:15-7	2A 15-2		
2:15-8	2A 15-3		
2:15-11	Procedure by attachments is abolished Rule 3 80-2 The last words "until further order" have been carried over into 2A 15-2		
R S 2:15-14	2A 3-8		
2:15-15	2A 15-7		
2:15-16	2A 15-7		
2:15-17	2A:15-7		
Chapter 16. PROVISIONS COMMON TO MORE THAN ONE COURT.			
R.S. 2:16-1	2A 16-1		
2:16-2	2A:16-2		
2:16-3	This was superseded by C 2 1A-13 See 2A 16-3		
2:16-4	Omitted because this is a matter of administration		
C 2:16-4 1			
(L 1943, c 12, §1)	2A:16-5		
R S 2:16-5	2A:16-7		
2:16-6	See Rule 3:57-1		
2:16-6 1	Omitted because this is a matter of administration		
2:16-7	This was superseded by C 2 16-63 See 2A:16-12		

DISTRIBUTION TABLE

All the statutes listed below are to be repealed		Comment or proposed new citation	All the statutes listed below are to be repealed		Comment or proposed new citation
C 2:16-38 1	(L 1949, c 33, §1)	. 2A·16-43	2 16-69	(L 1948, c 390, §19)	Effective date of act
C 2:16-38 2	(L 1949, c 33, §2).	This repeals inconsistent acts	2 16-70 to 2 16-86	(L 1948, c 367, §§1 to 17)	. 2A 26-4 saved from repeal
R S 2.16-39, as am	L 1947, c 205, §1	. 2A·16-44	2 16-87 to 2 16-92	(L 1948, c 372, §§1 to 6)	. 2A 16-58 to 2A 16-63
C 2 16-39 1	(L 1947, c 202, §1)	. 2A·16-45	2 16-93	(L 1948, c 372, §7	
C 2:16-39 2	(L 1947, c 202, §2)	2A 16-45	2 16-94 to 2 16-100	Effective date of act	
R S 2:16-40, as am	L 1948, c 311, §1	. 2A·16-46	(L 1948, c 331, §1-7)	Saved from repeal	
2 16-41		2A·16-49	2 16-101	(L 1948, c 362, §1).	. 2A 16-64
2 16-42		. 2A 16-52	2 16-102	(L 1948, c 362, §2)	2A 16-65
2 16-43, as am	L 1950, c 322, §1	. 2A·16-57	2 16-103	(L 1948, c 362, §3)	. 2A 2-12
2 16-44		2A 16-48	2 16-104	(L 1948, c 362, §43	2A·2-13
2 16-45		. 2A·16-50	2:16-105	(L 1948, c 362, §5)	Effective date of act
2 16-46		. 2A 16-54	2 16-106	(L 1949, c 77, §1)	. 2A·2-11
2 16-47		. 2A 16-51			
2 16-48		. 2A 16-53			
2 16-49		. 2A 16-56			
2 16-50		. 2A 16-55			
C 2 16-51	(L 1950, c 262, §1)	2A·16-13, 2A 16-15	Chapter 16A. ADMINISTRATION OF THE COURTS		
2 16-52	(L 1950, c 262, §2)	. 2A·16-14; 2A·16-15	[New].		
2 16-53	(L 1950, c 199, §1)	2A:16-16	C 2:16A-1 to 2:16A-5	Proposed new Rule A23	
2 16-53 1	(L 1949, c 36, §1).	Superseded by C 2:16-53 as am in L 1950, c 199, §1.	(L 1948, c 354, §1-5).	and 2A 16-8, 2A 16-9	
2 16-53 2	(L 1949, c 36, §2)	This repeals inconsistent acts	C 2:16A-6	(L 1948, c 354, §6)	Effective date of act
2 16-54	(L 1948, c 390, §4)	2A·16-17	Chapter 18. PREPARATION AND PRINTING OF COURT REPORTS.		
2 16-55	(L 1948, c 390, §5)	2A·16-9	R S 2 18-1 to 2 18-5.	Obsolete	
2 16-56	(L 148, c 390, §6	2A·16-29	Chapter 19. BINDING AND DISTRIBUTION OF COURT REPORTS.		
2 16-57	(L 1948, c 390, §7)	2A·16-41	R.S. 2:19-1 to 2 19-4	Obsolete	
C 2 16-58	(L 1948, c 390, §8)	No longer needed	2:19-5	L 1950, c 330 See 2A·16-11	
2 16-59	(L 1948, c 390, §9)...	No longer needed	Chapter 20. GENERAL REGULATIONS GOVERNING ATTORNEYS, COUNSELLORS AND SOLICITORS.		
22 16-60	(L 1948, c 390, §10)	2A:1-7	R S 2 20-1	. 2A 20-1	
2 16-61	(L 1948, c 390, §11)	2A.16-28	2 20-2	. 2A 20-2	
2 16-62	(L 1948, c 390, §12)	Omitted because it is practice and procedure	2:20-3	. Rule 1 8-19	
2 16-63	(L 1948, c 390, §13)	2A·16-12	2 20-4	. 2A:20-3	
2 16-64	(L 1948, c 390, §14)	Rule 1·8-8(c); Proposed amendments to Rules 1 10-1 and 1·11-1	2 20-5	. 2A·20-4 As to reinstatement of an attorney, see Rule 1·8-18(c)	
2 16-65	(L 1948, c 390, §15)	2A:20-7	2 20-6	. Rule 1·8-20	
2 16-66	(L 1948, c 390, §16).	2A 20-8	2 20-7	. 2A·20-5	
22 16-67	(L 1948, c 390, §17).	Rule 1:8-1(f)	2 20-8	. 2A:20-6	
2 16-68	(L 1948, c 390, §8)	Rule 1:9-8	C 2 20-9	(L 1939, c 140, §1)	. Rule 1·8-16
			Chapter 21 LICENSE TO PRACTICE AS ATTORNEY OR COUNSELLOR.		
			R S 2 21-1	. Superseded by 2.16-64 See Rule 1 8-8(c)	
			2 21-2	. Rule 1·8-8(c)	
			2:21-3	. Unnecessary	

REVISION TITLE 2A

All the statutes listed below
are to be repealed

Comment or proposed
new citation

All the statutes listed below
are to be repealed

Comment or proposed
new citation

2 21-4 Rules 1:11-1 and 1:11-2
2 21-5 Rule 1:11-2
2 21-6 Rule 1:11-2
2 21-7 Rule 1:11-2
2 21-8 Superseded by C 2 16-64
See proposed amendment
to Rule 1 11-1
2 21-9 Rule 1:11-2
2 21-10 Rules 1:11-2 and 1:11-3
2 21-11 Rules 1:11-2 and 1:11-3
2 21-12 Superseded
2 21-13 Superseded by C 2:16-64
See proposed amendment
to Rule 1:11-1
2 21-14, as am
L 1941, c 367, §1 . . .Rule 1:10-1
2 21-15, as am
L 1941, c 367, §2 . . .Rule 1:10-2
2 21-16 Rule 1:10-3

Chapter 22. BOARD OF BAR EXAMINERS.

R S 2 22-1 Rule 1 8-1(e)
2 22-2 Superseded by C 2 16-67
See Rule 1 8-1(f)
2 22-3 Superseded by C 2:16-65
See 2A 20-7
2 22-4 Rule 1.8-1(g) 2A:20-8
(taken from C 2:16-66)

Chapter 23. BAR ASSOCIATIONS AND LAWYERS CLUBS.

R S 2 23-1 Rule 1:7-11
2 23-2 Rule 1:9-1
2 23-3 Rule 1:9-4(g)
2 23-4, as am
L 1946, c 252, §1 . . .Rule 1:9-6
2 23-5 Rule 1:9-7
2 23-6 Rule 1:9-8

Chapter 24. LIMITATION OF ACTIONS.

R S 2 24-1 2A:24-1
2 24-2 2A:24-2
2 24-3 2A 24-3
2 24-4 2A 24-4
2 24-5 2A 24-5
2 24-6 2A 24-6
2 24-7, as am
L 1949, c 125, §1 . . .2A:24-7
2 24-8 2A 24-8
2 24-9 2A 24-9
2 24-10 2A:24-10
2 24-11 2A:24-11
2 24-12 2A 24-12
2 24-13 2A:24-13
2 24-14 2A 24-14
2 24-15 2A:24-15
2 24-16 2A:24-16
2 24-17 2A 24-17
2 24-18 2A 24-18
2 24-19 2A 24-19
2 24-20 2A 24-20
2 24-21 2A 24-22
2 24-22 2A 24-23
2:24-23 2A 24-21

2 24-24 Unconstitutional State v
Standard Oil Co., 5 N J
Super 460, 470 (Ch Div
1949), 5 N J 281, 293
(1950)

C 2 24-25
(L 1938, c 200, §1). . .Saved from repeal
C 2 24-26
(L 1945, c 167, §1). . .2A:24-28
C 2:24-27
(L 1950, c 286, §1). . .2A:24-24
C 2 24-28
(L 1950, c 328, §1). . .2A:24-25
C 2:24-29
(L 1950, c 328, §2). . .2A:24-26

Chapter 25. ADVERSE POSSESSION

R S 2 25-1 Repeal recommended See
Proposed Additional Leg-
islation, Item No 1
2 25-2 Repeal recommended See
Proposed Additional Leg-
islation, Item No 1
2:25-3 Repeal recommended See
Proposed Additional Leg-
islation, Item No 1
2:25-4 2A:25-1
2 25-5 2A:25-2
2 25-6 2A:25-3
2 25-7 2A 25-4
2 25-8 It is recommended that
this act be reenacted as a
supplement to Title 46
(Property) See Proposed
Additional Legislation,
Item No. 2
2:25-9 It is recommended that
this act be amended and
renumbered 2A:24-31 See
Proposed Additional Leg-
islation, Item No 3
2:25-10 2A 24-30

Chapter 25B. APPEALS IN CIVIL AND CRIMINAL CASES.

C 2:25B-1
(L 1948, c 328, §1). . .Unnecessary This statute
2A:16-25(e)
2:25B-2
(L 1948, c. 328, §2). . .This statute was derived
from R S 2:27-362 which
was so narrowly con-
structed as to induce the
constitutional convention to
adopt article VI, section V,
paragraph 3 of the con-
stitution. That constitu-
tional provision led to Rule
1:4-10. The rule is manda-
tory, it is much broader
than C. 2:25B-2 and the
latter statute should be
repealed

DISTRIBUTION TABLE

All the statutes listed below are to be repealed		Comment or proposed new citation	All the statutes listed below are to be repealed		Comment or proposed new citation
C 2 25B-3 (L 1948, c 328, §3)	.....	This statute is to be located in article 22 of Chapter 2A 27 having to do with judgments It was derived from R S 2 27-374 and 2 27-375	2 26-10	2A:26-4	
2 25B-4 (L 1948, c 328, §4)	.....	This statute is to be located in article 22 of Chapter 2A 27 having to do with judgments It was derived from R S 2 27-370	2 26-11	In view of Rule 3 25-1(b), this statute is unnecessary	
2 25B-5 (L 1948, c 328, §5)	.....	It is proposed that this statute be broadened in its scope See Proposed Additional Legislation, Item No 4	2 26-12	In view of Rule 3 25-1(a), this statute is unnecessary	
2 25B-6 (L 1948, c 328, §6)	.....	Effective date of act	2 26-13	In an equity case where the personal representatives of a deceased defendant, who have been substituted for him, fail to appear, a judgment by default may be secured to-day on application to the court under Rule 3 55-2(b) Under the next to the last sentence of that Rule, the court will take testimony and consider the equities in the case without going through the formalities of R S 2 26-13 namely, of having the plaintiff enter the representatives' appearance in the case Under the rules where a substitution is made after answer, the deceased defendant's answer will stand unless the representatives have it amended	
Chapter 26. PROCEDURE COMMON TO MORE ONE COURT.			2 26-14	In view of Rule 3 25-1(a), this statute is unnecessary	
R S 2 26-1 . . . . .	.....	This statute derived from 4 Geo 2, c 26, and 6 Geo 2, c 14, is no longer necessary As to whether numbers should be expressed by figures or words, see Rule 3 10-5	2 26-15	This statute is unnecessary. Rule 3 15-1 would be construed to cover it	
2 26-2 . . . . .	.....	See proposed new Rule 1 8-22	2 26-17	Rule 3 25-1 covers this As to the peculiar meaning of the word "survive" as used in this statute, see Ross v Hatfield, 2 N J Eq 363 (Ch 1840)	
2 26-3 . . . . .	.....	See proposed new Rule 3 9-3	2 26-18	Rule 3 25-1 covers this	
2 26-3 1 . . . . .	.....	See proposed new Rule 3 5-2(c)	2 26-19	Rule 3 25-1 covers this Further see comment to R S 2 26-13	
2 26-3 2 . . . . .	.....	2A 26-1	2 26-20	Rule 3 25-1 covers this	
2 26-3 3 . . . . .	.....	See proposed new Rule 1 8-23	R S 2 26-21	Rule 3 19-3 and 3 15-4 cover this	
2 26-3 4 . . . . .	.....	The first paragraph of this statute has been superseded by Rule 3 17-2 The second paragraph is not necessary	2 26-22	Obsolete	
2 26-3 5 . . . . .	.....	This statute is unnecessary. Cf Norris v Douglas, 5 N. J. L 942 (Sup Court 1820)	2 26-22 1	See proposed new Rule 3 25-1(b)	
2 26-3 6 ... . .	.....	2A 26-2	2 26-23	Rule 3 25-1 covers this Cf proposed new Rule 3 25-4	
2 26-4 ... . .	.....	In view of Rules 3 25-1 and 3 25-5, this statute is unnecessary Besides, interlocutory judgments and writs of inquiry are obsolete	2 26-24	See proposed new Rule 3 25-4	
2 26-5 . . . . .	.....	2A:26-7	2 26-25; 2 26-26	3A 13-8	
2 26-6 . . . . .	.....	In view of Rule 3 25-1(b), this statute is unnecessary	2 26-27, as am.		
2 26-7 . . . . .	.....	In view of Rule 3 25-1, this statute is unnecessary	L 1948, c 369, §1	2A 26-8	
2 26-8 . . . . .	.....	In view of Rules 3 25-5 and 3 55-2(c), this statute is unnecessary	2 26-28	2A 26-9	
R S 2 26-9, as am.			2 26-29	2A 26-10	
L 1938, c 29, §1	.....	2A:26-3	2 26-30, as am		
			L 1948, c 369, §2	2A 26-11	
			2 26-31	2A 26-12	
			2 26-32	2A:26-13	
			2 26-33	2A:26-14	
			2 26-34	2A 26-15	

REVISION TITLE 2A

All the statutes listed below are to be repealed	Comment or proposed new citation	All the statutes listed below are to be repealed	Comment or proposed new citation
2 26-35	See proposed additional legislation and comment thereunder	C 2 26-59 1 (L 1948, c 355, §1) .	This is covered by Rule 3·4-4
2 26-36, as am		2 26-59 2 (L 1948, c 355, §2)	This is an incomplete com- pendium of the statutes on the subject and hence is not valuable enough to save
L 1949, c 369, §3	2A 26-17		
2 26-37	2A 26-18		
2 26-38	See proposed additional legislation		
2 26-39	Obsolete under present rules fixing time for appeals	2 26-59 3 (L 1948, c 355, §3)	This statute is unneces- sary
2 26-40	2A 26-27		
2 26-41	2A 26-28		
2 26-42	2A 26-29	2 26-59 4 (L 1948, c 355, §4)	Rule 3 4-5
C 2 26-42 1 to 2 26-42 4		2 26-59 5 (L 1948, c 355, §5)	Rule 3 17-2
(L 1943, c 32, §1-§4)	2A·26-6	2 26-59 6 (L 1948, c 355, §6)	Rule 3 17-3
C 2 26-42 5 (L 1943, c 178, §1)	This section is unneces- sary Rule 3 17-4 amply covers this situation, both with respect to the county and superior courts The section is wholly inappro- priate to the surrogate's court to which it purports to apply	2 26-59 7 (L 1948, c 355, §7)	See Rule 3·17-4 as pro- posed to be amended See new proposed Rule 3.17-4
C 2 26-42 6 (L 1943, c 178, §2)	See 2A 26-6	2 26-59 8 (L 1948, c 355, §8)	Effective date of act
C 2 26-42 7 (L 1943, c 178, §3)	See comment to C 2 26-42 5 Further see 2A 26-5	R S 2 26-60 to 2 26-65 .	Rule 1 7-8(a)
C 2 26-42 8 (L 1943, c 178, §4)	Rule 3·17-4 covers this	2·26-66 to 2 26-79 .	2A:26-53 to 2A 26-66
C 2 26-42 9 (L 1943, c 178, §5)	2A 26-7 The attorney gen- eral of the United States has succeeded to the func- tions of the alien property custodian	C 2 26-79 9 (L 1950, c 72, §1) .	2A·26-5
C 2 26-42 10 (L 1943, c 178, §6)	This is sufficiently covered by 2A 26-7	2 26-188	Obsolete
C 2 26-42 11 (L 1943, c 178, §7)	The last paragraph of 2A·26-6 covers this	2·26-189	Obsolete
R S 2·26-43, as am		2 26-190	2A 26-67
L 1948, c 356, §1	Rule 3 4-4(d) covers this	2 26-191	2A 26-68
R.S. 2 26-44, as am		2 26-192	2A 26-69
L 1948, c 356, §2 . .	Rule 3 4-4(d) covers this	2 26-193	2A·26-73
R S 2 26-45	2A 26-33	2 26-194	2A:26-74
R S 2 26-46	2A 26-34	2 26-195	Obsolete The speed at which the judiciary oper- ates renders this provision unnecessary
F S. 2·26-47	2A 26-35	2 26-196	Obsolete The speed at which the judiciary oper- ates renders this provision unnecessary
R S 2·26-48	2A 26-36	2 26-197	Obsolete The speed at which the judiciary oper- ates renders this provision unnecessary
R S 2·26-49	2A 26-37	2 26-198	Obsolete. This practice now governed by Rules 3 81-1 et seq
R.S. 2·26-50	2A 26-38	2 26-199	Obsolete This practice now governed by Rules 1.2-5
R S. 2 26-51	2A 26-39	2 26-200	Obsolete
R.S. 2·26-52	Obsolete	2 26-201	2A·26-7A
R S 2·26-53	2A 26-41	2 26-202	2A 26-7B
2 26-54	2A 26-40, 29 26-42	2 26-203	2A·26-7C
2 26-55	2A 26-43	2 26-203 to 2 26-215	Blank
2 26-56	2A 26-44	C 2 26-216	3A 8-22 Amended so as to eliminate the necessity of applying to the superior court for leave to sue on a fiduciary's bond See comment to that section
2·26-57	2A 26-40, 2A·26-45		
2 26-58	2A 26-40, 2A·26-46		
2 26-58 1	2A 26-40, 2A 26-47		
2·26-59	2A:26-48		

DISTRIBUTION TABLE

All the statutes listed below are to be repealed		Comment or proposed new citation	All the statutes listed below are to be repealed		Comment or proposed new citation
2 26-217	..	3A 8-23 Amended so as to enable plaintiff suing on a fiduciary's bond to assess the damages thereon in a county court in certain cases	RS 2 27-6		Obsolete, the section enacted what amounts to a Statute of Frauds governing admissions, consents or agreements, with reference "to the conduct of litigation," made out of court The subject is plainly procedural and better left to rules of court The fact that only some rules, namely 3 15-1 and 3 38-1, now require a written stipulation, would indicate an intention to give effect to oral arguments on other subjects
2 26-218	...	3A 8-24 Amended so as to enable the county court to entertain certain proceedings for satisfaction of a judgment on a fiduciary's bond. See, further, comment to that section			
2 26-219 . . .		3A 8-25 No changes			
2 26-220		3A 8-26 The word "superior" is eliminated			
2 26-221		3A 8-27 No change			
2 26-222		3A 8-28 See comment to amended section	RS 2 27-7		Obsolete, subject governed by Rules 3 2 and 3 81-2
2 26-223		3A 8-29 No change	RS 2 27-8		Obsolete, Rule 3 17-1 allows all actions to be brought in the name of the real party in interest and Rule 3 10-1 provides that the title of an action shall include the names of the parties only
2 26-224		3A 8-30 Amended so as to eliminate provision requiring application to the superior court for leave to re-prosecute a bond			
2 26-225		3A 8-31 Amended so as to eliminate unnecessary references to obsolete courts	RS 2 27-9		Obsolete, subject governed by Rule 1 3-6(b)
2 26-226		Repeal Effective date of act	RS 2 27-10		Obsolete, the entry, docketing and indexing of proceedings in the appellate courts would seem to be a matter of administration Moreover, under Rule 1 3-10, the clerk of the supreme court is directed not to file non-conforming papers
Chapter 27. PROCEDURE IN COURTS OF LAW GENERALLY.					
RS 2 27-1		Unnecessary			
RS 2 27-2		The text is appropriate to procedural rather than substantive legislation and duplicates a more comprehensive provision on the same subject in Rule 3 1-2	RS 2 27-11		Obsolete, subject concerns administration and is governed by Rules 3 104-1 et seq , 5 5-3, 7:53-1, 8:13-8
RS 2 27-3		Obsolete	RS 2 27-12		Obsolete, governed by Rules 3 10-1 and 3:104-3 in civil actions, clerks are not prohibited from receiving non-conforming papers, but failure to comply with the rules invites dismissal under Rule 3 41-2
RS 2 27-4		Obsolete, chapter applies to all courts			
RS 2 27-5		2A 26-7 The phrase "in this chapter", added by the Revision of 1937, is omitted The word "limitations" deleted in title The section was intended to and should apply to penalties established under any statute, see Miller v Stampul, 83 N J L 278 (Sup Ct, 1912) The phrase, "at law" has been omitted and the word "civil" added to conform to Rule 3 2 establishing a single form of civil action The word "an" preceding the word "civil" changed to "a"	RS 2 27-13 to RS 2 27-17 RS 2 27-18		Blank Obsolete, venue of actions in a court of statewide jurisdiction is clearly procedural and is governed, for the superior court, by Rule 3 3-2 In the county and district courts, the power to entertain "local actions" may present a question of jurisdiction, rather than venue See Donker v National Newspaper Corp Co, 65 A (2d)

REVISION TITLE 2A

All the statutes listed below are to be repealed	Comment or proposed new citation	All the statutes listed below are to be repealed	Comment or proposed new citation
	120 (Essex Co Ct, 1949). However, R S 2 27-18 concerns place of trial and does not define "local actions" or jurisdiction over such actions. To retain the statute would create conflict, not only with Rule 3 3-2, but also with the rules governing consolidation, namely, 3 42-1 and 7.6-1 and removal for trial, namely 7.7-9		right of a non-party to apply for admission to the action
R S 2 27-19.	Obsolete, see comment under R S 2 27-18	R S 2 27-29.	Obsolete, subject of third party practice is procedural and is governed by Rules 3 14-1 et seq
R S 2 27-20	Obsolete, see Rule 3.3-3, see also comment under R S 2 27-18	R S 2 27-30	Obsolete, subject is governed by Rules 3.14-1 et seq.
R S 2.27-21	Obsolete in view of abolition of courts referred to	R S 2 27-31	Obsolete, subject governed by Rule 3 21
R S 2 27-22	Obsolete in view of abolition of courts referred to	R S 2 27-32	2A 26-20. The word "civil" is inserted before the word "action". Rules specifically govern derivative actions by corporate stockholders (3:23-2) but do not expressly acknowledge substantive right of residents to enforce claims of municipal corporations (But cf Rule 3:23-1(a))
R S 2 27-23.	Obsolete in view of abolition of courts referred to As to desirability of a general provision allowing trial court judges to certify questions for argument before the supreme court, after the example of the federal practice on the same subject, no comment is expressed	R S 2 27-33.	2A 26-21 The word "civil" is inserted before the word "action". While intervention is procedural, and is governed by Rule 3.24-1 et seq, the right of a resident to defend an action against a municipal corporation, in which he is not otherwise directly concerned, may be substantive, as the companion right to prosecute such actions under R S 2 27-32 would appear to be
R S 2 27-24	Obsolete, subject is procedural and governed by Rules 3 19-4 and 3 20-1		
R S 2 27-25.	Obsolete, subject is procedural and governed by Rules 3 19 1 and 3 20-1	R S 2.27-34	Obsolete, transfer of interest and consequent substitution of parties is governed comprehensively by Rule 3 25-3
R S 2.27-26.	Obsolete, subject is procedural and governed by Rule 3:19-3	R S 2 27-35	Obsolete, subject governed by Rule 3 21
R S 2 27-27	Obsolete, the right of a fiduciary to sue, without joining the beneficiary is governed by Rule 3 17-1. While there is no companion provision in the rules, establishing the right to sue a fiduciary without joining the beneficiary, Rules 3 19-1 and 3 21 allows the court to determine in each case, whether such joinder should be compelled or may be omitted This does not differ substantially from the practice under R S 2 27-27, see Hendershot v Hendershot, 133 N J Eq 544 (Ch, 1943)	R S 2 27-36.	Obsolete While R S. 2 27-36, particularly subparagraph (b) may enact a rule of substance, the same results follow, as of course, if an action is not abated as a result of death or devolution of interest and abatement, upon such events, is prevented by Rule 3 25-1 et seq
		R S 2 27-37	Obsolete, governed by Rule 3 18-1
		R S 2 27-38.	Obsolete, governed by Rule 3 20-1
R S 2 27-28	Obsolete, subject is procedural and is governed by Rules 3 19-1 and 3 21 as to addition of parteis, and by Rule 3 24-1 as to the	R S 2 27-39	Obsolete, insofar as the statute assures each joint defendant, sued on a bill or a note, the right to interpose defenses personal to himself, the statute

DISTRIBUTION TABLE

All the statutes listed below are to be repealed		Comment or proposed new citation	All the statutes listed below are to be repealed		Comment or proposed new citation
		merely duplicates Rule 3 8-2. As regards the power of the court to control a joint judgment for the benefit of the defendant secondarily liable, the subject is governed by Rules 3 13-6, 3:54-4 and 3:69-2			No 1 does specify the date While the date of issuance of the summons no longer determines the commencement of the action, which is now controlled by Rule 3 3-1, the date upon which the summons issues may determine whether or not an action will be dismissed under Rule 3 41-2 Accordingly, statutory provision for a civil penalty for misdating of process might be retained
R S 2.27-40	...	Obsolete, subject is governed by Rules 3 19-7 and 3.42-1			
R S 2.27-41	..	2A 26-22 At common law, and impliedly under Rule 3.10-1, it was necessary to designate a known party by his proper christian and surname See Schaffer v Levinson Wrecking Co, 82 N J L 61 (1911) The statute relaxed this requirement, in the case of written instruments signed with an initial While the practical necessity for this special dispensation is not apparent, and while designation of parties is procedural, the right to satisfy a judgment against a defendant, described only by his initial, by levying against property which stands in his full correct name, may touch substance sufficiently to warrant retention of the statute	R.S 2.27-46	..	Obsolete, duplicates the provisions of Rules 3.4-2 and 3 5-8
			R S 2.27-47.	.	Blank
			R S 2 27-48.	..	Obsolete, subject governed by Rule 3.4-8, see Patrick v Brago, 4 N J Super 226 (App. Div, 1949)
			R S 2.27-49	..	Obsolete, separate summonses allowed by Rule 3 4-1 However, the former requirement that each summons recite the name of all defendants is now superseded, see Rules 3.4-1, 3 4-2 and 3 10-1
			R S 2.27-50	..	Obsolete in view of abolition of court
			R S 2 27-51.	...	Obsolete, subject governed by Rules 3.4-1, 3 4-2, 5 2-1 and 5.2-2
			R S 2 27-52	.	Obsolete, under Rule 3 64-1, copias ad respondendum issued only upon court order and must be served with the complaint, which, under Rule 3 10-1, will state the place of residence of the plaintiff
R S 2 27-42	..	R S 2A.26-23 The word "civil" is inserted before the word "action" The subject of the statute is procedural, however Rule 3 17-4, in its present form, incorporates the provisions of R S 2.27-42 and other similar statutes Should the rule be enlarged to deal comprehensively and independently with the designation of unknown parties, the statute should be repealed	R S 2 27-53	.	R S 2A.26-25 Reference to court in title of statute enlarged to read "county courts" Reference to court in body of statute enlarged to read "county court" The phrases, "of common pleas" and "and warrants" omitted, Rule 5 2-2 now provides for service of process by the Sheriff "or other officer authorized by law", which would appear to incorporate R S 2.27-53
R S 2 27-43	..	Obsolete, process is governed by Rules 3 4-1 and 3 79-2			
R S 2 27-44	..	Obsolete, the prerogative writs, as such, have been superseded; Rules 3 4-7, 3.102-2 and 3 102-3 govern the subject of the statute in all other respects	R S 2.27-54	..	2A.26-26 The word "officer" omitted and replaced by "person"; the phrase, "return it at the time and place therein mentioned, or, if no time or place is mentioned, he shall forthwith serve and return it" is omitted and
R S 2 27-45	..	Rule 3 4-2, governing the form of the summons, does not require a date, however, civil procedure form			

