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# REPORT

*of*

## The Commission on Revision and Consolidation of the Public Statutes

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Supplemental to the Letter of  
Transmittal Accompanying the

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TRENTON

Final Draft of Proposed Revision  
and Consolidation of Public Statutes  
of New Jersey Submitted to the  
Legislature December 20, 1937

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## REPORT

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*To the Governor, the Senate and General Assembly of the State of New Jersey:*

Merritt Lane and Frank H. Sommer, Commissioners now serving under an Act of the Legislature entitled "An Act to provide for the Revision and Consolidation of the Public Statutes of this State," Laws of 1925, Chapter 73, page 244, respectfully report:

1. After the enactment of the statute above mentioned the Chancellor in 1925 appointed the Honorable Edward L. Katzenbach, Frederic J. Faulks, Esq., and Maximilian T. Rosenberg, Esq., as Commissioners; Mr. Katzenbach died in the year 1934, Mr. Frederic J. Faulks in the year 1933 and Mr. Maximilian T. Rosenberg in the year 1936; Mr. Katzenbach acted as Chairman of the Commission from 1925 until his death in 1934; Mr. Rosenberg until his death in the month of April, 1936; the Commissioners now serving were appointed by the Chancellor in the month of March, 1935; no other appointments have been made to the Commission.

2. The task which confronted the first Commissioners was great. A true revision or a true consolidation of the Laws of New Jersey had never been made. Revisions of specific laws had been adopted, and consolidation of certain statutes had been effected, but the statute law as a whole had never been revised and the utmost confusion prevailed. Many causes had contributed to this result. As the statute law became more complicated the practice of amending a law to accomplish a change was, to a great extent, abandoned and changes were accomplished either by supplements to existing laws or by new legislation. This was to be expected, because, if one contemplated a change by amendment, it was

almost impossible to be sure that all of the legislation bearing upon the subject which had to be amended, to accomplish the desired change, had been located. To be sure that the desired result would be accomplished, the Legislature was driven to the expedient of supplements and new legislation. This method of effecting a change could not help but lead to confusion. Supplements and new legislation are imposed upon existing legislation and, to determine the new law, it was necessary to consider practically all the legislation upon the subject covering the period of the State's existence, and, because the common law is a part of our law, likewise to consider the common law. A high percentage of legislation has its source in the desire to provide for an apparent existing situation. The Constitution of the State since 1844 has provided, paragraph 4, section VII of Article IV, that every law shall embrace but one object and that shall be expressed in the title, and that no law should be revised or amended by a reference to its title only but that the act or the section or sections amended shall be inserted at length, and that no act shall be passed which shall provide that any existing law or any part thereof shall be made or deemed a part of the act or which shall enact that any existing law, or any part thereof, shall be applicable except by inserting it in the act. In the desire to be sure of coming within this constitutional mandate, the tendency has been to adopt, in many instances, restricted titles, with the result that we had many laws dealing with cognate subjects and differing in only nonessential details. Thus we had acts with reference to the disposition of property by trustees, others with reference to such disposition by executors and still others with reference to the disposition of property by guardians. A striking illustration is found in the matter of the transfer of trust property out of the State. The numerous acts upon that subject appear in the source notes of section 3:22-1 of the proposed Revised Statutes now presented to the Legislature. A great deal of this duplication was due to the fact that those who drafted

the legislation conceived that, under the Constitution, it was necessary to have separate acts. The net result was utter confusion and there was no one place to which resort could be had to ascertain the statute law with respect to any subject. The Commissioners were confronted with statutes of a general nature classified under 271 titles; and many acts not classified in the Compiled Statutes of 1910 or the Supplement of 1924.

