

ASSEMBLY, No. 596

STATE OF NEW JERSEY

INTRODUCED MARCH 5, 1951

By Mr. SHERSHIN

Referred to Committee on Revision and Amendment of Laws

AN ACT providing for service of process upon certain nonresidents doing business within this State, in certain cases, by serving the same upon the clerk of the county in which such business is conducted, amending sections 56:1-1 and 56:1-2, and supplementing chapter one of Title 56 of the Revised Statutes.

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

1 1. Section 56:1-1 of the Revised Statutes is amended to read as follows:

2 56:1-1. Any person conducting or transacting business and using the
3 designation "and company," or "& Co.," as a part of a firm or partnership
4 name, shall file a statement in the office of the clerk of the county within
5 which such business is conducted or transacted, and a duplicate thereof for
6 filing in the office of the Secretary of State, as provided in section 56:1-3 of
7 this Title. Such statement shall be duly executed and sworn to before some
8 person authorized by the laws of this State to administer oaths, and shall
9 state the nature of the business and the full names and residences of all
10 persons who are members of such firm or partnership and if, the members
11 of said firm or partnership or any of them are or is not resident in this
12 State, such statement shall contain a power of attorney constituting the
13 county clerk of the county, his successors in office, the true and lawful at-
14 torney of said nonresident partner or partners upon whom all original

15 process in an action or legal proceeding against said firm or partnership
16 may be served and therein he or they shall agree that such original process,
17 which may be served on the county clerk, shall be of the same force and
18 validity as if served upon said nonresident partner or partners and that the
19 authority thereof shall continue in force so long as the firm or partnership
20 does business in this State under said name.


1 2. Section 56:1-2 of the Revised Statutes is amended to read as follows:
2 56:1-2. No person shall conduct or transact business under any assumed
3 name, or under any designation, name or style, corporate or otherwise,
4 other than the real name or names of the individual or individuals conduct-
5 ing or transacting such business, unless such person shall file a certificate in
6 the office of the clerk of the county or counties in which such person conducts
7 or transacts, or intends to conduct or transact, such business, together with
8 a duplicate thereof for filing in the office of the Secretary of State, as pro-
9 vided in section 56:1-3 of this Title. Such certificate shall set forth the name
10 under which such business is conducted or transacted, or is to be conducted
11 or transacted, and the true name or names of the person or persons con-
12 ducting or transacting the same, with his or their post-office address or ad-
13 dresses, and shall be duly executed and sworn to by the person or persons
14 conducting or transacting, or intending to conduct or transact, such business,
15 before some person authorized by the laws of this State to administer oaths
16 and if any person or persons conducting or transacting business as afore-
17 said is or are not resident in this State, such statement shall contain a
18 power of attorney constituting the county clerk of the county, his successors
19 in office, the true and lawful attorney of said nonresident person or persons,
20 upon whom all original process in an action or legal proceeding against said
21 person or persons for any debt, damages or liability, contracted or incurred
22 by them in, or growing out of, the conduct or transaction of said business,
23 may be served and therein he or they shall agree that such original process
24 which may be served on the county clerk shall be of the same force and valid-

25 ity as if served upon said nonresident person or persons and that the au-
26 thority thereof shall continue in force so long as the person or persons
27 conduct or transact said business in this State.

1 3. Whenever any person or persons shall have constituted the county
2 clerk of any county his or their attorney for service of any process by any
3 certificate filed pursuant to chapter one of Title 56 of the Revised Statutes,
4 any such original process in any action or legal proceeding against such
5 person or persons may be served on the county clerk by leaving a copy of
6 such process in his office with a fee of five dollars (\$5.00) to be taxed in the
7 plaintiff's costs.

1 4. When any such original process is served upon any county clerk as
2 herein provided, he shall forthwith notify the person or persons upon whom
3 service is intended to be made through him by letter directed to the post-
4 office address given in the certificate and shall, within two days after such
5 service, forward to such person or persons, in the same manner, a copy of
6 the process served on him and such service shall be deemed sufficient service
7 upon such person or persons. The county clerk shall keep a record of all
8 such processes showing the day and hour of such service.

1 5. This act shall take effect immediately.



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6 filing in the office of the Secretary of State, as provided in section 56:1-3 of
7 this Title. Such statement shall be duly executed and sworn to before some
8 person authorized by the laws of this State to administer oaths, and shall
9 state the nature of the business and the full names and residences of all
10 persons who are members of such firm or partnership and if, the members
11 of said firm or partnership or any of them are or is not resident in this
12 State, such statement shall contain a power of attorney constituting the
13 county clerk of the county, his successors in office, the true and lawful at-
14 torney of said nonresident partner or partners upon whom all original

15 process in an action or legal proceeding against said firm or partnership
16 may be served and therein he or they shall agree that such original process,
17 which may be served on the county clerk, shall be of the same force and
18 validity as if served upon said nonresident partner or partners and that the
19 authority thereof shall continue in force so long as the firm or partnership
20 does business in this State under said name.

1 2. Section 56:1-2 of the Revised Statutes is amended to read as follows:

2 56:1-2. No person shall conduct or transact business under any assumed
3 name, or under any designation, name or style, corporate or otherwise,
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6 the office of the clerk of the county or counties in which such person conducts
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21 person or persons for any debt, damages or liability, contracted or incurred
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