REVISION TITLE 2A

All the statutes listed below are to be repealed	Comment or proposed new citation	All the statutes listed below are to be repealed	Comment or proposed new citation
	replaced by "make prompt service and return thereof" While service and return of service is governed by Rules 3 4-3 and 3 4-7, the duties of the sheriff in this respect should be specified by statute and only legislation can establish the penalty of amercement		place at which such service was made," this feature should be continued, if at all, by an amendment of Rule 3 4-7
R.S 2 27-55	Obsolete, Rule 3 4-8 allows application to amend and correct return of service and Rule 3 12-2 allows dismissal of action for insufficiency of service of process	R S 2 27-65	2A.26-49 The word "officer" deleted and replaced by "person". If the procedure by writ of scire facias is superseded, in accordance with recommendations made to the supreme court, R S 2 27-65 will be rendered obsolete and should be repealed
R S 2 27-56	2A 26-30	R S 2 27-66	2A 26-50
R S 2 27-57	2A 26-31	R S 2 27-67	Blank
R S 2 27-58	2A 26-32	R S 2 27-68	Blank
R S 2 27-59	Obsolete, governed by Rules 3 4-1, 3 4-2, 3 4-3 and 3 64-1	R S 2 27-69	Procedural, mode of service is governed by Rule 3 64-1 which should be amended to incorporate provisions of R S 2 27-69
R S 2 27-60	See C 2 26-59 2	R S 2 27-70	2A.26-51 The word "civil" inserted before the word "action", the phrase "or otherwise" in subparagraph (b) deleted, commas added after the words "affidavit" and "court", the phrase "or to a judge or a supreme court commissioner" deleted and the phrase "or is then pending," is added Right to arrest of a defendant upon civil process would seem to entail matter of substance, to be governed by legislation Statute is revised in respect of mode of proof and enlarged to allow order for arrest in a pending action as an action about to be commenced, in order to conform to Rule 3.64-1
R.S 2.27-61	Obsolete, statute defines personal service of individuals as the mode of service upon a municipal corporation In this respect, statute is comprehended by Rule 3 4-4(d) applicable to all domestic corporations whether public or private		
R S 2.27-62	Obsolete, service, the return and amendment of the return of service and dismissals for insufficient service are governed by Rules 3 4-1, 3 4-2, 3.4-7, 3 4-8 and 3 12-2		
R S 2 27-63	Obsolete, under Rule 3 4-1 new summons may issue without court order, under former practice, summons and date of issuance were factors in determining commencement of action for purposes of the statute of limitations, see Heilemann v Clawney, 90 N J L 87 (Sup Ct, 1917). Under Rule 3 3-1, filing of complaint and not date of service marks the commencement of the actions, see Hicks v Cavo, 8 N J Super 368 (Law Div, 1950), but cf Patrick v Brago, 4 N J Super 226 (App Div, 1949)	R S 2 27-71	Procedural, Rule 3 64-2 should be revised to include capias as well as ne exeat in provisions governing bail
		R S 2 27-72	2A 26-52 The word "civil" inserted before the word "action", the phrase, "or otherwise" deleted, the phrase, "is then pending" is added and the phrase "to a judge thereof or supreme court commissioner" is deleted Under subparagraph (a) the phrase, "or is then pending" is added See comment under R S 2 27-70
R S 2.27-64	Obsolete, content of return of service is procedural, while Rule 3 4-7 does not now require that the return "set out at length the	R S 2 27-73	See comment under R S 2.27-71

DISTRIBUTION TABLE

All the statutes listed below are to be repealed	Comment or proposed new citation	All the statutes listed below are to be repealed	Comment or proposed new citation
R S 2 27-74.	See comment under R S 2 27-71	R S 2 27-105	See comment under R S 2 27-71
R S 2 27-75	See comment under R S 2 27-71	R S 2 27-106	See comment under R S 2 27-71
R S 2 27-76	See comment under R S 2 27-71	R S 2 27-107	See comment under R S 2 27-71
R S 2 27-77	See comment under R S 2 27-71	R S 2 27-108	See comment under R S 2 27-71
R S 2 27-78	Procedural, while Rule 3 64-3 now refers to and incorporates R S 2 27-78, it would seem to be preferable to supersede the statute by enlarging the rule referred to	R S 2 27-109	See comment under R S 2 27-71
		R S 2 27-110	Obsolete
		R S 2 27-111	Obsolete
		R S 2 27-112	Superseded by Rule 3 5-1
		R S 2 27-113	Superseded by Rule 3 9-2
		R S 2 27-114	Procedural, superseded by Rules 3 12-2 and 3 56-3
R S 2 27-79	See comment under R S 2 27-71	R S 2 27-114 1	Superseded by Rule 3 42-1
R S 2 27-80.	See comment under R S 2 27-71	R S 2 27-115	Superseded by Rule 3 60-2
R S 2 27-81. . .	See comment under R S 2 27-71	R S 2 27-116	Superseded by Rules 3 8-2, 3 8-3 and 3 9-3
R S 2 27-82. . .	See comment under R S 2 27-71	R S 2 27-117	Superseded by Rules 3 12-1, 3 6-1, 3 41-2 and 3 55-1
R S 2 27-83	See comment under R S 2 27-71	R S 2 27-118	Superseded by Rules 3 41-2, 3 55-1 and 3 55-2
R S 2 27-84. . .	See comment under R S 2 27-71	R S 2 27-119	Superseded by Rules 3 8-5 and 3 12-6
R S 2 27-85.	See comment under R S 2 27-71	R S 2 27-120	Blank
R S 2 27-86	See comment under R S 2 27-71	R S 2 27-121	Viewed solely as a rule of pleading, the statute is superseded by Rule 3 8-3
R S 2 27-87. . .	See comment under R S 2 27-71		While the application of the statute to sealed instruments may have the appearance of a rule of substance, it is clear that any change in the law of contracts in this respect is attributable to R S 2 98-4 and not R S 2 27-121
R S 2 27-88 ..	See comment under R S 2 27-71		Moreover, as the court of errors and appeals, by Chancellor Pitney, pointed out in U & G Rubber Manufacturing Companies v Conard, 80 N J L 286 (1910), the rule of pleading, later enacted as R S 2 27-121, was first laid down as a result of decision and then codified as a rule of court before becoming the subject of legislation
R S 2 27-89. . .	See comment under R S 2 27-71		Superseded by Rule 3 8-3
R S 2 27-90. . .	See comment under R S 2 27-71	R S 2 27-122	Superseded by Rules 3 8-2, 3 8-3 and 3 8-5
R S 2 27-91. . .	See comment under R S 2 27-71	R S 2 27-123	Superseded by Rules 3 12-6, 3 56-1 and 3 56-5
R S 2 27-92	See comment under R S 2 27-71		Superseded by Rules 3 12-2, 3 56-2 and 3 56-5
R S 2 27-93	See comment under R S 2 27-71	R S 2 27-124	While the rules do not specify that a judgment on motion under Rules 3 12 or 3 56 shall be with prejudice, in Lynch v United Fruit Co, 4 N J 24 (1950) such a judgment in
R S 2 27-94 ..	See comment under R S 2 27-71	R S 2 27-125	
R S 2 27-95. . .	See comment under R S 2 27-71	R S 2 27-126	
R S 2 27-96. . .	See comment under R S 2 27-71		
R S 2 27-97	See comment under R S 2 27-71		
R S 2 27-98 ..	See comment under R S 2 27-71		
R S 2 27-99.	See comment under R S 2 27-71		
R S 2 27-100	See comment under R S 2 27-71		
R S 2 27-101	See comment under R S 2 27-71		
R S 2 27-102	See comment under R S 2 27-71		
R S 2 27-103	See comment under R S 2 27-71		
R S 2 27-104. . .	See comment under R S 2 27-71		

REVISION TITLE 2A

All the statutes listed below are to be repealed	Comment or proposed new citation	All the statutes listed below are to be repealed	Comment or proposed new citation
	the federal court under similar rules was held to bar a second action in our state court on the same subject matter. Moreover, as indicating the policy of the supreme court on the subject of the entry of judgments without prejudice,		it. Implicit in the rules is the assumption that all action on behalf of a party in litigation may be taken by his attorney, e.g., Rules 3 4-1 and 3 5-2. Specific provision on the subject either by statute or rule would seem wholly unnecessary.
	(a) Rule 3 41-2 expressly allows an involuntary dismissal without prejudice, but no companion provision is to be found in Rules 3 12 or 3 56.	R S 2 27-148	Obsolete
	(b) The court's power of amendment under Rule 3 15-1 makes it unnecessary to enter a judgment on motion where the defect complained of may be corrected.	R S 2 27-149	Obsolete
	(c) In <i>Grobart v. Society for Establishing Useful Manufacturers</i> , 2 N J 136 at 146, Chief Justice Vanderbilt pointed out that the motion practice would be futile unless it resulted in final judgments.	R S 2 27-149 1	Obsolete
		R S 2 27-149 2	Obsolete
		R S 2 27-149 3	Obsolete
		R S 2 27-150	Obsolete
		R S 2 27-151	Obsolete
		R S 2 27-152	Obsolete
		R S 2 27-153	Obsolete, see also Rules 3 102-1 and 3 1023
		R S 2 27-154	Superseded by Rule 3 102-4. Vand. companion rule of administration.
		R S 2 27-155	Statute is obsolete as to superior court where each division of the court and any judge may issue injunctions. While the lower trial courts do not have general equity jurisdiction, the power to protect and conserve a res in controversy, pending litigation, is an inherent attribute of courts which antedates the statute. <i>Hermann v. Mexican Petroleum Corporation</i> , 85 N J Eq 367 (Ch, 1915). Accordingly, it would seem unnecessary to continue the statute.
R S 2 27-127	Superseded by Rule 4 2-1		Obsolete, see Rule 3 102-3
R S 2 27-128	Superseded by Rules 3 56-1 and 3 54-2	R S 2 27-156	No single rule copies all the elements of R S 2 27-157. However, in combination, the same relief will result from the operation of Rules 1 2-19, 1 2-20, 1 4-10, 1 7-9, 3 1-2, 3 4-8, 3 6-1, 3 8-3, 3 15-1, 3 15-2, 3 15-3, 3 21, 3 25-5, 3 52-2, 3 54-4, 3 59-1, 3 60-1, 3 60-2, 3 61 and 3 81-13. Accordingly, the statute must be regarded as superseded.
R S 2 27-129	Superseded by Rules 3 56-4 and 3 54-2	R S 2 27-157	Superseded, see comment under R S 2 27-157, and particularly the reference to Rules 3 8-3, 3 15-1, 3 15-2 and 3 54-4.
R S 2 27-130	Superseded by Rule 3 15-1		The provision which this statute makes in the case of county courts would be clearly unnecessary in the case of the superior court by virtue of Rules 3 6-2, 3 102-1 and 3 102-3. Each
R S 2 27-131	Superseded by Rule 3 15-1		
R S 2 27-132	Superseded by Rules 3 15-2 and 3 15-3		
R S 2 27-133	Superseded by Rule 3 15-2		
R S 2 27-134	Blank		
R S 2 27-135	Obsolete		
R S 2 27-136	Obsolete		
R S 2 27-136 1	Obsolete		
R S 2 27-137	Superseded by Rules 3 13-1 and 3 13-3, in particular, as to counterclaims against municipalities, see comment under Rule 3 13-4 in the tentative draft of rules governing civil practice.		
R S 2 27-138	Blank		
R S 2 27-139	Superseded by Rule 3 13-7		
R S 2 27-140	Obsolete		
R S 2 27-141	Superseded by Rules 3 13-8, 3 20-2 and 3 42-2	R S 2 27-158	
R S 2 27-142	Blank		
R S 2 27-143	Superseded by Rule 3 6-3		
R S 2 27-144	Superseded by Rules 3 5-1, 3 5-2 and 3 7-2		
R S 2 27-145	Superseded by Rules 3 4-5 and 3 17-4	R S 2 27-159	
R S 2 27-146	Superseded by Rules 3 4-5, 3 5-2 and 3 17-4		
R S 2 27-147	Since 1903, when this statute was adopted, no cases have been decided under		

DISTRIBUTION TABLE

All the statutes listed below are to be repealed	Comment or proposed new citation	All the statutes listed below are to be repealed	Comment or proposed new citation
	of these rules is applicable to county courts by virtue of Rule 5 2-1 Accordingly, the statute may be regarded as superseded	R S. 2 27-189	Obsolete and superseded by Rule 3 59-1
R S 2 27-160	Obsolete	R S 2 27-190	Obsolete and superseded by Rule 3 59-1
R S 2 27-161	Superseded by Rules 3 36-1, 3 36-2 and 3 37-3	R S 2 27-191	Superseded by Rule 3 41-2
R S 2 27-162	Superseded by Rules 3 13-6, 3 42-1 and 3 54-6	R S 2 27-192	Superseded by Rule 3.55-1 et seq
R S 2 27-163	Blank	R S 2 27-193	Superseded by Rule 3 55-1 et seq
R S 2 27-164	Blank	R S 2 27-194	Superseded by Rules 3 55-3 and 3 60-2
R S 2 27-165	Superseded by Rule 3 33	R S 2 27-195	Superseded by Rule 3 55-2
R S 2 27-166	Superseded by Rule 3 33	R S 2 27-196	Superseded by Rule 3 55-2
R S 2 27-167	Superseded by Rule 3 37-1, 3 37-2, 3 37-3 and 3 37-4	R S 2 27-197	Superseded by Rule 3 55-2
R S 2 27-168	Superseded by Rule 3 26-4(b)	R S 2 27-198	Superseded by Rule 3 55-2
R S 2 27-169	Superseded by Rules 3 34-1 and 3 45-2	R S 2 27-199	Superseded by Rule 3 55-2
R S 2 27-170	Superseded by Rule 3 37-2	R S 2 27-200	Superseded by Rule 3 55-2
R S 2 27-171	Superseded by Rules 3.6-3, 3 7-2 and 3 43-3	R S 2 27-201	Superseded by Rules 3 55-2 and 3 58
R S 2 27-172	Superseded by Rule 3 26-1 et seq	R S 2 27-202	Obsolete, see comment under R S 2 27-23
R S 2 27-173	Superseded by Rules 3 26-1 and 3 29	R S 2 27-203	Obsolete, see comment under R S 2 27-23
R S 2 27-174	Superseded by Rules 3 30-1 and 3 45-4	R S 2 27-204	Obsolete, see comment under R S 2 27-23
R S 2 27-175	Superseded by Rules 3 30-1 et seq, and 3 37-1	R S 2 27-205	Obsolete, see comment under R S 2 27-23
R S 2 27-176	While no specific provision of the rules enacts the provisions of R S 2 27-176, it's merely declaratory of the well established rule that any extra-judicial admission may be contradicted or rebutted and no reason would appear for carrying the statute forward into the new revision	R S 2 27-206	Repealed
R S 2 27-177	Superseded by Rule 3 30-6 (c), it is not clear, however, that under Rule 3 54-6, the court has the power to include the cost of depositions in the taxed bill of costs, amendment of Rule 3 54-6 to confer such power may be desirable	R S 2 27-207	Repealed
R S 2 27-178	Superseded by Rule 3 53-1 et seq	R S 2 27-208	Repealed
R S 2 27-179	Superseded by Rules 3 38-1 and 3 53-1 et seq	R S 2 27-209	Repealed
R S 2 27-180	Superseded by Rule 3 53-1 et seq	R S 2 27-210	Obsolete
R S 2 27-181	Superseded by Rule 3 53-1 et seq	R S 2 27-211	Superseded by Rule 3 40-4
R S 2 27-182	Obsolete	R S 2 27-212	Superseded by Rule 3 40-4
R S 2 27-183	Superseded by Rule 3 53-1 et seq	R S 2 27-213	Superseded by Rule 3 40-4
R S 2 27-184	Obsolete	R S 2 27-214	Superseded by Rule 3 40-4
R S 2 27-185	Obsolete	R S 2 27-215	Superseded by Rule 3 40-4
R S 2 27-186	Obsolete	R S 2 27-216	Superseded by Rule 3 40-4
R S 2 27-187	Blank	R S 2 27-217	Superseded by Rules 3 40-4, 3 40-5 and 3 102-2
R S. 2.27-188	Obsolete	R S 2 27-218	Superseded by Rules 3 40-4, 3 40-5 and A18
		R S 2 27-219	Superseded by Rule 3.40-4
		R S 2 27-220 to 2.27-225	Blank
		R S 2 27-226	Superseded by Rules 3 12-4 and 3 39-2
		R S 2 27-227	Tentative draft comment under Rule 3 49-2 indicates that it carries R S 2 27-227 forward into the new practice However, the text of the rule leaves this question open to doubt In view of the pointed reference to the statute, however, it must be assumed that it was intended to supersede the statute
		R S 2 27-228	The former practice of the law courts requiring notice of the time and place of taking affidavits has been superseded in favor of the contrary chancery practice See Rule 3 43-3
		R S 2.27-229	Superseded, see comment under R S 2:27-228

REVISION TITLE 2A

All the statutes listed below are to be repealed	Comment or proposed new citation	All the statutes listed below are to be repealed	Comment or proposed new citation
R S 2:27-230	Superseded, see comment under R S 2 27-228		v Director General, 95 N J L 342 (Sup Ct, 1921)
R S 2 27-231	Superseded, see comment under R S 2 27-228		was evidently disfavored, in preference for the rule that a special verdict or both a special and general verdict shall be returned as directed by the court. See comment in tentative draft Rules 3 49-1 and 3 49-2
R S 2 27-232	The statute, in its per- missive aspect, merely codifies what has come to be the general rule Rorer v Rorer, 48 N J L 50 (Sup Ct, 1886) However, it has been interpreted as mandatory and refusal to allow the jury to take ex- hibits into the jury room has been reversed as error State v Raymond, 53 N J L 260 (Sup Ct, 1891) It would therefor seem that Rule 3 51 should be amended to incorporate R S 2 27-232	R S 2 27-238	Object of the statute would seem accomplished by Rules 3 51 and 3 12-8 However, statute was cited and relied upon in Ander- son v Modica, 4 N J 383 (1950) and an amendment of Rule 3 51 to embrace the statute may be indi- cated
R S 2 27-233	The statute is merely declaratory of the common law and no need for con- firming the statute by specific provision in the new rules would seem necessary Long Dock Co v State Board of Asses- sors, 86 N J L 592 (E & A, 1914)	R S 2 27-239 R S 2 27-240	Superseded by Rule 3 58 Superseded by both the 1912 practice act and Rule 3 2, establishing one form of civil action
R S 2 27-233 1 . .	2A 26-70 Enacted pur- suant to art I, sec 9 of constitution of 1947 and retained accordingly	R S 2 27-241	Superseded by Rules 1 2-20(b) and 4 2-6
R S 2 27-233 2	Procedural, should be add- ed, by amendment, to Rule 3 48 Emphasis should be placed on man- datory requirement of poll- ing of jurors, a feature now generally overlooked	R S 2 27-242 R S 2 27-243	Superseded by Rules 3 102-2, 3 58 and 3 59-2 Subject is procedural, as regards appeal, the intent of the statute was "to avoid reversals on merely technical grounds because of some oversight in fail- ing to prove some obvious fact at the trial But it was never intended to open the door to reversal of a judgment by bringing in any such additional mat- ter" Vailsburg Amuse- ment Co v Criterion, 108 N J L 442 (Sup Ct, 1932)
R S 2 27-233 3	2A 26-71 See comment under R S 2 27-233 1		With respect to appeals, equivalent and greater power is conferred by art VI, sec V, par 3 of the 1947 Constitution and Rules 1 4-10 and 4 4-7 There is no similar pro- vision in connection with motions for a new trial The tentative draft com- ment on Rule 3 59-1 states that the statute in ques- tion remains It would seem advisable, therefore, to incorporate the statute by amendment of Rule 3 59-1, unless, in view of the constitutional grant of "original jurisdiction" to appellate courts, it is deemed to be consistent with jury trial to confer
R S 2 27-233 4	Unnecessary		
R S 2 27-234 . .	Procedural, plaintiff's pres- ence at the return of the verdict was formerly ex- cused by a rule of court, adopted in 1862, and later codified by statute in 1903 Rollins v Atlantic City R R Co, 70 N J L 664 (E & A, 1904) Rule 3 38-2 should be amended to em- brace the same subject		
R S 2 27-235	Voluntary non-suits super- seded by Rules 3 41-1 and 3 41-2		
R S 2 27-236 . . .	Superseded by Rule 3 38-2		
R S 2 27-237	Superseded by Rules 3 49-1 and 3 49-2 The intent of the statute, namely, to permit a jury, in its dis- cretion, to decline to re- turn a general verdict Albro Clem Elevator Co		

DISTRIBUTION TABLE

All the statutes listed below are to be repealed	Comment or proposed new citation	All the statutes listed below are to be repealed	Comment or proposed new citation
	equivalent power upon a trial court		proposed Rules 3 104-2 and 3 104-3
R S 2 27-244	Despite the statute, allowing arrest of judgment after a new trial, Justice Case indicated that motions in arrest of judgment should be made before entry of judgment Morris Plan v Kemeny, 123 N J L 389 (Sup Ct, 1939), are in any event limited to an intrinsic cause appearing on the face of the record Van Demark v Sartorius, 122 N J L 503 (Sup Ct, 1939) The motion in arrest of judgment appears to have been superseded in the federal practice, as indicated in the tentative draft comment to the fifth sentence of Rule 3.60-2 and the same result would appear to follow from our state Rules 3 12-8 and 3 60-2	2 27-259	Rule 3 104-7 See also R S 2A 26-82 requiring an alphabetical index to be made by the county clerk This section is of no importance Moreover, under Rule 3 58 the judgment is not to take effect until it is entered
		2 27-260	2A 26-82 with respect to the county clerk, and proposed Rule 3 104-7 with respect to the superior court
		2 27-261	Repeal This section is an ancient one It provides a method for the recovery on the bond of only the costs of recording a judgment where the clerk has neglected to record it Such costs are a negligible matter The person injured has a right to substantial damages
		2 27-262	2A 26-81
R S 2 27-245	Repeal Covered by second sentence of Rule 3 54-4	2 27-263	2A 26-81
2 27-246	Repeal See new proposed Rule 3 54-5	2 27-264	2A 26-81
2 27-247	Repeal Covered by Rules 3 20-1 and 3.54-2	2 27-265	Repeal See proposed new Rule 3 56A-1
2 27-248	Repeal Covered by Rule 3 69-2 See also R S 2 27-326 to be likewise repealed	2 27-266	Repeal This statute has little significance in modern practice
2 27-249	Repeal Covered by Rule 3 69-2 See also R S 2 27-327 to be likewise repealed	2 27-267	2A 26-83
2 27-250	Repeal Covered by Rule 3 54-3	2 27-268	Repeal Unnecessary
2 27-251	See 2A 26-76	2 27-269	See proposed new Rule 3 56A-2
2 27-252	2A 26-75 See Rule 3 58 for procedure to enter judgment, also R S 2 1A-15 to 2 1A-19, proposed new rule 3 104-2 et seq	2 27-270	See proposed new Rule 3 56A-2
2 27-253	Repeal The procedure as to the superior court is to be covered in proposed new Rule 3 104-2 et seq The section is unnecessary as to the other courts	2 27-271	See proposed new Rule 3 56A-2
2 27-254	2A 26-77	2 27-272	See proposed new Rule 3 56A-3
2 27-255	2A 26-80	2 27-273	Repeal Unnecessary
2 27-256	Repeal See proposed Rule 3 104-2	2 27-274	See proposed new Rule 3.56A-2
2 27-257	Repeal See proposed Rule 3 104-3	2 27-275	Repeal Unnecessary
2 27-258	The practice in the superior court makes the signature of a judge or clerk unnecessary See	2 27-276	Repeal Unnecessary
		2 27-277	2A 26-84 To be revised so as to change names of courts in accordance with new constitution
		2 27-278	2A 26-85 See comment to 2 27-278
		2 27-279	2A 26-86 To be revised so as to conform to the practice in the superior court
		2 27-280	2A 26-87 to 2A 26-95 To be revised so as to include references to the county court and superior court and so as to make the practice of the county clerk similar to that of the superior court clerk
		2 27-281 to 2 27-289	

REVISION TITLE 2A

All the statutes listed below are to be repealed	Comment or proposed new citation	All the statutes listed below are to be repealed	Comment or proposed new citation
2 27-290	Proposed Rule 3 104-6 See comment to 2 27-281 through 2 27-289	2 27-313	necessary to codify this principle See proposed new Rule 3 57-2
2 27-291, 2 27-293, 2 27-294, 2 27-295	2A 26-96, 2A 26-97, 2A 26-98, 2A 26-99 See comment to 2 27-281 through 2 27-280	2 27-314	The first portion of this statute seems merely to provide that nothing in the statutes shall prevent a party making satisfaction from applying to the proper court for proper relief. This is an un- necessary provision, par- ticularly so in view of the elimination of most of the remainder of the provisions of R S 2 27-296 to 2 27-313
2 27-292	Repeal Covered by pro- posed new Rule 3 104-6 having to do with the su- perior court and by R S 2A 26-96 having to do with the county clerk		The last portion of this section, having to do with attorneys' liens, is to be included in 2A 20-5 by adding to the second sen- tence the following "nor by the entry of satisfaction or cancellation of a judgment on the record"
2 27-296 to 2 27-298	See proposed new Rule 3 57-1		Rules 3 57-5 and 3.57-6
2 27-299	Rule 3 104-2 et seq		Rule 3 57-6
2 27-300	Repeal If the record of a judgment has not been made up, a warrant to satisfy the judgment should be employed, rather than inserting in the minutes of the court an acknowledgment of the satisfaction	C 2 27-314 1	2A 26-100
2 27-301	Repeal	2 27-314 2	Obsolete and superseded by Rules 3 46, 1 2-8 and 4 2-6 Likewise superseded by constitution of 1947, article VI, section II, para- graph 2, article VI, section V, paragraphs 1 and 2, Rules 1 2-1 and 4 2-1
2 27-302	See proposed new Rule 3 57-3	2 27-314 3	Obsolete Appeals pro- vided for in Rules 1 2-1, 4 2-1, 1947 constitution, article VI, section V, para- graphs 1 and 2, article VI, section II, paragraph 2
2 27-303	See proposed new Rule 3 57-1	2 27-344	Obsolete Superseded by Rules 1 2-7 and 4 2-6
2 27-304	See proposed new Rule 3 57-1		Superseded by Rules 1 2-21(a), 1 2-22, 1 2-23, 1 2-24, 1 2-25, 1 2-26 and 4 2-6 As to the certifica- tion, also Rules 1 5-7 and 1.5-12
2 27-305	See proposed new Rule 3 57-3	2 27-345	Deemed unnecessary Pow- er of review in law is implicit in power to hear appeals
2 27-306	See proposed new Rule 3.57-1		Superseded by Rules 1 2-1, 1 2-2, 4 2-1 and 4.2-2
2 27-307, 2 27-308 .	Repeal Covered by pro- posed new Rule 3 104-6 having to do with the su- perior court	2 27-346	Obsolete Superseded by constitution of 1947, article VI, section V, paragraphs 1 and 2 As to appeals from judgments in an election case, they cannot be limit- ed except as provided in the constitution of 1947, article VI, section V, para- graphs 1 and 2
2 27-309	See comment to proposed 3 57-4	2 27-347	
2 27-310	See comment to proposed 3 57-4		
2 27-311	See comment to proposed 3.57-4		
2 27-312	Repeal This statute does does not make sense when the judgment is against the plaintiff, and its pur- port is not clear where the judgment is in favor of several plaintiffs The sta- tute is in reality something of a mixup of section 12 of the 1912 practice act (L. 1912, p 381, c 231, §20) from which it was taken. All courts have an equit- able control over their judgments and will see to it that the judgment creditor does not receive more than one satisfac- tion, it does not seem	2 27-348	
		2 27-349	
		2 27-350	

DISTRIBUTION TABLE

All the statutes listed below are to be repealed		Comment or proposed new citation	All the statutes listed below are to be repealed		Comment or proposed new citation
2 27-351.	..	..	2 27-368 . . .	..	Obsolete Superseded by constitution of 1947, article VI, section V, paragraph 1, and Rule 1 5
2 27-352	..	..	2 27-369	..	Superseded by Rules 1 2-11, 1 2-12, 1 2-13, 1 2-14, and 4 2-6
2 27-353	..	Blank	2 27-370	..	Obsolete as to named courts Superseded by Rules 1 2-11, 1 2-12, 1 2-13, 1 2-14 and 4 2-6
2 27-354	..	Blank	2.27-371 . . .	..	Obsolete as to courts named Superseded by Rules 1 2-9, 1 2-11, 1 2-12, 1 2-13, 1 2-14 and 4 2-6
2 27-355	..	..	2 27-372	..	Superseded by Rules 1 2-9, 1 2-11, 1 2-12, 1 2-13 and 1 2-14 See also Rule 3 11
2 27-356	..	..	2 27-373	...	Recommended that Rule 1 2-13(c) be amended to read as follows: “(c) When an appeal is taken, or certification sought, by the state or any political subdivision thereof or an officer or agency of the state, or any political subdivision thereof or by direction of any of the principal departments of the state or by a taxpayer in an action reviewing governmental action pursuant to Rule 3:81, or in an action on a penal statute and the operation or enforcement of a judgment or order is stayed, no bond, obligation or other security shall be required from the appellant”
2 27-357.	..	..	2 27-374	..	This statute serves no practical purpose
2 27-358 . .	..	Superseded by Rule 3 46	2 27-375.	..	This statute serves no practical purpose
2 27-359 . .	..	Superseded by Rules 1 2-21 and 4 2-6	2.27-375 1	..	Superseded by Rules 1 2-9, 1 2-11, 1 2-12, 1 2-13, 1 2-14, 4 2-6
2 27-360 . .	..	Superseded by Rules 1.4-2 and 4.4-6	2 27-375 1	..	It seems better to make Rule 3 54-5 applicable to actions at law in dower or curtesy (such actions are in practice obsolete) as well as to other actions where there are continuing damages
2 27-361 .	..	Blank	R S 2 27-376 . . .	..	2A 26-110 (See note of committee)
2 27-362	..	Superseded by Rules 1 4-10 and 4 4-7	2 27-377 .	..	Blank
2 27-363 .	..	Superseded by Rules 1 2-20(b) and 4 2-6	2 27-378 ..	..	Rule 3 54-6 covers this
2 27-364 .	..	Obsolete Superseded by constitution of 1947, article VI, section V, paragraph 1, and Rule 1 5	2 27-379.	..	Rule 3 54-6 covers this also As to the matter of taxation, see 2A 26-110
2 27-365 .	..	Obsolete Superseded by constitution of 1947, article VI, section V, paragraph 1, and Rule 1 5	2 27-380	..	This is a narrow provision which is taken care of in 2A 26-110
2 27-366	..	Obsolete Superseded by constitution of 1947, article VI, section V, paragraph 1, and Rule 1.5			
2 27-367	..	Obsolete Superseded by constitution of 1947, article VI, section V, paragraph 1, and Rule 1 5			

REVISION TITLE 2A

All the statutes listed below are to be repealed	Comment or proposed new citation	All the statutes listed below are to be repealed	Comment or proposed new citation
2 27-381 . .	There is no need for a general statute providing for an executor or administrator suing in a representative capacity (as distinguished from a suit brought by him on his own contract or on a tort committed against the estate after the decedents death) The court can deal with the matter by special order under Rule 3 54-6 The matter is so dealt with in chancery See Wade v Cox, 115 N J Eq 608	2 27-394 2 27-400 2 27-401 2 27-402 2 27-403 2 27-404 . . 2 27-405 . . . 2 27-406 . .	2A 26-116 This matter is now covered by Rule 3 54-6 2A 26-114 This matter is covered by a proposed amendment to Rule 3 54-6 Unnecessary The provision in Rule 3 54-6, which enables the court to disallow costs, gives it adequate control where several actions are brought on the same note or instrument Blank 2A 26-115 Unnecessary Rule 3 54-6 covers the matter adequately As to taxation, see 2A 26-110 2A 26-116 Rule 3 54-6 provides for the taxation of costs "as of course", unless the court otherwise directs Where costs are to be taxed upon notice, it seems appropriate to have the court itself tax them See proposed amendment to Rule 3 5-1 An unnecessary formality 2A 26-117 2A 26-115 Relief is available under Rules 3 54-6 and 3 60-2 Rule 3 54-6 covers this Where the clerk taxes the costs a motion to review his action is governed by Rule 3.54-16, which brings into operation the usual motion practice The court can provide for the crediting of amounts on the costs when under Rule 3 54-6 it reviews the action of the clerk in taxing them Rule 3 54-6 covers this matter Rule 3 54-6 covers this matter Unnecessary Unnecessary The court on the motion for retaxation of costs can direct the execution to be amended and credits and debits to be made therein See proposed amendment to Rule 3 54-6 2A 26-118 2A.26-119 2A 26-120 2A 26-121
2 27-382 . . .	2A 26-111		
2 27-383 .	Obsolete		
2 27-384 .	The situation arising when several defenses are interposed is one which should be left to the discretion of the court under Rule 3 54-6, rather than to a narrow statutory provision of somewhat dubious practicability	2 27-407 2 27-408 to 2 27-410	
2 27-385 .	Motions in arrest of judgment are obsolete		
2 27-385 1	This is covered by 2A 26-110 and Rule 1 4-11	R S 2 27-411	
2 27-385 2 .	This is covered by 2A.26-110 and Rule 1.4-11	2 27-412 . . 2 27-413 . . 2 27-414 . . . 2 27-415 .	
2 27-385 3	2A 26-112		
2 27-385 4 .	This is covered by Rule 1 4-11	2 27-416 . 2 27-417	
R S 2 27-386	The purpose of this section is achieved by 2A 26-113		
2 27-387	Since the repealer or R S 2 27-206 dealing with writs of habeas corpus cum causa, this section no longer need be retained		
2 27-388 . . .	Obsolete	2 27-418	
2 27-389 as am L 1950, c 141, §1)	2A 26-113		
2 27-390 .	Now that there are district courts in every county, this statute is unnecessary		
2 27-391 to 2 27-393, and 2 27-395 to 2 27-399 . .	These sections constituted an act applicable to appeals to the court of common pleas The whole matter is now embraced in other sections dealing with costs in this chapter which are applicable to the county court in the trial of a case as well as on an appeal See 2A 26-110 See also Rule 3 54-6 which is made applicable to the county court by Rule 3 5-2	2 27-419 2 27-420 2 27-421 . . 2 27-422 2 27-423 . 2 27-424 2 27-425 . 2 27-426 . 2 27-427 . .	