3. Shortly after the appointment of the first Commissioners the matter of the scope of the work to be performed by the Commissioners was taken up. Two methods of procedure were available: (1) to take the legislation under the particular title given to it in the Compiled Statutes or some similar title and revise it; (2) to take the statute law as a whole and revise it. If the first method were adopted no true revision and consolidation could be produced and the confusion which existed would not be obviated but well might be increased. This system of revision and consolidation had been that adopted in previous revisions and consolidations, and history showed that the work was of but temporary benefit. The second method, if carried through, would produce a result which would draw together legislation with respect to cognate subjects and materially reduce the number of titles and supply a basis for future legislation in such a manner as that there would be always a single place to which resort might be had to ascertain the existing statute law. This second method had been pursued in other States, some of them much younger than New Jersey but in which it was felt that, notwithstanding their youth and the fact that their law was not in such a complicated state as is the law of New Jersey, a new start had to be made. It was obvious that no such revision and consolidation could be made the law unless it could be adopted as a single act under a single title. Careful consideration was given by the then Commissioners to the problem and they determined that such a revision and con-

solidation could be so adopted. In this conclusion the present Commissioners concur. The matter has received the attention of courts of other jurisdictions in which the constitutional provisions have been substantially the same as those in this State and those courts have uniformly held that this method of adoption is proper. It was necessary for the Commissioners to determine this question at that time for the reason that it was apparent that, if the revision was prepared with a view to adoption as a single act, it must be adopted by a single act or not at all. The Commissioners also reached the conclusion that only by a revision which would require adoption by a single act could the purpose which the Legislature, when it adopted the act creating the Commission, had in mind, be accomplished, for, if all the statute law was not to be newly declared, parts of it would have to be enacted in the light of the constitutional provisions which would require substantially the same number of titles as then existing, and the confusion would continue. The revision was therefore prepared with the view of adoption as a single act enacting all of the statute law of a general nature of the State. The result is that, at the time the First Draft of the revision was prepared for submission to the Legislature in 1934, there were internal references throughout its several titles and a classification which would make it impossible to adopt any part of the revision less than the whole.

4. The Revision Commissioners proceeded with their work and soon ascertained that, to accomplish a result which would be of any lasting benefit, an organization of skilled revisers would have to be set up. On or about the 15th day of December, 1934, Mr. Katzenbach and Mr. Rosenberg, Mr. Faulks having previously died, submitted a report to the Legislature and transmitted to the Legislature the result of their work in two printed volumes prepared under the editorial supervision of Richard E. McIntosh, Esq., who was continued as supervising editor by the present Commissioners. The then Commissioners had re-

duced the number of titles to fifty-eight. The Legislature, through committees of the respective houses, considered the revision as submitted, which hereafter in this report will be called the "First Draft", and came to the conclusion that changes might have been made in substantive law which should not have been made, due primarily to the fact that some of the revisers, while skilled revisers, were not sufficiently familiar with the common law of New Jersey upon which all statute law is imposed, and that these changes may have escaped the attention of the Commissioners as a result of the very heavy burden which was placed upon them. A very critical study was made by the Committees of the Legislature and the Legislature determined that the revision would not be adopted as presented in the First Draft at the time and that there should be further study and that the work should be carried forward.

5. As a result of the death of Mr. Faulks prior to the submission of the First Draft and the death of Mr. Katzenbach at or about the time of its submission and the determination of the Legislature to carry the work forward, the present Commissioners were appointed by the Chancellor. Of the Senate Committee on Revision and Amendment of the Laws, which now consists of Senators King, Powell, Foran and Stout, Senators King and Stout especially have taken a very active part in the matter since becoming members of the Committee in 1935 and 1931, respectively. Messrs. Charles DeF. Besore and John B. McGeehan, Counsellors-at-Law, and both well grounded in the common law and likewise having an intimate knowledge of legislation and legislative procedure and the preparation of legislation, were in effect retained by the Legislature as legislative counsel. Their first task was to take the First Draft section by section and point out any changes which they thought might have been made, and that they did. The result of their work was submitted to the technical staff of the Revision Commission, considered by that staff and report made as to its views. The work of Messrs. Besore and McGeehan and of the staff of the Revision Commission

supervised by Mr. McIntosh was submitted to the present Commissioners and to the Senate Committee. The present Commissioners reviewed the work which had been performed, embodied in the First Draft, and likewise the conclusions to which the Commissioners had come as to the scope and form of the work and, approaching the subject from a wholly independent standpoint, came to the conclusion: (1st) that the determination of the Commissioners as to the general scope and form of the work was not only a permissible but a necessary conclusion to come to if any effective revision or consolidation was to be produced; (2nd) that the general classification of titles and the general form of the work could not be improved upon except in minor respects; (3rd) that the work should be proceeded with and that its final adoption would supply a crying need; (4th) that the First Draft should be reviewed in the manner in which it was in fact subsequently reviewed.

