

52:6-12 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA 52:6-12 et al (Revises statutes re: foreign commissioners of deeds)

LAWS 1981 CHAPTER 395

Bill No. S3199

Sponsor(s) Weiss and others

Date Introduced May 4, 1981

Committee: Assembly Judiciary, Law, Public Safety and Defense

Senate Judiciary

Amended during passage Yes ~~No~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly Jan. 4, 1982

Senate June 29, 1981

Date of approval Jan. 6, 1982

Following statements are attached if available:

Sponsor statement	Yes	<del>No</del>	
Committee Statement: Assembly	Yes	<del>No</del>	Not attached since identical to Senate committee statement
Senate	Yes	<del>No</del>	
Fiscal Note	<del>Yes</del>	No	
Veto Message	<del>Yes</del>	No	
Message on signing	<del>Yes</del>	No	

Following were printed:

Reports	<del>Yes</del>	No
Hearings	<del>Yes</del>	No

1-6-82

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## SENATE, No. 3199

## STATE OF NEW JERSEY

INTRODUCED MAY 4, 1981

By Senators WEISS, HAMILTON, FELDMAN and GALDIERI

Referred to Committee on Judiciary

AN ACT concerning commissioners of deeds, and revising parts of  
the statutory law pertaining thereto.

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

1 1. R. S. 52:6-12 is amended to read as follows:

2 52:6-12. *a.* The Secretary of State may appoint such number of  
3 commissioners resident in each of the States and territories of the  
4 United States and the District of Columbia as he may deem expedi-  
5 ent, except where [such] *the* appointments are incompatible with  
6 the laws of the jurisdiction wherein [such] *the* commissioners  
7 [shall] reside. Persons thus appointed shall be commissioned by  
8 the Governor.

9 *b.* Each commissioner so appointed shall be designated a "foreign  
10 commissioner of deeds for New Jersey," and may be so described  
11 in his appointment and commission or as a "commissioner for taking  
12 the acknowledgment or proof of deeds for New Jersey in (such  
13 State, territory or district)." He may use either of [such] *these*  
14 designations in his certificates.

15 *c.* *A person desiring to be appointed and commissioned a foreign*  
16 *commissioner of deeds shall make application to the Secretary of*  
17 *State on a form prescribed by him and endorsed by a member of the*  
18 *Legislature or the Secretary of State or the Assistant Secretary of*  
19 *State. Renewals shall be made in the same manner as the original*  
20 *application.* The fees required to be paid for the issuance of any  
21 commission to a person appointed as foreign commissioner of  
22 deeds for New Jersey shall be paid to the Secretary of State, who  
23 shall account to the State Treasurer for the same.

1 2. R. S. 52:6-15 is amended to read as follows:

2 52:6-15. [A foreign commissioner of deeds for New Jersey in  
3 and for either Pennsylvania or New York may reside in this State,

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill  
is not enacted and is intended to be omitted in the law.**

4 but he shall not exercise or perform any of the duties of his office  
 5 outside Pennsylvania or New York, as the case may be.】 *No person*  
 6 *shall be denied appointment as a foreign commissioner of deeds*  
 7 *\*of an adjoining state\* on account of residence outside of \*【this】\**  
 8 *\*that\* State, provided such person resides in \*【a state adjoining】\**  
 9 *this State.* The official acts of such a commissioner resident in this  
 10 State and performed in 【either Pennsylvania or New York】 *an*  
 11 *adjoining state* shall be as valid and effectual as if he had resided  
 12 in 【Pennsylvania or New York, as the case may be】 *the adjoining*  
 13 *state.*

1 3. R. S. 52:6-17 is amended to read as follows:

2 52:6-17. Each foreign commissioner of deeds shall, before he  
 3 enters upon the duties of his office, take and subscribe an oath to  
 4 perform well and faithfully the duties of his office in accordance  
 5 with the laws of this State. The oath may be administered by 【the  
 6 mayor or other chief magistrate of the city or by a judge of the  
 7 supreme or superior court of the state where such commissioner  
 8 shall be resident, and shall be filed in the office of the secretary of  
 9 state】 *any person authorized to do so under R. S. 41:2-1 \*or R. S.*  
 10 *41:2-17\*.*

1 4. R. S. 52:6-21 is amended to read as follows:

2 52:6-21. The secretary of state shall 【cause such parts of this  
 3 article as relate to the duties of foreign commissioners of deeds, and  
 4 also the forms of acknowledgment and proof of deeds, mortgages  
 5 and conveyances used in this State, to be printed and sent to each  
 6 such commissioner with his commission】 *provide to each applicant*  
 7 *a manual prescribing the powers and duties of a foreign commis-*  
 8 *sioner of deeds.*