DISTRIBUTION TABLE

All the statutes listed below are to be repealed	Comment or proposed new citation	All the statutes listed below are to be repealed	Comment or proposed new citation
2 27-428	2A 26-123	RS 2 29-15	This should be covered by rule if desired There appears to be no need for such a provision
2 27-429	2A 26-123		
2 27-430	This section is no longer needed See comment to 2A 26-122	RS 2 29-16	Obsolete
2 27-431	2A 26-123	RS 2 29-17	Obsolete Covered by Rule 3 4 as to summons Should there be a general rule as to the mechanics of issuing other writs?
Chapter 27A. PROCEDURE IN COURT OF ERRORS AND APPEALS.			
RS 2 27A-1 to 2 27A-7	Obsolete	RS 2 29-18	Obsolete as to court of chancery Covers similar field to that covered by RS 2 27-54 et seq Duty of Sheriff to serve process, etc appears to be defined by RS 40 41-3 and 40 41-4, so why is a rule or statute like this needed?
Chapter 28 PROCEDURE IN COURT FOR TRIAL OF IMPEACHMENTS.			
RS 2 28-1 to 2 28-5	2A 28-1 to 2A 28-5		Obsolete Covered by Rule 3.4-4(d)
Chapter 29. PROCEDURE IN COURT OF CHANCERY.			
RS 2 29-1	Obsolete The provision for liberal construction is covered by Rule 3 1-2 Also, RS 2 27-1 and 2 27-2 cover the same ground and any revision of those sections would serve the same purpose as a revision of this section	RS 2 29-19	Obsolete covered by Rules 3 64-1 and 3 64-2
		RS 2 29-20	Obsolete
		RS 2 29-21	Obsolete
		RS 2 29-22	Obsolete Covered by Rule 3 4-3
		RS 2 29-23	Obsolete Covered by Rule 3 4-6
RS 2 29-2	Obsolete Rule 3 102-3 takes the place of this section as to the superior court	RS 2 29-24	Like RS 2 27-424, so does not require independent consideration
		RS 2 29-25	Obsolete Covered by Rule 3 17
RS 2 29-3	Obsolete Rule 3 102-2 provides for one term a year in the superior court	RS 2 29-26	Repealed
		RS 2 29-27	Obsolete Rule 3.4-5
RS 2 29-4	Obsolete	RS 2 29-28	Obsolete Rule 3 4-5
RS 2 29-5	Obsolete. Rule 3:15 covers amendments	RS 2 29-29	This is an ordinary type of act to validate titles If it has to remain on the books at all, it has no proper place in a revision of Title 2
RS 2 29-6	Obsolete Rules 3 102-7 and 3 5 cover this, by providing for service	RS 2 29-30	Obsolete Rule 3 55
RS 2 29-7	Obsolete	RS 2 29-31	Obsolete Rules 3 55-3 and 3 60-2
RS 2 29-8	Blank	RS 2 29-32	Obsolete as to court of chancery Question: Is there any policy reason for an amendment of Rule power of the court to order a bond in a case of the type described in this section?
RS 2 29-9	Obsolete Now provided for by const art VI, sec III, paragraph 4 and Rules 3 39 and 3 40-2		
RS 2 29-10	Obsolete Const art VI, sec III, paragraph 4		
RS 2 29-11	Obsolete		
RS 2 29-12	Obsolete as a chancery provision Suggestion: Might it not be well to have a general rule to this effect to cover titles and filing of papers in statutory proceedings, such as condemnation	RS 2 29-33	Obsolete as to court of chancery Rules 3 55-3 and 3 60-2 Since Rule 3 60 appears to contemplate a complete scheme for applications to re-open judgments, I suggested repeal of this section I am not sure that there should be complete repeal The last portion of the section gives a cause of action for an accounting to recover any
RS 2 29-13	Obsolete Rule 3:3-1 provides for a complaint in all civil actions		
RS 2 29-14	Seems unnecessary, since the provisions of RS 41 2-17 cover affidavits taken out of the state		

REVISION TITLE 2A

All the statutes listed below are to be repealed	Comment or proposed new citation	All the statutes listed below are to be repealed	Comment or proposed new citation
	excess amount collected by a plaintiff out of property of a non-resident defend- ant who failed to appear Should that cause of action be preserved? The problem is common to all proceed- ings in rem or quasi in rem where the owner of the property may have no notice of the proceeding, and thus enable a plaintiff to collect an inflated claim If a statute is needed to give a cause of action for an accounting to a defend- ant after he discovers what has happened, the statute should not be limited to cases in the chancery division		court So complete revision is indicated Obsolete Obsolete Covered by Rule 3 11 Obsolete Covered by Rule 3 33 Obsolete Covered by Rules 3 55-2 and 3 60-2 Obsolete Covered by Rule 3 56 Obsolete Obsolete Covered by rules on depositions Rule 3 30 Obsolete as a statute The present rules imply this result but do not spell it out Should there be a rule (possibly part of 3 55-1) like this statute, in order to specify the results of a default at the trial?
R S 2 29-34	Obsolete Rule 3 60-2 gov- erns time for application to re-open a default	R S 2 29-42 R S 2 29-43 R S 2 29-44 R S 2 29-45 R S 2 29-46 R S 2 29-47 R S 2 29-48 R S 2 29-49	Obsolete Covered by Rule 3 41 Obsolete
R S 2 29-34 1	Rule 3 60-2 seems to furnish a complete scheme for applications to set aside judgments Revision of this section is suggested in order to continue policy of protecting titles to land	R S 2 29-50 R S 2 29-51 R S 2 29-52 (as am by L 1947, c 228) R S 2 29-53 R S 2 29-54 (as am by L 1947, c 228) R S 2 29-55 R S 2 29-56 (as am by L 1947, c 228) C 2 29-56 1 (L 1947, c 229, §1) 2 29-56 2 (L 1947, c 229, §2) 2 29-46 3 (L 1947, c 229, §3) 2 29-56 4 (L 1947, c 229, §4) 2 29-56 5 (L 1947, c 229, §5) R S 2 29-57	Covered by 2A 2-14 Obsolete Obsolete Obsolete Obsolete Obsolete Covered by 2A 2-14 Covered by 2A 2-14 et seq Covered by 2A 2-14 et seq Covered by 2A 2-14 et seq Covered by 2A 2-14 et seq Covered by 2A 2-14 et seq This is to be included in article 10 of 2A having to do with judgments This is to be included in article 10 of 2A having to do with judgments Obsolete Covered by Rule 3 69-2 Obsolete Not needed in future 2A 26-79 Re-enactment of this is required to make a judgment, in a specific performance suit for ex- ample, be effective as a conveyance of land Rule 3 70-1 does not appear suf- ficient to achieve that end Obsolete Same ground will be covered by revision of R S 2.27-303 Obsolete Chapter VIII of superior court rules
R S 2.29-35 (as am by L 1941, c 402)	To be covered by amend- ment to Rule 3.17-4		
R S 2 29-35 1 to 2 29-35 4	Repealed by L 1941, c 402		
R S 2 29-36	To be covered by amended Rule 3 17-4		
R S 2 29-37	To be covered by amended Rule 3 17-4		
R S 2 29-38	To be covered by amended Rule 3 17-4		
R S 2 29-39	To be covered by amended Rule 3 17-4		
R S 2 29-40	Unnecessary as a statute Question Should Rule 3 4-5(b) or 3 17-4 be amended to require proof of inquiry to show search of county records where owner of an interest in real estate is the unknown de- fendant?		
R S 2 29-41	To be covered by amended Rule 3 17-4		
2 29-41 1 through 2 29-41 7 (as am by L 1947, c 313)	See 2A 26-137 and 2A 26-138 Some of C 2 29-41 1 to 2 29-41 7 could be covered by amended Rule 3.17-4 relating to un- known defendants, but it seems clear that a statute is required to authorize payment to the U S attorney general or into	R S 2 29-62 R S 2 29-63	

3

[Title 2A, p. 371]

REVISION TITLE 2A

All the statutes listed below are to be repealed		Comment or proposed new citation	All the statutes listed below are to be repealed		Comment or proposed new citation
Chapter 30. PROCEDURE IN PREROGATIVE COURT.			2 32-10 10 (L 1948, c 385, §10)		
R S 2:30-1	..	Obsolete	2 32-10 11	(L 1948, c 385, §11)	Covered in Rule 7 7-2
2 30-2	..	Obsolete	2 32-10 12	(L 1948, c 385, §12)	Covered in Rules 7 13-3 and 7 13-4
2 30-3		Proposed new Rule 3 104, particularly 3 104-9	2 32-10 13	(L 1948, c 385, §13)	2A 32-5
2 30-4 to 2 30-12		Obsolete	2 32-10 14	(L 1948, c 385, §14)	Landlord and tenancy covered in 2A 32-273 Med board etc should be covered in special acts
2 30-13 and 2 30-14		These statutes were necessary because of the narrowness of the jurisdiction of the prerogative court (in re Merrill, 88 N J Eq 261, 271, prerog 1917), but they are unnecessary in the superior court	2 32-10 15	(L 1948, c 385, §15)	2A 32-4
2 30-15 and 2 30-16		Obsolete	2 32-10 16	(L 1948, c 385, §16)	Placed in 2A 8-40
Chapter 31. PROCEDURE IN ORPHANS' COURT AND BEFORE SURROGATES			2 32-10 17	(L 1948, c 385, §17)	This repeals inconsistent act
C 2 31-20 1			2 32-11		Effective date of act
(L 1948, c 63, 1)		2A 7-29	2 32-12		This should be covered by rule
Chapter 32. PROCEDURE IN DISTRICT COURTS.			2 32-13		Covered by Rules 7 4-2 and 7 4-3
R S 2 32-1	....	2A 32-1 brings definitions up to date	2 32-14		See Rule 7 4-5
2 32-2	..	Repealed by L 1948, c 385, §16	2 32-15		2A 32-6
2 32-3		Rule making power is in sup ct	2 32-16		See Rule 7 4-5
2 32-4	.....	Rule A 2 Statute unnecessary	2 32-17		Covered by Rule 3 4-8
2 32-5	..	Properly covered in R S 2 26-3 2 and 2 26-3 3	2 32-18		2A 32-8
2 32-6	.....	Rules 3 15-1 to 3 and R S 2 27-157	2 32-19		2A 32-9
2 32-7		Subject of rule See proposed Rule 7 6-8	2 32-20		2A 32-10
2 32-8	.....	Unnecessary Covered by Rules 7 54-7 55	2 32-21		Made consistent with med bd act
2 32-9	.....	2A 32-3	2 32-22		2A 32-11
2 32-10	.....	Unnecessary See provision in bond of clerk 2A 8-19	2 32-23		2A 32-12
2 32-10 1			2 32-24		Repeal. Very remote contingency under present practice
(L 1948, c 385, §1)	..	Repeal Obsolete	2 32-25, as am		Covered by Rule 7.5-2
2 32-10 2			L 1950, c 219, §8		Repeal Payments should be to clerk of court only
(L 1948, c 385, §2)	....	Obsolete	2 32-26, as am		Repeal See 2 32-23
2 32-10 3			L 1943, c 203, §1		Subject of proposed Rules 7 6-5, 7 6-6 and 7 6-7
(L 1948, c 385, §3)	.....	Properly covered in Rules 3 4-4 and 7 4-6	2 32-27 to 2 32-30		An implied repealer is found in L. 1948, c. 385, §2
2 32-10.4			2 32-31		Implied repealer in L 1948, c 355
(L 1948, c 385, §4)	....	Covered in Rule 3 4-4 and implied in Rule 7 3-1	2 32-32		Subject of proposed Rule 7 4-6(c)
2 32-10 5			2 32-33		Covered by Rules 3.4-4, 7 3-1 and 7 4-1(b)
(L 1948, c 385, §5)	...	Obsolete	2 32-34		Presently blank
2 32-10 6			2 32-34 1, as am		Most effective remedy is provided by R S. 34 11-57 et seq
(L 1948, c 385, §6)	....	Covered in Rule 7 5-4	L 1941, c 57, §1		
2 32-10 7			2 32-34 2		2A 32-13
(L 1948, c 385, §7)	...	Covered in Rule 7 7-2 and 7 7-3	2 32-34 3		New 1st paragraph makes procedure clear 2A 32-14
2 32-10 8			2 32-34 4		Covered by Rule 7 7-7
(L 1948, c 385, §8)	...	Covered in Rule 7 5-8	2 32-34 5		2A 32-15
2 32-10 9			2 32-34 6		2A 32-16
(L 1948, c 385, §9)	..	Covered in Rules 7 5-3 to 7 5-9 See also 2A 32-49	2 32-35		2A 32-17
					2A 32-35

DISTRIBUTION TABLE

All the statutes listed below are to be repealed	Comment or proposed new citation	All the statutes listed below are to be repealed	Comment or proposed new citation
2 32-36	2A 32-36	2 32-103	2A 32-103 and 2A 88-11
2 32-37	2A 32-37	2 32-104	2A 89-8
2 32-38	2A 32-38	2 32-105	2A 88-12
2 32-39	2A 32-39	2 32-106	2A 90-3
2 32-40 and 2 32-41	Repeal Officer should not take bond	2 32-107	Deleted Repealed
2 32-42	2A 32-42	2 32-108	Now covered by general provisions
2 32-43	2A 32-43	2 32-109	2A 90-3
2 32-44	Amended to conform to present practice 2A 32-44	2 32-110	2A 90-6
2 32-45	2A 32-45	2 32-111	2A 32-111
2 32-46	Covered by Rule 3 2, 3 18-1 also by 2A 32-2	2 32-112	2A 97 5
2 32-47	Repeal covered in 2A 32-36	2 32-113	2A 32-113
2 32-48	Repeal Procedure covered in Rule 7 5-8 and 7 5-9	2 32-114	2A 32-114
	Substance in 2A 32-49	2 32-115	2A 32-115
2 32-49	2A 32-49	2 32-116	2A 32-116
2 32-50, as am		2 32-117	2A 32-117
L 1942, c 75, §1	Repeal	2 32-118	2A 32-118
2 32-51	Repeal	2 32-119	2A 32-119
2 32-52	Repeal This is covered by 2A 32-49	2 32-120	Covered by Rule 3 59-1
2 32-53	Unnecessary	2 32-121	Covered by Rule 3 59-2
2 32-54 to 2 32-62	Repeal Use R S 2 4-1 et seq These provisions are seldom used	2 32-122	Covered by Rule 3 41-2
2 32-63 to 2 32-67	Repeal There is no neces- sity for a reference in county district court If there is one it is covered by Rule 3 53	2 32-123	Unnecessary
2 32-68 to 2 32-81	Repeal See the proposed amended Rule 7 6-4	2 32-124	Rule should be drawn
2 32-82 to 2 32-86		2 32-125	To be repealed
as am, L 1944,		2 32-126	Covered by R S 2 70-3
c 164, §1	Repeal See the proposed amended Rule 7 6-3	2 32-127	2A 32-127
2 32-87 and 2 32-88	Repeal See Rule A13	2 32-128	2A 32-128
2 32-89	Repeal Covered by Rule 7 9-1 and 7 9-2	2 32-129	2A 32-129
2 32-90, as am		2 32-130	2A 32-130
L 1944, c 186, §1,		2 32-131	2A 32-131
L 1946, c 181, §1	Repeal Covered by Rule 7 9-1 and 7 9-2	2 32-132	2A 32-132
2 32-90 1, as am		2 32-133	2A 32-133
L 1947, c 397, §1	Repeal Covered by Rule 7 9-2	2 32-134 to 2 32-140	These sections should be covered by rules
2 32-91	Repeal Covered by Rule 7 7-2	2 32-141	2A 32-141
2 32-92	2A 32-90	2 32-142	2A 32-142
2 32-93, as am		2 32-143	2A 32-143
L 1946, c 179, §1	Repeal Covered by Rule 7 7-7	2 32-144	2A 32-144
2 32-94 and 2 32-95	Repeal Covered by Rule 7 7-7	2 32-145	2A 32-145
2 32-96	Repeal Covered by Rule 7 7-2	2 32-146	2A 32-146
2 32-97	Repeal Covered by Rule 7 7-6	2 32-147	2A 32-147
2 32-98	Repeal Covered by Rule 3 41	2 32-148	2A 32-148
2 32-99	Repeal Covered by Rule 7 9-5(b)(c) and 3 13-2	2 32-149	2A 32-149
2 32-100	Repeal Obsolete See Rule 3 38-2 2A 16-6	2 32-150	This should be covered by rule
2 32-101	2A 95-2 and 2A 32-101	2 32-151	Covered by 2 26-92
2 32-102	2A 32-102	2 32-152	This should be covered by rule
		2 32-153	2A 32-153
		2 32-153 1	This should be covered by rule
		2 32-154	2A 32-154
		2 32-155	2A 32-155
		2 32-156	2A 32-156
		2 32-157	2A 32-157 and 2A 32-157 1
		2 32-157 1	Covered by Rule 7 52
		2 32-158	2A 32-158
		2 32-159	2A 32-159
		2 32-160	2A 32-160
		2 32-161	2A 32-161 This is revised to overcome effect of de- cision in Cole v Lunger, 42 N J L 381
		2 32-162	2A 32-162
		2 32-163	2A 32-163
		2 32-164	2A 32-164

REVISION TITLE 2A

All the statutes listed below are to be repealed	Comment or proposed new citation	All the statutes listed below are to be repealed	Comment or proposed new citation
2 32-165 to 2 32-170	Repeal Suggest that procedure be uniform in all courts See R S 2 26-148 to 2 26-166		and better handled by civil action for possession
2 32-171 to 2 32-179	Repeal Suggest that procedure be uniform in all courts See R S 2 26-168 to 181	2 32-259	2A 32-259
2 32-180	2A 32-180	2 32-260	2A 32-260
2 32-181 to 2 32-185	Repeal Suggest that procedure be uniform in all courts See R S 2 26-182 to 2 26-187 2	2 32-261	This conflicts with 2 58-25 which is substituted for it 2A 32-261
2 32-186	2A 32-186	2 32-262	Blank
2 32-187	2A 32-187	2 32-263	Covered by 2A 32-267
2 32-188	2A 32-188	2 32-264	Blank
2 32-189	2A 32-189	2 32-265	2A 32-265
2 32-190	2A 32-190	2 32-266	2A 32-266
2 32-191	2A 32-191	2 32-267	2A 32-267
2 32-192	2A 32-192	2 32-268	2A 32-268
2 32-193	2A 32-193	2 32-269	2A 32-269
2 32-194	2A 32-194	2 32-270	2A 32-270
2 32-195	2A 32-195	2 32-271	2A 32-271
2 32-196	2A 32-196	2 32-272	2A 32-272
2 32-197	2A 32-197	2 32-273	2A 32-273
2 32-198	2A 32-198	2 32-274	2A 32-274
2 32-199	2A 32-199	2 32-275 to 2 32-277	Covered by proposed court rule 7 6-1(a)
2 32-200	2A 32-200	2 32-278	Same provision in chapter 58 and 2A 58-19
2 32-201	2A 32-201	2 32-279	2A 32-279
2 32-202	Repeal Inconsistent with Rule 1 2-20	2 32-280 to 2 32-312	The practice and procedure in replevin in the superior and county courts is being made applicable to the county district court by the enactment of a single new section in place of the old replevin article of the district court act
2 32-203	Repealed L 1948, c 385, §1	2 32-313 to 2 32-350	The entire attachment article (article 23) is being repealed and the practice and procedure in attachment in the superior and county courts made applicable by the enactment of 2 new sections in place of article 23
2 32-204	Repealed L 1948, c 385, §16	2 32-351, as am	
2 32-205	Repeal Inconsistent with Rule 3 59-5	L 1938, c 72, §1,	
2 32-206	Repealed L 1948, c 385, §16	L 1950, c 226, §1	Definition is found in 2A 32-1
2 32-207	Repeal Covered by Rule 1 2-6(b)	2 32-352	Rule 3 5-2
2 32-208 to 2 32-214	Repealed L 1948, c 385, §16	2 32-353	Rule 7 5-3
2 32-215 to 2 32-221	Repealed L 1948, c 385, §16	2 32-354	Rule making power in supreme court
2 32-222	Repeal The most effective remedy is provided by R S 34 11-57 et seq	2 32-355	Rule 3 3-2
2 32-223	2A 32-223	2 32-356, as am	
2 32-224	2A 32-224	L 1946, c 183, §1,	
2 32-225	2A 32-225	L 1947, c 402, §1	2A 32-356 A portion of 2 32-358 is inserted in this section
2 32-226	2A 32-226	2 32-357	The judge should dispose of the matter at a hearing
2 32-227	Repeal Obsolete	2 32-358	2A 32-358 A portion is transferred to 2A 32-356
2 32-228	Covered by Rules 3 19-4 and 3 20-1	2 32-359	Covered by Rule 7 14-3
2 32-229	Covered by Rule 3 19-1	2 32-360	Covered in Rule 7 7-2
2 32-230	2A 32-230	2 32-361	Rule 3 15-1
2 32-231	Covered by Rule 3 19-4	2 32-362	Covered in Rule 7 14-1 and 7 7-3
2 32-232	Covered by 2A 32-49		
2 32-233	Covered by rules generally		
2 32-234	Covered by Rule 7 9-5(c)		
2 32-235	Covered by Rules 3 55-2, 7 9-2 and 7 9-5		
2 32-236 to 2 32-238	Covered by Rule 3 69-2		
2 32-239	Covered by 2A 32-123		
2 32-240 to 2 32-258	The whole article on forcible entry and detainer is omitted because obsolete		

DISTRIBUTION TABLE

All the statutes listed below are to be repealed		Comment or proposed new citation	All the statutes listed below are to be repealed		Comment or proposed new citation
2 32-363	..	Should be heard in same manner as district court cases See Rule 7 14-1	2 34-29		2A 34-35
2 32-364 to 2 32-366		Covered by Rule 7 14-1	2 34-30		2A 34-36
2 32-367		This should be covered by rule	2 34-31		2A 34-37
2 32-368		Covered by Rule 7 14-1	2 34-32		2A 34-38
2 32-369		Covered by Rule 7 14-1 and 3 59	2 34-33		2A 34-39
2 32-370		2A 32-370	2 34-34		2A 34-40
2 32-371		2A 32-371	2 34-35		2A 34-41
2 32-372, as am			2 34-36		2A 34-42
L 1946, c 182, §1		2A 32-372	2 34-37		Repealed
2 32-373		2A 32-373	2 34-38		Repealed
2 32-374		2A 32-374	2 34-39		2A 34-45
			2 34-40		2A 34-46
			2 34-41		Repealed
			2 34-42		Repealed
			2 34-43		2A 34-49
			2 34-44		2A 34-50
			2 34-45		2A 34-51
			2 34-46		2A 34-52
			2 34-47		Repealed
			2 34-48		2A 34-54
			2 34-49		2A 34-55
			2 34-50		Repealed
			2 34-51		Repealed
			2 34-53		2A 34-59
			2 34-54		2A 34-60
			2 34-55		2A 34-61
			2 34-56		2A 34-62
			2 34-57		Repealed
			2 34-58		2A 34-64
			2 34-59		2A 34-65
			2 34-60		2A 34-66
Chapter 33. PROCEDURE IN SMALL CAUSE COURTS.			Chapter 35 INSOLVENT DEBTORS; RELIEF FROM ARREST OR IMPRISONMENT, PROCEDURE; DISCHARGE		
R S 2 33-1 to 2 33-100 (except 2 33-56)		Obsolete L 1948, c 264, §37, and see L 1949, c 104, (C 2 8A-42 to 46)	R S 2 35-1		2A 35-1
2 33-56		2A 33-8	2 35-2		2A 35-2
2 33-101 to 105		Saved from repeal	2 35-3		2A 35-3
2 33-106		Obsolete L 1948, c 264, §37, and see L 1949, c 104, (C 2 8A-42 to 46)	2 35-4		2A 35-4
2 33-107		Saved from repeal	2 35-5		2A 35-5
2 33-108 to 2 33-129		Obsolete L 1948, c 264, §37, and see L 1949, c 104, (C 2 8A-42 to 46)	2 35-6		2A 35-6
2 33-130		Saved from repeal	2 35-7		Rule 3 79 controls
2 33-131 to 2 33-180		Obsolete L 1948, c 264, §37, and see L 1949, c 104, (C 2 8A-42 to 46)	2 35-8		To be repealed
			2 35-9		To be repealed
			2 35-10		2A 35-10
			2 35-11		To be repealed
			2 35-12		2A 35-12
			2 35-13		2A 35-13
			2 35-14		2A 35-14
			2 35-15		2A 35-15
			2 35-16		None No reason for blank in R S
			2 35-17		2A 35-16
			2 35-18		2A 35-17
			2 35-19		To be repealed
			2 35-20		To be repealed
			2 35-21		Obsolete
			2 35-22		See 2A 88-11
			2 35-23		To be repealed
			2 35-24		To be repealed
			2 35-25		2A 35-23
			2 35-26		Obsolete Basis for confinement abolished by 2 39A-1
			2 35-27		Obsolete Basis for confinement abolished by 2 39A-1
Chapter 34 ASSIGNMENTS FOR CREDITORS.					
2 34-1		2A 34-7			
2 34-2		2A 34-8			
2 34-3		2A 34-9			
2 34-4		2A 34-10			
2 34-5		2A 34-11			
2 34-6		2A 34-12			
2 34-7		2A 34-13			
2 34-8		2A 34-14			
2 34-9		2A 34-15			
2 34-10		2A 34-16			
2 34-11		Repealed			
2 34-12		2A 34-18			
2 34-13		2A 34-19			
2 34-14		2A 34-20			
2 34-15		2A 34-21			
2 34-16		2A 34-22			
2 34-17		2A 34-23			
2 34-18		Repealed			
2 34-19		2A 34-25			
2 34-20		2A 34-26			
2 34-21		2A 34-27			
2 34-22		2A 34-28			
2 34-23		2A 34-29			
2 34-24		2A 34-30			
2 34-25		2A 34-31			
2 34-26		2A 34-32			
2 34-27		2A 34-33			
2 34-28		2A 34-34			

REVISION TITLE 2A

All the statutes listed below
are to be repealed

Comment or proposed
new citation

All the statutes listed below
are to be repealed

Comment or proposed
new citation

2 35-28 .
2 35-29

2A 35-24
2A 35-25

Chapter 36. INSOLVENT DEBTORS; ADMINISTRATION AND DISTRIBUTION OF ESTATE OF DEBTOR.

R S 2 36-1 .
2 36-2 .
2 36-3 .
2 36-4 .
2 36-5 .
2 36-6 .
2 36-7 .
2 36-8 .
2 36-9 .
2 36-10 .
2 36-11 .
2 36-12 .
2 36-13 .
2 36-14 .
2 36-15 .
2 36-16 .
2 36-17 .
2 36-18 .
2 36-19 .
2 36-20 .
2 36-21 .

2A 36-1
2A 36-2
2A 36-3
2A 36-4
2A 36-5
2A 36-6
2A 36-7
2A 36-8
2A 36-9
Repealed
2A 36-11
2A 36-12
2A 36-13
2A 36-14
2A 36-15
2A 36-16
2A 36-17
2A 36-18
2A 36-19
2A 36-20
2A 36-21

Chapter 37. PRISON LIMITS.

R S 2 37-1 .
2 37-2 .
2 37-3 .
2 37-4 .
2 37-5 .

2A 37-1
2A 37-2
2A 37-3
2A 37-4
2A 37-5

Chapter 38. ACCOUNT; ACTION OF.

2 38-1 to 2 38-13 All practice and procedure unnecessary. See rules relating to accounts

Chapter 39. ADOPTION OF ADULTS.