6. As the work progressed the Senate Committee, legislative counsel, the supervisor for the Commission, and the staff and the Commissioners became as one and continuous and intensive study was made by each person interested in the work and ideas were exchanged. In the spring of 1937 the work had progressed to such a point as that the Commissioners deemed it advisable to print a second draft. The Senate Committee concurred and such a draft was printed. It was necessary to print such a draft for the reason that, while the general scope and plan of the work had not been changed, many changes had been made in sections and there had been considerable reclassification of sections and further consolidation. The Second Draft was considered by those engaged in the performance of the work and was in turn checked and revised. The corrected sheets were then sent to the printer. The proof sheets, in reality, constituted a third draft which in its turn has been checked and revised by those engaged in the performance of the work. All of this has resulted in the submission of the proposed revision accompanying this report. In the course of the work, both before and after the appointment of the

present Commissioners, sections appertaining to various governmental departments have been submitted to those departments and the views of those departments obtained. Sections have also been submitted to members of the Bench and Bar and generally to public officials, bodies, departments and agencies, and many valuable suggestions have been received and considered by the Commission.

7. The Commissioners and those working with them have attempted to avoid any change in substantive law. In many instances, because of doubt as to whether a change would be effected by a substitution of language, source language has been retained although, in the Commissioners' view, other language should be substituted. In the act of revising and consolidating, language must be changed and changes must be made in some instances in matters of procedure. If we have a statute which provides that an executor may be permitted by a Court to perform an act and a certain procedure is laid down, and another statute dealing with administrators or administrators with the will annexed with reference to the same act and laying down another procedure which may differ only in that, in the one ten days, and in the other fifteen days, notice is required, it is apparent that the acts should be consolidated. Consolidation necessarily requires a change in one or the other with respect to notice. The Commissioners have not hesitated to make changes of this nature. If there were statutes which upon their face appeared to be in conflict but which were capable of reconciliation in the judgment of the Commissioners, the Commissioners have been obliged to determine the intent of the Legislature and to express that intent in the revision. If the legislation has been construed by the courts the construction placed upon the legislation by the courts has been carried into the revision, and so the revision upon its face may appear to be different from the old statute. An illustration of apparent change is furnished by the statutory extension of the powers conferred upon the Orphans' Court with respect to insolvent estates and the matter of the sale of lands to

pay debts of an estate, to the Prerogative Court. The reason for this extension is that legislation with respect to these subjects has been predicated upon the fact that the Legislature by section 6 of the Orphans' Court Act of 1898 provided that, after probate or grant of letters in the Prerogative Court, all further proceedings should be in the Orphans' Court. This legislation was finally held unconstitutional in the case of *In re Walker*, 95 N. J. Eq. 619. The Legislature acquiesced and repealed the act by Chapter 36 of the Laws of 1930, p. 84. By Chapter 289 of the Laws of 1910, p. 517, the Legislature acted upon the assumption that proceedings with respect to the matters aforesaid might be had in the Prerogative Court for it enacted that, if such proceedings were had, the Ordinary might consider the validity of any claim or debt sought to be asserted. Obviously, in a revision or consolidation it was necessary, in order to furnish a complete system, to confer the power now possessed by the Orphans' Court, with respect to the matters above mentioned, upon the Prerogative Court in cases in which estates were being administered in that Court. Changes of this nature have been made and it was necessary for the Commissioners to make them if they were to present a revision and consolidation. The Commissioners have attempted to use clear and unambiguous language and, where a change is intended, the Commissioners believe that the intent is apparent upon the face of the revision. If they have erred in determining the intent of the present legislation they think that the purport of the language they have used is clear. If they have erred, that error can be quickly corrected by the Legislature by amending the revision. The Commissioners throughout have attempted to make the law certain, with what success the future will determine, believing that it was better for them to err rather than to leave the matter in uncertainty, for their error, if it exists, can be quickly corrected. In the preparation of a work of this kind it is obvious that there will be error. No matter how long a time is taken the work cannot be made perfect.

