

ASSEMBLY, No. 52

STATE OF NEW JERSEY

INTRODUCED AUGUST 16, 1948

By Mr. McCAY

Referred to Committee on Law Revision

AN ACT concerning the service of summons in civil actions in certain cases,  
and amending sections 2:26-43 and 2:26-44 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

1 1. Section 2:26-43 of the Revised Statutes is amended to read as  
2 follows:

3 2:26-43. [The first process in a personal action commenced against a  
4 domestic corporation in any of the courts of law of this State may be a  
5 summons, which shall be served forthwith after its delivery to the sheriff  
6 or other officer for service by serving a copy thereof on the president, or  
7 other head officer or agent in charge of its principal office in this State, or  
8 left at his dwelling house or usual place of abode, and, if the president or  
9 other head officer or agent cannot be found to be served and has no dwelling  
10 house or usual place of abode within this State, a copy of the summons  
11 shall be served on the clerk or secretary of the corporation, if any, and, if  
12 there be no clerk or secretary, on one of the corporation's directors or trus-  
13 tees, or left at his dwelling house or usual place of abode or the summons  
14 may be served personally on any officer or agent in charge of the corpora-  
15 tion's principal office, or on any ticket agent or freight agent employed in  
16 any of the corporation's offices in the county in which the venue is laid.]

17 Service of a summons in a civil action commenced against a domestic  
18 corporation in any of the courts of this State may be made by delivering a

19 copy thereof to an officer, director, trustee or a managing or general agent  
20 of the corporation personally, or by leaving a copy thereof at his dwelling  
21 house or usual place of abode with some competent member of his family  
22 of the age of fourteen years or over then residing therein, or by delivering  
23 a copy thereof to any person authorized by appointment or by law to re-  
24 ceive service of process on behalf of the corporation, or by leaving a copy  
25 thereof at the registered office of the corporation with any person in charge  
26 thereof.

1 2. Section 2:26-44 of the Revised Statutes is amended to read as  
2 follows:

3 2:26-44. [Process in a personal suit or action commenced against a  
4 foreign corporation in any of the courts of this State shall be served forth-  
5 with after its delivery to the sheriff or other officer for service by serving  
6 a copy thereof either personally on, or by leaving the same at the usual place  
7 of abode in this State of any officer, director agent, clerk or engineer of  
8 the corporation, resident in this State, or personally on any ticket or freight  
9 agent of the corporation in the county in which the venue of the action is  
10 laid, or by leaving the copy of the process at the office, depot or usual place  
11 of business within this State of the corporation.

12 If there are none of the above-named persons resident within this State,  
13 and if there is no office, depot or place of business within this State, the  
14 process may be served on any motorman, conductor or servant of the cor-  
15 poration within this State and acting in the discharge of his duties.]

16 Service of a summons in a civil action commenced against a foreign cor-  
17 poration may be made in the same manner as is provided in section 2:26-43  
18 of the Revised Statutes for service of summons upon a domestic corporation.

1 3. This act shall take effect September fifteenth, one thousand nine  
2 hundred and forty-eight.

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1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

1 1. Section 2:26-43 of the Revised Statutes is amended to read as  
2 follows:

3 2:26-43. Service of a summons in a civil action commenced against a  
4 domestic corporation in any of the courts of this State may be made by de-  
5 livering a copy thereof to an officer, director, trustee or a managing or gen-  
6 eral agent of the corporation personally, or by leaving a copy thereof at his  
7 dwelling house or usual place of abode with some competent member of his  
8 family of the age of fourteen years or over then residing therein, or by  
9 delivering a copy thereof to any person authorized by appointment or by  
10 law to receive service of process on behalf of the corporation, or by leaving a  
11 copy thereof at the registered office of the corporation with any person in  
12 charge thereof.

1 2. Section 2:26-44 of the Revised Statutes is amended to read as  
2 follows:

3 2:26-44. Service of a summons in a civil action commenced against a  
4 foreign corporation may be made in the same manner as is provided in sec-

5 non 2,264B of the Revised Statutes for service of summons upon a domestic  
6 corporation.

1 3. This act shall take effect September fifteenth, one thousand nine  
2 hundred and forty-eight.