2 39-1 2A 38-1
2 39-2 2A 38-2
2 39-3 2A 38-3; see proposed rule
2 39-4 See proposed rule
2 39-5 2A 38-4; see proposed rule
2 39-6 See proposed rule
2 39-7 2A 38-5

Chapter 39A. ALIENATION OF AFFECTIONS, BREACH OF CONTRACT TO MARRY, CRIMINAL CONVERSATION AND SEDUCTION.

2 39A-1 to 2 39A-9 ... 2A 39-1 to 2A 39-9

Chapter 40. ARBITRATION AND AWARD.

2 40-1 to 2 40-5 2A 40-1 to 2A 40-5
2 40-6 to 2 40-9 Repeal Inconsistent with Rule 3 53
2 40-10 to 2 40-26 Some minor amendments with those sections which are purely procedural removed See 2A 40-10 to 2A 40-26

Chapter 41. ASSIGNMENTS AND ACTIONS BY ASSIGNEES.

2 41-1 2A 41-1

Chapter 42. ATTACHMENT.

R S 2 42-1 to 85 Repealed by L 1948, c 358, §45
2 42-86 The definitions contained in this section are unnecessary See the reporter's notes for comment
2 42-87 2A 42-1
2 42-88 2A 42-2
2 42-89 In view of Rule 3 17-4, this statute is unnecessary See Rule 3 73-1
2 42-90 See Rules 3 72-1 and 2
2 42-91 2A 42-5
2 42-92 Conflicts with other provisions of the act requiring compliance within prescribed times See Black v Emack, 11 N J Misc 363 (Sup Ct 1933)
2 42-93 2A 42-6
2 42-94 2A 42-7
2 42-95 2A 42-8
2 42-96 Substance of this statute is incorporated in proposed revision of R S 2 42-88 sub-paragraph c
2 42-97 Substance of this statute is incorporated in proposed revision of R S 2 42-88 sub-paragraph c
2 42-98 In view of elimination of applying claimants under proposed revision, this statute is not necessary
2 42-99 2A 42-9
2 42-100 To be repealed
2 42-101 See Rule 3 72-1
2 42-102 2A 42-12
2 42-103 2A 42-13
2 42-104 2A 42-14
2 42-105 2A 42-15
2 42-106 2A 42-16
2 42-107 2A 42-17, see Rule 3 72-4
2 42-108 See Rule 3 72-5
2 42-109 See Rule 3 72-2
2 42-110 See Rule 3 72-2
2 42-111 See Rule 3 72-2
2 42-112 In view of elimination of applying claimants under proposed revision, this statute is not necessary
2 42-113 See Rule 3 72-3
2 42-114 See Rule 3 72-4
2 42-115 2A 42-25
2 42-116 To be repealed
2 42-117 See Rule 3 72-5
2 42-118 In view of R S 2 42-124 and R S 2 42-125, this statute is unnecessary
2 42-119 See Rule 3 72-5 2
2 42-120 To be repealed
2 42-121
2 42-122

DISTRIBUTION TABLE

All the statutes listed below are to be repealed		Comment or proposed new citation	All the statutes listed below are to be repealed		Comment or proposed new citation
			Chapter 50. DIVORCE AND NULLITY OF MARRIAGE—ALIMONY AND MAINTENANCE.		
2 42-123 .	2A 42-30		2 50-1	2A 50-1	
2 42-124	To be repealed		2 50-2	2A 50-2	
2 42-125	2A 42-32		2 50-3	2A 50-3	
2 42-126	In view of R S 2 42-124 and R S 2 42-125, this statute is unnecessary		2 50-4	2A 50-5	
2 42-127	In view of elimination of auditor, this statute is un- necessary		2 50-5	2A 50-7	
2 42-128	2A 42-33		2 50-6	2A 50-4	
2 42-129	2A 42-34		2 50-44	2A 50-6	
2 42-130	Repealer		2 50-7	2A 50-8	
2 42-131	Effective date		2 50-8	Unnecessary	
			2 50-9 to 2 50-12	2A 50-10, 2A 50-11	
			2 50-12 2	2A 50-12	
			2 50-12 1	Repealed by L 1948	
			2 50-13	2A 50-13	
			2 50-14, 2 50-36	2A 50-14	
			2 50-15	2A 50-15	
			2 50-16	2A 50-16 and new Rule 3 86-2	
			2 50-17	New Rule 3 87-12	
			2 50-18	Omitted Covered by Rule 3 87-9	
			2 50-19	Repealed L 1948	
			2 50-20	Omitted Covered by Rule 3 84-4	
			2 50-21	Repealed L 1948	
			2 50-22 to 2 50-24	Repealed L 1948	
			2 50-25	Omitted Covered by Rule 3 4-7 and 3 85-1	
			2 50-26	Repealed L 1948	
			2 50-27	Repealed L 1948	
			2 50-27 1	2A 50-17	
			2 50-27 2	2A 50-18	
			2 50-28	Repealed L 1948	
			2 50-29	2A 50-19	
			2 50-30	2A 50-20	
			2 50-31	Included in the new Rule 1 2-5(h)	
			2 50-32	Omitted Covered by Rule 3 58 and 3 104-2	
			2 50-33	2A 50-21	
			2 50-34	2A 50-22	
			2 50-35	2A 50-23	
			2 50-36	Included in 2A 50-14	
			2 50-37	2A 50-24	
			2 50-38	2A 50-26	
			2 50-39	2A 50-25	
			2 50-40	2A 50-27	
			2 50-41	2A 50-28	
			2 50-42	Repealed L 1948	
			2 50-43	Repealed L 1948	
			2 50-44	2A 50-6	
			Chapter 51. EJECTMENT.		
			R S 2 51-1, as am		
			L 1948, c 373, §1		Rule 3 25 provides for the substitution of other per- sons in case a party to an action dies, and it seems to be unnecessary to define who such persons would be in an action for the pos- session of land
Chapter 43. BONDS; ACTIONS AND PROCEEDINGS ON.					
2 43-1 to 2 43-2	2A 43-1				
2 43-3	See Rule (action on official bonds)				
2 43-4	2A 43-2, see Rule (action on official bonds)				
2 43-5	See Rule .. (action on official bonds)				
2 43-6	Unnecessary				
2 43-7	.. 2A 43-3				
2 43-8	.. 2A 43-4				
Chapter 45. BREACH OF CONTRACT OF SALE OF REAL ESTATE; DAMAGES RECOVERABLE.					
R S 2 45-1	2A 45-1				
Chapter 46. COMMON INFORMERS; ACTIONS BY ON PENAL STATUTES.					
2 46-1 to 2 46-6	Rule (actions by in- formers on penal statutes)				
Chapter 47 DEATH BY WRONGFUL ACT.					
2 47-1	2A 47-1				
2 47-2, as am					
L 1938, c 175, §1	2A 47-2				
2 47-3	2A 47-3				
2 47-4, as am					
L 1943, c 79, §1,					
L 1948, c 429, §1	2A 47-4				
R S 2 47-5	..2A 47-5				
2 47-6	2A 47-6				
Chapter 48. DEBTS OR OBLIGATIONS FRAUDULENTLY CONTRACTED OR INCURRED.					
2 48-1	2A 48-1				
2 48-2	2A 48-2				
Chapter 49. DISTRESS GENERALLY.					
R S 2 49-1 and 2 49-2	2A 49-1				
2 49-3	2A 49-2				
2 49-4	To be repealed	Obsolete			
2 49-5	2A 49-3				
2 49-6	2A 49-4				
2 49-7	2A 49-5				

REVISION TITLE 2A

All the statutes listed below
are to be repealed

Comment or proposed
new citation

All the statutes listed below
are to be repealed

Comment or proposed
new citation

2 51-2, as am
L 1948, c 373, §2

The object of this statute apparently is to limit the jurisdiction of the superior and county courts so that the action for possession of land would be no broader than the narrow action of ejectment as it stood prior to 1948. This is unfortunate. As will be perceived from comment 1 to the tentative draft (May 1948) of Rule 3 74-1, the object of the rule was to place actions for the possession of land in the same category as any other civil action. See the amendment to Rule 3 74-1.

2 51-3, as am
L 1948, c 373, §3

The object of Rule 3 74 is not to limit the persons who may be joined as parties to an action for possession of land, other than the limitations imposed upon all actions by Rules 3 19 and 3 20. For example, under R S 2 51-3 it was held that no person could be made a defendant unless he was in privity with the tenant in possession. This was an unfortunate restriction on the practice which Rule 3 74 was designed to abolish.

2 51-4, as am
L 1948, c 373, §4
2 51-5, as am
L 1948, c 373, §5
2 51-6, as am
L 1948, c 373, §6
2 51-7, as am
L 1948, c 373, §7
2 51-8, as am
L 1948, c 373, §8

Unnecessary

Unnecessary

Unnecessary

2A 51-1

This statute has long since served its purpose by abolishing "the consent rule"

2 51-9, as am
L 1948, c 373, §9
2 51-10, as am
L 1948, c 373, §10

Unnecessary

In an action for the recovery of the possession of land, the plaintiff, if successful, should have judgment for its possession; no statute or rule is necessary to provide for this. Rule 3 70 provides as to the issuance of a writ of possession.

The second sentence of R S 2 51-10, as amended,

2 51-11, as am
L 1948, c 373, §11

is covered in Rule 3 74-4 (To be renumbered "Rule 3 74-5")

2 51-12

Rules 3 21 and 3 24 amply provide for the joinder of parties to an action, and there is no need to set up special provisions for an action for possession. This statute limits the defenses which may be interposed by a landlord. It reflects the limited character of the ancient action of ejectment, and should be abolished.

2 51-13, as am
L 1948, c 373, §12

Whenever a new defendant on his own motion is added to an action, the court may and often should require the plaintiff to file an amended complaint as against him. Hence the general practice covers all phases of this statute.

2 51-14, as am
L 1948, c 373, §13

This statute, which provides that the defendant's answer in an action for the possession of land is necessarily an admission that he is in possession or claims title, refers back to the limited issue formerly triable in an action of ejectment. Rule 3 74 attempts to break away from this practice.

2 51-15, as am
L 1948, c 373, §14
2 51-16

This statute is unnecessary. This statute will be found in the first sentence of Rule 3 74-2.

2 51-17, as am
L 1948, c 373, §15

That a plaintiff may have judgment for the recovery of the possession of such portion of the premises as are not defended is stated in the amendment to Rule 3 74-2.

Rule 3 41-1(b) covers the matter of dismissal more adequately than in this statute.

Rule 3 70-2 provides for a writ of possession.

As to costs, see Rule 3 54-6.

2 51-18

New Rule . . . which permits the court to require amendments amply covers this matter.

DISTRIBUTION TABLE

All the statutes listed below are to be repealed	Comment or proposed new citation	All the statutes listed below are to be repealed	Comment or proposed new citation
2 51-19, as am L 1948, c 373, §16	This is covered by Rule 3 41-1		ing advantages Proofs by the persons who succeed to the plaintiff's title showing their right to stand in his shoes should not be too onerous
2 51-20, as am L 1948, c 373, §17	See Rule 3 41		
2 51-21, as am L 1948, c 373, §18	This statute will be found in Rule 3 74-2	2 51-35, as am L 1948, c 373, §28	See Rule 3 25-1
2 51-22, as am L 1948, c 373, §19	The entry of judgment without proof of title where an answer is withdrawn is provided for by Rule 3 74-4 (to be re-numbered 3 74-5) Under Rule 3 54-2, notwithstanding that 1 of several defendants withdraws his answer, final judgment for possession would not be rendered against all the defendants where the other defendants claimed possession to the property	2 51-36, as am L 1948, c 373, §29	See Rule 3 25-1
		2 51-37 and 2 51-38	These statutes allow a judgment to be entered against a deceased defendant Like RS 2 51-33 and 2 51-34 they present anomalies without sufficient compensating advantages It would seem better, as in other actions, to have the proper parties substituted This statute is unnecessary
2 51-23, as am L 1948, c 373, §20	The first sentence is covered by Rule 3 74-3 The general rules of pleading cover the remainder of this statute	2 51-39 2 51-40, as am L 1948, c 373, §30	This statute is unnecessary
2 51-24, as am L 1948, c 373, §21	Rule 3 74-3 sufficiently covers this matter	2 51-41, as am L 1948, c 373, §31	This statute is unnecessary, in fact it limits the issue which may be tried in the action—contrary to the whole purpose of Rule 3 74
2 51-25, as am L 1948, c 373, §22	See new Rule 3 74-4		Rule 3 74-4 (to be re-numbered 3 74-5) allows the court to eliminate proof of title See Rule 3 74-6 (to be re-numbered 3 74-7), and as to the writ of possession see Rule 3 70-2
2 51-26, as am L 1948, c 373, §23	See new Rule 3 74-4		See Rule 3 74-6 (to be renumbered 3 74-7)
2 51-27, as am L 1948, c 373, §24	See new Rule as to amendments of any proceedings See also new Rule 3 74-4	2 51-42	
2 51-28, as am L 1948, c 373, §25	See new Rule 3 74-4	2 51-43	
2 51-29, as am L 1948, c 373, §26	See Rule 3 25-1	2 51-44, as am L 1948, c 373, §32	See Rule 3 74-5
2 51-30	See Rule 3 25-1(b)	2 51-45, as am L 1948, c 373, §33	2A 51-3
2 51-31	See Rule 3 25-5 (to be renumbered 3 25-6) and 3 25-1 Where the action does not survive, it would seem to be better, as in other actions, to have the proper parties substituted, rather than leave the matter open to further litigation between the surviving plaintiff and the representatives of the deceased plaintiff	2 51-46, as am L 1948, c 373, §34	Rule 3 74-7 (to be re-numbered 3 74-8) covers the first clause of this statute, and the amendment to Rule 3 74-1 covers the second clause
		2 51-47, as am L 1948, c 373, §35	Unnecessary
2 51-32, as am L 1948, c 373, §27	See Rule 3 25-1(a)	2 51-48	2A 51-2
2 51-33 and 2 51-34	Rule 3 25-1 seems to be better Entering judgment in favor of a decedent presents anomalies without sufficient compensat-	2 51-49, as am L 1948, c 373, §36	Rule 3 54-6
		2 51-50	See amendment to 3 70-2
		2 51-51	Rule 3 54-6 allows the plaintiff his costs if he prevails, unless the court otherwise orders Further see amendment to Rule 3 70-2
		2 51-52, as am L 1948, c 373, §37	The flexible provision of Rule 3 54-6, by which a plaintiff who prevails in

REVISION TITLE 2A

All the statutes listed below
are to be repealed

Comment or proposed
new citation

All the statutes listed below
are to be repealed

Comment or proposed
new citation

part is given his costs
unless the court otherwise
orders, should be applied
to an action for posses-
sion of land

Chapter 55. FIRE ALARM SYSTEMS, DAMAGES CAUSED BY INJURIES TO OR TAMPERING WITH.

R S 2 55-1 . 2A 55-1

2 51-53, as am
L 1948, c 373, §38
2 51-54, as am
L 1948, c 373, §39

Unnecessary

Unnecessary

Chapter 52. ESCAPES.

R S 2 52-1 . 2A 52-1
2 52-2 . . 2A 52-2
2 52-3 . . 2A 52-3
2 52-4 . . To be repealed Obsolete
2 52-5 2A 52-4

Chapter 53. ESCHEATS.

2 53-1 to 2 53-14 Now contained in 2A 53-1
and Rule . . (escheat)
C 2 53-15
(L 1946, c 155, §1,
as am L 1947,
c 357, §1) . . . 2A 53-15
2 53-16
(L 1946, c 155, §2) 2A 53-16
2 53-17
(L 1946, c 155, §3,
as am L 1947,
c 357, §3) . . 2A 53-17
2 53-18 . . Now contained in 2A 53-1
and Rule (escheat)
2 53-19
(L 1946, c 155, §5) 2A 53-18
2 53-20
(L 1946, c 155, §6) 2A 53-19
2 53-21 . . . Now contained in 2A 53-1
and Rule (escheat)
2 53-22 . . . See Rule . . (escheat)
2 53-23 . . . 2A 53-20
2 53-23 1
(L 1946, c 357, §6,
supp L 1946, c 155) .2A 53-21
2 53-24
(L 1946, c 155, §10) .2A 53-22
2 53-25
(L 1946, c 155, §11) .2A 53-23
2 53-26 Now contained in 2A 53-1
and Rule . (escheat)
2 53-27
(L 1946, c 155, §13) .2A 53-24
2 53-28
(L 1946, c 155, §14) .2A 53-25
2 53-29
(L 1946, c 155, §15) .2A 53-26
2 53-30
(L 1946, c 155, §16) .2A 53-27
2 53-31
(L 1946, c 155, §17) Now contained in 2A 53-1
and Rule (escheat)
2 53-32
(L 1946, c 155, §18) 2A 53-28

Chapter 56. FORCIBLE ENTRY AND DETAINER.

2 56-1 2A 56-1
2 56-2 2A 56-2
2 56-3 . . 2A 56-3
2 56-4 2A 56-4
2 56-5 2A 56-5
2 56-5 1 2A 56-5 1
2 56-6 . . 2A 56-6
2 56-7 to 2 56-11 Rule . (unlawful and
forcible entry and de-
tainer)
2 56-12 . . 2A 56-7
2 56-13 . . Rule . . (unlawful and
forcible entry and de-
tainer)
2 56-14 Blank
2 56-15 to 2 56-22 Rule . . (unlawful and
forcible entry and de-
tainer)
2 56-23 2A 56-8
2 56-24 to 2 56-26 . Rule . (unlawful and
forcible entry and de-
tainer)
2 56-27 2A 56-9

Chapter 57. GAMING AND LOTTERIES; CIVIL LIABILITY AND PENALTIES.

R S 2 57-1 2A 57-1
2 57-2 2A 57-2
2 57-3 2A 57-3
2 57-4 2A 57-4
2 57-5 2A 57-5
2 57-6 2A 57-6
2 57-7 2A 57-7
2 57-8 2A 57-8
2 57-9 2A 57-9

Chapter 57A. IDIOTS AND LUNATICS, DISCHARGE FROM ARREST ON CIVIL PROCESS.

2 57A-1 2A 57A-1

Chapter 58. LANDLORD AND TENANT; RIGHTS AND REMEDIES.

2 58-1 2A 58-1
2 58-2 2A 58-2
2 58-3 2A 58-3
2 58-4 2A 58-4
2 58-5 2A 58-5
2 58-6 2A 58-6
2 58-7 2A 58-7
2 58-8 2A 58-8
2 58-9 . 2A 58-9
2 58-10 2A 58-10
2 58-11 2A 58-11
2 58-12 2A 58-12
2 58-13 2A 58-13
2 58-14 2A 58-14

DISTRIBUTION TABLE

All the statutes listed below are to be repealed	Comment or proposed new citation	All the statutes listed below are to be repealed	Comment or proposed new citation
2 58-15 ..	2A 58-15	2 58-42	2A 58-51
2 58-16...	Obsolete	2 58-43 .. .	2A 58-52
2 58-17 . .	Same provision is in 2 32	2 58-44 . . .	2A 58-53
2 58-18 . .	Same provision is in 2 32	2 58-45 . . .	2A 58-54
2 58-19 . .	Same provision is in 2 32	2 58-46 . . .	2A 58-55
2 58-20 . .	Same provision is in 2 32	2 58-47 . . .	2A 58-56
2 58-21 . .	Same provision is in 2 32	2 58-48 . . .	2A 58-57
2 58-22 ..	Same provision is in 2 32	2 58-49 . . .	2A 58-58
2 58-23 . .	Same provision is in 2 32	2 58-50 . . .	2A 58-59
2 58-23 1 to 2 58-23 8	Obsolete	2 58-51 . . .	2A 58-60
2 58-23 9 ..	2A 58-16	2 58-52 . . .	2A 58-61
2 58-23 10	2A 58-17	2 58-53 . . .	2A 58-62
2 58-23 11 . .	Unnecessary	2 58-54 . . .	2A 58-63
2 58-23 12 . .	2A 58-19		
2 58-24 . . .	Transferred to 2A 32	Chapter 59. LIBEL AND SLANDER.	
2 58-25 . . .	Transferred to 2A 32		
2 58-26 . . .	The first sentence is transferred to 2A:32 The balance of the section is obsolete		
2 58-27	Removal of actions to be covered by proposed court rule	2 59-1	2A 59-1
2 58-28	Removal of actions to be covered by proposed court rule	2 59-2	2A 59-2
2 58-29	Removal of actions to be covered by proposed court rule	2 59-3	Unnecessary
2 58-30	Removal of actions to be covered by proposed court rule	Chapter 60. LIENS—BONDS OF AND MONEY PAID TO CONTRACTORS ON PUBLIC WORKS.	
2 58-31	Transferred to 2A 32		
2 58-32	2A 58-20		
2 58-32 1 to 2 52-32 18 ..	Obsolete	R S 2 60-1	2A 60-1
2 58-32 19	2A 58-21	2 60-2	2A 60-2
2 58-32 20	2A 58-22	2 60-3	2A 60-3
2:58-32 21	2A 58-23	2 60-4	2A 60-4
2 58-32 22	2A 58-24	2 60-5	2A 60-5
2 58-32 23	2A 58-25	2 60-6	2A 60-6
2 58-32 24	2A 58-26	2 60-7	2A 60-7
2 58-32 25	2A 58-27	2 60-8	2A 60-8
2 58-32 26	2A 58-28	2 60-9	2A 60-9
2 58-32 27	2A 58-29	2 60-10	2A 60-10
2 58-32 28	2A 58-30	2 60-11	2A 60-11
2 58-32 29	2A 58-31	2 60-12	2A 60-12
2 58-32 30	2A 58-32	2 60-13	2A 60-13
2 58-32 31	2A 58-33	2 60-14	2A 60-14
2 58-32 32	2A 58-34	2 60-15	2A 60-15
2 58-32 33	2A 58-35	2 60-16	2A 60-16
2 58-32 34	2A 58-36	2 60-17	2A 60-17
2 58-32 35	2A 58-37	2 60-18...	2A 60-18
2 58-32 36	2A 58-38	2 60-19...	2A 60-19
2 58-32 37	2A 58-39	2 60-20	2A 60-20
2 58-32 38	2A 58-40	2 60-21	2A 60-21
2 58-32 39	2A 58-41	2 60-22	2A 60-22
2 58-32 40	2A 58-42	2 60-23	2A 60-23
2 58-33	Formerly blank	2 60-24	2A 60-24
2 58-34	2A 58-43	2 60-25	2A 60-25
2 58-35	2A 58-44	2 60-26	2A 60-26
2 58-36	2A 58-45	2 60-27	2A 60-27
2 58-37	2A 58-46	2 60-28	2A 60-28
2 58-38	2A 58-47	2 60-29	2A 60-29
2 58-39...	2A 58-48	2 60-30	2A 60-30
2 58-40	2A 58-49	2 60-31	2A 60-31
2 58-41	2A 58-50	2 60-32	2A 60-32
		2 60-33	2A 60-33
		2 60-34, as am	
		L 1946, c 281, §1 ...	Superseded by proposed Rule 3 78-1
		2 60-35	2A 60-34
		2 60-36	The first part of the first sentence shall be in 2A 60-37 The second part of the first sentence shall be in 2A 60-36 The third part of the first sentence shall be in 2A 60-39

REVISION TITLE 2A

All the statutes listed below are to be repealed	Comment on proposed new citation	All the statutes listed below are to be repealed	Comment on proposed new citation
2 60-37	2A 60-42		and procedure are regulated by Rule 3 53 dealing with "References" Moreover, the lien claims of the creditors can be contested in the ordinary manner, as in other civil actions as hereinbefore set out
2 60-38	2A 60-43		
2 60-39 to 2 60-42	This is blank under the old act		
2 60-43	2A 60-38		
2 60-44	2A 60-44		
2 60-45	2A 60-42		
2 60-46	This has been made obsolete by 2 101A-1 and 2 101A-2	2 60-85	Repealed See comment on 2 60-84
2 60-47	2A 60-46	2 60-86	Repealed See comment on 2 60-84
2 60-48	2A 60-48	2 60-87	Repealed See comment on 2 60-84
2 60-49, as am		2 60-88	Repealed See comment on 2 60-84
L 1938, c 309, §1	2A 60-49	2 60-89	Repealed See comment on 2 60-84
2 60-50, as am		2 60-90	Repealed See comment on 2 60-84
L 1938, c 309, §2	2A 60-50	2 60-91	Repealed See comment on 2 60-84
2 60-51	Superseded by proposed Rule 3 78A-1	2 60-92	Repealed This section is unnecessary in view of the modification of Section 2 60-83 which covers the subject matter originally covered by this section
2 60-52	2A 60-51		
2 60-53	2A 60-52	2 60-93	2A 60-82
2 60-54	Superseded by proposed Rule 3 78A-1	2 60-94	Repealed The filing of all pleadings, orders, etc is now regulated by Rule 3 5-5 and other pertinent rules governing the courts Furthermore, the order of distribution, upon being filed, will show the distribution of the fund, so that anyone may proceed thereon if necessary
2 60-55	2A 60-55		
2 60-56	2A 60-56		
2 60-57	2A 60-57		
2 60-58	2A 60-58		
2 60-59	2A 60-59		
2 60-60	2A 60-60		
2 60-61	2A 60-61		
2 60-62	2A 60-62		
2 60-63	2A 60-63		
2 60-64	2A 60-64		
2 60-65	2A 60-65		
2 60-66	2A 60-66		
2 60-67	Repealed		
2 60-68	2A 60-68		
2 60-69	2A 60-69		
2 60-70	2A 60-70		
2 60-71	2A 60-71		
2 60-72	2A 60-72		
2 60-73	2A 60-73		
2 60-74	2A 60-74		
2 60-75	Repealed	2 60-95	Repealed This section involves the procedure in a trial by reference See comments to 2 60-84 and 2 60-94
2 60-76	Repealed This section penalizes the plaintiff if his judgment is for less than \$20 The rules of court should determine in such instances	2 60-96	Repealed The policy of the new practice is to avoid trial by reference in all cases in the county courts (Rule 5 1-2) See comment to 2 60-84
2 60-77	Repealed Costs in civil actions are now regulated by rules of the court	2 60-97	Repealed The powers conferred upon the court by this section are inherent in the court This section is superfluous
2 60-78	2A 60-76		2A 60-83
2 60-79	2A 60-77		2A 60-84
2 60-80	2A 60-78		2A 60-85
2 60-81	2A 60-79		2A 60-86
2 60-82	Repealed		2A 60-87
2 60-83	2A 60-81	2 60-98	Repealed Rule 3 5-5 covers the present requirement for the filing of all papers
2 60-84	Repealed The policy of the new practice is to avoid trials by reference The county courts will not have trials by reference in view of Rule 5 1-2 In the superior court, where references are allowed only under extraordinary circumstances, the practice	2 60-99	Repealed
		2 60-100	
		2 60-101	
		2 60-102	
		2 60-103	
		2 60-104	

DISTRIBUTION TABLE

All the statutes listed below are to be repealed		Comment or proposed new citation	All the statutes listed below are to be repealed		Comment or proposed new citation
2 60-105		2A 60-105	2 60-141, as am		
2 60-106		2A 60-106	L 1948, c 370, §6,		
2 60-107, as am			L 1949, c 111, §7		Obsolete Ordinary form of summons will be used See 2A 60-143
L 1941, c 69, §1		2A 60-107			
2 60-108		2A 60-108	2 60-142, as am		
2 60-109, as am			L 1948, c 370, §7		Now part of 2A 60-143 Provision as to determina- tion of priority now part of 2A 60-146
L 1942, c 242, §1		2A 60-109			
2 60-110		2A 60-110	2 60-143, as am		
2 60-111		2A 60-111	L 1948, c 370, §8,		
2 60-112		2A 60-112	L 1949, c 111, §8		2A 60-143
2 60-113		2A 60-113	2 60-144		Unnecessary Proof will be determined by issues as settled by pre-trial con- ference
2 60-113 1					
(L 1940, c 138, §1,					
as am					
L 1948, c 379, §1)		2A 60-114			
2 60-114		2A 60-115			
2 60-114 1					
(L 1950, c 321, §1)		2A 60-117	2 60-145		Unnecessary Judgment is res judicata of priority
2 60-115		2A 60-116			
2 60-116		2A 60-118	2 60-146		Obsolete Will be governed by Rule 3 15
2 60-117		2A 60-119			
2 60-118		Repealed	2 60-147		Obsolete Will be governed by Rule 3 53
2 60-119		2A 60-121			
2 60-120		2A 60-122	2 60-148		2A 60-145
2 60-121		2A 60-123	2 60-149		Unnecessary Rarely used Within inherent power of court Separate actions may be consolidated Rule 3 42-1
2 60-122		2A 60-124			
2 60-123		2A 60-125			
2 60-124		2A 60-126			
2 60-125		2A 60-127			
2 60-126		2A 60-128	2 60-150		2A 60-146
2 60-127		2A 60-129	2 60-151		2A 60-147
2 60-128, as am			2 60-152, as am		
L 1948, c 242, §1		2A 60-130	L 1948, c 370, §9		Unnecessary See proposed Rule 3 104-5
C 2 60-128 1					
(L 1941, c 381, §1)		2A 60-131	2 60-153, as am		
2 60-128 2			L 1948, c 370, §10		2A 60-148
(L 1941, c 381, §2)		2A 60-131	2 60-154, as am		
2 60-128 3			L 1948, c 370, §11		Unnecessary Rule 3 104-5, proposed
(L 1941, c 381, §3					
as am			2 60-155, as am		
L 1948, c 380, §1)		2A 60-131	L 1948, c 370, §12		2A 60-149
2 60-128 4			2 60-156, as am		
(L 1941, c 381, §4)		2A 60-131	L 1948, c 370, §13		Unnecessary See proposed Rule 3 104-5
2 60-128 5					
(L 1941, c 381, §5)		2A 60-131	2 60-157, as am		
R S 2 60-129		2A 60-132	L 1948, c 370, §14		2A 60-150
2 60-130		2A 60-133	2 60-158, as am		
2 60-131		2A 60-134	L 1948, c 370, §15		Unnecessary The gen- eral provision governs See 2A 24-6
2 60-132, as am					
L 1948, c 370, §1,					
L 1949, c 111, §1		2A 60-135	2 60-159		2A 60-151
2 60-133		2A 60-136	2 60-160, as am		
2 60-134		2A 60-137	L 1948, c 370, §16		Unnecessary General pro- vision governs See for- mer 2 27-303
2 60-135, as am					
L 1948, c 370, §2,			2 60-161		2A 60-152
L 1949, c 111, §2		2A 60-138	2 60-162		2A 60-153
2 60-136, as am			2 60-163		2A 60-154
L 1949, c 111, §3		2A 60-139	2 60-164, as am		
2 60-137, as am			L 1948, c 370, §17		2A 60-155
L 1948, c 370, §3,			2 60-165		2A 60-156
L 1949, c 111, §4		2A 60-140	2 60-166, as am		
2 60-138		2A 60-141	L 1948, c 370, §18		2A 60-157
2 60-139, as am			2 60-167, as am		
L 1948, c 370, §4,			L 1948, c 370, §19		Obsolete Covered by Rules 1 2-11 and 4 2-5
L 1949, c 111, §5		2A 60-144			
2 60-140, as am			2 60-168, as am		
L 1948, c 370, §5,			L 1948, c 370, §20		Unnecessary
L 1949, c 111, §6		2A 60-142			