8. The revision is so classified and the form of the work is such that any errors may be quickly corrected and there will be no necessity for the law to again fall into the state of confusion in which it is today. The Commissioners have worked into the revision as it appeared in the First Draft the legislation of 1934, 1935, 1936 and 1937 with the addition of but a few sections and with no change in classification, and this method can be continued indefinitely if legislation is hereafter directed to the particular sections of the revision affected and to the classification of the revision. That classification has been found to be of such a nature as to allow the inclusion of the legislation of four years and there is nothing to indicate to the Commissioners that the classification will ever have to be changed. As an illustration we refer to the fact that on December 16, 1937, numerous bills referring to housing, condemnation, and the like, which had been prepared in Washington without regard to the new revision, have been redrafted, after having been submitted to the Legislature, so as to fit into the revision. In the light of the fact that they emanate from Washington, no change has been made in the language of the proposed legislation, although, in the view of the Commissioners, the insertion of the new matter into our legislation could have been accomplished in a much simpler form. The point is that, notwithstanding the apparent newness of the subject matter, a place has been found for it under the classification of the revision. It is fair to note here that those who have been working with the revision have been doing so without the aid of an index and we believe that the almost unanimous opinion of those who have used either the First or the Second Draft is that the law is more readily ascertained without the aid of an index than it may be ascertained without the revision with the aid of the indexes which we have.

9. If the revision is adopted, then all the public statute law of the State of a general nature is confined to that which may appear in the revision, and that is as it should and must

be if a new start is to be made. Notwithstanding the care taken to guard against omissions, if there have been omissions, they can, with readiness, be supplied in such a manner as not to create confusion, provided always that new legislation is directed to the revision. Sections may be amended, new sections, articles and chapters added. New titles may be added, but the addition of new titles ought not to be made except where absolutely necessary, and if the housing legislation heretofore mentioned can be fitted into the present titles, the Commissioners believe that almost anything may. The addition of new chapters and sections should not be made if amendments to existing sections will accomplish the result. It will no longer be necessary to resort to supplements and entirely new legislation for fear that all of the legislation to be amended has not been discovered, for all of the legislation having to do with a particular subject will be found either at one place or there will be cross references which will avoid the possibility of error if reasonable care is taken. With the proposed revision as a base further revision and consolidation under specific titles may, and in the judgment of the Commissioners should, be made and we believe that if this is done from time to time the volume of the law can be reduced by an appreciable extent. As an illustration we point to partition. Under the existing law there may be partition in proceedings initiated before a Justice of the Supreme Court, in the Orphans' Court, Prerogative Court and in the Court of Chancery. At the time the various statutes were adopted there was a reason for the spread of jurisdiction. That reason ceased to exist long since and today there is no necessity for providing for partition in any court other than the Court of Chancery which has the necessary machinery to deal with all questions which may arise. The other courts have not that machinery. The Commissioners retain the jurisdiction in the four courts for they conceive that to do otherwise would be too great a change for them to make under their limited authority. In

a limited number of instances the Commissioners found that revision and consolidation was wholly impossible without making substantive changes of moment, notably the legislation with respect to cities, and they were obliged to include in this revision the legislation compiled rather than revised and consolidated. That legislation alone takes up approximately two hundred pages of the revision. It should be revised and consolidated but we do not believe that it can be except by a Commission upon which there is legislative representation.

10. It is highly essential, if the revision is to serve its purpose and if confusion is to be avoided in the future, that the integrity of the revision be preserved by fitting all subsequent legislation into it. The Commissioners believe that a permanent Commission of some type should be established, upon which in some form or another there should be legislative representation, vested with power to revise titles of the revision in substance to the end that the law of the State should be made to conform to present-day requirements and to keep it in step with the moving times.