1 5. R. S. 52:6-22 is amended to read as follows:

2 52:6-22. The secretary of state shall 【annually within 10 days  
 3 after the adjournment of the Legislature make out and cause to be  
 4 printed】 *maintain* a list of all foreign commissioners of deeds 【duly  
 5 appointed and commissioned during the preceding year, with the  
 6 dates of their appointments and the expiration of the terms of office,  
 7 a copy of which he shall cause to be sent to the county clerk or  
 8 register of deeds and mortgages of each county in the State】 *in-*  
 9 *cluding the dates of their appointment and the expiration of their*  
 10 *terms.*

1 6. R. S. 52:6-1 through R. S. 52:6-11 and R. S. 52:6-19 are  
 2 repealed.

1 7. This act shall take effect immediately.

## STATEMENT

The history of foreign commissioners of deeds is traced back to 1799 in New Jersey. As early as 1862, the Legislature enacted a bill that foreign commissioners of deeds could be appointed to take acknowledgments and proofs of deeds.

This bill would conform the requirements for appointment of a foreign commissioner of deeds to that of a notary public, since their functions are similar.

R. S. 52:6-1 through R. S. 52:6-11 provide for legislative appointment of commissioners of deeds for the State. While the law was enacted in 1898, there is no record of any such appointment in the Secretary of State's office.

Since the functions of a State commissioner of deeds can also be performed by notaries public, this bill repeals those provisions on the appointment and duties of commissioners of deeds.

53199 (1981)

SENATE JUDICIARY COMMITTEE  
STATEMENT TO  
**SENATE, No. 3199**

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**STATE OF NEW JERSEY**

DATED: JUNE 18, 1981

Foreign commissioners of deeds are empowered to take acknowledgments and proofs of deeds in other states. According to the Secretary of State's Office there are approximately 200 foreign commissioners of deed. Most of these are authorized for the States of New York and Pennsylvania. Senate Bill No. 3199 makes the following changes with regard to foreign commissioners of deeds:

*Section 1*

Presently, foreign commissioners of deeds are appointed by the Secretary of State. In order to conform the requirements for appointment of a foreign commissioner of deeds to that of a notary public whose functions are similar, Section 1 would require that a person desiring to be a foreign commissioner of deeds submit to the Secretary of State an application endorsed by a member of the Legislature, the Secretary of State or the Assistant Secretary of State.

*Section 2*

Presently, New Jersey residents may be appointed to serve as foreign commissioner of deeds in the adjoining states of Pennsylvania or New York. The intent of section 2 is to expand that provision to permit residents of New Jersey to be appointed as foreign commissioner of deeds for Delaware, as well as for New York or Pennsylvania. However, the original language of section 2 did not accomplish this intent. The amendments adopted by the committee correct this language problem.

*Section 3*

Presently, the oath of a foreign commissioner of deeds may be administered by an official or judge in the state where such commissioner is a resident. However, as the statutes contemplate that New Jersey residents may be appointed as foreign commissioners of deeds in adjoining states, Section 3 amends this provision to permit those judges and officials authorized to administer oaths of office in New Jersey to administer the oath of office to foreign commissioners of deed.

In making this amendment, however, Section 3 seems to eliminate the ability of out-of-state judges and officials to administer the oaths of office to foreign commissioners of deeds. The amendments adopted by

the committee would allow both New Jersey and out-of-state judges and officials to administer the oath of office to foreign commissioners of deeds.

*Section 4*

Presently, the Secretary of State is required to send to each foreign commissioner copies of the statutes relating to his duties and the forms to be used. Section 4 amends this requirement to provide that the Secretary of State shall provide a manual prescribing the duties and powers of foreign commissioners of deeds.

*Section 5*

Presently, the Secretary of State is required to publish annually a list of all foreign commissioners of deeds. Section 5 would amend this requirement so that the Secretary of State would be required only to maintain a list of commissioners including the dates of their appointment and the expiration of their terms.

*Section 6*

Presently, the statutes also provide for the appointment by the Legislature of domestic commissioners of deeds; that is a New Jersey commissioner of deeds. However, since this law was enacted in 1898, there is no record that any such appointment has ever been made. Therefore, since the functions of a New Jersey commissioner of deeds can also be performed by notaries public, Section 6 repeals those statutes relating to the appointment and duties of domestic commissioner of deeds.

Section 6 also repeals R. S. 52:6-19, which provided that certificates of foreign commissioner of deeds conform to the laws of New Jersey. The Secretary of State feels that this provision is unnecessary.

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