REVISION TITLE 2A

All the statutes listed below are to be repealed	Comment or proposed new citation	All the statutes listed below are to be repealed	Comment or proposed new citation
2 60-169, as am		2 60-214....	2A 60-214
L 1948, c 370, §21	2A 60-159	2 60-215 ...	2A 60-215
2 60-170	2A 60-160	2 60-216	2A 60-216
2 60-171 ...	Blank	2 60-217 .	2A 60-217
2 60-172 ..	Blank	2 60-218 ...	Superseded by proposed Rule 3 78A-1
2 60-173, as am		2 60-219 . .	2A 60-218
L 1948, c 370, §22	2A 60-161	2 60-220 ...	2A 60-219
2 60-174, as am		2 60-221 ...	2A 60-220
L 1948, c 370, §23	2A 60-158	2 60-222 ..	2A 60-221
2 60-175 ...	2A 60-162	2 60-223, as am	
2 60-176...	2A 60-163	L 1941, c 258, §1	2A 60-222
2 60-177, as am		2 60-224.....	2A 60-223
L 1948, c 370, §24	Unnecessary, now included in 2A 60-161	2 60-225....	Superseded by proposed Rule 3 78A-1
2 60-178 .	2A 60-164	2 60-226....	2A 60-224
2 60-179 ...	2A 60-165	2 60-227. . .	2A 60-225
2 60-180 ..	2A 60-180	2 60-228 . . .	2A 60-226
2 60-181 .	2A 60-181	2 60-229 . . .	2A 60-227
2 60-182 ..	Blank	2 60-230 . . .	2A 60-228
2 60-183 .	2A 60-182	2 60-231 ...	2A 60-229 and proposed Rule 3 78A-1
2 60-184 .	2A 60-183	2 60-232...	2A 60-230
2 60-185	2A 60-184	2 60-233 ...	2A 60-36
2 60-186	2A 60-185	2 60-234....	2A 60-41
2 60-187 .	2A 60-186	2 60-235	The first part is 2A 60-38 and the second part is 2A 60-40
2 60-188	2A 60-187	2 60-236	2A 60-42
2 60-189 .	2A 60-188	2 60-237	2A 60-43
2 60-190	2A 60-189	2 60-238 ..	2A 60-44
2 60-191	2A 60-190	2 60-239 ..	2A 60-42
2 60-192	2A 60-191	2 60-240....	2A 60-46
2 60-193	Unnecessary See last sen- tence 2A 60-195	2 60-241 ..	2A 60-45
2 60-194, as am		2 60-242 ..	2A 60-46
L 1948, c 371, §1 .	2A 60-192	2 60-243....	2A 60-243
2 60-195 . .	2A 60-193	2 60-244 ...	2A 60-244
2 60-196, as am		2 60-245 .	2A 60-245
L 1948, c 371, §2 ..	2A 60-194	2 60-246 .	2A 60-246 and proposed Rule 3 78A-1
2 60-197, as am		2 60-247 . .	2A 60-247
L 1948, c 371, §3 .	Unnecessary Will be gov- erned by rules No need for last sentence, com- plaint will disclose whether or not personal claim sought	2 60-248	
2 60-198	Unnecessary Covered in 2A 60-193	(L 1940, c 61, §1) ..	2A 60-248
2 60-199	Repealed L 1948, c 371, §8	2 60-249	
2 60-200 .	Obsolete Will be gov- erned by Rule 3 42-1	(L 1940, c 61, §2) .	2A 60-249
2 60-201, as am		2 60-250	
L 1948, c 371, §4 ..	2A 60-195	(L 1940, c 61, §3)	Superseded by proposed Rule 3 78A-1
2 60-202	Unnecessary Repetitious, covered in 2A 60-190	2 60-251	
2 60-203	Unnecessary Repetitious, covered in 2A 60-191	(L 1940, c 61, §4) .	2A 60-250
2 60-204, as am		2 60-252	
L 1948, c 371, §5 ..	2A 60-196	(L 1942, c 182, §1) ..	2A 60-251
2 60-205, as am		2 60-253	
L 1948, c 371, §6 .	Obsolete Governed by the Rules 3 54-6 and 3 54-7	(L 1942, c 182, §2) .	2A 60-252
2 60-206, as am		2 60-254	
L 1948, c 371, §7 .	2A 60-197	(L 1942, c 182, §3) ...	2A 60-253
2 60-207	2A 60-207	2 60-255	
2 60-208	2A 60-208	(L 1942, c 182, §4) ...	2A 60-254
2 60-209	2A 60-209	(L 1942, c 182, §5) ..	2A 60-255
2 60-210	2A 60-210	2 60-257, as am	
2 60-211	2A 60-211	L 1944, c 76, §1	2A 60-257
2 60-212	2A 60-212	2 60-258, as am	
2 60-213	2A 60-213	L 1942, c 182, §7 ..	2A 60-257
		2 60-259, as am	
		L 1942, c 182, §8 . . .	2A 60-258
		2 60-260, as am	
		L 1942, c 182, §9 ...	2A 60-259

DISTRIBUTION TABLE

All the statutes listed below are to be repealed		Comment or proposed new citation	All the statutes listed below are to be repealed		Comment or proposed new citation
Chapter 61. LIENS AND ENCUMBRANCES OF STATE.					
2 61-1, as am			2:65-7 3		
L 1947, c 416, §1	2A 61-1		(L 1942, c 172, §3)....	2A 65-7 3	
2 61-2, as am			2 65-7 4		
L 1947, c 416, §2	2A 61-2.	Method of service will be governed by rules	(L 1947, c. 337)....	2A 65-7 4	
2 61-3		Will be governed by rules	R S 2 65-8	2A 65-8	Saved from repeal (Val.)
2 61-4, as am			2 65-8 1		Rule 3.17-1
L. 1941, c. 198, §1;			C. 2.65-8 2		
L 1947, c 233, §1	2A 61-3		(L 1938, c. 62, §1)....	2A 65-8 2.	Saved from repeal (Val)
C 2:61-4 1			2 65-8 3 (P L 1938,		
(L 1947, c 349, §1)	2A.61-4		c. 315, §1)		Procedural
2 61-4 2			R S 2 65-9	2A 65-9.	Saved from repeal
(L 1947, c 349, §2)	2A:61-5		2 65-10	2A 65-10	Saved from repeal
2 61-4 3			2 65-11	2A 65-11.	Saved from repeal
(L 1947, c 349, §3)	2A 61-6		2:65-12, as am		
R S 2 61-5	2A.61-7		L. 1948, c. 378, §2,		
			L 1949, c 112, §1		Unnecessary
Chapter 62. LOST OR DESTROYED INSTRUMENTS.			2 65-13, as am		
2 62-1	2A 62-1		L. 1948, c. 378, §3	2A 65-13.	Saved from repeal (Val.)
2 62-2 to 2 62-9		All are procedural, rules should be drawn to cover the former statutory requirements herein.	R S 2 65-14	2A 65-14	
			C. 2 65-14 1		
Chapter 63. MOBS AND RIOTS.			(L 1947, c 381, §1)	2A:65-14 1	
2 63-1	2A 63-1		2 65-14 2		
2 63-2	2A 63-2		(L 1947, c 381, §2)	2A 65-14 2	
2 63-3	2A 63-3		2.65-14 3		
2 63-4	2A 63-4		(L 1947, c. 381, §3)	2A 65-14 3	
2 63-5	2A 63-5		2:65-14 4		
2 63-6	2A 63-6		(L 1947, c. 381, §4)	2A 65-14 4	
2 63-7	2A 63-7		2:65-14 5		
2 63-8	2A 63-8		(L 1947, c 381, §5)	2A 65-14.5	
2 63-9	2A 63-9		2.65-14.6		
2:63-10	2A 63-10		(L 1947, c. 381, §6)	2A 65-14.6	
2 63-11	2A 63-11		2:65-14.7		
			(L. 1947, c. 381, §7)	2A.65-14.7	
Chapter 64. MONEY OR PROPERTY OF TOWNSHIP OR SCHOOL DISTRICT; RECOVERY.			R S 2 65-15		Repealed by L. 1948, c. 378
2 64-1	2A 64-1		2 65-16, as am.		
2 64-2	Unnecessary		L 1948, c 378, §4;		
2 64-3	2A 64-2		L 1949, c 112, §2		First paragraph, first sentence in second paragraph and last paragraph replaced by Rule 3.17-4, as amended. Second sentence second paragraph covered by second paragraph of 2A.65-21
2 64-4	2A 64-3		2 65-17		First sentence unnecessary. Second sentence covered by 2A 65-23
Chapter 65. MORTGAGES AND BONDS; FORECLOSURE AND ACTIONS ON.			2 65-18, as am		
R S 2 65-1	2A.65-1		L 1948, c 378, §5;		
2 65-2, as am			L 1949, c 112, §3		Replaced by Rule 3.17-4, as amended
L. 1948, c. 378, §1	2A 65-2		2.65-19, as am		
2 65-3	2A 65-3		L 1948, c 378, §4		Replaced by Rule 3:17-4, as amended
2 65-4	2A 65-4		2 65-20		Rule 3 13
2 65-5	2A 65-5		C 2 65-20 1		
2 65-5 1	Expired July 1, 1938		(L. 1949, c. 112, §4)	2A 65-20 1	
2 65-6	2A 65-6		2:65-20 2		
2 65-7	2A 65-7		(L. 1949, c. 112, §5)	2A 65-20 2	
C. 2 65-7 1			R S 2 65-21	2A 65-21	
(L 1942, c. 172, §1)....	2A 65-7 1		2 65-22		Unnecessary. See Rule 3:60
2:65-7 2					
(L 1942, c. 172, §2)....	2A 65-7 2				

REVISION TITLE 2A

All the statutes listed below are to be repealed		Comment or proposed new citation	All the statutes listed below are to be repealed		Comment or proposed new citation
2 65-23	.....	2A 65-23 Saved from re- peal	2 68-4	.....	2A 68-3
2 65-24	.....	Blank	2 68-5	.....	2A 68-4
2 65-25	.....	2A 65-25	Chapter 69. NEGOTIABLE INSTRUMENTS, LOST; ACTIONS ON.		
2 65-26	.....	2A 65-26	2 69-1	.....	2A 69-1
2 65-27	.....	2A 65-27	Chapter 70. OBLIGATIONS AND JOINT DEBTORS; ACTIONS ON AND AGAINST.		
2 65-28, as am	.....		C 2 70-1, as am		
L 1939, c 247	.....	2A 65-28	L 1950, c 284, §1	.....	2A 70-1
R S 2 65-29	.....	2A 65-29	R S 2 70-2	.....	2A 70-2
2 65-30	.....	Obsolete Rules 3 53-1 and 3 76-1	2 70-3	.....	2A 70-3
2 65-31	.....	Covered by Rule 3 54-7, as amended	2 70-4 and 2 70-5	.....	See Rule 3 8-3
2 65-32	.....	Procedural See Rule 3 54	2 70-6	.....	See Rule 3 68
2 65-33	.....	2A 65-33	2 70-7	.....	Rules 3 8-1 and 3 12-5
2 65-34	.....	2A 65-34	2 70-8	.....	Unnecessary
2 65-35 to 2 65-45	.....	Obsolete Relate to fore- closure proceedings in the circuit court	2 70-9	.....	Unnecessary
2 65-46 to 2 65-59	.....	2A 65-35 to 2A 65-48	2 70-10	.....	2A 70-10
Chapter 66. MORTGAGES ON REAL OR PER- SONAL PROPERTY; CANCELLATION OF RECORD BY COURT ORDER.			2 70-11	.....	2A 70-11
R S 2 66-1			2 70-12	.....	2A 70-12
(first paragraph)		Replaced by 2A 66-1, first paragraph See proposed additional legislation	Chapter 71. PARTITION.		
2 66-1(a)	.....	Replaced by 2A 66-1(a) See proposed additional legislation	R S 2 71-1	.....	2A 71-1
2 66-1(b)	.....	Replaced by 2A 66-1(b) See proposed additional legislation	2 71-2 to 2 71-15, incl.	.....	Separate proceeding for partition at law is un- necessary in view of Rule 3:75
2 66-1(c)	.....	Unnecessary See proposed additional legislation	2 71-16 to 2 71-26, incl.	.....	Probate proceeding for partition is unnecessary in view of Rule 3:75
2 66-1(d)(1) to (3)	.....	Replaced by 2A 66-1(c) See proposed additional legislation	2 71-27	.....	2A 71-2
2 66-1(d)(4)	.....	Replaced by 2A 66-2 See proposed additional legis- lation	2 71-28	.....	L. 1949, c. 113, p 452, §2 rendered this statute meaningless Original ef- fect was to make it un- necessary to join revers- ioners and remaindermen See proposed Rule 3 75-4
2 66-1(e)	.....	Replaced by 2A 66-1(c) See proposed additional legislation	2 71-29	.....	2A 71-6
2 66-2	.....	Obsolete	2 71-30	.....	2A 71-7
2 66-3	.....	Unnecessary Covered by 2A 66-1	2 71-31	.....	2A 71-9
2 66-4	.....	2A 66-3	2 71-32	.....	Proposed Rule 3:75-14
2 66-5	.....	2A 66-4	2 71-33	.....	Proposed Rule 3 75-14
2 66-6	.....	2A 66-5	2 71-34	.....	Proposed Rule 3:75-14
C 2 66-7			2 71-35	.....	2A 71-11
(L 1946, c. 69, §1)	.....	2A 66-6	2 71-36	.....	Proposed Rule 3 75
Chapter 67. NAMES; CHANGE OF.			2 71-37	.....	2A 71-12
2 67-1	.....	2A 67-1	2 71-38	.....	Superseded by proposed Rule 3 17-4 See 2A 71-12
2 67-2 to 2 67-5	.....	Practice and procedure	2 71-39	.....	2A 71-13
2 67-6	.....	2A 67-3	2 71-40	.....	Unnecessary in view of 2A 71-14
2 67-7	.....	2A 67-4	2 71-41	.....	Unnecessary in view of 2A 71-15
2 67-8	.....	2A 67-5	2 71-42	.....	2A 71-17
Chapter 68. NATURALIZATION.			2 71-43	.....	2A 71-18
2 68-1	.....	2A 68-1	2 71-44	.....	Proposed Rule 3 75-8
2 68-2	.....	Originally blank	2 71-45	.....	Proposed Rule 3 75-10
2 68-3	.....	2A 68-2	2 71-46	.....	Proposed Rule 3:75-16
			2 71-47	.....	Proposed Rule 3:75-5

DISTRIBUTION TABLE

All the statutes listed below are to be repealed	Comment or proposed new citation	All the statutes listed below are to be repealed	Comment or proposed new citation
2:71-48	Proposed Rule 3:75-5	2:72A-5	Proposed new Rule 7:12A-3
2:71-49	Proposed Rule 3:75-5	2:72A-9	Proposed new Rule 7:12A-4
2:71-50	Proposed Rule 3:75-5	2:72A-7	Proposed new Rule 7:12A-5
2:71-51	Proposed Rule 3:75-6	2:72A-8	Proposed new Rule 7:12A-6
2:71-52	Proposed Rule 3:75-6	2:72A-9	Proposed new Rule 7:12A-7
2:71-53	Proposed Rule 3:75-6	2:72A-10	Proposed new Rule 7:12A-8
2:71-54	Proposed Rule 2:75-6	2:72A-11	Proposed new Rule 7:12A-9
2:71-55	Proposed Rule 3:75-6	2:72A-12	Proposed new Rule 7:12A-10 and see new form 12 attached to part VII of the rules
2:71-56	Unnecessary	2:72A-13	Proposed new Rule 7:12A-11
2:71-57	Unnecessary	2:72A-14	Proposed new Rule 7:12A-12 and see new form 13 attached to part VII of the rules
2:71-58	2A:71-3	2:72A-15	Proposed new Rule 7:12A-13
2:71-59	2A:71-4	2:72A-16	Proposed new Rule 7:12A-14 and see proposed statute 2A:72A-4
2:71-60	Of questionable validity, by L 1949, c. 254, p. 810, §3	2:72A-17	Proposed new Rule 7:12A-15 and see new form 14 attached to part VII of the rules
2:71-61	Proposed Rule 3:75-15	2:72A-18	Proposed new Rule 7:12A-16
2:71-62	Proposed Rule 3:75-5	2:72A-19	Unnecessary. The judgments of the district courts and municipal courts can, in the case of a penalty, be docketed in the same manner as other judgments of those courts
2:71-63	Proposed Rule 3:75-6	2:72A-20	Proposed new Rule 7:12A-17
2:71-64	Proposed Rule 3:75-3	2:72A-21	2A:72A-2
2:71-65	See proposed amendment to Rule 3:75-2	2:72A-22	Unnecessary
2:71-66	2A:71-5	2:72A-23	2A:72A-1
2:71-67	2A:71-8	2:72A-24	2A:72A-3
2:71-68	2A:71-19	2:72A-25	Proposed new Rule 5:2-4
2:71-69	2A:71-14	2:72A-26	Unnecessary except as stated in Rule 5:2-4(c)
2:71-70	Superseded by present Rule 3:75-3	2:72A-27	Unnecessary
2:71-71	2A:71-15		
2:71-72	2A:71-16		
2:71-73	Proposed Rule 3:75-13		
2:71-74	Proposed Rule 3:75-13		
2:71-75	Proposed Rule 3:75-20		
2:71-76	Proposed Rule 3:75-19		
2:71-77	Proposed Rule 3:75-21		
2:71-78	Proposed Rule 3:75-21		
2:71-79	Proposed Rule 3:75-22		
2:71-80	Proposed Rule 3:75-22		
2:71-81	Proposed Rule 3:75-22		
2:71-82	Proposed Rule 3:75-23		
2:71-83	See proposed amendment to Rule 3:75-2 and proposed Rule 3:75-9		
2:71-84	Proposed Rule 3:75-9		
2:71-85	Proposed Rule 3:75-9		
2:71-86	Proposed Rule 3:75-12		
2:71-87	Proposed Rule 3:75-11		
2:71-88	Proposed Rule 3:75-17		
2:71-89	Proposed Rule 3:75-18		
Chapter 72. PARTITION WALLS.		Chapter 73. REPLEVIN.	
R S 2:72-1	2A:72-1	R S 2:73-1	2A:73-1
2:72-2	2A:72-2	2:73-2	2A:73-1
2:72-3	Blank	2:73-3	2A:73-2
2:72-4	2A:73-3	2:73-3.1	Unnecessary
2:72-5	2A:72-4	2:73-4	Obsolete
2:72-6	Covered by Rule 3:54-6	2:73-5	2A:73-1; 2A:73-5
Chapter 72A. PENALTIES; ENFORCEMENT AND COLLECTION OF.		2:73-6	2A:73-6
R S 2:72A-1 and 2:72A-2	Proposed new Rule 7:12A-1, further see Rule 5:2-4	2:73-7	2A:73-7
2:72A-3	Proposed new Rule 7:12A-2	2:73-8	2A:73-8
2:72A-4	Proposed new Rule 7:12A-2	2:73-9	2A:73-12
		2:73-10	Unnecessary
		2:73-11	2A:73-10

REVISION TITLE 2A

All the statutes listed below
are to be repealed

Comment or proposed
new citation

2:73-12.....	29:73-21
2:73-13.....	2A:73-13; 2A:73-15
2:73-14.....	2A:73-15
2:73-15.....	2A:73-9, 2A:73-10
2:73-16.....	Unnecessary
2:73-17.....	2A:73-25
2:73-18.....	2A:73-14
2:73-19.....	2A:73-25
2:73-20.....	2A:73-18
2:73-21 to 2:73-31	Unnecessary
2:73-32.....	2A:73-19
2:73-33.....	Unnecessary
2:73-34.....	2A:73-16
2:73-35.....	2A:73-22
2:73-36.....	2A:73-17
2:73-37.....	2A:73-23
2:73-38.....	2A:73-21
2:73-39.....	2A:73-24

Chapter 75. SALES OF REAL ESTATE UNDER STATUTES OR JUDICIAL PROCEEDINGS; DISTRIBUTION OF CERTAIN PROCEEDS OF SALES OF OR COMPENSATION FOR REAL ESTATE.

R.S. 2:75-1, as am.	
L. 1948, c. 357, p. 1430,	
§1; L. 1949, c. 182, p.	
586, §1	2A:75-1
R S 2:75-2	2A:75-2
2:75-2.1	
(L. 1949, c. 182, p. 590,	
§7)	2A:75-3
R S 2:75-3	2A:75-4
2:75-4	2A:75-5
2:75-5	2A:75-6
C. 2:75-5.1	
(L. 1949, c. 182, p. 589,	
§6)	2A:75-7
2:75-5.2	
(L. 1949, c. 182, p. 590,	
§8)	2A:75-8
R.S. 2:75-6	2A:75-9
2:75-7, as am.	
L. 1949, c. 182, p. 587,	
§2	Unnecessary
2:75-8, as am.	
L. 1949, c. 182, p. 588,	
§3	2A:75-11
2:75-9	2A:75-12
2:75-10	2A:75-13
2:75-11, as am	
L. 1949, c. 182, p. 588,	
§4	2A:75-14
2:75-12	2A:75-15
2:75-13	2A:75-16 (will require ad- dition to act prescribing fees)
2:75-14	2A:75-17
2:75-15	2A:75-18
2:75-16	2A:75-19
2:75-17, as am.	
L. 1949, c. 182, p. 589,	
§5	2A:75-20
C 2:75-17.1	
(L. 1949, c. 182, p. 590,	
§9)	2A:75-21

All the statutes listed below
are to be repealed

Comment or proposed
new citation

R S 2 75-18, as am.	
L. 1941, c. 366, p. 963,	
§1	2A:75-22
C 2:75-19	Obsolete Effective date
2 75-20	Obsolete. Effective date

Chapter 76. TITLE AND CLAIMS TO REAL ESTATE AND PERSONAL PROPERTY; SUITS TO QUIET AND DETERMINE.

R S 2 76-1	Unnecessary in view of Rule 3:34-1
2 76-2, as am	
L. 1949, c. 114, §1.....	2A:76-1
2:76-3, as am	
L. 1949, c. 114, §2.	2A:76-2
2:76-4	2A:76-3
2 76-6, as am.	
L. 1949, c. 114, §4.	Unnecessary in view of Rule 3:4-5
2:76-7, as am	
L. 1949, c. 114, §5	Unnecessary in view of Rule 3:17-4
2 76-8, as am	
L. 1949, c. 114, §6.	Repeal recommended, no practical value
2 76-9, as am	
L. 1949, c. 114, §7.	Unnecessary in view of Rule 3:17-4
2:76-10, as am.	
L. 1949, c. 114, §8.	Unnecessary in view of proposed Rule 3:74A-1
2 76-11, as am	
L. 1950, c. 113, §1.....	Unnecessary in view of proposed Rule 3:74A-4 and 3:74A-5
2:76-12	Unnecessary in view of proposed Rule 3:74A-2
2:76-13, as am	
L. 1949, c. 114, §10.	Repeal recommended in view of Rules 3:38-1, 3:39-1, 3:39-2, and article 1 par. 9 of N J. const. of 1947
2 76-14, as am	
L. 1949, c. 114, §11.....	Repeal recommended in view of Rules 3:38-1, 3:39-1, 3:39-2, and 3:52-1
2:76-15, as am	
L. 1949, c. 114, §12.	Repeal recommended in view of Rules 3:54-4 and 3:39-1, 3:39-2
2:76-16, as am.	
L. 1949, c. 114, §13.	Repeal recommended in view of Rule 3:54-4
2:76-17, as am	
L. 1949, c. 114, §14.	2A:76-4
R.S. 2:76-18, as am	
L. 1950, c. 113, §2.	2A:76-5
2:76-19, as am.	
L. 1950, c. 113, §3.....	2A:76-6
R.S. 2:76-20, as am	
L. 1949, c. 114, §17.....	2A:76-7
2:76-21, as am.	
L. 1949, c. 114, §18.....	2A:76-8
2:76-22	Unnecessary in view of proposed Rule 3:74A-1

DISTRIBUTION TABLE

All the statutes listed below are to be repealed		Comment or proposed new citation	All the statutes listed below are to be repealed		Comment or proposed new citation
2·76-23	.....	Unnecessary in view of 2A:76-7 and Rule 3 17-4	L 1949, c 114, §42	.....	Unnecessary in view of proposed Rule 3:74A-1
2 76-24, as am			2·76-49, as am.		
L 1949, c 114, §19	.....	2A·76-9	L 1950, c 113, §8	.....	Unnecessary in view of proposed Rules 3.74A-4 and 3:74A-5
2 76-25, as am			2·76-50, as am		
L 1949, c 114, §20	.....	Unnecessary in view of Rules 3 17-4 and 3·19-4	L 1949, c 114, §44	.....	Unnecessary in view of proposed Rule 3:74A-2
2 76-26, as am			2.76-51, as am.		
L 1949, c 114, §21	.....	Unnecessary in view of Rule 3:17-4. Repeal of posting requirement re- commended No practical value	L 1950, c. 113, §9	.....	Repeal recommended in view of Rules 3.39-1 and 3:39-2, and 3·52-1 and article 1, par. 9 of the N. J const. of 1947
2.76-27, as am			2 76-52, as am		
L 1949, c 114, §22	.....	Repeal recommended. Im- plicit in due process	L 1949, c 114, §46	.....	Repeal recommended in view of Rule 3·54-4
2 76-28, as am.			22 76-53, as am.		
L 1949, c 114, §23	.....	Unnecessary in view of Rule 3:17-4	L 1949, c 114, §47	.....	Unnecessary in view of proposed Rule 3.74A-3 and Rule 3:54-4
2 76-29, as am			Chapter 77. TRESPASS UPON LANDS.		
L 1949, c 114, §24	.....	2A:76-10	R S. 2.77-1	.....	2A:77-1
2 76-30	.....	2A·76-11	Chapter 78. UNINCORPORATED ORGANIZA- TIONS; ACTIONS AGAINST.		
R S 2 76-31, as am.			R S 2:78-1	.....	2A·78-1
L 1949, c 114, §25	.....	2A·76-12	2·78-2 and 2·78-3	.....	Rule (Actions against unincorporated associations
2 76-33, as am.			2·78-4	.....	2A 78-2
L 1949, c 114, §27	.....	Unnecessary in view of proposed Rule 3·74A-1	2 78-5	.....	2A·78-3
2·76-34, as am			2 78-6	.....	2A.78-4
L 1950, c 113, §4	.....	Unnecessary in view of proposed Rule 3·74A-4, 3·74A-5	Chapter 79. WASTE.		
2 76-35, as am.			2·79-1	.....	2A·79-1
L 1949, c 114, §29	.....	Unnecessary in view of proposed Rule 3·74A-2	2 79-2	.....	2A·79-2
R S 2.76-36, as am.			2 79-3	.....	2A·79-3
L 1950, c 113, §5	.....	Repeal recommended in view of Rules 3·38-1 and 3:39-1, 3.39-2, and article 1, par 9 of N. J const of 1947	2 79-4	.....	Rule (Waste)
2·76-37, as am			2.79-5	.....	2A 79-4
L 1949, c 114, §31	.....	2A:76-13	2 79-6	.....	2A·79-5
R S 2.76-38, as am			2 79-7	.....	2A·76-6
L 1949, c 114, §32	.....	2A:76-14	2·79-8	.....	2A:79-7
2 76-40, as am			2 79-9, as am		
L 1949, c 114, §34	.....	Unnecessary in view of proposed Rule 3·74A-1	L 1952, c 60, p 298, §1	.....	2A·79-8
2 76-41, as am			2 79-10	.....	2A 79-9
L 1950, c 113, §6	.....	Unnecessary in view of proposed Rule 3.74A-4, 3.74A-5	2 79-11	.....	2A 79-10 Also see Rule (Waste)
2 76-42, as am			2 79-12 to 2.79-15	.....	Rule (Waste)
L 1949, c 114, §36	.....	Unnecessary in view of proposed Rule 3·74A-2	Chapter 80. GENERAL PROVISIONS.		
2 76-43, as am			R S 2 80-1	.....	Obsolete
L 1950, c 113, §7	.....	Repeal recommended in view of Rules 3·38-1, 3:39-1, 3:39-2 and 3:52-1	2 80-2	.....	Obsolete
2 76-44, as am			2 80-3	.....	Obsolete
L 1949, c 114, §38	.....	Repeal recommended in view of Rule 3 54-4	C 2 80-4		
2 76-45, as am			(L 1938, c 190, §1)	.....	Obsolete
L. 1949, c 114, §39	.....	Repeal recommended in view of Rules 3 17-2 and 3 54-6	2.80-5		
R S 2·76-46, as am			(L 1948, c 332, §1)	.....	Obsolete This revision endeavors to correct all statutory references to review, hearing and relief
L. 1949, c 114, §40	.....	2A 76-15			
2.76-48, as am.					

REVISION TITLE 2A

All the statutes listed below
are to be repealed

Comment or proposed
new citation

All the statutes listed below
are to be repealed

Comment or proposed
new citation

by means of certiorari,
mandamus, prohibition,
quo karranto or proceed-
ings in the nature of quo
warranto now superseded,
to read in accordance with
the new procedure in lieu
of prerogative writ

2:80-6
(L 1948, c 332, §2) .. Effective date

2:80-7
(L 1948, c. 381, §1) .. Obsolete This section
declared unconstitutional
in a recent decision of the
N J Supreme court. See
Fisher v Twp of Bed-
minster, 5 N. J. 534 (1950)

2:80-8
(L. 1948, c. 381, §2) Effective date

Chapter 81. CERTIORARI.