11. Under the Act under which this Commission was established the Commission was directed to report to the Legislature "such contradictions, omissions and imperfections as may appear in the original text of said acts, and the mode in which they shall have reconciled, supplied and amended the same; and they may also designate such acts, or parts of acts, as, in their judgment, ought to be repealed, with their reasons for advising such repeal; and may also recommend the passage of such new acts, or parts of acts, as, in their judgment, may appear necessary or expedient, either in lieu of or in addition to any of the acts so revised and consolidated." From time to time during the progress of the work recommendations have been made by the Commission (prior to the appointment of the present Commissioners) with respect to the repeal of certain acts and also with respect to new legislation. It is a physical impossibility for the Commission to report in detail the contradic-



tions, omissions and imperfections and the manner in which they have been reconciled, supplied and amended, or the changes which have been made. It was early recognized that this would be impossible and to partly meet the situation the subject matter has been taken up, as it arose from time to time, with the Senate Committee. The appointment of Messrs. Besore and McGeehan as legislative counsel was in recognition of the fact that it would be beyond the power of the Commissioners to comply directly with the injunction of the statute. There are no changes which have not been scrutinized by legislative counsel.

12. The present Commissioners have no hesitancy in praising the classification and form of the revision as they have in this report because they had nothing to do with it and are not therefore in the position of praising their own work. The Commissioners desire to convey their heartfelt thanks to the members of the Senate Committee, Mr. McIntosh, the supervisor of the work, and the staff, and to Messrs. Besore and McGeehan. Without the active cooperation of each of them the work could not have been completed. The present Commissioners also desire to pay their tribute to the painstaking and constructive work that was performed by Messrs. Katzenbach, Faulks and Rosenberg, the members of the original Commission. They developed the concept and all that has been done since has been the working of it out.

13. The Commission has in the course of preparation an index which has been partly prepared but which will take a matter of from six to eight months to complete. The index is being prepared in accordance with the principles under which the index of the Pennsylvania Statutes, generally recognized as one of the best indexed statutes in the country, was prepared, and they believe that their organization should be continued until the completion of the index and until a system of dealing with subsequent legislation has been worked out and has operated for such a length of time as to become more or less a matter of routine. The

Commissioners believe that it is highly essential that Messrs. Besore, McGeehan and McIntosh and those presently working upon the index should be retained. The Commissioners also believe that the State should print and sell the revision in the form in which it is submitted with this report, to which should be added the index when published, to the end that there will be quickly available to the public an edition of the Revised Statutes at a reasonable price. It must be borne in mind in this connection that the revision is not a book which contains the law determined from other sources; it is the law itself; it should be distributed as all other laws are distributed and should be made readily available. It is essential in the judgment of the Commissioners that the effective date of the revision should be prior to the assembly of the next Legislature, and the sooner it is made effective the better it will be. If it is not made effective before the opening of the next Legislature, then all thought of adopting it must be abandoned for another year.

14. The Commissioners as individuals believe that they have completed the task which was assigned to them.

Respectfully submitted,

FRANK H. SOMMER,  
MERRITT LANE,  
*Commissioners.*

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ACT ADOPTING REVISED STATUTES

An Act to establish all the public statute law of a general nature of the State of New Jersey in the form of a revision, consolidation and compilation, to be known as the Revised Statutes.

(Laws of 1937, Chapter 188, Approved December 20, 1937.)

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

1. The revision, consolidation and compilation prepared under the direction of the Legislature by the Revision Commission appointed under chapter seventy-three of the laws of one thousand nine hundred and twenty-five, presented to the Legislature by the Commission upon the twentieth day of December, one thousand nine hundred and thirty-seven, be and the same is hereby adopted as all the public statute law of the State of New Jersey of a general nature.

2. This statute and the revision, consolidation and compilation so adopted as aforesaid and incorporated herein shall in all respects, and whether revision, consolidation or compilation, be known as the Revised Statutes.

3. The Revised Statutes as hereinbefore defined, and as hereinafter enacted, shall take effect immediately.

AND BE IT FURTHER ENACTED, That

**Title 1. ACTS, LAWS AND STATUTES**

(Here follows bond copy of entire Final Draft of Proposed Revision and Consolidation of Public Statutes of New Jersey, 1937, now on file in the office of the Secretary of State, with the approval of the Governor appearing on the last page thereof.)

USE OF FINAL DRAFT OF PROPOSED REVISION  
AS  
REVISED STATUTES

*The errata on the other side of this sheet are needed only in the limited number of copies of the Final Draft of the Proposed Revision of which the binding was completed before the pages containing such minor corrections could be reprinted. Corrected reprinted pages were used in all copies of which the binding was completed thereafter, so that such later copies conform in all particulars to the bond copy adopted by the Legislature and approved by the Governor December 20, 1937. The later copies in which such reprinted pages were bound may be readily identified by the presence of the Letter of Transmittal on page viii and the Authentication on page ix of Volume I thereof.*

*When the changes noted on the other side of this sheet have been made in any of the limited number of copies requiring the same, as above explained, such copy will likewise conform in all particulars to the bond copy of the Final Draft of the Proposed Revision which was adopted by the Legislature and approved by the Governor December 20, 1937.*

COMMISSION ON REVISION AND CONSOLIDATION OF PUBLIC STATUTES,  
RICHARD E. McINTOSH, *Supervisor.*

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## ERRATA

### CHANGES IN TEXT

Title 2, p. 129. §2:27-375.1, lines 11 and 12 of text of section, form of reference only, "the title Administration of Civil and Criminal Justice" changed to "this title".

Title 2, p. 202. §2:32-303, line 7 of second column, "they" changed to "it".

Title 3, p. 66. §3:25-34, line 9 of text of section, "of appointment" changed to "or appointment".

Title 18, p. 5. §18:3-7, line 1 of text of section, "be the secretary of the state board. He shall" inserted after "shall". Last sentence of section added at end of first paragraph as a part thereof.

Title 51, p. 30. §51:8-15, line 3 from end of section, "or" changed to "of".

### CHANGE IN SOURCE NOTE

Title 40, p. 56. §40:16-1, source note changed to read: "Source. L. 1918, c. 185, §1721, p. 624 [1924 Suppl. §48-\*1721]."

### CHANGES IN PURELY EDITORIAL MATTER

Title 2, p. 285. §2:58-39, in section headnote in chapter analysis, "chattels" changed to "property".

Title 2, pp. 285, 291. §2:58-38, in section headnote in chapter analysis and in headnote to section, "chattels" changed to "property".

Title 2, p. 288. In the cross reference following §2:58-16, "As to" deleted.

Title 2, p. 290. §2:58-34, headnote to section changed to read: "Property subject to distraint."

Title 2, p. 294. §2:60-7, section headnote in chapter analysis changed to read: "Complaint filed by keeper of hangar; trial; judgment."

Title 18, pp. 4, 5. §18:3-7, "Secretary of state board;" added at beginning of section headnote in chapter analysis and in headnote to section.

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PRINTING AND DISTRIBUTION OF REVISED STATUTES

AN ACT to provide for the completion, publication, distribution and sale of the Revised Statutes and of a Table of Statutes, Index and Compilation for use in conjunction therewith, and making an appropriation therefor.  
(L. 1937, c. 189, approved December 20, 1937.)

1. The Commission on Revision and Consolidation of the Public Statutes, appointed pursuant to chapter seventy-three of the laws of one thousand nine hundred and twenty-five, is hereby authorized and directed to cause to be printed and bound four thousand two hundred and fifty (4,250) sets consisting of the Revised Statutes and the Table of Statutes presented therewith, and to deliver the same as they are printed and bound to the Secretary of State, taking his receipt therefor.

2. The Secretary of State upon receipt of the sets of the Revised Statutes and Table of Statutes shall deliver one copy to each law school of this State, which is not conducted for pecuniary profit, taking a receipt therefor, and shall deliver four hundred and fifty (450) copies to the Custodian of the State House, taking his receipt therefor; and the said Custodian shall distribute the sets delivered to him in the same manner as provided by law for the distribution of the law and equity reports.