2:81-1..... Obsolete
2:81-2..... Obsolete
2:81-3..... Obsolete
2:81-4..... Obsolete
2:81-5..... Obsolete
2:81-6..... Obsolete
2:81-7..... Obsolete
2:81-8..... Obsolete
2:81-9..... This seems all procedural
and should be covered by
rule
2:81-10..... See comment to 2:81-9
2:81-11..... 2A:80-3 See comment to
2:81-9
2:81-12..... 2A:80-4
2:81-12.1..... Obsolete
2:81-13..... Obsolete
2:81-14..... Obsolete

Chapter 82. HABEAS CORPUS; ILLEGAL CONFINEMENT.

2:82-1..... 2A:81-1
2:82-2..... Obsolete
2:82-3..... 2A:81-2
2:82-4..... 2A:81-3
2:82-5..... 2A:81-4
2:82-6..... 2A:81-5
2:82-7..... Obsolete
2:82-8..... 2A:81-6
2:82-9..... 2A:81-7
2:82-10..... 2A:81-8
2:82-11..... 2A:81-9
2:82-11.1..... 2A:81-10
2:82-12..... 2A:81-11
2:82-13..... 2A:81-12
2:82-14..... 2A:81-13
2:82-15..... Should be covered by
rules
2:82-16..... 2A:81-15
2:82-17..... (Blank)
2:82-18..... This should be included
in the official forms
2:82-19..... 2A:81-17
2:82-20..... Should be covered in
rules

2:82-21..... 2A:81-19
2:82-22..... 2A:81-20
2:82-23..... 2A:81-21
2:82-24..... Procedural. Rule should
be drawn
2:82-25..... See comment to 2:82-24
2:82-26..... 2A:81-24
2:82-27..... (Blank)
2:82-28..... 2A:81-25
2:82-29..... 2A:81-26
2:82-30..... 2A:81-27
2:82-31..... 2A:81-28
2:82-32..... 2A:81-29
2:82-33..... 2A:81-30
2:82-34..... 2A:81-31
2:82-35..... 2A:81-32
2:82-36..... 2A:81-33
2:82-37..... 2A:81-34
2:82-38..... 2A:81-35
2:82-39..... 2A:81-36
2:82-40..... 2A:81-37
2:82-41..... 2A:81-38
2:82-42..... 2A:81-39
2:82-43..... 2A:81-40
2:82-44..... 2A:81-41
2:82-45..... 2A:81-42
2:82-46..... 2A:81-43
2:82-47..... 2A:81-44
2:82-48..... (Blank)
C 2:82-48.1
(L. 1949, c 238, p. 749,
§1) 2A:81-45
R S 2:82-49..... 2A:81-46
2:82-50..... 2A:81-47
2:82-51..... 2A:81-48
2:82-52..... 2A:81-49
2:82-53..... 2A:81-50
2:82-54..... 2A:81-51
2:82-55..... 2A:81-52
2:82-56..... 2A:81-53
2:82-57..... 2A:81-54
C 2:82-57.1
(L. 1941, c 224, p. 640,
§1) 2A:81-55
R S. 2:82-58..... Obsolete

Chapter 83. MANDAMUS.

2:83-1..... Obsolete
2:83-2..... Obsolete
2:83-3..... Obsolete
2:83-4..... Obsolete
2:83-5..... Obsolete
2:83-6..... Obsolete
2:83-7..... Obsolete
2:83-8..... 2A:80-5
2:83-9..... Obsolete
2:83-10..... Obsolete
2:83-11..... Obsolete
2:83-12..... Obsolete
2:83-13..... Obsolete
2:83-14..... Obsolete
2:83-15..... Obsolete

Chapter 84. QUO WARRANTO.

2:84-1..... 2A:80-6
2:84-2..... Obsolete

DISTRIBUTION TABLE

All the statutes listed below are to be repealed		Comment or proposed new citation	All the statutes listed below are to be repealed		Comment or proposed new citation
2:84-3	.....	2A 80-7	2:32-108 1	.....	Deleted in its entirety Incorporated in 2A:88-11
2:84-4	.....	Obsolete	2:32-109	.....	Deleted in its entirety Covered by 2A:90-3
2:84-5	.....	Obsolete	2:32-110	.....	Deleted in its entirety Covered by 2A:90-6
2:84-6	.....	2A:80-8	2:32-112	.....	Deleted in its entirety Covered by 2A:97-5
2:84-7	.....	2A:80-9	2:32-245	.....	Delete second half (from, in 8th line from bottom) and simply provide for jury trial Summoning will be done as in 2A:88-13
2:84-8	.....	Obsolete	2:32-251	.....	Deleted in its entirety Covered by 2A:90-6
2:84-9	.....	Obsolete	2:32-275	.....	Delete second sentence (starts in line 4). Covered by 2A:88-12 (Rest should be covered by rule any- way)
2:84-10	.....	Obsolete	2:33-56	.....	Delete all but reference to the number of jurors Covered by 2A:86-1 and 2A:88-13
2:84-11	.....	Obsolete	2:33-57	.....	Deleted in its entirety Covered by 2A:88-12
2:84-12	.....	Obsolete	2:33-58	.....	Deleted in its entirety Covered by 2A:88-12
2:84-13	.....	Obsolete	2:33-59	.....	Deleted in its entirety Covered by 2A:90-3
2:84-14	.....	Obsolete	2:33-61	.....	Deleted in its entirety. Covered by 2A:90-6
2:84-15	.....	2A:80-10	2:33-64	.....	Delete reference to jurors Covered by 2A:95-1 and 2A:95-3
2:84-16	.....	2A:80-11	2:33-96	.....	Delete from, in line 3 to last word in that line Cov- ered by 2A:88-12
2:84-17	.....	Should be covered by rule	2:35-22	.....	Deleted in its entirety. Covered by 2A:88-11
2:84-18	.....	2A:80-13	2:56-7	.....	Delete last six lines and simply provide that a jury be ordered in the usual manner (This entire sec- tion should be changed).
STATUTES PERTAINING TO JURORS AND JURIES.			2:56-13	.....	Deleted in its entirety Covered by 2A:90-6
2:5-16	.....	Delete portion re return of juries. Covered by 2A:88-12	2:56-16	.....	Delete reference to jurors Covered by 2A:95-1 and 2A:95-3
2:15-10	.....	Delete portion re summon- ing of jury, being the sen- tence beginning on line 6 and ending in line 9. Cov- ered by 2A:88-12	2:85-1	.....	Tightened and rephrased Words "official interest" (line 8) and war clause raising age to 70, deleted as unnecessary Provision for "understanding" the English language and pro- viding against "mental" disability, added Covered by 2A:86-1
2:16-14	.....	Delete last clause (from comma in line 3) of first paragraph and the second paragraph Juries should be furnished in regular way from regular panel for that period. Covered by 2A:88-11	2:85-2	.....	Implemented by providing for a record of past serv- ice essential to the polic- ing of this requirement. Incorporated 2:93-17 Cov- ered by 2A:86-4
2:26-114	.....	Delete portion dealing with summoning jurors and oath Simply provide for jury of 6 Rest will follow regular procedure per 2A:88-12 and 2A:90-6			
2:27-233 1	.....	This becomes 2A:97-2			
2:27-237	.....	This, as changed, becomes 2A:97-1			
2:27-240	.....	The second sentence of this section becomes 2A:96A-4			
2:29-77 6	.....	Delete second and third sentences, lines 9 through first 6 words of line 19 The subject matter of the second sentence is covered by 2A:88-12, of the third sentence, by 2A:94-7			
2:32-101	.....	Delete reference to jurors Covered by 2A:95-2			
2:32-103	.....	Delete first paragraph Covered by 2A:88-11			
2:32-104	.....	Deleted in its entirety Covered by 2A:89-8			
2:32-105	.....	Deleted in its entirety. Covered by 2A:88-12			
2:32-106	.....	Deleted in its entirety Covered by 2A:90-3			
2:32-108	.....	Deleted in its entirety Covered by general pro- visions 2A:88-11			

REVISION TITLE 2A

All the statutes listed below are to be repealed	Comment or proposed new citation	All the statutes listed below are to be repealed	Comment or proposed new citation
2:85-3	The need for objection before swearing in to bar a juror not on the jury list is eliminated as unrealistic. The exceptions are clarified and rephrased Covered by 2A:86-3.		in line with responsibility and time involved Rephrased 2A:85-7
2:85-4	Broadened to cover refusal to qualify as juror; possibility of contempt proceedings added; amount of fine modernized; and rephrase in toto 2A:95-4	2:87-8	Rephrased 2A:85-8
2:86-1	Radically altered in some instance where excuse from jury service was utilized as a reward. Rewritten in the theory that jury service is a privilege and should be encouraged and enforced for the benefit of all. Classes of persons excused should be limited to persons who are suspect or whose service might jeopardize essential commercial services Details of administration deleted That is for jury commissioners 2A:86-2	2:87-9	Rephrased 2A:85-9
2:87-1	Conceived as an integral aspect of administration or justice and placed under jurisdiction of Supreme Court rather than of Governor and Senate Prohibition against persons in public office being commissioners made absolute to include sheriffs, hitherto excepted. His office is too closely connected with juries for this exception to be sound Reference to oath put in 2:87-3. Rephrased 2A:85-1	2:87-10	Rephrased 2A:85-10
2:87-2	Terms increased from 1 to 3 years and provisions made for staggering expiration dates 2A:85-2	2:87-11	Reworded to make a clerk mandatory and to eliminate requirement for semi-annual payment. If no other employees are appointed, a requirement that the clerk be also a stenographer is added 2A:85-11
2:87-3	Provision re oath appearing in 2:87-1 consolidated here. Phraseology altered slightly. 2A:85-3	2:87-12	Unchanged. 2A:85-12
2:87-4	Changed to conform with 2:87-1. Notice of removal provided for and phraseology altered. 2A:85-4	2:87-13	Made more comprehensive 2A:85-13
2:87-5	Made to conform to 2:87-1 by deleting reference to sheriff. 2A:85-5	C 2:87A-1 (L 1948, c 363, §1)	Rephrased. 2A:88-3
2:87-6	Conformed to change made in 2:87-1. Rephrased 2A:85-6	R S 2:88-1	The first paragraph of 2:88-21 consolidated with 2:88-1 Rephrased 2A:87-1
2:87-7	Compensation of commissioners substantially increased to be modest, but	2:88-2	The remainder of 2:88-21 incorporated here 2A:87-2
		2:88-21	Deleted in its entirety Incorporated between 2A:87-1 and 2A:87-2
		2:88-3	Rephrased. 2A:87-3
		2:88-4	Unchanged. 2A:87-5
		2:88-5	Completed altered to broaden scope and add sanctions. 2A:87-6
		2:88-6	Altered to make revision of jury lists mandatory at least yearly. 2A:87-7
		2:88-7	Deleted in its entirety Consolidated with 2:88-8
		2:88-8	Combined with 2:88-7 and radically altered to eliminate the formal and unnecessary presence of a judge in the preliminaries of establishing the jury lists Rephrased and the use of plastic materials allowed. Incorporated 2:93-15. 2A:88-1
		2:88-9	The procedure of the actual drawing of the panels rephrased and consolidated with part of 2:88-10. 2A:88-2
		2:88-10	Portion deleted and combined with 2:88-9 Remainder rephrased 2A:87-4
		2:88-11	Rephrased 2A:89-3
		2:88-12	Rephrased 2A:89-1
		2:88-13	Direction as to source of additional juror added 2A:89-4
		2:88-14	Unchanged 2A:94-1
		2:88-15	Rephrased. 2A:90-8
		2:88-15 1	Rephrased. 2A:89-2
		2:88-16	Rephrased. 2A:89-14
		2:88-17	Rephrased. 2A:88-9

DISTRIBUTION TABLE

All the statutes listed below are to be repealed		Comment or proposed new citation	All the statutes listed below are to be repealed		Comment or proposed new citation
2:88-18	.....	Unchanged	2A:94-3	2 92-4, 2:92-5;	Right to question sepa-
2 88-19	..	Rephrased	2A:88-4	2 92-6, 2:92-7;	rated into and includes
2 88-20	.....	Rephrased	2A:88-5	2:92-8	2:92-10 Remainder re-
2 88-21	.....	Rephrased	2A:88-6		worked as 2A:94-7 re per-
2 88-21 1	.....	Function shifted, in the			emptory challenge. 2A:94-4
		first instance, from sheriff			Unchanged
		to jury commissioner.			2A:94-9
		2A:88-7			Deleted in its entirety.
2 88-21 2	.....	Rephrased	2A:88-8		Incorporated into 2:92-4.1.
2:88-22	.....	Rephrased	2A:88-10		2:94-4 to 8
2:88-23	.....	Deleted in its entirety as			Simplified and 2:93-12 in-
		unnecessary.			corporated. 2A:91-1
2 88-24	.....	Rephrased	2A:90-13		Incorporates part of
2 88-25	.....	Unchanged	2A:90-14		2:93-9. 2A:91-9
2 88-26	.....	Rephrased	2A:89-11		Unchanged
2 88-27	.....	Rephrased	2A:89-12		2A:91-2
2 88-28	.....	Unchanged	2A:89-13		Proposed Rule 3:40-7.
2:89-1	.....	Unchanged	2A 89-5		2A:91-3
2:89-2	.....	Unchanged	2A:89-7		Incorporates part 2:93-9.
2:89-3	.....	Rephrased	2A:89-8		2A:91-8
2:89-4	.....	Salary provisions broad-			Unchanged
		ened 2A:89-10			2A:91-7
2 89-5	.....	Rephrased	2A:89-10		Radically altered to sim-
2:90-1 and 2:90-2	.....	Combined and rephrased			ply procedure and to
		2A:88-12 with 2:90-1			place responsibility on the
2 90-3	.....	For practical purposes,			jury commissioners to sub-
		sheriff's authority to dep-			mit struck jury lists rather
		utize extended The con-			than have court select such
		tents of summons speci-			a group from the general
		fied and 2:32-104 incorpa-			jury list Procedure sim-
		rated 2A:88-13			plified as to notice. Incor-
2:90-4	.....	Unchanged	2A:88-15		porates 2:93-13, 2:93-14,
2 90-5	.....	Changed to standardize			2:93-16, 2:93-18 and 2:96-3.
		procedures used 2A:88-14			2A:91-4
2 90-6	.....	Unchanged	2A:94-12		Rephrased and modified
2:90-7	.....	Unchanged	2A:88-17		slightly 2A:91-5
2:90-8	.....	Broadened to include re-			Deleted in its entirety.
		fusal to serve and fine			Part combined with 2:93-5.
		limit increased to \$50 00			Rest consolidated with
		2A:95-1			2:93-2
2:90-9	.....	Contents of notice detail-			Unchanged. 2A:91-10
		ed 2A:95-2			2:93-11.....
2:90-10	.....	Provision made for com-			Broadened to cover crimi-
		mitment of offender in			nal cases 2A:91-6
		discretion of court 2A:95-3			Deleted in its entirety.
2:91-1	.....	Rephrased	2A:90-1		Consolidated in 2:93-1
2:91-2	.....	The paragraph on date of			Deleted in its entirety.
		delivery deleted Rephras-			Covered by expanded
		ed 2A:90-11			2:93-7
2 91-3	.....	Unchanged	2A 90-12		Deleted in its entirety.
2:91-4	.....	Unchanged	2A:90-9		Covered by 2:88-8
2 91-5	.....	Rephrased	2A:90-10		Deleted in its entirety.
2 91-6	.....	Rephrased	2A:90-3		Covered by expanded
2 91-7	.....	Deleted in its entirety.			2:93-7 2 85-2
		Covered by 2A 95-1			Deleted in its entirety.
2 91-8	.....	Rephrased	2A:90-4		Covered by 2:85-2. 2:93-7
2 91-9	.....	Unchanged	2A:90-5		Deleted in its entirety.
C 2 91B-1	.....				Covered by expanded
(L 1948, c 326, §1)	.....	Unchanged	2A 90-5		2:93-7
2 91B-2	.....				Deleted in its entirety.
(L 1948, c 326, §2)	.....	Deleted in its entirety			Covered by 2:93-9
2 91B-3	.....				Consolidated to include
(L 1948, c 326, §3)	.....	Deleted in its entirety			2:94-2 and 2:94-4 2A:92-1
R S 2 92-1	.....	Unchanged	2A 94-5		Deleted in its entirety.
2:92-2	.....	Bias as basis for challenge			Covered by 2:94-1
		added. 2A:94-6			Broadened and rephrased.
2:92-3	.....	Unchanged	2A:94-8		Incorporates 2:94-5
					2A:92-2

REVISION TITLE 2A

All the statutes listed below are to be repealed	Comment or proposed new citation	All the statutes listed below are to be repealed	Comment or proposed new citation
2.94-4	Deleted in its entirety. Liberalized and covered by 2 94-1	22-1-1	Query: Should this be a subdivision of 'jurors and juries'?- Make it all courts
2.94-5	Deleted in its entirety Covered by 2 94-3	22-1-2	See above Query
2 95-1	Deleted in its entirety Covered by general pro- vision supra	22.2-46.	Deleted in its entirety Should be no discrimina- tion in fee (note in 22 2-53 fees exceed those here specified)
2 96-1	Consolidated to include 2-96-4, 2 96-5 and 2A 93-1	22:2-53	Deleted in its entirety See above comment
2 90-2	Consolidated to include 2 96-6 2A-93-2	22.3-19.	Okay if above recom- mendations stand
2.96-3	Covers 2-96-7 as is 2A-93-3	22:4-6.	Delete tenth paragraph re jurors' fees. Recommend no discrimination
2 96-4	Deleted in its entirety. Covered by 2.96-1	C. 38-5-4 1 (L 1941, c. 109, §16) .	Delete as to jury duty Incorporated in some as- pects (active duty) with 2A.86-2
2-96-5	Deleted in its entirety. Covered by 2 96-1	40.21-24	Change to provide for calling upon sheriff to summon jury of 6—same as coroners Covered by general provisions
2 96-6	Deleted in its entirety Covered by 2.96-2	40:40-8	Change to provide that precept be issued to sheriff Form of precept deleted—should be covered by rule of court Covered by general provision
2.96-7	Deleted in its entirety Covered by 2 96-3	40:40-9	Deleted in its entirety Covered by general pro- vision
C 2 9 A-1 (L 1948, c 337, §1) .	Deleted as unnecessary	40 40-10.	Delete reference to jurors Covered by 2A-95-1 and 2A-95-3
2 96A-2 (L 1948, c 337, §2) .	Deleted as not belonging to this specific topic	40:40-11	Deleted in its entirety Covered by 2A-90-6
2 96A-3 (L 1948, c 337, §3)	Deleted as no longer nec- essary	40 40-12	Deleted in its entirety Should be covered by rule of court
2-125-1	This becomes 2A:96-1 De- lete from 2 125	40-47-24.	Delete as to exemption from jury duty Covered by 2A 86-2
2-125-2	This becomes 2A.96-2. De- lete from 2:125	40:174-42.	Delete as to exemption from duty as jurymen. Covered by 2A-86-2
2 138-2	Last clause, re verdicts, to also be incorporated in 2A-97-3	40.174-165	Delete as to exemption from duty as judymen Covered by 2A 86-2
2 178-11	Deleted in its entirety Should be covered by rule of court as to substitu- tionary judges	40-174-195	Delete as to exemption from duty as judkmen Covered by 2A-86-2
2 178-12	Deleted in its entirety. Should be covered by rule of court	ADDED	
2-207-30	Covered, as to jurors, by 2A 95-1	RE- Jurors for courts for which no panels are drawn, request for, residence of	
2.214-6	Delete reference to jurors Covered by 2A 95-2	RE- Oath of foreman, deputy foreman; grand jurors	
2 218-15.	Delete reference to jurors. Covered by 2A-95-2	RE- Foreman of petit or other trial juries.	
2 221-18	Delete reference to jurors Covered by 2A-95-2	Chapter 97. WITNESSES IN GENERAL.	
3.7-38.	Deleted in its entirety Should be covered by rule of court	R S 2.97-1.	Proposed superior court Rule 3-43-4
3.7-39	Suggest reference to fees of jurors be deleted and consolidated under 'fees'	2-97-2	Proposed superior court Rule 3:43-5
9.17-8	Delete last 5 lines of first paragraph providing sim- ply that a jury be sum- moned Procedure will be per general provisions		
9 17-9	Delete reference to jurors Covered by 2A 95-2		
10 1-8	Deleted in its entirety Incorporated as part of 2A 88-16		

DISTRIBUTION TABLE

All the statutes listed below are to be repealed	Comment or proposed new citation	All the statutes listed below are to be repealed	Comment or proposed new citation
2:97-3	Obsolete, on account of superior court Rule 3.11	2.98-13	Proposed superior court Rule 3:44-17
2 97-4	Proposed superior court Rule 4 43-6	2:98-14	Proposed superior court Rule 3.44-18
C 2:97-5 1 (L 1947, c 324, §1) .	2A:97-3	2:98-15	Proposed superior court Rule 3.43-23
R S 2.97-6	Proposed superior court Rule 3 43-8	2:98-16	Proposed superior court Rule 3.44-19
2.97-7	2A 97-2	2:98-16 1	Proposed superior court Rule 3:44-20
2:97-8	3.43-10	2.98-17	Proposed superior court Rule 3:43-24
2.97-9	Proposed superior court Rule 3:43-11. Third para- graph obsolete	2:98-18	Proposed superior court Rule 3:43-25
2.97-10	Proposed superior court Rule 3:43-12	2:98-19	Proposed superior court Rule 3:44-21
2:97-11	Proposed superior court Rule 3:43-13	2.98-20	Proposed superior court Rule 3:44-8
2 97-12	Proposed superior court Rule 3.43-14	2.98-21	Proposed superior court Rule 3.44-9
2:97-13	Proposed superior court Rule 3:43-15	2:98-22	Proposed superior court Rule 3 44-11
2:97-14	Proposed superior court Rule 3:43-16	2 98-23	Proposed superior court Rule 3.44-7
2.97-15	Proposed superior court Rule 3:43-17	2.98-24	Proposed superior court Rule 3 44-7
2.97-16	Proposed superior court Rule 3:45-5	2:98-25	Proposed superior court Rule 3:44-12
2.97-17	Proposed county court Rule 5:2-5	2 98-26	Proposed superior court Rule 3.44-5
2:97-18	Proposed superior court Rule 3.45-7	2 98-27	Proposed superior court Rule 3:44-6
2:97-19 to 2:97-26	Amended by chapter 88 of laws of 1941	C 2 98-27 1	Proposed superior court Rule 3:43-34
2:97-27	2A:97-2	2.98-27 2	Obsolete
2 97-28	2A:97-3	2.98-28	Proposed superior court Rule 3:43-35
2:97-29	Proposed superior cour Rule 3:45-6	2:98-29	Proposed superior court Rule 3 43-36
2:97-30	First paragraph in pro- posed superior court Rule 3:45-8; 2d par. in 2A.97-4	2.98-30	Proposed superior court Rule 3:43-37
2 97-31	2A:97-5	2:98-31	Proposed superior court Rule 3:43-38
2:97-32	2A:97-6	2 98-32	Proposed superior court Rule 3:43-39
2 97-33	2A:97-7	2 98-33 and 2 98-34 .	Obsolete
Chapter 98. DOCUMENTS, RECORDS AND OTHER WRITTEN INSTRUMENTS.		2 98-35	Proposed superior court Rule 3 43-27
2 98-1	Proposed superior court Rule 3:43-18	2 98-36	Proposed superior court Rule 3:43-26
2:98-2	Proposed superior court Rule 3 43-19	2 98-37 to 2 98-39 .	Obsolete
2 98-3	Proposed superior court Rule 3:43-20	Chapter 99. EXAMINATION OR INSPECTION OF PERSONS AND PROPERTY.	
2 98-4	2A:98-1	2 99-1	Obsolete on account of superior court Rule 3:35-1
2 98-5	2A:98-2	2:99-2	Obsolete on account of superior court Rule 3.34-1
2:98-6	Proposed superior court Rule 3:43-21	2:99-3	Proposed superior court Rule 3 43-28
2:98-7	Proposed superior court Rule 3:44-13	2.99-4	Proposed superior court Rule 3:43-29
2 98-8	Proposed superior court Rule 3 43-22	Chapter 100. DEPOSITIONS.	
2 98-10	Proposed superior court Rule 3:44-14	2:100-1 to 2.100-47	Obsolete on account of superior court Rule 3:26-1
2 98-11	Proposed superior court Rule 3:44-15		
2 98-12	Proposed superior court Rule 3:44-16		

REVISION TITLE 2A

All the statutes listed below are to be repealed	Comment or proposed new citation
Chapter 101. EVIDENCE OF PARTICULAR FACTS OR FOR PARTICULAR PURPOSES.	
2:101-1.....	Proposed superior court Rule 3 43-30
C. 2.101-1.1 (L 1948, c 46, §1) ..	Proposed superior court
2 101-1 2 (L 1948, c. 46, §2) ..	Proposed superior court
2.101-1 3 (L 1948, c 46, §3) .	Proposed superior court
2.101-1.4 (L 1948, c 46, §4) .	Obsolete
Chapter 101A. HOSPITAL RECORDS.	
C 2.101A-1 to 2 101A-5 (L 1945, c 286,§§1-5). 2A 99-1 to 2A:99-5	
Chapter 102. STENOGRAPHIC REPORTS OF PUBLIC HEARINGS.	
2 102-1.....	2A:100-1
2.102-2.....	2A:100-2 Proposed su- perior court Rule 3:43-41
Chapter 103. GENERAL PROVISIONS RELATING TO CRIMES.	
2.103-1 ..	2A:103-1
2 103-2.	2A:103-2
2 103-3.	2A:103-3
2.103-3 1.....	2A:103-3.1
2 103-4	2A:103-4
2.103-5.	2A:103-5
2.103-6 ..	2A:103-6
2 103-7.	2A:103-7
2 103-8 .	Originally blank
2 103-9 ..	2A:103-8
C 2 103-9 1 (L 1950, c 315, §2) .	Unnecessary
2 103-9 2 (L 1950, c 315, §3) .	Unnecessary
2.103-9 3 (L 1950, c 315, §4) .	2A:103-9
2 103-9 4 (L 1950, c 315, §5) .	2A 103-10
R S 2 103-10 ..	2A:103-11
2.103-10 1.	See proposed additional legislation
2.103-11 ..	2A:103-12
2.103-12.	2A:103-13
Chapter 104. ABDUCTION.	
2:104-1 ..	2A:104-1
2:104-2.	2A:104-2
2.104-3 .	2A:104-3
2:104-4.	2A:104-4
Chapter 105. ABORTION.	
2.105-1 .	2A:105-1
2:105-2 ..	2A:105-2
2.105-3 ..	2A:202-1
Chapter 106. ADULTERY.	
2:106-1 ..	Blank
2:106-2 ..	Blank
2.106-3 ..	Blank

All the statutes listed below are to be repealed	Comment or proposed new citation
Chapter 107. ADVERTISING.	
2.107-1 ..	2A:202-2
2 107-2 ..	2A:202-3
Chapter 108. AMUSEMENTS.	
2 108-1 .	2A 202-99
2.108-2 ..	2A 202-73
Chapter 109. ARSON AND OTHER BURNINGS.	
2 109-1.	2A:109-1
2 109-2 .	2A:109-2
2:109-3 .	2A 109-2
2 109-4.	2A:109-4
2 109-5 .	2A:109-4
2 109-6 .	2A:109-2
Chapter 110. ASSAULT AND BATTERY.	
2 110-1.	2A:110-1
2 110-2 .	2A 110-2
2 110-3	2A:110-3
2 110-4 .	2A:202-9
Chapter 11. ATTORNEYS.	
2 111-1 .	2A:202-10
2 111-2 ..	2A 202-11
2 111-3.	2A:202-12
2.111-4.	2A:202-13
2.111-5 .	Repealed
2 111-6.	Repealed
2.111-7 .	2A:202-14
2 111-8 ..	2A:202-15
2.111-9, 2 111-10,	
2:111-11 ..	These three sections are procedural. Rules should be drawn to cover their provisions
Chapter 112. BANKS AND FINANCIAL CORPORATIONS.	
2 112-1.	2A:112-1
2 112-2.	2A:112-2
2 112-3 ..	2A:112-3
2 112-4.	2A:112-4
2 112-5 ..	2A:112-5
2 112-6.	2A:112-6
2 112-7.	2A:112-7
2.112-8.	2A:112-8
Chapter 113. BIGAMY.	
2.113-1 ..	2A:113-1
2.113-2 ..	2A:113-2
Chapter 113A. BLIND—USE OF AID OR ASSIST- ANCE OF TO PROMOTE FAIRS, ETC.	
2:113A .	Repealed
Chapter 114. BRIBERY AND CORRUPTION.	
2 114-1 .	2A:114-1
2:114-2 .	2A:114-2
2.114-3 ..	2A:114-3

DISTRIBUTION TABLE

All the statutes listed below are to be repealed		Comment or proposed new citation	All the statutes listed below are to be repealed		Comment or proposed new citation
2:114-4	.....	2A:114-4	2:121-7	.....	2A:121-1
2:114-5	.....	2A:114-5	2:121-8	.....	2A:121-8
2:114-6	.....	2A:114-6	Chapter 122. DETECTIVES.		
2:114-7	.....	2A:114-7	2:122-1	.....	2A:202-5
2:114-8	.....	2A:114-8	Chapter 122A. DISCRIMINATIONS.		
2:114-9	.....	2A:114-9	C 2:122A-1		
2:114-10	.....	2A:202-22	(L 1942, c. 198, §1)	.....	2A:202-4
2:114-11	.....	2A:202-22	2:122A-2		
2:114-12	.....	2A:202-22 1	(L 1942, c. 298, §2)	.....	2A:202-5
2:114-13	.....	2A:202-23	2:122A-3		
2:114-14	.....	2A:114-14	(L 1942, c. 298, §3)	.....	Blank
2:114-15	.....	2A:114-15	Chapter 123. DUELING.		
2:114-16	.....	2A:114-16	2:123-1	.....	Obsolete
2:114-17	.....	2A:114-17	Chapter 124. EMBEZZLEMENT, CONVERSION AND MISAPPROPRIATION.		
2:114-18	.....	2A:202-94	2:124-1	.....	2A:124-1
2:114-19	.....	Blank	2:124-2	.....	2A:124-1
Chapter 115. BURGLARY AND LIKE CRIMES.			2:124-3	.....	2A:124-3
2:115-1	.....	2A:115-1	2:124-4	.....	2A:124-3
2:115-2	.....	2A:115-1	2:124-5	.....	2A:124-3
2:115-3	.....	2A:115-1	2:124-6	.....	2A:124-6
2:115-4	.....	2A:115-4	2:124-7	.....	2A:124-7
2:115-5	.....	2A:115-5	2:124-8	.....	2A:202-20
Chapter 116. CEMETERIES.			2:124-9	.....	2A:124-8
2:116-1	.....	2A:116-1	2:124-10	.....	2A:124-8
2:116-2	.....	2A:116-2	2:124-11	.....	2A:124-8
Chapter 117. CHILDREN.			2:124-12	.....	2A:124-12
2:117-1	.....	2A:117-1	2:124-13	.....	2A:124-13
2:117-2	.....	2A:202-66	2:124-14	.....	2A:202-21
2:117-3	.....	2A:202-70	2:124-15	.....	2A:124-15
2:117-4	.....	2A:202-68	2:124-16	.....	2A:124-16
2:117-5	.....	2A:202-69	2:124-17	.....	2A:124-17
2:117-6	.....	2A:202-67	Chapter 125. EMBRACERY.		
C 2:117-6 1			2:125-1	.....	2A:125-1
(L 1945, c. 242, §1)	.....	2A:117-6 1	2:125-2	.....	2A:125-2
R S 2:117-7	.....	2A:177-7	Chapter 126. ESCAPES AND RESCUES.		
Chapter 118. COMPOUNDING AND CONCEALING CRIMES.			2:126-1	.....	2A:126-1
2:118-1	.....	2A:118-1	2:126-2	.....	2A:126-2
2:118-2	.....	2A:118-2	2:126-3	.....	2A:126-3
Chapter 119. CONSPIRACY.			2:126-4	.....	2A:126-4
2:119-1	.....	2A:119-1	2:126-5	.....	2A:126-5
2:119-2	.....	2A:119-2	2:126-6	.....	2A:126-6
Chapter 120. COURTS AND COURT PROCESS.			2:126-7	.....	2A:126-7
2:120-1	.....	2A:120-1	2:126-8	.....	2A:126-8
2:120-2	.....	2A:202-107	2:126-9	.....	2A:126-9
2:120-3	.....	Unnecessary	2:126-10	.....	2A:126-10
2:120-4	.....	2A:202-75	2:126-11	.....	2A:126-11
Chapter 121. DESERTION.			2:126-12	.....	2A:126-12
2:121-1	.....	2A:121-1	2:126-13	.....	2A:126-13
2:121-2	.....	Blank	Chapter 127. EXTORTION AND THREATS.		
2:121-3	.....	2A:121-3	2:127-1	.....	2A:127-1
2:121-4	.....	2A:121-4	2:127-2	.....	2A:127-2
2:121-5	.....	2A:121-5	2:127-3	.....	2A:127-3
2:121-6	.....	2A:121-6	2:127-4	.....	2A:127-4

REVISION TITLE 2A

All the statutes listed below
are to be repealed

Comment or proposed
new citation

All the statutes listed below
are to be repealed

Comment or proposed
new citation

Chapter 128. EXTRADITION.