3. The Commission on Revision and Consolidation of Public Statutes is hereby authorized and directed to prepare a proper Index to the Revised Statutes and a Compilation of the Acts Saved from Repeal in the Revised Statutes, and to cause to be printed and bound five thousand (5,000) sets thereof, and to deliver the same as they are printed and bound to the Secretary of State, taking his receipt therefor.

4. The Secretary of State upon receipt of the sets of said Index and Compilation shall distribute four hundred and fifty-three (453) sets in the manner provided by section two of this act for the delivery of the sets of the Revised Statutes and Table of Statutes, and the Custodian of the State House shall make the same distribution of the sets of such Index and Compilation, so delivered to him, as shall have been made by him of the sets of the Revised Statutes and Table of Statutes under this act.

5. The remaining copies of the Revised Statutes, Table of Statutes, Index and Compilation shall be sold at retail and for cash by the Secretary of State at the price of thirty-five dollars (\$35.00) for each complete set, and the proceeds of the sale of such sets shall be paid into the State Treasury for the purpose of reimbursing the State, as far as practical, for the cost of the same.

6. Pending the delivery to the Secretary of State of the copies of the Index and Compilation, the Secretary of State is hereby authorized to make sales at said price for each complete set, delivering to the respective purchasers the copies of the Revised Statutes and the Table of Statutes immediately, and the copies of the Index and Compilation, without additional cost to the purchasers, upon the delivery to him of such copies.

Note. Section 7 makes an appropriation to carry out the provisions of the act, and section 8 provides that the act shall take effect immediately.

AN ACT relating to the printing of the Revised Statutes in the pamphlet laws.  
(L. 1937, c. 192, approved December 20, 1937.)

1. The Revised Statutes shall not be printed in the pamphlet laws of this session.

2. This act shall take effect immediately.

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SUGGESTED FORM OF BILL FOR AMENDMENT OF  
REVISED STATUTES

AN ACT concerning the practice of courts of law and amending sections  
2:27-124, 2:27-125, 2:27-126 and 2:27-127 of the Revised Statutes.

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

1 1. Section 2:27-124 of the Revised Statutes is hereby amended to read  
2 as follows:

3 2:27-124. Subject to rules, any [frivolous or sham] defense to the  
4 whole or to any part of the complaint insufficient in law or sham may be  
5 struck out, or, if it appears probable that the defense is [frivolous]  
6 insufficient in law or sham, defendant may be allowed to defend on terms.  
7 Defendant, after final judgment, may appeal from any order made against  
8 him under this section.

1 2. Section 2:27-125 of the Revised Statutes is hereby amended to read  
2 as follows:

3 2:27-125. Subject to rules, a [frivolous or sham] complaint or counter-  
4 claim insufficient in law or sham, or any count or part thereof, may be  
5 struck out, or, if it appears probable that the complaint or counterclaim is  
6 [frivolous] insufficient in law or sham, plaintiff or counterclaimant may be  
7 allowed to proceed therewith on terms.

1 3. Section 2:27-126 of the Revised Statutes is hereby amended to read  
2 as follows:

3 2:27-126. The court, in passing on a motion to strike out, in whole or  
4 in part, a complaint or counterclaim as [frivolous] insufficient in law or  
5 sham, may, in its discretion, determine whether such striking out shall be  
6 with or without prejudice to the institution of another proceeding at law,

7 based on the same cause or causes of action as were set forth in the com-  
8 plaint or counterclaim or part or parts thereof struck out, which discretion  
9 shall be exercised by the court and be indicated in the order to strike out.

1     4. Section 2:27-127 of the Revised Statutes is hereby amended to read  
2 as follows:

3     2:27-127. A plaintiff whose complaint or a counterclaimant whose  
4 counterclaim has been struck out in part only as ~~frivolous~~ insufficient  
5 in law or sham, as provided by section 2:27-125 of this title, may, after  
6 final judgment, appeal from the order to strike out.

1     5. This act shall take effect immediately.

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#### STATEMENT

The word frivolous is a complete misnomer. What is meant is insufficiency  
in law. The purpose of this act is to make the statute so read.

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