2:128-1 2A:128-1

Chapter 129A. FALSE STATEMENTS.

C. 2:129A-1
(L. 1947, c. 326, §1) .. 2A:146-1

Chapter 130. FLAG—OFFENSES AGAINST.

R S 2 130-1 2A:130-1
2:130-2 2A:130-2
2:130-3 2A:130-3
2:130-4 2A:130-4
2 130-5 2A:130-5

Chapter 131. FOOD AND DRUGS.

2 131-1 2A 131-1
2 131-2 2A 131-2
2 131-3 2A 131-3
2 131-4 2A 131-4
2 131-5 2A 131-5
2:131-6 2A 131-6
2 131-7 2A 131-7
2 131-8 2A 131-8

Chapter 132. FORGERY AND COUNTERFEITING.

2 132-1 to 2 132-12 . . 2A 132-1 to 2A 132-12

Chapter 133. FORNICATION.

2:133-1 Blank

Chapter 134. FRAUDS AND CHEATS.

2 134-1 2A 134-1
2 134-2 2A 134-1
2 134-3 2A 134-1
2 134-4 2A 134-1
2 134-5 2A 134-1
2 134-6 2A 134-1
2 134-7 2A 134-1
2 134-8 2A 202-26
2 134-9 2A 202-25
2 134-10 2A 134-2
2 134-11 2A 134-3
2 134-12 2A 134-4
2 134-13 2A:134-5
2 134-14 2A 134-6
2:134-15 2A 134-7
2 134-16 2A:134-8
2 134-17 2A:134-9
2:134-18 2A:134-10
2:134-19 2A:134-11
2:134-20 2A 134-12
2:134-21 Blank
2:134-22 2A:134-13
2 134-23 2A:202-27
2 134-24 2A 202-28
2:134-25 2A:202-29
2:134-26 2A:134-1
2 134-27 2A:202-39
C. 2:134-28
(L. 1941, c. 82, §1) . . 2A:134-14

2:134-29
(L. 1946, c. 158, §1) .. 2A:134-1
2:134-30
(L. 1946, c. 158, §2) .. 2A:134-1

Chapter 135. GAMING.

R S 2:135-1 2A:135-1
2 135-2 2A:135-2
2 135-3 2A 135-3
2 135-4 2A 135-5
2:135-5 Repeal
2:135-6 Repeal
2:135-7 Repeal
2:135-8 Repeal
2:135-9 Repealed

Chapter 136. GANGSTERS.

2 136-1 2A 136-1
2 136-2 2A 136-2
2:136-3 Repeal; held unconstitu-
tional in re Connellan, 123
N. J. L. 229
2:136-4 Repeal; held unconstitu-
tional in Lanzetta v N J.,
306 U. S. 451
2 136-5 2A:136-3

Chapter 138. HOMICIDE.

2 138-1 2A 138-1
2 138-2 2A 138-2
2 138-3 2A 138-3
2 138-4 2A 138-4
2 138-5 2A 138-5
2 138-6 2A 138-6
2 138-7 2A 138-7
2 138-8 2A 138-8
2 138-9 2A 138-9

Chapter 139. INCEST.

2 139-1 2A 139-1
2 139-2 2A 139-2

Chapter 140. INDECENCY AND OBSCENITY.

2 140-1 2A:140-1
2 140-2 2A 140-2
2 140-3 2A 202-76
2 140-4 2A 140-3
2:140-5 2A 140-4

Chapter 141. INSIGNIA—FRATERNAL AND MILITARY.

2 141-1 2A 202-50
2 141-2 2A 202-51
2 141-3 2A:202-49

Chapter 142. INSURANCE.

2 142-1 2A:202-52
2 142-2 2A 202-53
C. 2:142-3
(L. 1948, c. 298, §1) . . 2A:202-54

DISTRIBUTION TABLE

**All the statutes listed below
are to be repealed**

**Comment or proposed
new citation**

**All the statutes listed below
are to be repealed**

**Comment or proposed
new citation**

2:142-4
(L 1948, c 298, §2) . 2A:202-54
2:142-5
(L 1948, c. 298, §3) ... Unnecessary

Chapter 143. KIDNAPING.

R.S 2:143-1. 2A:143-1
2 143-2. 2A 143-2

Chapter 144. LANDLORD AND TENANT.

2 144-1 2A 202-96
2 144-2. 2A 202-95

Chapter 145. LARCENY AND OTHER STEALINGS.

2 145-1 2A 145-1
2 145-2 2A 145-2
2 145-3 2A 145-3
2 145-4 2A 145-4
2 145-5. 2A 145-5
2 145-6 2A 145-6, 2A 202-71
C. 2:145-6 1
(L 1942, c 8, §1) .. . Unnecessary
2 145-7 Amply covered by 145-2
2 145-8 Obsolete
2 145-9 2A 202-45
2 145-10 2A 145-2
2 145-11 2A 202-18
2 145-12 2A 145-2
2 145-13 2A 202-37
2 145-14. 2A 202-38
2 145-15 2A 145-7

Chapter 146. LIBEL.

2 146-1 2A:146-1

Chapter 147. LOTTERIES.

2 147-1 2A 147-1
2 147-2 2A 147-2
2 147-3 2A 147-3
2 147-4. 2A 147-4

Chapter 148. MALICIOUS MISCHIEF.

2 148-1 Unnecessary
2 148-2 2A 109-5
2 148-3. 2A 148-2
2 148-4 2A 109-6
2 148-5 2A 109-7
2 148-6 2A 148-1
2 148-7 2A 202-46
2:148-8 2A 148-3
2 148-9 2A 202-45
2 148-10 2A 202-44
2:148-11. 2A 148-1
2 148-12 2A 202-62
2 148-13 2A 202-60
2 148-14 2A 148-1
2 148-15 2A 202-61
2 148-16 2A 202-61
2 148-17 2A 148-1
2 148-18 2A 148-1
2 148-19. 2A 148-1
2 148-20 2A:148-1

2 148-21 2A 148-1
2 148-22 2A 148-4
2 148-23 2A 148-1
2 148-24 2A 202-63, See also 4 22-17
2 148-25. 2A 202-63, See also 4 22-17
2 148-26 2A 148-1

Chapter 149. MANUFACTURE, SALE, ETC., OF CERTAIN ARTICLES.

2 149-1 2A 202-41
2 149-2 2A 202-17
2 149-3. 51 1-96, 51 1-97
2 149-4 2A 202-104
2 149-5 2A 202-103
2 149-6 2A 202-102
2 149-7 2A 202-
C 2:149-9
(L 1942, c 103, §1) . . 2A:202-65
2 149-9
(L 1942, c 103, §2) . 2A:202-65
2:149-10
(L 1942, c 103, §3) .. 2A 202-65
2:149-11
(L 1942, c 103, §4) . Repeal
2:149-12
(L 1942, c 103, §5) 2A 202-
2:149-13
((L 1942, c. 103, §5) ... Obsolete

Chapter 149A. MARATHONS, WALKATHONS AND SKATETHONS.

2 149A-1 2A 202-64

Chapter 150. MARRIAGE.

2 150-1 2A 150-1
2 150-2 2A 150-2

Chapter 151. MAYHEM.

2 151-1 2A 151-1

Chapter 152. MOBS, RIOTS AND UNLAWFUL ASSEMBLIES.

2 152-1 2A 152-1
2 152-2 2A 152-2
2 152-3 2A 152-3
2 152-4 2A 152-4
2 152-5. 2A 152-5
2 152-6 2A 152-6
2 152-7 2A 152-7

Chapter 153. MOTOR VEHICLES.

2 153-1 2A 153-1
2 153-2 2A 153-2
2 153-3 2A 153-3
2 153-4 2A 202-33
2 153-5 2A 202-34
2 153-6 2A 153-4

Chapter 154. NAVIGATION.

2 154-1. 2A 154-1
2 154-2. 2A:154-2

REVISION TITLE 2A

All the statutes listed below
are to be repealed

Comment or proposed
new citation

All the statutes listed below
are to be repealed

Comment or proposed
new citation

2 154-3 2A 154-3
2 154-4 2A 154-4
2 154-5 2A 154-5
2 154-6 2A 154-6

Chapter 155. NEWS PHOTOGRAPHERS AND REPORTERS.

2.155-1 Repeal

Chapter 156. NUISANCES.

2 156-1 2A 156-1
2 156-2 2A 156-2
2 156-3 2A 156-3
2 156-4 2A 156-4
2 156-5 2A 156-5
2 156-6 2A 156-6

Chapter 157. PERJURY AND FALSE SWEARING.

2 157-1 2A 157-1
2 157-2 2A 157-2
2 157-3 2A 157-3
2 157-4 2A 157-4
2 157-5 2A 157-5
2 157-6 2A 157-6
2 157-7 Repeal
2.157-8 2A 157-7

Chapter 157A. POLICE RADIO ALARMS.

2:157A-1 2A:157A-1

Chapter 157B. PROPAGANDA, INCITING RACE, COLOR OR RELIGIOUS HATRED.

2:157B-1 to 8 Repeal Sections 5 and 6 of
this chapter held unconsti-
tutional in State v. Klap-
prott, 127 N. J. L. 395
(sup. ct. 1941). The re-
porters suggest a special-
ized study of this entire
chapter

Chapter 158. PROSTITUTION.

2 158-1 to 2:158-12 . . . 2A 158-1 to 2A 158-12

Chapter 159. PUBLIC HEALTH.

2 159-1 2A 159-1
2 159-2 2A 159-2
2 159-3 2A 202-89
2 159-4 2A 159-3
2 159-5 2A 159-4
2 159-6 2A 159-5
2 159-7 2A 159-6
2 159-8 2A 159-7
2:159-9 2A 159-8

Chapter 160. PUBLIC OFFICERS AND OFFICES.

2.160-1 to 2:160-12 . . . 2A 160-1 to 2A 160-12
2.160-13 2A 202-82

C. 2:160-15
(L. 1941, c. 23, §1) . . . 2A:202-83
2:160-15
(L. 1941, c. 23, §2) . . . 2A:202-84
2:160-16
(L. 1941, c. 23, §3) . . . 2A:202-85

Chapter 161. PUBLIC RECORDS AND DOCUMENTS.

R S 2:161-1 2A:161-1

Chapter 162. RAILROADS AND RAILWAYS.

2 162-1 2A 162-1
2 162-2 2A 162-2
2 162-3 2A 162-3
2 162-4 2A 202-81
2 162-5 2A 202-
2 162-6 2A 202-77

Chapter 163. RAPE AND CARNAL ABUSE.

2 163-1 2A 163-1
2 163-2 2A 163-2

Chapter 164. RECEIVING STOLEN PROPERTY.

2 164-1 2A 164-1
2 164-2 Repeal
2 164-3 Repeal
2 164-4 Repeal

Chapter 165. RELIGION.

2 165-1 2A 165-1
2 165-2 2A 165-2

Chapter 166. ROBBERY.

2 166-1 2A 166-1

Chapter 167. SEDUCTION.

2 167-1 to 2 167-3 . . . 2A 167-1 to 2A 167-3

Chapter 168. SODOMY.

2 168-1 and 2 168-2 . . . 2A 168-1 and 2A 168-2

Chapter 169. STINK BOMBS.

2 169-1 2A 202-92
2 169-2 2A 202-93

Chapter 170. TAXES.

2 170-1 2A 170-1

Chapter 171. TELEGRAPH, TELEPHONE, EXPRESS, ETC.

2 171-1 to 2 171-3 . . . 2A 171-1 to 2A 171-3

Chapter 171A- TICKET SCALPING.

C 2 171A-1
(L. 1944, c. 12, §1) . . . 2A:202-97

DISTRIBUTION TABLE

All the statutes listed below are to be repealed	Comment or proposed new citation	All the statutes listed below are to be repealed	Comment or proposed new citation
2:171A-2 (L 1944, c 12, §2) 2A:202-98		C. 2:178-7 1 (L. 1941, c 70, §1) . . . 2A:178-7 1	
2 171A-3 (L. 1944, c. 12, §3) 2A·202-98		2:178-7 2 (L 1941, c 70, §2) .. . 2A·178-7 2	
2:171A-4 (L. 1944, c 12, §3) 2A:202-98		2:178-7 3 (L 1941, c 70, §3) . . . 2A·178-7 3	
2 171A-5 (L 1944, c. 12, §5) 2A:202-98		2:178-7 4 (L 1941, c 70 §4) .. . See proposed legislation	
2:171A-6 (L 1944, c. 12, §6) . . . 2A:202-98		2:178-7 5 (L. 1941, c. 70, §5 2A:178-7 5	
2:171A-7 (L 1944, c 12, §7) 2A:202-98		R S. 2:178-8 2A.178-8	
2:171A-8 (L. 1944, c 12, §8) 2A:202-98		2 178-9 2A 178-9	
		2 178-10..... See proposed legislation	
		2:178-11 and 2 178-12. Rules 2 4-1, 2 4-7, 2.4-9.	
		The above rules don't men- tion presentments Should they be amended accord- ingly?	
Chapter 172. TRADE-MARKS.			
2 172-1 2A 202-100			
2 172-2 2A 202-101			
2 172-3 2A 202-101			
2 172-4 2A 202-101			
Chapter 173. TREASON AND OFFENSES AGAINST THE GOVERNMENT.		Chapter 179. REWARDS FOR APPREHENSION OF PERSONS ACCUSED OF CRIME.	
2 173-1 to 2 173-24 . 2A 173-1 to 2A 173-24		2 179-1 2A 179-1	
		2 179-2 2A.179-2	
		2 179-3 2A·179-1	
		2 179-4 2A.179-3	
Chapter 174. TRESPASS.			
2 174-1 Repeal		Chapter 180. PEACE OFFICERS.	
2 174-2 Repeal		2 180-1 2A.180-1	
2 174-3 2A 202-106		2 180-2 2A 180-2	
		2 180-3 Unnecessary	
Chapter 174A. UNAUTHORIZED USE OF VOTING MACHINES OR ELECTRICAL VOTING SYSTEMS IN LEGISLATIVE OR PUBLIC BODIES.		2 180-4 Obsolete	
C 2:174A-1 (L 1948, c 44, §1) .. . 2A:174A-1		2 180-5 Obsolete	
		C 2:180-6 (L. 1938, c 124, §1) 2A:180-3	
Chapter 175. WAREHOUSE RECEIPTS.		Chapter 180A. UNIFORM FRESH PURSUIT LAW.	
R S 2:175-1 2A:175-1		R S 2:180A-1 to 2.180A-7 . 2A·180A-1 to 2A:180A-7	
Chapter 176. WEAPONS AND EXPLOSIVES.		Chapter 180B. UNIFORM ACT ON INTRASTATE FRESH PURSUIT.	
2 176-1 to 2 176-5 .. 2A 176-1 to 2A 176-5		C 2:180B-1 to 2:180B5 (L 1941, c 89, §1 to 5) 2A.180B-1 to 2A:180B-5	
2 176-6 Repeal			
2 176-7 to 2 176-60 . 2A 176-7 to 2A 176-60		Chapter 181. COUNTY DETECTIVES AND INVESTIGATORS.	
		R S. 2·181-1 to 2:181-31 .. 2A·181-1 to 2A:191-31	
Chapter 177. WITCHCRAFT.		Chapter 182. PROSECUTORS OF THE PLEAS.	
2 177-1 Obsolete		2 182-1 to 2 182-17 ... 2A 182-1 to 2A 182-17	
Chapter 178. DEFINITIONS, CONSTRUCTION AND GENERAL PROVISIONS.		Chapter 182A. COUNTY PROSECUTORS.	
2 178-1 2A 178-1		2 182A-1 and 2:182A-2 (L 1948, c 54, §1tnd 2) 2A·1821 aud 2A:182A-2	
2 178-1 1 Unnecessary			
2 178-2 2A.178-2		Chapter 183. LIMITATION OF CRIMINAL PROSECUTIONS.	
2 178-3 2A 178-3		2·183-1 to 2 183-3 2A 183-1 to 2A:183-3	
2 178-4 2A 178-4			
2 178-5 2A 178-5 (originally blank)			
2 178-6 2A·178-6			
2 178-7 2A 178-7			

REVISION TITLE 2A

All the statutes listed below
are to be repealed

Comment or proposed
new citation

All the statutes listed below
are to be repealed

Comment or proposed
new citation

Chapter 184. JURISDICTION AND VENUE.

2 184-1	Repeal; conflicts with the Rule 2 6-1(b)
2 184-2	Rule 2 6-1(c)
C. 2:184-21	
(L 1944, c 198, §1)	Rule 2:6-1(h)
R S 2.184-3	Rules 2:6-1(d) and (h)
2 184-4	Rule 2 6-1(e)
2 184-5	Rule 2 6-1(f)
2 184-6	2A 145-15

Chapter 185. EXTRADITION.

2 185-1 to 2 185-35	2A 185-1 to 2A 185-35

Chapter 186. PRELIMINARY PROCEEDINGS IN GENERAL.

2 186-1	2A 186-1
2 186-2	2A 186-2
2 186-3	Rule 2 3-3(c)

Chapter 186A. SUMMONS IN LIEU OF WARRANT FOR ARREST.

C 2:186A-1	Rule 2 3-2(b)
2 186A-2	Rule 2 3-2(b)
2 186A-3	Rule 2 3-2(b)
2 186A-4	Rule 2 3-2(b)
2 186A-5	Rule 2 3-2(b)

Chapter 187. BAIL AND RECOGNIZANCES.

R S. 2:187-1	Rules 2:9-1 to 2:9-3
2 187-2	Rules 2 9-1 to 2 9-3
2 187-3	Rule 2 9-5
2 187-4	Rules 2 3-3(c), 2 9-3, 8 8-1
2 187-5	Rules 2 9-5, 8 8-1
2 187-6	Rule 2 9-3(c)
2 187-7	Rule 2 9-1 et seq
2 187-8	Repeal, general recom- mendations for the repeal of Sunday laws have been made
2 187-9	Rule 2 9-3
2 187-10	Does Rule 8 8-1 cover?
2 187-11 to 2 187-13	This is procedural A rule should be drawn to cover the provisions therein
2 187-14	Covered by Rule 2 9-5
2 187-15	See Rule 2 9-5
2 187-16	See Rules 2 9-5, 2 9-8
2.187-17	A rule should be drawn to cover this provision See comment to 2 187-11, supra
2 187-18	Rule 2 9-4 seems to cover this
2 187-19	See Rule 2 9-4
2 187-20	2A 187-1
2 187-21	2A 187-2
2 187-22	2A 187-3
2 187-23	2A 187-4
2 187-24	See comment to 2 187-11
2 187-25	See Rule 2 9-7
2.187-26	See Rule 2:9-7

2 187-27	See Rule 2 9-7
2 187-28	Unnecessary
2 187-29	See Rule 2 9-7
2 187-29 1	See Rule 2 9-7
2 187-30	2A 187-5
2 187-31	2A 187-6
2 187-32	2A 187-7 Rule 2 9-7(b) seems to cover this provi- sion generally Amended to conform thereto

Chapter 188. INDICTMENTS.

2.188-1	See Rules 2 9-1(b) and (c)
2 188-2	Rule 2 4-9
2 188-3	Rule 2 4-9
2 188-4	This section is repealed provided that the Rule 2 7-2(a) is amended to in- clude "witnesses" in trea- son cases
2 188-5	Rule 2 4-13
2 188-6	Rule 2 5-3(b)
2 188-7	Rule 2 4-13
2 188-8	Rule 2 4-13
2 188-9	Rule 2 4-13 Does the present rule cover errors appearing during trial?
2 188-10	Rule 2 4-13 must be amended to cover this provision
2 188-11	Rule 2 4-11
2 188-12	Rule 2 4-11
2 188-13 to 2 188-18	Rule 2 4-11
2 188-19	Rule 2 4-15
2 188-20	Rule 2 4-11
2 188-21	Rule should be drawn to cover this provision
2.188-22	Unnecessary
2 188-23	Unnecessary
2 188-24	Rule 2 4-11
C. 2.188-25	
(L 1939, c. 279, §1)	Rule 2 7-1
2 188-26	
(L 1939, c 279, §2)	Rule 2.7-1(a)

Chapter 189. PROCEEDINGS AFTER INDICT- MENT AND BEFORE TRIAL.

R.S 2 189-1	Rules 2 4-17 and 2:3-2(c)
2 189-2 to 2.189-4	Rule 2 4-20
2 189-5	Rule 2 5-2(b)
2 189-6	Rule 2 5-3(a) It is as- sumed that Rule 2 5-3 permits the same defense by way of motion, in short form
2 189-7	Rules 4 5-1, 2 5-3(b) (6) (a) and 2 4-9
2 189-8	Unnecessary Covered by rules
2 189-9	Unnecessary
2 189-10	Unnecessary

Chapter 190. TRIAL; NEW TRIAL.

2 190-1	Rule 2 9-1
2 190-2	Rule 2 12-4

DISTRIBUTION TABLE

All the statutes listed below are to be repealed	Comment or proposed new citation	All the statutes listed below are to be repealed	Comment or proposed new citation
2 190-21 and		2 194-3	2A:194-2
2 190-22	Rule 2 7-3	2 194-4	2A 194-3
2 190-3	Rule 2.12-1	2 194-5	2A 194-4
2 190-4	Rule 2:5-4	2 194-6	2A 194-5
2 190-5	Incorporated in 2A 147-5	2 194-7	2A 194-6
2 190-6	Incorporated in 2A 173-1	2 194-8	2A 194-7
2 190-7	Rule 2 5-7	2 194-9	2A 194-8
2 190-8	Rule 2 5-7	2 194-10	2A 194-9
2 190-9	Rules 2 4-16, 2 7-9	2 194-11	2A 194-10
2 190-10	Unnecessary	2 194-12	2A 194-11
2 190-11	Rule 2 7-9	2 194-13	2A 194-12
2 190-12	Rule 2 7-9(c)	2 194-14	Rule 1·2-16
2 190-13	Rule 2 7-7	2 194-15	2A 194-13
2 190-14	Rule 2 7-9	2 194-16	2A:194-14
2 190-15	Rule 2 7-13	2 194-17	2A 194-15
2 190-16	Rule 2·7-11	C 2·194-17.1	(L. 1950, c. 56, §1) 2A:194-14
2 190-17	See proposed legislation	2 194-18	Obsolete
C. 2.190-17.1		2 194-19	Obsolete
(L. 1943, c. 41, §1).....	2A:190-2	2 194-20	2A 194-16
Chapter 191. TRIAL IN COURT OF SPECIAL SESSIONS.		2 194-21	2A 194-17
2 191-1	Unnecessary Adequately covered in rules	2 194-22	2A 194-18
Chapter 192. SENTENCE AND IMPRISONMENT.		Chapter 195. WRITS OF ERROR.	
2 192-1	Rule 2 7-10	2.195-1 to 2 195-23 ..	Repealed Entire chapter is procedural and is covered in the rules governing criminal procedure
2 192-1 1	2A 192-1	Chapter 195A. APPEAL.	
2 192-1 2	2A 192-2	C 2:195A-to	
C. 2:192-1.13	2A:192-3	2 195A-15	Repealed See comment Chapter 195
2·192-1 14	2A 192-4	Chapter 196. CERTIORARI.	
2 192-1.15	2A 192-5	R.S. 2:196	Originally blank
2 192-1 16	2A 192-6	Chapter 196A. EXECUTIVE CLEMENCY.	
2 192-1 17	2A 192-7	2 196A-1	2A 196-1
2 192-1 18	2A 192-8	2 196A-2	2A 196-2
2 192-1 19	2A:192-9	2 196A-3	2A 196-3
2 192-1 20	2A:192-10	2 196A-4	2A 196-4
2 192-1 21	2A 192-11	2 196A-5	2A:196-5
2·192-1 22	2A 192-12	2 196A-6	2A:196-6
2 192-1 23	2A 192-13	2 196A-7	2A 196-7
2 192-1 24	Unnecessary	2 196A-8	2A 196-8
R.S. 2·192-2	2A:192-14	2 196A-9	Unnecessary
2 192-3	2A 192-15	2 196A-10	2A:196-9
C. 2:192-3 1	2A:192-16	2 196A-11	2A 196-10
R.S. 2:192-4	2A:192-17	2 196A-12	2A 196-11
2 192-5	2A 192-18	2 196A-13	2A 196-12
2 192-6	2A 192-19	2 196A-14	2A:196-13
2 192-7	2A 192-20	2·196A-15	Unnecessary
2·192-8	2A 192-21	Chapter 197. PARDONS, COMMUTATION OF DEATH SENTENCES AND REMISSION OF FINES AND FORFEITURES BY COURT OF PARDONS.	
2 192-9	2A 192-22	2:197-1	Repealed
2 192-10	2A 192-23	2·192-2	Repealed
2·192-11	2A 192-24		
2·192-12	2A 192-25		
2·192-13	2A 192-26		
2·192-14	2A:192-27		
2·192-15	2A 192-28		
C. 2:192-16	Rule 2:7-4		
Chapter 193. DEATH SENTENCE.			
2:193-1 to 2 193-13 ..	2A:192-1 to 2A:192-13		
Chapter 194. COSTS AND FINES.			
2:194-1	2A:194-1		
2:194-2	Obsolete		

REVISION TITLE 2A

All the statutes listed below are to be repealed		Comment or proposed new citation	All the statutes listed below are to be repealed		Comment or proposed new citation
Chapter 197A. SPECIAL PARDONS, PAROLES BY COURT OF PARDONS.			R S 2:202-17... .. 2A:202-16		
C. 2:197A-1 to			2 202-18 Repeal covered by Rule		
2:197A-4 Repealed			2 11(E)		
Chapter 198. PAROLE BY COURT OF PARDONS.			2 202-19 2A 202-30		
R S 2:198-1 to 2:198-4 Obsolete			2 202-20 2A 202-30		
Chapter 199. PROBATION AND PAROLE.			2 202-21 2A 202-31		
2 199-1 to 2 199-16 . 2A 199-1 to 2A 199-16			2 202-22 2A 202-32		
Chapter 200. REMOVAL OF DISQUALIFICATION TO HOLD OFFICE BECAUSE OF CONVICTION OF CRIME.			C 2:202-22 1		
2 200-1 to 2 200-8 . 2A 200-1 to 2A 200-8			R S 2:202-22 2 2A:202-35		
Chapter 201. GENERAL PROVISIONS.			2 202-22 2 2A 202-35		
2 201-1 2A 201-1			2 202-23 2A 202-80		
2 201-2 2A 201-2			2 202-24 2A 202-78		
Chapter 202. DISORDERLY PERSONS GENERALLY.			2 202-25 2A 202-79		
2 202-1 2A 202-72			2 202-26 2A 202-91		
2 202-2 2A 202-40			C 2:202-26 1		
2 202-3 2A 202-19 (drug addict only Balance repeal as obsolete)			(L 1941, c 281, §1) Blank		
2 202-4 2A 202-88			R S 2 202-27 2A:202-36		
2 202-5 2A 202-111			2 202-28 Repeal, obsolete		
2 202-6 2A 202-111			2 202-29 2A 202-42		
2 202-7 2A 202-56, 2A 202-57			2 202-30 2A 202-43		
2 202-8 2A 202-56, 2A 202-57			2 202-31 2A 202-105		
2 202-9 2A 202-58			C 2 202-31 1		
C 2:202-9 1			2 202-31 1 Repeal Covered by		
R S 2:202-10 2A 202-108			2A 202-105		
2 202-11 2A 202-7			2:202-31 2		
2 202-12 2A 202-7, 2A 202-56 and			(L 1943, c. 136, §2) Repeal, obsolete		
2A 202-58			2:202-31 2a		
2 202-13 2A 202-24			(L 1943, c 353, §1) 2A:202-59		
2 202-14 2A 202-55			2:202-31.3		
2 202-15 Repeal, obsolete			(L 1947, c. 354, §1) 2A 202-112		
2 202-16 2A 202-109, 2A 202-110			2:202-31 3		
2 202-16 1 2A 202-86			(L 1947, c 354, §2) . 2A:202-112		
2 202-16 2 2A 202-87			2:202-31.5		
C 2:202-16 3			(L 1947, c 354, 3) . 2A:202-112		
(L 1939, c. 275, §1) 2A 202-74			2:202-31 6		
2:202-16 4			R S 2 203-1 to 2:203-8 . Repeal. Substantive of-		
(L 1941, c 204, §1) Repeal, obsolete			Chapter 203. TRAMPS.		
2:202-16 5			2 203-1 to 2 203-8 Repeal Substantive of-		
(L 1941, c 204, §2) Repealed, 1942			fense is covered by		
2:202-16 6			2A 202-72, balance re-		
(L 1943, c 205, §5) 2A 202-47			dundant and obsolete		
2:202-16 7			Chapter 204. DESERTION AND NONSUPPORT.		
(L 1943, c 205, §2) 2A 202-47 1			2 204-1 to 2 204-15 Repeal Redundant Cov-		
2:202-16 8			ered by R S 9 18-14 and		
(L 1943, c 205, §3) 2A 202-47 2			rules of court		
2:202-16 9			Chapter 205. PUNISHMENT OF DISORDERLY PERSONS.		
(L 1943, c. 205, §4) 2A 202-47 2			2 205-1 2A 203-2		
2:202-16 10			2 205-2 2A 203-3		
(L 1949, c. 173, §1) 2A:202-48			Chapter 206. PROCEDURE.		
			2:206-1 Repeal Covered by Rules		
			2 3 and 8 3		
			2 206-2 2A 203-1		
			2 206-3 Repeal Covered by 2:8A-1,		
			et seq		
			2 206-4 Repeal Covered by 2 8A-1,		
			et seq		
			2 206-5 2A 203-4		
			2 206-6 Repeal, obsolete		
			2 206-7 2A 203-6		

DISTRIBUTION TABLE

All the statutes listed below
are to be repealed

Comment or proposed
new citation

2 206-8

2 206-9

2 206-10

2 206-11

2 206-12

C 2 206-13

(L 1939, c 388, §1)

Repeal, superfluous

2A 203-7

Repeal, obsolete

Repeal Covered by Rules
2 11 and 8.11

Repeal Covered by Rule
2 11(E)

Repeal Covered by Rules
2 11 and 8 11

Chapter 207. OBSERVANCE OF SUNDAY.

2 207-1 to 2 207-30

Chapter 207A. PUBLIC SHOWS AND
EXHIBITIONS.

2 207A-1

Chapter 208. SWEARING AND CURSING.

2 208-1 to 2 208-3

Chapter 209. DRUNKENNESS.

2 209-1 to 2 209-2

Chapter 210. DISTURBANCE OF
RELIGIOUS WORSHIP.

2 210-1 to 2 210-3

Chapter 211. PROCEEDINGS AGAINST
OFFENDERS.

2 211-1 to 2 211-14

Chapter 212. CONSTITUTION AND
PERSONNEL.

R S 2 212-1

2 212-2

2 212-3

2 212-4

C 2 212-4 1 to

C 2 212-4 5

R S 2 212-5

2 212-6

C 2 212-6 1

R S 2 212-7

2 212-8

2 212-9

2 212-10

2 212-11

2 212-12

2 212-13

2 212-14

2 212-15

2A 212-1

2A 212-2

2A 212-3

2A 212-4

2A 212-4

2A 212-4

2A 212-5, 2A 15-7 (con-
tempt)

2A 212-6

2A 212-6

2A 16-2 (judges' oaths)

2A 212-7, and see Rule
8 13-2

2A 212-8

2A 212-9

2A 16-3 (oath), 2A 212-10
(bond)

Rule 8 13-3(c) [proposed]

Rule 8 13-3(b) [proposed]

Rule 8 13-7

2A 212-11 as to first sen-
tence, Rule 8.13-3(b) [pro-
posed], as to second sen-
tence

All the statutes listed below
are to be repealed

Comment or proposed
new citation

2 212-16

2 212-17

2 212-18

2 212-19

2 212-20

2 212-21

Chapter 213. JURISDICTION.

R S 2 213-1

2 213-2

2 213-3

2 213-4

2 213-5

Chapter 214. PRACTICE AND PROCEDURE.

R S 2 214-1

2 214-2

2 214-3

2 214-4

2 214-5

2 214-6

2 214-7

2 214-8

2 214-9

2 214-10

2 214-11

2 214-12

2 214-13

2 214-14

2 214-15

2 214-16

Chapter 215. PROVISIONS APPLICABLE
TO ALL MUNICIPALITIES.

R S 2 215-1

2 215-2

2 215-3

2 215-4

2 215-5

2 215-6

2 215-7

2 215-8

2 215-9

2A 212-11

2A 212-12

Rule 8 7-6

2A 212-13

2A 212-14

2A 212-15

L 1948, c 264
enlarged the criminal jur-
isdiction of the municipal
courts (see 2A 9-14 and
2A 9-15). Cf. 2A 213-2

2A 213-2

2A 213-3

2A 213-4

2A 213-4, 2A 9-17

Rules 8 1-1; 8 12-1; 8 12-2

Rules 8:3-2, 8:5-7, 8:7-8,
8 9-1 and criminal pro-
cedure forms

Rules 8 3-2, 8 5-7, 8 7-8,
8 9-1 and criminal pro-
cedure forms

2A 9-27

Rules 8 3-1 and 8 3-2

Jurors and witnesses prop-
erly should be dealt with
under general provisions
Cf Rule 8.5-7(f)

2A 9-27

2A 214-2

2A 9-27, 2A 16-6 and Rule
8 2-1(f) [proposed] Rule
8 7-7 supersedes (d)

2A 9-27

Rules 8 12-5, 8:13-8

2A 214-1

Unnecessary. Cf. Rule
8 7-8

Rules 4 2-1 et seq ; 4 5-1

Rules 4 2-4; 4 2-6

Rule 4 2-6

2A.9-28

2A 9-28

Obsolete, L. 1948, c. 264,
sec 37

Obsolete, L. 1948, c 264,
sec 37

Rules 8 12-5 and 8.13-8
for records; Rule 8.3-3(d)
for papers to prosecutor
(and see 2A 9-17)

Rules 8 12-5 and 8 13-8

Rules 8 11 and 2 11

Unnecessary

2A.9-27 and Rule 8.8

REVISION TITLE 2A

All the statutes listed below are to be repealed	Comment or proposed new citation	All the statutes listed below are to be repealed	Comment or proposed new citation
Chapter 216. PROVISIONS APPLICABLE TO MORE THAN 1 CLASS OF MUNICIPALITIES.			
R S 2 216-1	Superseded, L. 1948, c. 264, as amended (secs. 13, 18, 20, 22, 39)	2 218-10	Rule 8 3-4 [proposed amendment]
2 216-2	Superseded, L. 1948, c. 264, sec 26, as amended, and sec 37. Cf. 2A:9-15 and 2A 9-16	2 218-11	Rule 8 7
2 216-3	Superseded, L. 1948, c 264, as amended (secs 17, 22, 26)	2 218-12	Rule 8 3-2, and see crim- inal procedure forms 2, 3
2 216-4	Superseded, L 1948, c. 264, sec 28, as amended, and L 1949, c. 80 Cf. 2A 9-16	2 218-13	Rules 8 3-2 and 8.5-7
2.216-5	Unnecessary Cf. Rule 8 7-8	2.218-14	Right to jury trial in or- dinance violation cases im- practical and unnecessary today; defendants could demand jury under Rule 8 7-2 and bog down judi- cial administration
2.216-6	Superseded, L 1949, c. 201; Rule 8 8	2.218-15	The jurors and witnesses properly should be dealt with under general provi- sions Cf Rule 8.5-7(f)
2 216-7	Rule 8 7-13 [proposed]	2.218-16	Rules 8.7-5 and 3.44
2 216-8	Unnecessary in view of comment on R.S. 2 216-4 to R S 2.216-7	2 218-17	2A 9-34
2 216-9	Obsolete, L 1948, c 264, sec. 37	2:218-18	2A 9-35
Chapter 217. CITIES GENERALLY.		2.218-19	2A 9-36
R S 2 217-1	Superseded, L 1948, c. 264, as amended	2 218-20	Rules 8 11 and 2.11
2.217-2	Obsolete, L 1948, c. 264, sec 37, and see sec. 35 and Rule 8.13-2	Chapter 219. CITIES OF THE FIRST CLASS.	
2 217-3	Rule 8.3-1 and criminal procedure form No. 1	R S. 2 219-1	Superseded, L. 1948, c. 264, secs. 18 and 19, as amended
2 217-4	Rule 8 3-2	2-219-2	Superseded, L. 1948, c 264, secs 18 and 19, as amended
2 217-5	2A 9-35	2 219-3	Superseded See 2A:9-15 and 2A 9-16 for jurisdic- tion, Rules 8 3-2, 8.7 and 8 11 for process, trial and appeal, 2A 9-35 for execu- tion and imprisonment
2 217-6	2A 9-35 and 2A 9-36	2 219-4	Rules 8 3-2 and 8 3-4 [proposed amendment]
Chapter 218. CERTAIN CITIES HAVING A POPULATION OF 9,000 OR MORE.		2.219-5	Rule 8 2-1
R S 2 218-1	Superseded, L 1948, c. 264, as amended (secs 13, 18, 19)	2:219-6	Rules 8 7-5 and 3:44
2 218-2	Superseded, L. 1948, c. 264, sec 18, as amended	2 219-7	2A 16-2
2 218-3	2A 16-2, for oath Clerk bonded under 2A 9-11 (proposed)	2 219-8	Superseded, L. 1948, c 264, sec. 23 See Rules 8 12-5 and 8 13-8 (rec- ords), 8.13-3 [proposed amendment] (duties), and Rule 8 13-7 and L 1948, c 264, sec 39 (fiscal con- trol), 2A 9-11 (proposed) (bond)
2 218-4	Superseded, L 1948, c. 264, sec 26, as amended. See 2A.9-15, 2A 9-16, 2A 8-14. Justice of the peace ref- erence obsolete, L. 1948, c 264, sec. 37	2 219-9	2A 9-5
2.218-5	Obsolete, L. 1948, c 264, sec. 37 Rules 8 1-1 and 8 12-1 govern (L 1948, c 264, sec. 30)	2.219-10	2A 9-13
2.218-6	Rule 8.3-2	2.219-11	2A 9-10; Rule 8 13-3 [pro- posed amendment] for du- ties Last clause super- seded by L. 1948, c 264, sec 35 and Rule 8:13-2
2 218-7	Rules 8 3-1, 8:3-2 and 8 3-3(a)	2.219-12	2A 9-4 (court of record, seal); Rules 8-9 and 2A-15 (contempt); Rule 8.2-1(c) (parts); and Rules 8:1-1, 8 12-1 and 8:12-2 (rules)
2 218-8	2A 9-35	2 219-13	2A-9-12 and Rule 8 13-4 (facilities); 2A 9-10 (per- sonnel)
2 218-9	Rules 8 3-1 and 8:3-2, and see criminal procedure forms 1, 2, 3; 2A-9-15	2 219-14	Obsolete, L 1948, c 264, sec. 37 See 2A 9-15 and 2A.9-16

DISTRIBUTION TABLE

All the statutes listed below are to be repealed		Comment or proposed new citation	All the statutes listed below are to be repealed		Comment or proposed new citation
2 219-15		Jury trials impractical and not necessary for mere ordinance violations and might, under right to demand given by Rule 8 7-2, obstruct judicial administration The cited statutes provide for jury trials	C 2 219-44		2A 9-5, 2A 9-6 and also 2A 9-13, and Rule 8 2-1(d) [proposed amendment]
2 219-16		2A 9-39 (process, writs, &c) and cf Rule 8 3-2; 2A 9-27 (oaths, bail, complaints, &c) and cf Rule 8 8, Rules 8 12-5 and 8 13-8 (records), Rule 8 2-1(f) [proposed] (adjournments) The Rule 8 7-7(a) controls return of verdicts	2 219-45		Rule 8 2-1(b)
			2 219-46		2A 9-6 and 2A 9-13
			2 219-47		2A 9-6 and 2A 9-13
			2 219-48		2A 9-13 and Rule 8 2-1
			2 219-49		Rule 8 2-1
			2 219-50		2A 9-4 (court of record, seal); 2A 15 and Rule 8 9 (contempt), Rules 8 1-1, 8 12-1 and 8 12-2 (rules), 2A 9-13, 2A 9-28 and also Rule 8 13-2 (acting judge)
2 219-17		Rules 8 3-2 (summons and warrant), 8 3-4 [proposed amendment] (adjournments), and 8 5-1 (defendant's presence)	2 219-51		Superseded, 2A 8-40 and Rule 8 13-2
2 219-18		2A 9-10	2 219-52		2A 9-9
2 219-19		2A 9-13 and 2A 9-28; Rule 8 13-2	2 219-53		2A 9-10, 2A 9-13
2 219-20		2A 9-27 and Rule 8 8	2 219-54		Rule 8 13-3
2 219-21		2A 9-27			
2 219-22		Rule 8 7-8(b)			
2 219-23		Rules 8 3-1 and 2; 2A 9-35			
2 219-24		RS 2 205-1 controls			
2 219-25		2A 9-37			
2 219-26		Ordinance should control Complaint may be brought under RS 2 158-2			
2 219-27		Rules 8 11 and 2 11			
2 219-28		Obsolete			
2 219-29		Rule 8 3-3(d)			
2 219-30		Obsolete, L 1948, c 264, sec 37			
2 219-31		Obsolete, L. 1948, c. 264, sec 37			
2 219-32		Obsolete (relates to RS 2 219-30 and 31) Cf Rule 8 3-3(d)			
2 219-33		2A 9-16			
2 219-34		Rules 8 3-1 and 8 5-2, and see Rule 8 3-3			
2 219-35		Rule 8 7-13 [proposed]			
2 219-36		Rule 8 8-1			
2 219-37		Unnecessary Cf. Rule 8 7-8			
2 219-38		Rule 8 4-1			
2 219-39		Rules 8 12-5 [and proposed amendment] and 8 13-8			
2 219-40		Rules 8 7-5, 2 7-6 and 3 44 Court record transcripts, as proof in courts elsewhere, and charges therefor, should be covered by general provisions			
2 219-41		Rule 8 7-8 and criminal procedure form 9			
2 219-42		Rule 8 12-5 [proposed amendment]			
2 219-43		2A 9-35			

Chapter 220. CITIES OF THE SECOND CLASS.

RS 2 220-1		2A 9-28 and Rule 8 13-2
2 220-2		2A 9-1 and 2A 9-6, Rule 8 2-1
C 2 220-2 1		2A 9-5
2 220-2 2		2A 9-7
2 220-2 3		2A 9-5 and 2A 9-7
2 220-2 4		Effective date
RS 2 220-3		2A 9-27
2 220-4		2A 9-10 (appointment and salary), Rule 8 13-3(b) [proposed] (duties); the Rules 8 12-5 and 8 13-8 (records), 2A 9-25 and Rule 8 13-7 (fiscal control), 2A 9-11 (proposed) (bond)
2 220-5		2A 9-10 covers
C 2 220-5 1		2A 9-5 and 2A 9-9
2 220-5 2		2A 9-10 (appointment and salary), 2A 9-11 (proposed) (bond), and also 2A 16-3 (oath)
2 220-5 3		Saved from repeal 2A 9-
RS 2 220-6		2A 9-16
2 220-7		2A 9-16
2 220-8		Unnecessary Cf. Rule 8 7-8
2 220-9 to 2 220-15		Obsolete, L 1948, c. 264, sec 37
2 220-16		2A 9-28 and Rule 8 13-2
2 220-17		Rule 8 13-3(b) [proposed] (duties), Rules 8 12-5 and 8 13-8 (records)
2 220-18		2A 9-25 and Rule 8 13-7 (fiscal control), the Rule 8 13-3(c) [proposed] (acting clerk)
2 220-19		Rule 8 12-5 [proposed amendment]
2 220-20		Rules 8 7-5, 2.7-6 and 3 44. Court record transcripts as proof in courts elsewhere, and the charges therefor, should be covered by general provisions

REVISION TITLE 2A

All the statutes listed below are to be repealed	Comment or proposed new citation
2 220-21	Rule 8:5-7
2 220-22	2A 9-39. Cf. Rule 8 3-2 and criminal procedure forms 2, 3 and 10
2 220-23	2A 9-27. Rule 8 7-7(a) controls return of verdict
2 220-24	Rule 8.7-8(b) and crim- inal procedure form 9
2 220-25	2A 9-35
2 220-26	2A 9-37
2 220-27	Rule 8.5-7
2 220-28	Rules 8 11 and 2 11
2 220-29	Properly belongs under Title 40 But see 2A 9-10; the municipal prosecutor may be considered an "other assistant". Cf. Rule 8 4-1
2 220-30	Obsolete, L. 1948, c. 264, sec 37
2 220-31	Obsolete, L. 1948, c. 264, sec. 37
2 220-32	Definitions. L 1948, c. 264, as amended (2A.9-1 et seq) and Rules 8.1-1 et seq control
2 220-33	Superseded, L. 1948, c. 264, as amended (2A.9-1 et seq) and Rules 8:1-1 et seq. control
2 220-34	Rule 8 3-2
2 220-35	Rule 8.3-2(B)(1)
2 220-36	Rules 8.3-2(B)(3)(b) and 8 5-7(e)
2 220-37	Unnecessary
2 220-38	Rule 8.12-3
2 220-39	Rule 8 7-5(b) [proposed]
2 220-40	2A 9-40
2 220-41	Rule 8 3-3(a) and (c) controls
2 220-42	Rule 8:7-6
2 220-43	Rule 8 5-5
2 220-44	Unnecessary; in any event, a subject for rules
2 220-45	2A 9-35
2 220-46	2A 9-38
2 220-47	Rules 8 11 and 2 11 control
2 220-48	Obsolete
2 220-49	Rules 8 9 and 8 5-7(f); 2A:15-7
2 220-50	Rules 8.12-5 [proposed amendment] and 8 13-8 (records), 8.7-5, 2:7-6 and 3 44 (proofs); 8 5-7 (sub- poenas) The charges for transcripts and subpoenas, and transcripts as proof in courts elsewhere, should be the subject of general provisions
2 220-51	Rules 8 12-5 and 8 13-8
2 220-52	2A 9-39 (attesting writs, etc); 2A 9-27 (other pow- ers); Rule 8:7-7(a) super- sedes last clause
2 220-53	2A.9-10
2 220-54	2A.9-9 and 2A 9-10

All the statutes listed below are to be repealed	Comment or proposed new citation
2.220-55	Rules 8:1-1 et seq. con- trol practice and proce- dure. And see 2A 9-18
Chapter 221. CITIES OF THE THIRD AND FOURTH CLASSES.	
R.S. 2 221-1	Superseded, L. 1948, c. 264, as amended (secs 13, 18, 20, 26); 2A:9-1, 2A 9-5, 2A 9-7, 2A:9-15, 2A 9-16
2 221-2	2A 9-5
2 221-3	Superseded, L 1948, c 264, as amended (secs 18 and 19); 2A 9-5 and 2A:9-6
2 221-4	2A 9-5
2.221-5	2A.16-2 for oath
2.221-6	2A 9-15, 2A.9-16 (crim- inal jurisdiction); 2A 9-19 (civil jurisdiction); 2A 9-4 (court of record)
2 221-7	Obsolete. Rules 8 1-1 et seq control
2 221-8	Rules 8.1-1 et seq control penalty actions for or- dinance violations. State v Yaccarino, 3 N. J 291 Rule 8.3-2 as to process
2.221-9	Rule 8 3-1, and see crim- inal procedure form 1
2 221-10	Rules 8 3-1 and 2
2 221-11	2A 9-35
2 221-12	Rules 8 3-1 and 2
2 221-13	Rule 8 3-4 [proposed amendment]
2 221-14	Rule 8:7
2 221-15	Rule 8 3-2
2:221-16	Rules 8 3-2(B) (3)(b); 8.5-7(c)
2 221-17	Right to jury trial for mere ordinance violations not necessary or practical and may, under the Rule 8 7-2, result in obstructing judicial administration
2.221-18	Rules 8 5-7(f) and 8 9 The jurors and witnesses should be treated under general provisions
2 221-19	Rule 8 7-5
2 221-20	2A 9-34
2 221-21	2A 9-35
2 221-22	2A 9-36
2 221-23	Rules 8.11 and 2 11
2 221-24 to 2 221-31, and 2 221-33 to	
2 221-40	Obsolete The application of these sections, derived from L 1933, c. 160, turns on the existence of jus- tices of the peace, abol- ished by L 1948, c. 264, sec 37. The latter act, as amended, and Rules 8 1-1 et seq. supersede
2.221-32	2A 9-16

DISTRIBUTION TABLE

All the statutes listed below are to be repealed	Comment or proposed new citation	All the statutes listed below are to be repealed	Comment or proposed new citation
Chapter 222. CRIMINAL COURTS IN MUNICIPALITIES IN COUNTIES OF THE FIRST CLASS.			
R.S. 2:222-1	Superseded, 2A:9-1 et seq. (see 2A 9-2) and Rules 8 1-1 et seq	2 222-15	Superseded And see Rule 8 3-2 (process), Rule 8.3-4 [proposed amendment] (adjournments)
2 222-2	Superseded And also see 2A:9-4 (court of record, seal); 2A 15-7 and Rule 8 9 (contempt); Rules 8.1-1, 8 12-1 and 8.12-2 (rules)	2 222-16	Superseded And see Rule 8 7-8(b)
2 222-3	Superseded And also see 2A:9-15 and 2A 9-16 (jurisdiction)	2 222-17	Superseded And also see 2A 9-37
2 222-4	Superseded. Jury trial in ordinance violation cases appears unnecessary and impractical; under Rule 8 7-2 insistence on the right would obstruct judicial administration. The cited statutes permit of jury trials	Chapter 223. BOROUGHES.	
2 222-5	Superseded and unnecessary	R S 2 223-1	Superseded, 2A:9-1 et seq (see 2A 9-5 (appointment), 2A 9-7 (qualifications), and 2A 9-15 and 2A 9-16 (jurisdiction))
2 222-6	Superseded And see Rule 8 8	2 223-2	Superseded, 2A 9-1 et seq (see 2A 9-5 (appointment), 2A 9-15 and also 2A 9-16 (jurisdiction))
2 222-7	Superseded. And see Rules 8 3-1 and 8 3-2 (complaint, process); 8 7-5 (proof). 2A 9-35 (imprisonment)	Chapter 224. MUNICIPALITIES GOVERNED BY BOARDS OF COMMISSIONERS OR IMPROVEMENT COMMISSIONERS.	
2 222-8	Superseded. And also see 2A 9-35	R S. 2 224-1	Superseded, 2A 9-1 et seq (see 2A.9-5, appointment and term)
2 222-9	Superseded And see Rules 8 11 and 2 11	2 224-2	2A 9-7
2 222-10	Superseded And also see 2A 9-13 and 2A 9-28, and Rule 8 13-2. Last sentence obsolete	2 224-3	2A 9-9
2 222-11	Superseded And also see 2A 9-10 (appointment); Rule 8 13-3(b) [proposed] (duties), Rules 8 12-5 and 8.13-8 (records); 2A 9-25 and Rule 8 13-7 (fiscal control)	2 224-4	2A.9-15 and 2A.9-16
2 222-12	Superseded And also see 2A:16-3 (oath); 2A 9-11 (proposed) (bond); Rule 8 13-3(c) [proposed] (acting clerk)	2 224-5	Superseded, 2A 9-1 et seq (see 2A.9-5 (appointment and term); 2A.9-15 and also 2A 9-16 (jurisdiction); 2A 9-4 (court of record); Rule 8 3-2 (process), 2A 9-25 and Rule 8 13-7 (fiscal control))
2 222-13	Superseded. And see Rule 8:12-5 [proposed amendment] (records inspection and retention); Rules 8.7-5, 2:7-6 and 3.44 (proof). Use of transcripts as proof in courts elsewhere, and transcript charge, should be treated by general provisions	2 224-6	Obsolete as to justice of the peace (L. 1948, c 264, sec 37). 2A:9-15 for jurisdiction
2 222-14	Superseded And also see 2A:9-39 (attesting writs, etc.); 2A:9-27 (complaints, oaths, affidavits); Rule 8 2-1(f) [proposed] (ad-	2 224-7	Rules 8 3-2 (process) and 8 7 (trial)
		2 224-8	2A 9-35 for execution of judgment Rules 8 11 and 2 11 control appeals
		2 224-9	Rule 8 7-5
		Chapter 225. TOWNS.	
		R S 2 225-1	Superseded, 2A.9-1 et seq (see 2A 9-5 (appointment); 2A 9-9 (salary), 2A 9-15 and 2A 9-16 (jurisdiction))
		2 225-2	Superseded, 2A.9-1 et seq. (see 2A 9-5 (appointment); 2A 9-7 (qualifications); 2A 9-9 (salary))
		2 225-3	Obsolete 2A:9-15 and also 2A 9-16 control
		2 225-4	2A.9-35
		2 225-5	Rule 8 2-1(b)
		2 225-6	2A 9-28 and Rule 8:13-2
		2 225-7	Rules 8 3-2 (process) and 8 5-7 (subpoena)

REVISION TITLE 2A

All the statutes listed below are to be repealed	Comment or proposed new citation
2 225-8	Rules 8 3-2 (process) and 8 3-4 [proposed amendment] (adjournment)
2 225-9	2A 8-17 as to term Jurisdiction provision obsolete, 2A 9-15 and 2A 9-16 control. Jury trial for ordinance violations are not necessary or practical and may, under Rule 8 7-2, result in obstructing judicial administration
2 225-10	2A 9-35
2 225-11	Rule 8 2-1(b)
2 225-12	2A 9-25 and Rule 8 13-7
2 225-13	Rules 8 3-2 (process) and 8.3-4 [proposed amendment] (adjournment)
2 225-14	Rule 8 3-2
2 225-15	Rules 8 3-2 (process) and 8 7 (trial)
2 225-16	Rule 8 7-5
2 225-17	2A 9-35. Jury trial in ordinance violation cases is not necessary or practical and may, under Rule 8 7-2, result in obstructing judicial administration
2 225-18	Rules 8 11 and 2 11
2 225-19	Arrest should be treated under general provisions Cf. 8 3-3(a)

Chapter 226. TOWNSHIPS.

R S 2 226-1	Superseded, 2A 9-1 et seq (see 2A 9-5 (appointment and term), 2A 9-7 (qualifications); 2A 9-9 (salary), 2A 9-25 and Rule 8 13-7 (fiscal control))
2 226-2	Obsolete and superseded See 2A 9-15 and 2A 9-16
2 226-3	Unnecessary. Cf. 8 3-3(a)
2 226-4	Rule 8 3-2 Justice of the peace reference obsolete (L. 1948, c 264, sec. 37)
2 226-5	Rule 8 5-7
2 226-6	Rule 8 3-2 Justice of the peace and small cause court references obsolete (L. 1948, c 264, sec 37)
2 226-7	The Rule 8 3-4 [proposed amendment]. Justice of the peace reference obsolete (L. 1948, c. 264, sec 37)
2 226-8	Rule 8.7 (trial); 2A 9-35 (imprisonment and execution); 2A.9-37 (release). Justice of the peace reference obsolete (L 1948, c. 264, sec. 37)

Chapter 227. VILLAGES.

R S 2 227-1	Superseded, 2A 9-1 et seq (see 2A 9-5 (appointment and term); 2A 9-9 (salary))

All the statutes listed below are to be repealed	Comment or proposed new citation
2 227-2	Superseded, 2A 9-1 et seq (see 2A 9-5 (appointment and term); 2A 9-7 (qualifications); 2A.9-9 (salary); 2A 9-25 and Rule 8 13-7 (fiscal control))
2 227-3	2A 9-15 and 2A 9-16, justice of the peace reference obsolete (L 1948, c 264, sec 37)
2 227-4	Superseded, 2A 9-1 et seq (see 2A 9-5 (appointment and term); 2A 9-9 (salary); 2A 8-27 and 2A 8-28 (jurisdiction))

Chapter 228. FAMILY COURTS.

R S 2 228-1	2A 9-13 (parts of court and magistrate's right to sit); 2A 9-15 and 2A 9-16 (jurisdiction); the Rule 8 2-1(c), 8 2-1(d), and cf Rule 8.13-2 (acting magistrate)
2 228-2	2A 9-10

Chapter 229. COUNTY TRAFFIC COURTS.

R.S 2 229-1	2A 215-1
2.229-2	2A.215-2; Rules 8 13-3(b) [proposed] (clerk's duties), 8 12-5 and 8 13-6 (records) and 8 2-1(f) [proposed] (adjournment)
2 229-3	2A.215-3
2 229-4	2A 9-39
2 229-5	Rule 8 3-2
2 229-6	2A 215-4 Cf. Rule 8 8
2 229-7	2A 215-5. Cf. Rules 8 3-3 and 8 8
2 229-8	2A 215-6
2 229-9	Rule 8 13-2

Chapter 230. RECORDERS' COURTS FOR TRIAL OF SMALL CAUSES.

R S 2 230-1 to 2 230-9	Superseded and obsolete (L 1948, c 264, as amended, 2A 9-1 et seq) R S 2 230-9 refers to practice and procedure before justices of the peace and in small cause courts, both abolished by L. 1948, c 264, sec 37. 2A 9-5 controls appointments Small claims jurisdiction is intrusted to county district courts under 2A 8-42 and, in certain cases, to municipal courts under 2A 9-19 See 2A 9-15 and 2A 9-16 for criminal jurisdiction Rules 8 1-1 et seq govern practice and procedure (see 2A.9-18 and 2A.9-20)

